

The Islamic Waqf in Jerusalem
and its Significance in Strengthening Identity

إِلث
فلسطين
THE LEGACY OF PALESTINE

The Islamic Waqf in Jerusalem and its Significance in Strengthening Identity

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وَمَا يَنْبَغِيكَ وَالْحَمْدُ لِلَّهِ الَّذِي أَنْصَبَ عَلَيْنَا
مِنْ بَرَكَاتِهِ رِزْقًا وَلَمْ يَجْعَلْ لَنَا فِيهِ
مَغْرِبًا



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
إِنَّمَا أَحْسَنُوا لَهَا فَمِنْهُمْ مَنْ جَاءَكَ وَالَّذِينَ آمَنُوا
وَالَّذِينَ آمَنُوا وَتَرَى عَمَلَهُمْ تَعْبَهُمْ
وَالَّذِينَ آمَنُوا وَتَرَى عَمَلَهُمْ تَعْبَهُمْ
وَالَّذِينَ آمَنُوا وَتَرَى عَمَلَهُمْ تَعْبَهُمْ



The Islamic Waqf in Jerusalem
and its Significance in Strengthening Identity



ABSTRACT

The Holy City of Jerusalem (Al-Quds Al-Sharif) is of great importance in the Islamic faith, and a great place for Muslims throughout the world. It is Jerusalem, the land of the Isra' and Mi'raj (the Miraculous Night Journey and Ascension), where the Prophet Mohammed -peace be upon him– ascended to heaven from the Holy Al-Aqsa Mosque. It is Bait al-Maqdis, al-Quds al-Sharif, al-Quds that Allah has blessed, the city of cities, to which the people of Mecca and Medina and the rest of creation will flock to on judgement day. It is the path, mercy and torment in this world and the hereafter, the city of Allah. It is the city that Arabs and Muslims are proud to have conquered peacefully, without bloodshed, captivity, or destruction, in contrast to most of its conquerors, before and after the Islamic rule.

In Jerusalem, there is the Holy Al-Aqsa Mosque; the first Qiblah for Muslims and the third of the Two Holy Mosques (Al-Masjid Al-Haram and Al-Masjid Al-Nabawi).

The city of Jerusalem is exposed to an advanced settler colonial threat by the Israeli occupation authorities with the aim of obliterating its Arab and Islamic identity and seeking to Judaize and Israelize it.

Hence, this research comes within an in-depth research issued by the Palestinian Vision Organization (PalVision) in partnership with the Palestinian Academic Association for International Affairs (PASSIA) and (ACT) for Conflict Resolution, with the support of the European Union, within the project to preserve the Islamic and Christian cultural and religious heritage in Jerusalem (IRTH – Legacy of Palestine) with the aim of Community awareness and the development of international advocacy tools to preserve the religious and cultural heritage of the city of Jerusalem in its Islamic and Christian dimensions. This starts from documenting this heritage, educating people about it, monitoring violations of the Israeli occupation towards it, defining the responsibilities of all national and international parties to preserve and protect it, and providing effective solutions to preserve it.

مصطبة
الظاهر





Content

Abstract	11
Introduction	14
1. The Philosophy of the Waqf.....	17
2. The Historical Context of the Waqf.....	18
a. The Ayyubid period (1187 CE - 1250 CE)	20
b. The Mamluk period (1250 CE - 1516 CE)	22
c. The Ottoman period (1516 CE - 1917 CE)	23
d. The British Colonialism (Mandate) period (1917-1948)	30
3. Endowments in Jerusalem after the Palestinian Nakba in 1948.....	36
4. The significance of endowments in Jerusalem and ways to strengthen them.....	52
Conclusion	60
Bibliography	62



INTRODUCTION

In addition to its religious dimension, the Islamic endowment (Waqf), is considered a social issue that is influenced by the diversity of domains that affect the social structure. The Waqf raises many issues and problems, such as those that relate to jurisprudential differences that have not yet been resolved among jurists. Another aspect relates to the relationship of the Waqf with the political authority, which is still a subject of jurisprudential and legal dispute, while the third aspect relates to the daily life of the Waqf and its role in society.

The study of the Waqf is complex and intertwined due to its religious, political and societal connections. In Arab countries, there is extensive jurisprudence on how to deal with the Waqf in relation to these three aspects. For example, there is still a jurisprudential dispute about the legality of the family Waqf (Dhurri Waqf), and whether it is considered a valid endowment or not. Another dispute concerns the legality of the endowments run by Sultans as part of their state property, since they were considered as Waqf in historical periods, which means an allocated property or Irsad in this case. Politically, the dispute still exists over the legality of absorbing and integrating Waqf institutions into official institutions, such as ministries. As for the social side, there is still disagreement concerning the justifications for family Waqf (Dhurri Waqf), how to manage the endowment in general, the resulting disputes, the distribution of the Waqf benefits to its beneficiaries, and the issue of adhering to the Waqf deed. The state of the Waqf in Palestine is becoming more complex because it lives in a merger state with multiple political authorities. The attempt to investigate the Waqf in the Palestinian case, specifically the state of the Waqf in occupied Jerusalem, will be influenced by political considerations imposed by the merger colonial situation, and the alternating political authorities. Currently the multiplicity of political authorities that govern Palestine and Jerusalem in particular, are the Israeli colonial authority, the Jordanian Hashemite guardianship, and the Palestinian Authority.





Jurisprudential issues are not the main focus of this study, since delving into them requires a specialization in jurisprudence, which is not within the specialization of the author and the subject of this study. However, the necessity to address some jurisprudential issues in some parts of this study is only related to the discussions associated with the controversy of this study, which is: defining the reality of Waqf in occupied Jerusalem and explaining its importance. Linked to this question are the following questions and issues that this study will attempt to answer, namely:

- What is the historical context of Waqf in occupied Jerusalem?
- What is the impact of the three political authorities (Israeli colonialism, Jordanian guardianship, and the Palestinian Authority) on the Waqf in occupied Jerusalem?
- What is the significance of Waqf in occupied Jerusalem?
- If there is a significance to the Waqf's role in occupied Jerusalem, what are the mechanisms that maintain and seek to develop the Waqf?

To answer the above questions, the study relied on secondary sources related to the literature that tackled the Waqf, as well as some reports and news. An in-depth interview was conducted with the Head of the Islamic Supreme Committee Sheikh Ikrima Sabri, and the draft of this study was also discussed in meetings with specialists in Islamic Waqf in Jerusalem.

The study is divided into four sections. The first deals with the philosophy of the Waqf, providing the reader with a definition of the Waqf, including its elements, types and components. The second section tackles the Waqf in its historical context, providing examples on how to deal with the Waqf from a historical point of view, based on the political, economic and social conditions, and in a way that contributes to how the Waqf works in preserving Islamic identity and resisting colonial projects. This section also sheds light on the Waqf in the Ayyubid, Ottoman, and British Mandate periods. As for the third section, it deals with the Waqf after the Palestinian Nakba in 1948, focusing on the period following the June War of 1967 and the current period, while the fourth section focuses on the role of the Waqf in protecting the Palestinian national, Arab, and Islamic identity of the city of Jerusalem, and ways to strengthen it.







1. The Philosophy of the Waqf

The meaning agreed upon among the scholars with relation to the Waqf is: “perpetually withholding and benefiting from an asset”¹. The cognitive formation of the Waqf is based on the concept of ongoing charity. Ongoing charity is considered a Waqf, and non-continuous charity is not considered a Waqf². Therefore, the jurists are of the view that the Waqf benefits the future and its needs.³ From this aspect, i.e. the Waqf as a charity, its proceeds must be spent for the sake of Allah Almighty within the limits of Islamic Sharia and according to the conditions set forth by the endower (Waqif).

Spending Waqf proceedings must be consistent with the goals of the charitable Waqf (public Waqf), as the spending channels of charitable Waqf (public Waqf) are often dedicated to “devotion\worship” i.e. spending on mosques and Zawaya, and the other aspect is social and cultural which is spent on the poor, schools, waterlines, etc. and other aspects of life⁴.

The obligation that the Waqf must be held in anticipation for Allah’s reward, led to the jurisprudential differences about the family Waqf (Dhurri Waqf), an endowment whose use or the channels of spending, are run by the Waqf owner and his family members, or some of them, or persons designated by the Waqif and not others. The purposes of this Waqf are to preserve the cohesion of the family of the Waqif, and work against the disintegration of his property and family, for fear of expropriation by the political and social “elites”, or by the state. Sometimes this Waqf bypasses the system of inheritance; meaning that the Waqif may desire to exclude/ensure the females rights of inheritance, or any other person from the family through the Waqf, but the family Waqf (Dhurri Waqf) was legitimized by the jurists because it is eventually referred to one of the charitable bodies when the offspring of the Waqif become extinct⁵.

Accordingly, jurists and legal scholars distinguish between two types of Waqf, the first is charitable Waqf (public Waqf), which aims to achieve the public benefit, whether it is devotional, social or cultural benefit, such as spending on places of worship or on the poor and needy, or supporting schools, learners and others. While the second type of Waqf is the family (Dhurri) Waqf, which aims to achieve the benefit of the family as seen by the Waqif, so the benefit from it is limited to the family of the endower or some of its members. Sometimes the Waqf combines the two previous types, meaning that a party may endow a Waqf, part of which belongs to the family of the Waqif, and the other part is endowed for a public benefit.

1) Radwan Elsayed. “Philosophy of Waqf in Islamic Sharia”, in: Ibrahim Al-Bayoumi Ghanem (Editor). *The Endowment System and Civil Society in the Arab World: Research and Discussions of the Intellectual Symposium* organized by the Center for Arab Unity Studies and the General Secretariat of Endowments in the State of Kuwait, 2nd Edition, Beirut: Center for Arab Unity Studies, September 2010, pg. 46

2) Ibrahim Al-Bayoumi Ghanem. “Historical Formation of the Waqf Role in Arab Society”, in: Ghanem, Ibrahim (Editor). *The Waqf System and Civil Society in the Arab World...* A previously mentioned source, p. 77.

3) Elsayed, Ibid, p. 49.

4) Previous Source, p. 58.

5) Muhammad Muhafatha and Mahmoud al-Ashqar. “The Family Endowments (Dhurri Waqf) in the City of Jerusalem in the Ottoman Era: A Study in the Records of the Sharia Court”, *Yarmouk Research Journal - Social and Human Sciences Series*, Vol. 25, Vol. 2, 2009. p. 340.



Another aspect of dividing the Waqf is related to the type of ownership of the “mawqouf”(property). A distinction has been made between Waqf that is a private property of the Waqif, whether it is a built property or land owned exclusively by the endower. This type of Waqf was called a “valid” Waqf; i.e., in which the Waqif’s ownership of the endowed property is established. The second type is related to endowments of public property, whether it is built property or government land. As a result of the jurists’ disagreement over the necessity for the Waqif to be the owner of the Waqf, it was considered as an “invalid” Waqf. This type is common in real estate endowed by sultans or rulers, because, usually no distinction is made between the private funds of rulers and sultans and public property. There are four elements of a Waqf: 1. a waqif (endower), who is the original owner of the Waqf. 2. al Mawqouf (withheld asset), which is the property that was endowed. 3. the trustee, which is the beneficiary of the Waqf. 4. the Waqf deed that contains the conditions and determinants set by the Waqif⁶.

Waqf issues have raised a great deal of jurisprudence between jurisprudence schools, as well as in man-made laws, some of which will be discussed later. However, these discussions, in their clearest form, may be appropriate in the society that lives within an independent political entity under normal circumstances, despite the many reservations about the nature of these countries and their policies. But the Palestinian political situation imposes itself on all issues, including the endowment\Waqf system. Hence, how can the purposes of the Waqf (charitable or family Waqf) be understood, as being for the sake of Allah Almighty? In the case of Palestine, this study adopts an understanding of the legitimate purpose of the Waqf, in resisting the Zionist colonial project, preserving real estate from being confiscated and usurped by the colonial authority, as well as preserving the Arab Palestinian Islamic scene in the face of the Judaization and Israelization attempts that form the basis of the Israeli policy towards Jerusalem. This is what constitutes the goal of the study and determines its ideology and course. Many sultans adopted this understanding of the role of the Waqf, and it was legitimized by jurisprudence as will be explained later.

2. The Historical Context of the Waqf

The Waqf has historically been a subject for political, jurisprudential, and legal debates, including the four schools of jurisprudence, as they have the capacity to influence the political system. It can also be said that, juristically, the Waqf, with all the laws and legislations related to its philosophy, has changed according to the political situation and the different regimes during various historical periods. For example, the legality of the family Waqf (Dhurri Waqf), was established in circumstances with certain political determinants, as well as the legality of “invalid Waqf” of state property, or the Muslim treasury, and its invalidation in the late Ottoman era. This section attempts to address these discussions and differences, and thus, this section is concerned with explaining the Waqf within the historical context, with a focus on the changes that occurred in Palestine, and in particular in Jerusalem, during three historical periods: the Ayyubid

6) Louay Omar. *Islamic Endowments in the West Bank, Ramallah: The Palestinian Independent Commission for Human Rights*, 2002, pp. 12-14.



period, the Ottoman period, the British Mandate period. But before delving into these historical periods, we will discuss the background of the Waqf and its relationship to social and political conditions.

The Waqf system began with linkage to religious legitimacy, which roots can be traced back to a story about a land owned by Omar ibn al-Khattab in Khaybar, where the Prophet Mohammed (peace be upon him) said to Omar, “If you wish, you can withhold it and give it as charity”⁷. Similarly, Othman bin Affan endowed the “Silwan Pool in Jerusalem” during the era of the Rightly-Guided Caliphate. Later, the Waqf was associated with the political reality in Islamic countries, and most of these events were linked to Arab and Islamic countries in the Middle East. Even during times of political stability in Arab Islamic countries, the Waqf had low prevalence, but with the political tensions within these countries, resulting from wars, as well as political disputes, the prevalence of Waqf increased. This may be related to the interests and priorities of the political system, especially the absence of a clear political system with institutions and laws that take into account the “public interest”, which led to the governance mechanisms being subject to the opinions and priorities of the rulers- to a large extent. For example, the aspects on which the rent distribution system resulting from the charitable Waqf (public Waqf) is based, whether they are within the devotional aspects such as mosques and others, or the social and cultural aspects such as supporting the poor, schools, etc., are at the heart of the political system’s interest and responsibilities. However, the failure of these issues to be among the priorities of the political system led, in part, to the prevalence of Waqf. Ghanem says, “With the expansion of the Islamic conquests in the east and west of the Arab world, endowments increased in number and their social circle expanded, and the value of their economic assets rose during the Umayyad era, especially in the Levant and Egypt, and increased in number and value during the Abbasid era.”⁸ “It is similar in the case of family endowments. The absence of laws, internal disputes, and the dictatorship of some sultans, led to some religious, political and economic elites fearing the confiscation of their properties, so they resorted to the Waqf system in order to preserve them from confiscation⁹. Ghanem added that the endowments witnessed “a boom in their quantitative and qualitative growth during the Mamluk and Ottoman eras, until the Waqf almost took up the lands of the Arab countries, and became a very large part of the land, buildings and wealth throughout the Ottoman Empire and its Arab states.” There are estimates that indicate that the Waqf rate ranges between 30% and 50% of immovable property (buildings and agricultural lands) in the Arab countries, and had become part of the Waqf circle under the Ottoman rule, approximately, at the brink of the 13th century AH (19th century CE)¹⁰. In Palestine, the area of charitable endowments (public Waqf) amounted to about one sixth of the area of Palestine (4,500,000 dunams¹¹), and the question here is how to understand this boom that Ghanem talked about, and is shared by most of those who wrote about the endowment.

7) Agreed upon: Narrated by Al-Bukhari (2772) and Muslim (1632).

8) Ghanem, a previously mentioned source, p. 87.

9) The literature agrees on the reasons for the family endowment (Dhurri Waqf), see for example Ghanem, a previously mentioned source, p. 89; Al-Sayyid, a previously mentioned source, pg. 47.

10) Ghanem, a previously mentioned source, p. 87.

11) Omar Barghouti and Khalil Totah. Organizing and regulating Waqf lands: ضبط وتنظيم أراضي الأوقاف في فلسطين 1826-1948م (najah.edu).



a. The Ayyubid period (1187 CE - 1250 CE)

The Islamic features of the city of Jerusalem were obliterated by the foreign armies, who occupied it in the year 1099 CE. They committed heinous crimes, and killed many of its Arab Muslim residents, and chased them out of the city¹². Endowments assumed importance during the Ayyubid period as they were connected to the political situation, which is the liberation of the holy places from the foreign armies. Salah al-Din al-Ayyubi had a twofold task: the first is to restore the Arab-Islamic character of the city, and the second is to defend the city against the Foreigners' attempts to reoccupy it¹³. The internal structure of the city was reinforced and enabled to face external challenges. That is, enabling it to have a solid foundation in the face of external aggression. One of the forms of this reinforcement is to strengthen the Arab-Islamic presence in the holy places, and to clarify its religious position, which will lead to the enhancement of people's cohesion, their support and defense of this presence. Al-Rifai says that Salah al-Din al-Ayyubi, with his experience and wisdom, saw that he must "exploit the bounties of the earth for the happiness of man in this holy place¹⁴." That is why he established many schools and hospitals, and endowed properties to provide sources for funding them to ensure the achievement of their purpose and sustainability. By that logic, we find that Salah al-Din al-Ayyubi established many endowments in Palestine, especially in the vicinity of Jerusalem, in order to create a 'human wall' that would protect it from any aggression. Salah al-Din established endowments from state property, which was not common previously. Radwan al-Sayyid says: "We know that Omar did not differentiate in his withheld property between land taken over by war and land taken over peacefully. After that, we read that Al-Waleed bin Abdul-Malik endowed properties to the Umayyad Mosque, which he built, but we do not know if it was from his own money or from the lands supervised and managed by Muslims. The same goes for the hospitals that he built for lepers, in that we do not know for sure whether those huge endowments were from Muslims' own money or from the taxable or public lands, except in three cases: the case of the Seljuk minister Nizam al-Malik (485 AH - 1092 CE), who used the Sultan's money to establish schools known as the Nizamiyat, and those of Nur al-Din Zengi (569 AH-1173 CE) and Salah al-Din al-Ayyubi (594 AH - 1196 CE), who also endowed lands -from the kharaj or fiefdom- to schools and works of charity (A'mal Al-Bir) as they have come to be known" ¹⁵.

Ghanem confirms that, "the beginning of the Waqf was from the treasury in the sixth century AH (12th century CE), and Nur al-Din al-Shahid, the governor of Damascus at that time, was the first to endow lands belonging to the treasury to mosques, hospices and other charitable bodies. Salah al-Din al-Ayyubi followed suit when he ruled Egypt. The historical sources, as well as some jurisprudential references, mention that they (i.e. Nur al-Din and Salah al-Din) sought the legal advice of judge Sharaf al-Din bin Abi 'Asroun in this regard, who gave them a fatwa (advisory opinion) permitting the endowment of

12) Khader Mufleh Al-Sarhan. "Endowments in Jerusalem", in: Mahmoud Ashkar and Khaled Zawawi (Editing). *Islamic and Christian Endowments in Jerusalem under the Israeli Occupation, Part One*, Ramallah: Ministry of Endowments and Religious Affairs, 2013, p. 88.

13) Khalil Qarajeh Al-Rifai. "The Endowments of Sultan Salah al-Din al-Ayyubi in Jerusalem", in: Researchers Group (Editing). *The Islamic Waqf in Jerusalem, Proceedings of the Fourth Academic Conference (14-15 July 2018 CE)*, Jerusalem: The Islamic Supreme Committee, 2018, p. 197.

14) Same source, p. 98.

15) Al-Sayyid, a previously mentioned source, pg. 52.



lands from the treasury as allocations “Arsad”, as long as they are considered real Waqf, as one of the conditions of the endowed property stipulates that it must be owned by the Waqif, and the sultan is not the owner of the treasury. A number of scholars of his time from the four doctrines (the four schools of jurisprudence) agreed with the fatwa of Ibn Abi ‘Asroun¹⁶. Since that time, it has become possible to distinguish between two types of Waqf in terms of the Waqif’s ownership.

The first is real Waqf from the Sultan’s own money, and pseudo- Waqf¹⁷ from the treasury (Arsad), in this case the Sultan endows land or real estate from the treasury for the public benefit¹⁸. Dumper says: “Saladin (Salah Al-Din), after reclaiming Jerusalem from the Crusaders, [established] a number of endowments that attracted builders, craftsmen, pilgrims, and scholars, which restored the Islamic character of the city¹⁹.” Especially in light of the decline in the number of the Muslim population in Jerusalem as a result of the massacres, and thus the establishment of Waqf endowments encouraged the migration of Muslims to the holy city²⁰. Salah al-Din al-Ayyubi’s Waqf policy in Jerusalem “came in line with his jihadist philosophy, and was consistent with his keenness to restore and maintain the Islamic and civilized face of the city²¹”.

This philosophy of Salah al-Din in Jerusalem helps us support the importance of shaping the purpose of the Waqf in the Palestinian case, especially in occupied Jerusalem, and looking at the purpose and importance of Waqf, whether family or charitable, in strengthening the Palestinians’ resistance to Zionist colonialism, and preserving land, property and the Palestinian identity in the face of colonial confiscation and Judaization.

b. The Mamluk period (1250 CE - 1516 CE)

The Mamluk sultans followed the path of the Ayyubid sultans in encouraging endowments in the Holy City, especially in the early eras of the Mamluk period. Some studies indicate an increase in the number of endowments in the Mamluk period. For example, it is mentioned that 32 schools²² were established* that had endowment funding sources in the Mamluk period.

Some studies attribute the reasons for this increase to the keenness of the Mamluk sultans to show themselves as protectors of the holy city, especially with the religious importance of the holy city to Muslims.

16) Ibrahim Al-Bayoumi Ghanem. *Endowments and Politics in Egypt*, Cairo: Dar Al-Shorouk, 1998, p. 62.

17) It is the same as distinguishing between valid endowments and invalid endowments.

18) Ghanem. *Endowments and Politics in Egypt*, a previously mentioned source, p. 63.

19) Michael Dumber. *Israel’s Policy towards the Islamic Endowments in Palestine 1948-1988*, Beirut: Institute for Palestine Studies, 1992, p. 24.

20) *Ibid*, p. 188.

21) Al-Rifai, *Ibid*, p. 98.

22) The Mamluks in the Levant established about 62 schools: 16 in Damascus, 32 in Jerusalem, 6 in Tripoli, 2 in Nablus, 2 in Safed, 4 in Gaza.

Odeh Ra’f’e Al-Shar’a. “Waqf schools in the city of Jerusalem in the Mamluk era 658-923 AH / 1260-1517 CE”. In: Mahmoud Ashqar and Khaled Zawawi (Editing). *Islamic and Christian Endowments in Jerusalem under the Israeli Occupation, Part One*, Ramallah: Ministry of Endowments and Religious Affairs, 2013. p. 130.



Therefore, the interest in the holy city enhances the legitimacy of the rulers and sultans, in addition to limiting the spread of the Shiite sect, which was greatly reduced during the Ayyubid period.²³

It is reported that the Mamluk sultans encroached on endowments in the second Mamluk state 1378, where they invested endowment funds to consolidate their power²⁴, but it seems that this infringement was not a major phenomenon in the endowment properties of Bayt al-Maqdis (Jerusalem), but the infringement was limited to endowment properties outside it.

c. The Ottoman period (1516 CE - 1917 CE)

The Ottoman period was marked by internal conflicts and wars, which were deepened by the decentralization of the system of government of the Ottoman states, and the developmental marginalization of the states affiliated with the Ottoman Empire. Endowments prevailed in the Ottoman provinces amid this environment which was unstable on the social, security and political levels. Estimates indicate that family endowments (Dhurri Waqf) flourished more than others in that period, and statistics, despite their inaccuracy, agree that family endowments (Dhurri Waqf) had a greater prevalence than charitable endowments (public Waqf). For example, Granot states “that during the Ottoman period, 75% of all endowments in Syria and Egypt were family endowments (Dhurri Waqf)²⁵.” Ghanem mentions: “Despite the lack of accurate statistics showing the ratio of purely civil (family) or purely charitable (public) or joint Waqf, and despite the fact that it’s hard to distinct between these three types on the ground, there are many indicators showing that throughout the Arab society, until the mid-20th century at least, the scale have constantly weighted in favor of the family Waqf (Dhurri Waqf) when compared to the other two types. From a socio-political perspective, this is due to two main reasons: the first is the strong influence of the Arab traditions that have to do with preserving the family as the cornerstone of society. The second is the political instability that marked the Arab society in most of its historical periods, especially since the Mamluk era, and the accompanying spread and multiplicity of grievances, encroachments and confiscations of money and property, all of which made the Waqf system a safer haven to protect property, and to ensure - even for a while – that it’s still of use and in the hands of the family members and their offspring²⁶.”

In a study on family endowments (Dhurri Waqf) in Jerusalem in the Ottoman era, the beneficiaries of the Waqf were primarily and undisputedly, the Waqif himself, and after him came his children and male offspring, as well as unmarried females.

23) See:

Taleb Al-Sawafi. “The role of the Mamluks in supporting the endowments of educational institutions in Jerusalem: schools as a model”; In: Mahmoud Ashqar and Khaled Zawawi (Editing). *Islamic and Christian Endowments in Jerusalem under the Israeli Occupation, Part One*, Ramallah: Ministry of Endowments and Religious Affairs, 2013. Al-Shar’a. previous source.

24) Nofan Raja Al-Swariya and Saeed Saleh Khalil. “The Ayyubid and Mamluk Endowments in Al-Quds Al-Sharif based on the Ottoman Tapu Notebooks (932-934 AH / 1525-1528 CE)” in: Mahmoud Ashqar and Khaled Zawawi (Editing). *Islamic and Christian Endowments in Jerusalem under the Israeli Occupation, Part One*, Ramallah: Ministry of Endowments and Religious Affairs, 2013.

25) Dumper, *Ibid*, p. 22.

26) Ghanem, “The Historical Formation of the Waqf Function in Arab Society,” *Ibid*, pp. 89-90.



The distribution process would have required the rule of Islamic law, that is, the share of a man is double that of a woman, unless she marries, in this case she often loses her right to benefit from the Waqf. As for the guardian of the Waqf, it was the Waqif himself and the wisest of his successors. As for the endowed property, its diversity indicates the properties owned by the Waqif, such as: trees (figs, grapes, and olives), courtyards, orchards, vineyards, buildings, lands, houses, factories, shops, bakeries, and shops²⁷.

27) Muhafatha and Ashqar, Ibid.





Table No. (1) shows the significant difference between the number of family endowments (Dhurri Waqf) and charitable endowments (public Waqf) in Jerusalem, which indicates the state of instability and fear over property that the residents of Jerusalem endured during the Ottoman period.

Table (1): the number of Islamic endowments in Jerusalem in different historical periods²⁸				
Period	Charitable Waqf (public Waqf)	Family Waqf (Dhurri Waqf)	Other (Unknown, Joint)	Total
Ayyubid	27	6	1	34
Mamluk	72	34	5	111
16th Century CE (1500 CE - 1599 CE)	114	218	0	332
17th century CE (1600 CE - 1699 CE)	135	171	7	313
18th Century CE (1700 CE - 1799 CE)	9	245	1	255
The 19th century CE and the beginning of the 20th century (1800 CE - 1917 CE)	34	287	2	323
Total	391	961	16	1368
Percentage	28.6 %	70.2%	1.2%	100%

Some internal conflicts and civil wars emerged during the Ottoman period, as a result of some financial and administrative independence granted by the Ottoman Empire to some governors and feudal families that played a key role in internal political conflicts.

²⁸) Muhammad Ghosheh. *The Islamic Endowments in Jerusalem: A Documented Historical Study*, Istanbul: Ersekile, 1973.



Dumper says, “the endowment system was not only used to consolidate the power of the religious-political elite against the state, but was also used to provide economic and social means that allowed segments of that elite to improve their position at the expense of others”. For example, during the eighteenth century, Ahmed Pasha al-Jazzar, the governor of Acre, established several endowments that included inns, markets, and baths to encourage trade and exploit the natural harbor of Acre (A’kka)²⁹, to enhance the state’s income and its economic and political independence.

Dumper adds that it is estimated that 40% of all valid Waqf properties in Palestine belonged to the Nussaibeh, al-Khalidi, al-Husseini, Abd al-Hadi, Jarallah, and al-Nashashibi families³⁰. For families, family endowments (Dhurri Waqf) aimed to preserve the ownership of land, real estate, and the economic base, and to protect against expropriation, especially in light of social and political upheavals and the changeability of power among Palestinians in Palestine. Abd al-Karim Rafiq states that, “since the 18th century, the Ottoman Empire resorted largely to the confiscation of the movable wealth of senior rulers such as the rulers from the Al-Azm family in the Levant. So they resorted to buying real estate with their wealth and transferring it to family Waqf (Dhurri Waqf), protected by Islamic law- just like charitable Waqf (public Waqf)-for their benefit and the benefit of their families and offspring, for as long as they live³¹”.

The Waqf, with its economic independence, contributed to the consolidation of political independence. The Ottoman Empire attempted to consolidate its control over its areas of influence, prevent independence streaks within its states, and strengthen its dwindling incomes. It created administrative structures to accommodate the Waqf and control its management and financial resources.

In 1826, the first Ministry of Endowments was established in the Ottoman Empire³², and the General Directorate of Endowments for Jerusalem was established in 1843 CE, that is, after the withdrawal of the Egyptian campaign led by Muhammad Ali and his son Ibrahim Pasha from the Levant in 1841 CE. The Directorate included the states of Jerusalem, Nablus, Gaza, Jenin and Jaffa, with headquarters in the city of Jerusalem³³. In 1862, the directorate was moderated by Amin Omar Tahboub, who was succeeded by the Mufti of Jerusalem, Hajj Muhammad Amin al-Husseini³⁴.

29) Dumper, *Ibid*, p. 24

30) *Ibid*, p. 33.

31) Abdul Karim Rafik. The endowment of the Al-Darbas family in the Jaffa Sharia Court on 1 Ramadan 1275 AH/4 April 1859 CE and its urban, economic and social implications”, in *Cronos* magazine, issue 30, 2014, p. 64.

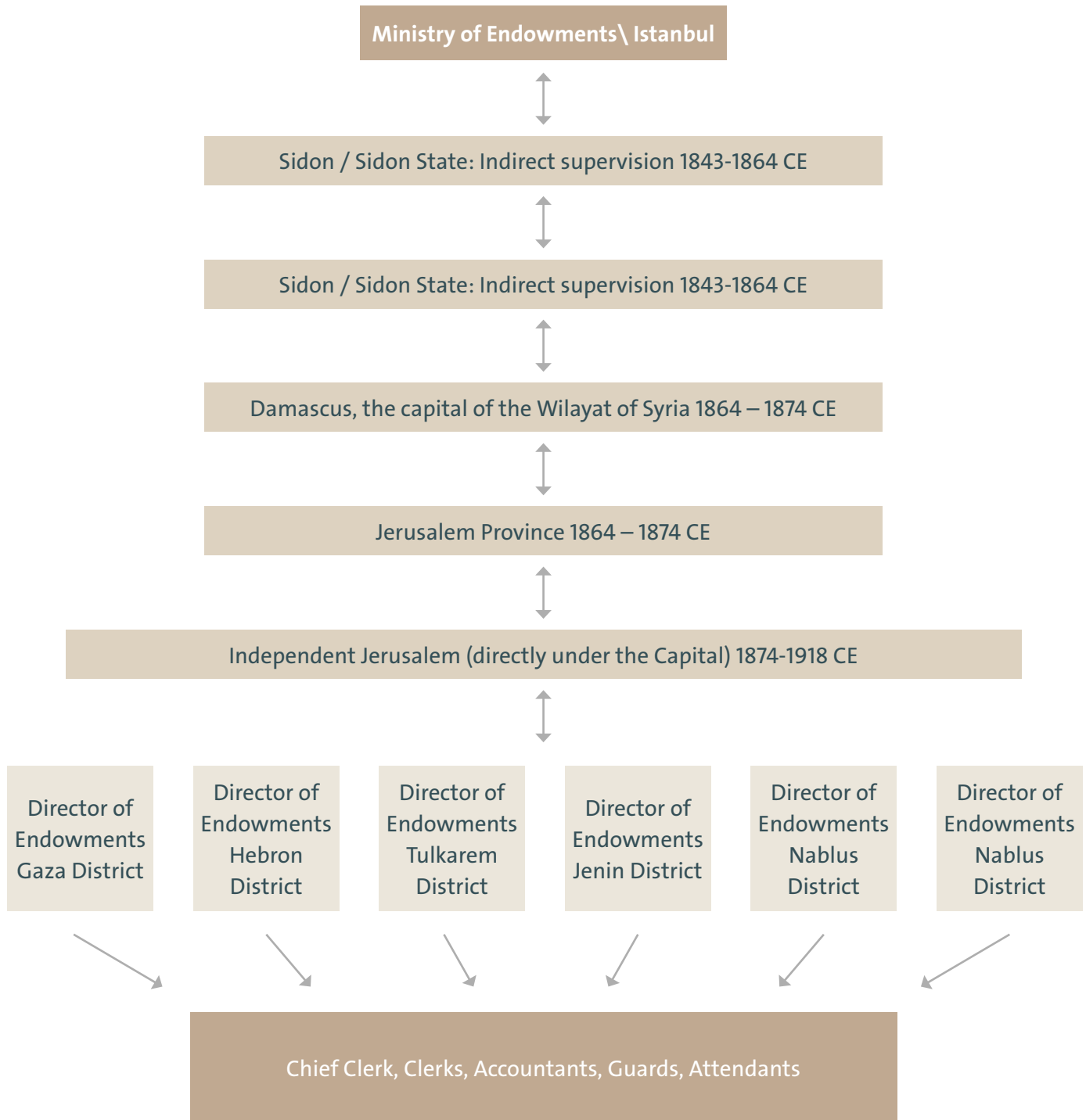
32) Na’ila Al Waari. The Historical Dimension of the Islamic Endowments in Jerusalem: The General Directorate of Jerusalem Endowments 1843-1948 and its Role in Serving and Documenting the Endowments of Palestine, Edited by: Hind Ghasan Abu Al Shaar, *Islamic and Christian Endowments in Jerusalem: (2) Historical Dimensions, Documentation Sources and the Threatened Jerusalem Heritage*, Jordan: Arab Thought Forum, 2014, p. 201.

33) *Ibid*, p. 198

34) *Ibid*, p. 201



Figure No. 1: The structure of formations and subordination of the General Directorate of Endowments, 1843-1918 CE³⁵



³⁵) Ibid, p. 202



The central measures of the Ottoman Empire followed its defeat in World War I in 1914, along with the abolition of the “invalid” Waqf which had begun during the Egyptian campaign by the governor of Egypt, Muhammad Ali Pasha, against Palestine. He took over the “invalid” endowments, given the illegality of the Waqf from state property, and returned their ownership to the state.

For example, Muhammad Ali Pasha took over the Waqf properties of Khasaki Sultan, the wife of Sultan Suleiman the Magnificent. These endowments included villages, farms, inns, shops, mills, and baths, including 54 villages and farms in Ramla, Jerusalem and Nablus. Following the failed campaign of Muhammad Ali in 1841, the Ottoman Empire did not restore the Waqf to its former state before it was integrated into the state property at the time of Muhammad Ali. Rather, it offered a lump sum of 1,150 Turkish liras for the endowment, and the situation did not change during the British Mandate era, which offered a lump sum of 2,950 Palestinian pounds. The revenues of the Khasaki Sultan endowment in 1948 were estimated at 12,000 Palestinian pounds per year³⁶.

The Ottoman Land Law of 1858 also distinguished between two types of Waqf; the valid Waqf that was endowed from the private property of the Waqif, and was bound by the Waqf provisions and laws. And the invalid Waqf endowed by princes and sultans from state funds, and lost its status as Waqf and returned to the treasury³⁷.

Following the reforms carried out by the Young Turk movement in 1911, all provinces were abolished, and the state became the primary body responsible for providing services directly to the beneficiaries³⁸. In 1914, the Ottoman Empire took control of 70 endowments in Palestine, and this control came in implementation of the trend towards centralization and modernization adopted by the Ottoman Empire³⁹.

36) Musa Sorour. “Valid and Invalid Waqf between personal interests and jurisprudential applications: a case study of Bethlehem and Beit Jala between 1948 and 1967”, *Al-Nasiriya Journal of Social and Historical Studies*, No. 7, 2016

37) *Ibid*, pp. 136-137

38) Dumper, a previously mentioned source, p. 193

39) *Ibid*, p.37.



d. The British Colonialism (Mandate) period (1917-1948)

The British “Mandate” colonial government in Palestine issued several laws to control lands, including Waqf lands, to facilitate their transfer to the Zionist movement. The British Military Governor placed the Tabo and Judicial Services of Palestine in a single department under the supervision of a Jewish man, Noram Bentonish, which lasted until the end of the military phase of the British colonialization, before it turned into a civilian (mandate).⁴⁰ In a meeting held by the British High Commissioner on 9/11/1920 with a number of scholars, dignitaries and senior government officials, it was recommended to “accept” the request submitted by Palestinian and Islamic scholars and dignitaries to have a greater role in supervising their Islamic affairs and endowments. The British colonial government also agreed to form a committee to prepare a law on the management of Islamic endowments. On March 12, 1921, the British High Commissioner issued a regulation to form a Supreme Islamic Council. On December 20, 1921, the British High Commissioner issued a new special regulation for the establishment of the Supreme Islamic Sharia Council. On January 9, 1922, the Supreme Islamic Council held its first session, in which the council’s five-year governing body was formed, and the Mufti of Jerusalem, Haj Muhammad Amin al-Husseini, was elected as the head of the council, and the membership of the following was declared⁴¹:

- Abdel Latif Salah representing Nablus.
- Mufti Sheikh Muhammad Murad representing Haifa.
- Abdullah al-Dajani representing Jaffa District.
- Hajj Saeed al-Shawa representing the Southern governorates.

The main task of the Council was to manage the affairs of Sharia courts, Islamic endowments, institutions, and holy sites⁴². The Council was also entrusted with the role of mediation between Palestinian Muslims and the Mandate Government, as the Council falls within the Mandate’s plan on dealing with Palestinians, as they are comprised of religious sects⁴³. As a result of Hajj Amin’s leadership of the General Directorate of Jerusalem Endowments, as a successor to Amin Tahboub, he reopened the Directorate of Jerusalem, attached it to the Supreme Islamic Council, and maintained its administrative structure (the Directorate continued to work until 1948). The Committee of Public Endowments was formed, according to Article 10 of the rules of procedure (Bylaws) of the Supreme Islamic Council, and it consisted of eight members headed by Haj Amin al-Husseini, and the membership of the Director of Endowments, the Endowment Commissioner in the three governorates, and a representative of their local committees⁴⁴.

40) Al-Waari, *Ibid*, p. 215.

41) Sammy Salahat. “Waqf Institutions in Jerusalem: Origin and Development”, in: Mohsen Salih (Editing). *Studies in the cultural heritage of the city of Jerusalem*, Beirut: Al-Zaytouna Center for Studies and Consultations, 2010, p. 231.

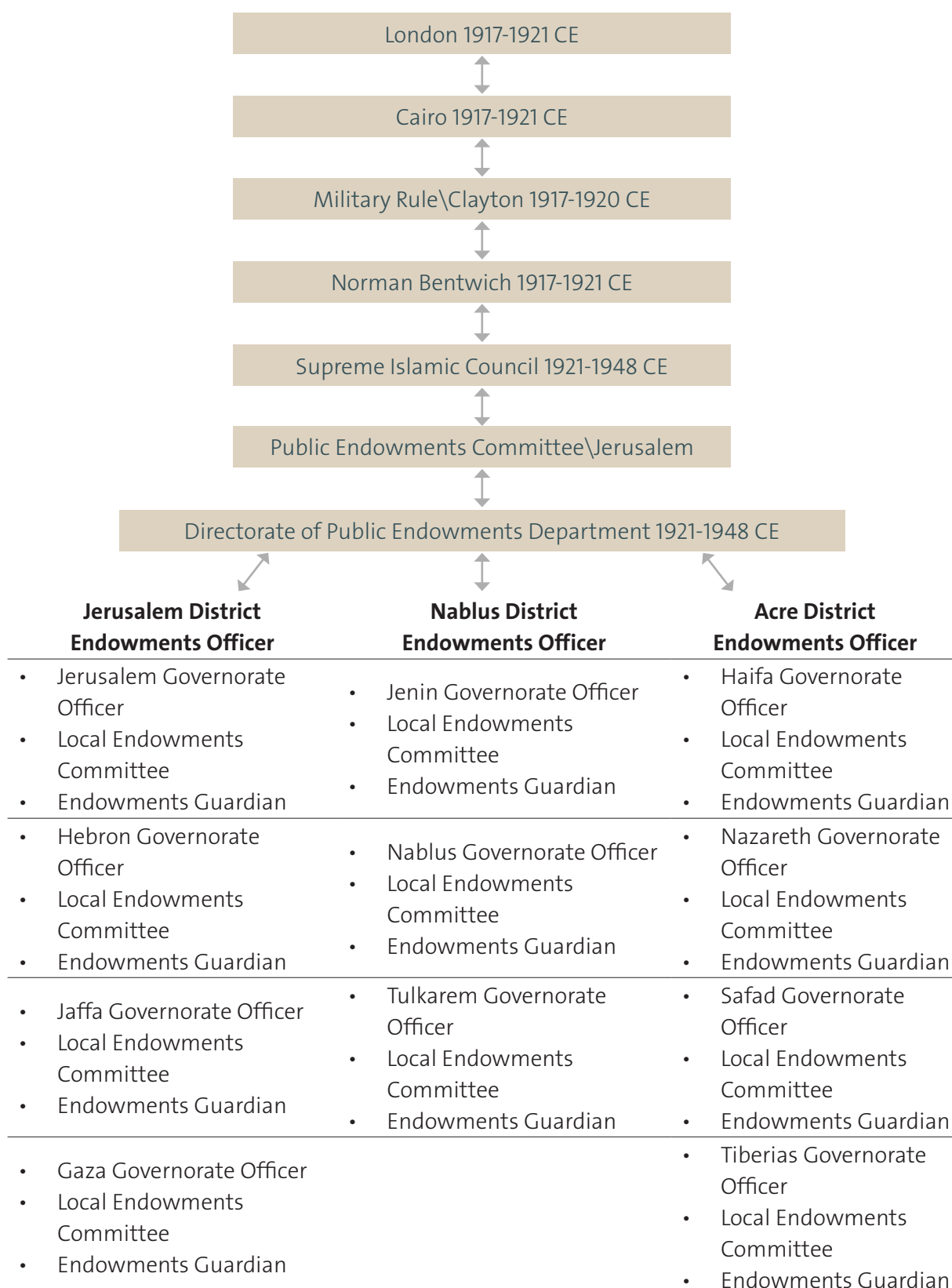
42) Sameeh Hamouda. The emergence and growth of the leadership of the Grand Mufti of Jerusalem, Hajj Muhammad Amin al-Husseini, and his political relations through the documents and papers of the Supreme Islamic Sharia Council in Palestine, *Yearbooks of Jerusalem*, volume 7, spring-summer 2009, p. 65.

43) *Ibid*, p. 61

44) Waari, *Ibid*, p. 210



Figure No. 2: The structure of formations and subordination to the General Directorate of Waqf 1917-1948 CE⁴⁵



The Supreme Islamic Council has played a major role in the Palestinian social and political

⁴⁵ Ibid, p. 208



life, as it had the highest representation in Palestine, because of the administrative and economic resources it obtained mostly from Waqf resources administered by the Council. The Council also played a major role in defending Palestine, opposing attempts to sell lands to Jews and fighting the brokers who did so. It also played a role in political education against the Zionist project in Palestine, and encouraging Palestinians to endow their lands as family Waqf (Dhurri Waqf) to prevent their sale to Jews⁴⁶, which was opposed by Britain⁴⁷, as the Mandate government tried to contain the Supreme Islamic Council throughout its work, which was evident in the dissolution of the Council and the appointment of other personnel after the dismissal of Haj Amin al-Husseini on 30 September 1937, and the formation of a committee to manage the endowments until the end of the Mandate on May 15, 1948⁴⁸. Some of those appointed by the Mandate government were loyal to the government or distanced themselves from political work, and some were British citizens working in the Mandate government⁴⁹. The contradictory relationship between the Mandate government and the role of the Supreme Islamic Council imparted a national dimension to the Islamic Waqf system in Palestine⁵⁰. The Supreme Islamic Council was also ready to support the Palestinian national struggle through the Waqf revenues following the Buraq Uprising⁵¹. The British Mandate government enacted many laws aimed at impeding or limiting the conversion of land to endowments, including: the Land Transfer Act of 1920, the Army and Air Force Land Acquisition Act of 1925, and the Land Expropriation Act of 1926⁵².

There is a correspondence between the Zionist movement and the British government regarding the role of Waqf in obstructing the transfer of lands to Jews, in particular, a letter by the British Prime Minister Lord Curzon to Chaim Weizmann, President of the Zionist Organization, asking for his opinion on the proposed land law in Palestine: “The economic situation of the country at the present time doesn’t require the establishment of land records offices to grant gifts and endowments. If the restrictions related to the establishment of new endowments are removed, a large part of the country’s lands will be transferred to endowments, that won’t serve charitable or religious purposes, but to extract that land from the effective control of the government, and thwart attempts to repurpose it, and you are fully aware that endowment of property does not mean necessarily depriving the Waqif and his family of the great benefits that result from it⁵³”. The prevalence of the idea of converting lands into endowments to prevent their usurpation to Jews, was demonstrated by what was suggested by Diab al-Fahoum- one of the patriots accused by Britain of assassinating the District Commissioner for the

46) For more information see: Samih Hammouda. “The Role of the Supreme Islamic Council in Preserving the Lands of Palestine from the Danger of Confiscation by the Zionist Movement 1922-1948,” *Yearbooks of Jerusalem*, No. 15, Spring-Summer 2013.

47) Dumper, *Ibid*, 42

48) Salahat, *Ibid*, p. 233.

49) For more on this topic, see: Samih Hammouda, “The Role of the Supreme Islamic Council...,” a previously mentioned source. See also: Samih Hammouda, “The Emergence and Growth of the Leadership of the Grand Mufti of Jerusalem, Hajj Muhammad...,” a previously mentioned source.

50) Dumper, *Ibid*, p. 38

51) *Ibid*, p 44.

52) Abla Saeed Al-Muhtadi, “The Role of the Islamic Endowments in Preserving the Arabism of Jerusalem Before 1948 CE”, Mahmoud Ashkar and Khaled Zawawi (Editors). *Islamic and Christian Endowments in Jerusalem under the Israeli Occupation*, Part One, Ramallah: Ministry of Endowments and Religious Affairs, 2013, p. 227.

53) *Ibid*, p. 226.



region of Galilee Lewis Andrews in September 1937- to Haj Amin al-Husseini to declare the entire land of Palestine an Islamic and Christian Waqf, and to have the Church and the Supreme Islamic Council agree with the citizens that this Waqf registration would not change anything with regards to their rights to their property, but aimed to prevent Jews from confiscating the land and assigning its ownership to immigrating Jews⁵⁴.

Statistical estimates - albeit inaccurate - indicate the expansion of Waqf properties in Palestine. Some of them mention that 80%-90% of the city of Acre ('Akka) was entirely endowed⁵⁵, endowed shops in the city of Jaffa amounted to 33% until 1921⁵⁶.

Table (2): Distribution of the incomes of the Supreme Islamic Council in 1922 based on the types of endowments (estimates) in Egyptian pounds⁵⁷

District	Tithes	Rents	Quitrents
Jerusalem	3,492	1,536	192
Hebron	11,000	437	37
Jaffa	1,200	4,470	19
Gaza	5,500	1,845	31
Nablus	2,800	1,475	10
Acre	-	1,250	190
Total	23,992	11,013	479

Despite the protection enjoyed by the endowment, as it is a legal personality that may not be sold or confiscated, we find that British colonialism has actually confiscated some endowment properties, as Muhammad Emad Subab Laban Al Khalili documents four confiscations of the Al Khalili Endowment’s properties in Jerusalem, which he called “the policy of compulsive appropriation”, Which⁵⁸:

- Acquisition and expropriation of the lands adjacent to the Hebrew University.
- Acquisition and expropriation of Karm Al Khalili (Al Khalili orchard) in 1928 CE, near Bab Al Sahira (Herod’s Gate) with its 37 dunums palace and garden.
- Acquisition and expropriation of Karm Al Khalili (Al Khalili orchard) in Al Baqa’a

54) Ahmed Hussein Al Yamani. *Memoirs of Abu Maher Al-Yamani: My Experience*, Doha: The Arab Center for Research and Policy Studies, 2021, p. 198.

55) Dumper, a previously mentioned source, p. 101.

56) *Ibid*, p. 104.

57) *Ibid*, p.32.

58) “Mohammed Emad” Sublaban Al Khalili. “The Reasons for the Erosion of Family Endowments (Dhurri Waqf) in Jerusalem - Sheikh Mohammed Al-Khalili Endowment as a Model”, in: Editors Group. *The Islamic Endowment in Jerusalem, Jerusalem: The Islamic Supreme Committee, 2018.*



in 1932 CE, which includes a palace and a garden surrounding it, which has an area of 55 dunums.

- The acquisition and expropriation of the land that surrounds the Palestinian National Museum (Rockefeller) by the British government in 1937, and the approval of compensating the endowment owners at 100 Palestinian pounds per square meter in 1939, after a conflict between the owners of the land and the British authorities for several years, but the endowment owners have refused to receive the amount of the compensation until today, stressing that the land is an Islamic endowment that cannot be sold or bought.

There is another form of the political and economic dimension to the Waqf in Palestine, especially in Jerusalem, and this dimension is more closely related to the Muslim visitors residing outside Palestine, for whom endowments were created, so they can be hosted and served during their visit to the Holy Al-Aqsa Mosque, Jerusalem and the Holy Land. In this way, the religious dimension dominated the endowment, although it was not fully devoid of the political dimension. For example, “the spread of Sufi orders and the attempts of some scholars to oppose them, led to the wider spread of endowments [in the 12th and 13th centuries CE] as the Sufi orders established Zawayas and Khanqahs to house and establish Dhikr circles⁵⁹.

Competition between sects and jurisprudential opinions led to “Encouraging pilgrimage to holy places, visiting the shrines of saints and righteous scholars, and encouraging the spread of endowments to preserve these places and raise their status, house pilgrims, and pay the salaries of those in charge of them⁶⁰.” Add to that the keenness of some pilgrims to visit Jerusalem during their devotional and pilgrimage journeys. We find this in the “Indian Corner” in Jerusalem⁶¹, and it is also mostly evident in the Moroccan endowments in Jerusalem, perhaps the most famous of which is the Waqf of Abu Madyan Al-Ghouth in the year 1320 CE, which is considered the largest and richest Moroccan endowment in Jerusalem⁶². Due to the multiplicity and overlapping of Moroccan endowments in Jerusalem, a distinction was no longer made between the owners of the endowments (Waqifs). Nazmi al-Jubeh mentions the overlapping between the Moroccan endowment: “the difference between the various components of the Moroccan Waqf in the Hara [Al-Mughrabi Neighbourhood] is no longer clear, as this broad term “Moghrabi Waqf” included: the King Afdal Waqf, Omar Al-Mujarrad Waqf, and Abu Madin Al-Ghouth Waqf, and the subsequent endowments added to it, which were managed by the ‘Moroccan Waqf Guardian’⁶³. The number of Islamic endowments in the Jewish and Moroccan quarters reached 15, while the family endowments (Dhurri Waqf) amounted to 378, and the percentage of Abu Madyan al-Ghouth ownership of Waqf in this area was about 26%.⁶⁴

59) Ibid, p. 23

60) Ibid, p. 23

61) Saheb 'Aalem Al-A'zami Al-Nadawi. Contributions of Indian Muslims to Endowment Activities and Charitable Activities in Palestine: A Historical Study of British Documents, Astoor Magazine, p. 9, January 2019.

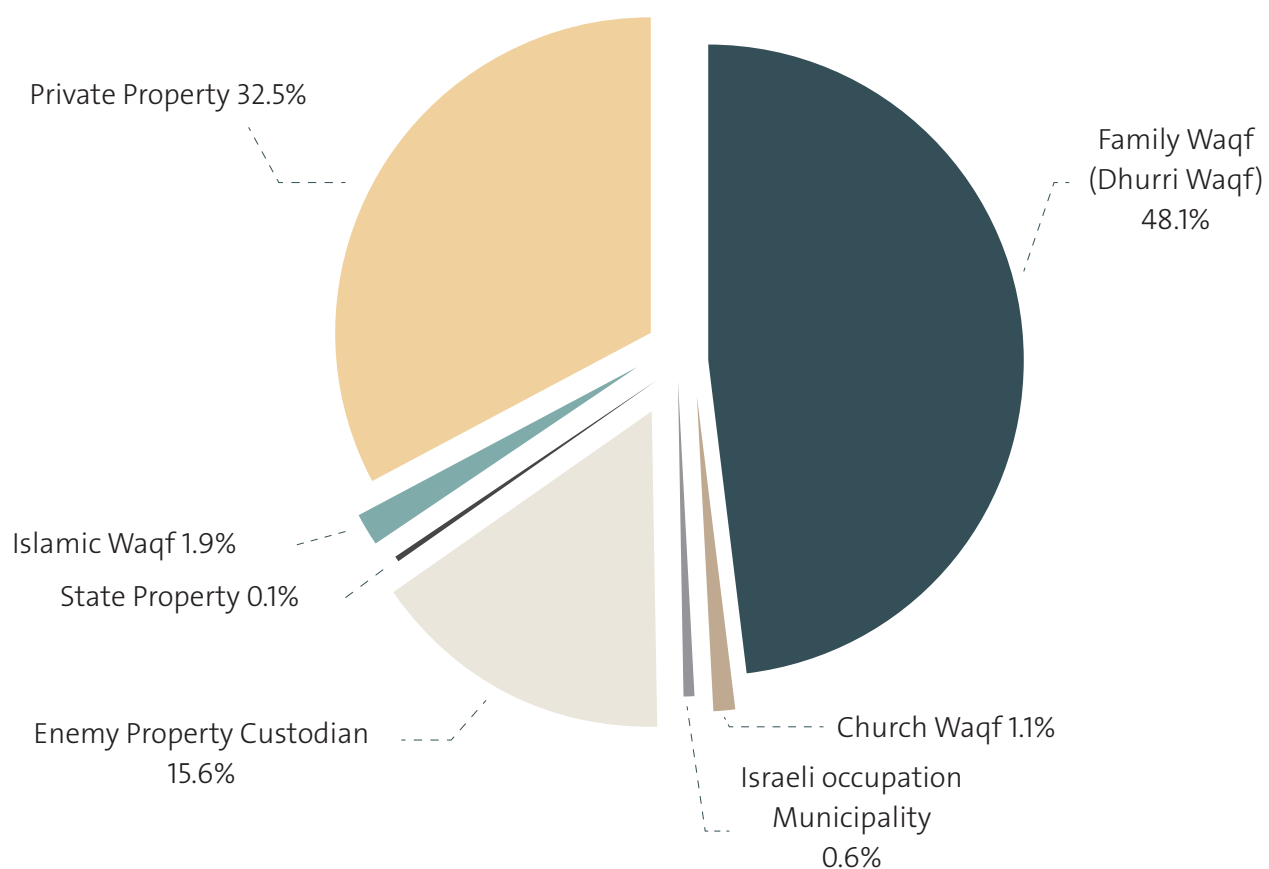
62) Nazmi al-Jubeh: The Jewish Quarter and the Moroccan Quarter in Old Jerusalem: History and Fate between Destruction and Judaization, Beirut: Institute for Palestine Studies; Al-Taawon (Welfare Association), 2019, 168.

63) Ibid, p. 186.

64) Ibid, pp. 342-347



Figure No. (3): Distribution of property in the Jewish and Moroccan Quarters by type of property⁶⁵



65) Ibid, p. 344



3. Endowments in Jerusalem after the Palestinian Nakba in 1948

The events of the Palestinian Nakba led to the social, economic and political dispersal of Palestinian communities, and the displacement of Palestinians in different geographical areas. This fragmentation and disintegration was reflected in the Palestinian endowments, as the Palestinian endowments are linked to a network of legal and social relations between all Palestinian areas. The events of the Nakba led to the dispersal and disintegration of the Waqf system in Palestine as well. Waqf properties in territories occupied by the Zionist forces during the Nakba were subjected to the Israeli regime and colonial laws. Whereas properties in the West Bank were subject to the Jordanian system and laws, and Waqf properties in the Gaza Strip were subjected to the Egyptian system and laws.

Endowments in the occupied territories in 1948 were under the control of Israel, and were merged into the Israeli Ministry of Religious Affairs, and their properties were subjected to the Absentee Property Law. Most of the Waqf properties were controlled and absorbed into the colonial state institutions, and most of these properties were confiscated, according to the Absentees' Property Law of 1951 and its 1965 amendment. In the Gaza Strip, endowments were subject to the Egyptian Endowment Law, issued in 1947, which placed these properties under the state's direct control. After the reforms carried out by Egyptian President Gamal Abdel Nasser, the family Waqf (Dhurri Waqf) was abolished in the Gaza Strip, similar to the abolition that took place in Egypt in 1954⁶⁶.

The Islamic endowments in the West Bank had complications arising from the Jordanian vision for the future of the West Bank. About three years after the Nakba, the Jordanian government abolished the Supreme Islamic Council, and chose to deal with the Jerusalem initiative represented by the Islamic Supreme Committee, which was established directly after the June 1967 war, headed by Sheikh Abdul Hamid al-Saih. He was appointed as Minister of Endowments in Amman, after his deportation, and then directly supervised the Jerusalem Endowments Department, which took over the task of supervising the Waqf system in the West Bank and Jerusalem and appointed supporters who received salaries from the Jordanian government as will be elaborated later.

The legal and social relations of a given Waqf have been fragmented, because they are not confined to one geographical area, since they are related to the four elements of the Waqf: the Waqif, the Waqf, the endowed property, and the Waqf deed. These four elements are not linked to one geography, in other words, the endowed property may be in a place other than the place where the Waqf is located. For example, the Salahiya School was endowed by Sultan Salah al-Din in Jerusalem, who endowed some real estate to it, inside and outside Jerusalem, in order to secure a financial source to cover school expenses and ensure its sustainability. Among the endowments that were endowed to the Salahiya School are al-Attarin Market, Wadi Silwan in Jerusalem, the village of Ni'liyya near Gaza, the Qastal farm and the Gethsemane farm, an orchard in Bab Hutta, the orchard of Ayoub's well, and the Lions' Bath in Bab Hutta.

⁶⁶) On the fate of endowments after the Nakba, see: Dumper, a previously mentioned source.



The same applies to the Dwadariyya School (known today as the Bakri School), located near the Aleatum Gate, which Prince Alam al-Din Sanjar al-Dudari al-Salihi al-Najmi endowed in the year 1296 CE, to which he endowed the village of Bir Nabala in Jerusalem, the village of Hijla (Monastery of Hijla/ Deir Hijla) in Jericho, a bakery, a mill and a house in Jerusalem, a dry-clean and six shops in Nablus, three orchards, three shops and four mills in Bisan, the village of Tabras, and the Queen's Bath in Nablus⁶⁷. The same applies to the Khasaki Sultan's endowments, who built mosques, educational institutions, hospices and others, and endowed to them many villages and cities in different regions in Palestine and Lebanon⁶⁸.

The Nakba dispersed the properties that were endowed to provide funding and financial resources for charitable service endowments in Jerusalem as a result of the disintegration caused by the Nakba, and the subjection of Palestine to three different political authorities, each of which has its own vision and policy, especially those that were subject to the colonial authority that worked to confiscate endowment properties and create chaos. The case of the Waqf of Jerusalemite philanthropist Amina bint Badr Al-Khalidi in Jaffa Gate, which she endowed in 1942, is another example of this confusion and the Waqf's failure to achieve its goals. The Palestinian Nakba in 1948 led to the disruption of her "projects of building a charitable hospital and clinic bearing her name on Waqf lands west of Jerusalem. This caused Dr. Muhammad Al-Dajani, the guardian of the Waqf, to purchase a land belonging to the Danaf Al-Ansari family with an area of 13,500 square meters located in the Sheikh Jarrah neighborhood known as Khillet Noah, in order to establish the hospital and clinic, which have not seen the light to this day⁶⁹.

After the annexation of the West Bank, including Jerusalem, to the Jordanian state in 1950, the Jordanian government's policy with regards to the Islamic endowments adopted two approaches. The first is to seek to absorb the Waqf institution through "direct supervision" of its economic and administrative resources. This means transferring Waqf properties to the Jordanian state treasury, which in turn spends these funds on the beneficiaries of these properties, and administratively transferring the employees of the Waqf system to staff who receive stipends from the Jordanian government. As for the second approach, it was represented in the development policy of the Waqf system. For example, the Jordanian government embarked on some development work, especially in Jerusalem. In the late 1950s and early 1960s, it developed a large part of Salah al-Din Street buildings as part of the Waqf, and this development contributed to an increase in the Waqfs' income⁷⁰.

67) Taleb Al-Sawafi. "The Mamluks' Role in Supporting Endowments of Educational Institutions in Jerusalem: Schools as a Model", Muhammad Saeed Ashkar and Khaled Ali Zawawi (Editors). *Islamic and Christian Endowments in Jerusalem under the Israeli Occupation, Part Two*, Ramallah: Ministry of Endowments and Religious Affairs, 2013, p. 123.

68) See: Ghassan Muhaibes. *Tkiyet Khasaki Sultan and its role in eliminating poverty in the city of Jerusalem and providing a decent sustainable life for the destitute and marginalized sects*: Editors. *The Islamic Endowment in Jerusalem*, Jerusalem: The Islamic Supreme Committee, 2018, pp. 374-391.

69) Muhammad Ghosheh. "The Islamic Endowment in the City of Jerusalem and its Surroundings": Hind Ghassan Abu Al Shaar (Editor). *Islamic and Christian Endowments in Jerusalem: (2) Historical Dimensions, Documentation Sources and the Threatened Jerusalem Heritage*, Jordan: Arab Thought Forum, 2014, p. 56.

70) Dumper, a previously mentioned source, p. 130.



The Jordanian government's policy towards the Waqf system in the occupied territories aimed to strengthen its influence in the West Bank, by winning over the religious elites and gaining their loyalty, as these elites represent a senior official authority among the Palestinians, and also to prevent the establishment of an independent Palestinian national current with tendencies of political independence from Jordan⁷¹. King Abdullah was keen to visit Jerusalem every Thursday and leave it after Friday prayers in the Holy Al-Aqsa Mosque. During these visits, he would hold meetings with the city's political and religious elites, and visit various places in the West Bank.

The decisions of the Jordanian government towards the West Bank continued, ensuring the unity of the two banks, east and west in the Hashemite Kingdom of Jordan. On April 24, 1950, the Jordanian National Assembly decided the following⁷²:

- To uphold the complete unity between the two banks of the Jordan, the Eastern and Western, and their binding in one single state: The Hashemite Kingdom of the Jordan, under the crown of His Hashemite Majesty King Abdullah ben Hussein. This shall be based on parliamentary constitutional rule and complete equality in rights and duties of all the citizens.
- To reaffirm the preservation of Arab rights in Palestine in their entirety, to defend them with all possible legitimate means and as of right, and to avoid prejudicing the final settlement of Palestine's just cause within the framework of national aspirations, Arab cooperation and international justice.

A series of actions by the Jordanian Government followed in Jerusalem, including the appointment of Aref al-Aref as mayor of Jerusalem in August 1950, and the formation of the "Islamic Scientific Committee" in Jerusalem in February 1951, to act as a guardian of virtue and morals and its membership, headed by Sheikh Muhammad al-Amin Al-Shanqiti, and included religious figures who occupied religious-government functions in Jerusalem⁷³. King Abdullah bin Al-Hussein was keen to visit Jerusalem every Thursday, where he took part in the Friday prayers in the Holy Al-Aqsa Mosque until his assassination in the Holy Al-Aqsa Mosque by Mustafa Asho on Friday, July 20, 1951⁷⁴. At the same time, the Supreme Islamic Council continued its duties headed by Amin Abdel Hadi, and the council's secretary, Anwar al-Khatib, until the beginning of the 1950s, despite the fact that its role declined significantly during the period of Hajj Amin al-Husseini's presidency in the 1920s and 1930s.

In December 1951, the Jordanian government issued a set of decisions regarding religious affairs in Jerusalem. It decided, "based on the directives of King Abdullah bin Al Hussein, to appoint Sheikh Hussam Al-Din Jarallah (Mufti of Jerusalem) and Amin Abdul Hadi as head of the Supreme Islamic Council. A royal decree was issued appointing Ragheb Al-Nashashibi (custodian of the Haram al-Sharif/High Guardian of the Holy Places in Jerusalem) and assigning him 'to adopt the Omar's Assurance

71) Ibid, p. 143.

72) Bab al-Rahma Bulletin, Jerusalem: The Palestinian Academic Society for International Affairs, December 2017, p. 13.

73) same source.

74) Abdul Hamid al-Sayeh. Palestine: No Prayer Under Spears, Memoirs of Sheikh Abdul Hamid Al-Sayeh, 2nd Edition, Beirut: Institute for Palestine Studies, 2001, p. 69.



as a constitution and to respect all its contents'. A year later, he was succeeded by Dr. Hussein Fakhri al-Khalidi, who called on King Abdullah bin Al-Hussein to be vigilant and to preserve the historical and legal 'status quo', and to suppress any projects to internationalize the city, and that the holy city is in Arab hands and will remain Arab, under the care of Allah Almighty, and guarded by the Jordanian Arab army⁷⁵. "

The June War of 1967 led to Israel's occupation of the rest of the Palestinian land, and further crumbling of endowments as a result of the disintegration in the Palestinian community. As Muhammad Ghosheh states, "the Islamic endowments in Jerusalem, both charitable and familial, began to suffer from a state of confusion which reflected the instability experienced by the city's residents. Families who owned Waqf properties no longer knew where these lands or properties had ended up⁷⁶." However, in this case, Israel took a different position towards the endowments, even if the goals were similar. This is due to Israel's vision of the situation and future of the occupied land. At the beginning of its occupation, it subjugated the endowments to the Ministry of Religious Affairs, but changed that later.

According to lawyers Zabarka and Qutteineh : "after the occupation of East Jerusalem in 1967, the occupation tried, through the Ministry of Religions, to impose Israeli law on the residents of East Jerusalem ... but these attempts failed, as the Jerusalemites boycotted the Israeli Ministry of Religions, and were able to establish a national authority to manage these Affairs, which is the Islamic Supreme Committee headed by Abd al-Hamid al-Sayeh⁷⁷. Thus, Israel viewed the West Bank as "administered areas", with the exception of Jerusalem, which it annexed immediately after the occupation. Israel and the Jordanian government signed the 1954 Hague Convention relating to the "Protection of Cultural Property in the Event of Armed Conflict", which included religious property as well as Waqf lands⁷⁸.

The Israeli colonial government presented to a group of Muslim clerics in Jerusalem, who occupied official religious positions in the city, a set of proposals that form the basis of the cooperation between the clergy and the Israeli government in the management of Islamic holy sites and religious affairs, to have these institutions under the umbrella of the Israeli Ministry of Religions. Saad al-Din al-Alami says: "At 18:00 pm on Tuesday, 20 Rabi' I in 1387 AH, corresponding to June 27, 1967 CE, a group of Israeli soldiers came to my house, and asked me to accompany them in their vehicle, I asked them: Where to? They replied: You will know in a bit.

They took me to a place where a conference or ceremony organized by the Prime Minister, was being held, and there I found the late Sheikh Hilmi al-Mohtaseb, Sheikh Saeed Sabri, Mustafa al-Ansari, and others, as well as the legal judges of Israel who were there before

75) Bab al-Rahma Bulletin, a previously mentioned source, p. 10.

76) Muhammad Ghosheh. "The Islamic Endowment in the City of Jerusalem and its Surroundings": Hind Ghassan Abu Al Shaar (Editor). Islamic and Christian Endowments in Jerusalem: (2) Historical Dimensions, Documentation Sources and the Threatened Jerusalem Heritage, Jordan: Arab Thought Forum, 2014, p. 56.

77) Khaled Zabarka and Hamza Qutteina. "The Legal System of the Islamic Endowment in the City of Jerusalem": Editors, The Islamic Endowment in Jerusalem, Jerusalem: The Islamic Supreme Committee, 2018, p. 300.

78) Dumper, *Ibid*, p. 139.



1967, all the heads of Christian and Jewish sects, and a large crowd. The caretaker of Raphael Levy, came to me and said that only three will speak in this celebration, the Prime Minister, and you on behalf of Muslims, and Archbishop Vincentius on behalf of the Christians. He asked me if I wished to speak immediately after the Prime Minister, or allow Vincentius to speak for Christians after the Prime Minister, and then speak after him, so I preferred to be the last speaker at that ceremony, to hear everything that was said before I spoke. Prime Minister Eshkol began explaining the policy of the Israeli government, I quote “As for the sanctities, the Israeli government will not interfere in these affairs, and will leave its management to its owners”. And when it was my turn to speak, I addressed the Prime Minister and told him, “How come you say you will not interfere in the sanctities and will leave the matter of managing them to their owners while your army occupies the Holy Al-Aqsa Mosque, the mosque of all the Muslims in the world?”. I didn’t say anything besides that. He told me that this would be resolved soon. Indeed, after a few days, the army withdrew and handed the Holy Al-Aqsa Mosque over to us. On Tuesday, 4 Rabi’ II AH/ July 17 CE, we met with the Minister of Religions, Dr. Zerach Warhaftig and he asked about the amount of each of our stipends. I asked him “why did you ask this question?”. He said, “We will pay your salaries.” I told him that we don’t want salaries. His Eminence Sheikh Abdul Hamid al-Sayeh who reiterated the same sentence praised my position⁷⁹.

In a meeting that was held between the Israeli Minister of Religions with Sheikh Abdul Hamid Al-Sayeh, President of the Sharia Court of Appeal, Sheikh Hilmi al-Mohtaseb, member of the Sharia Court of Appeal, Sheikh Saeed Sabri, Judge of the Jerusalem Court, Sheikh Saad al-Din al-Alami, Mufti of Jerusalem, and Hassan Tahboub, Director of the Jerusalem Endowments, the Minister of Religions requested to have Israeli laws applied to religious institutions. After they refused, he asked them to submit their resignations. They told him that if we want to resign, we would submit our resignations to King Hussein.⁸⁰

The Islamic Supreme Committee was established on July 24, 1967. This body oversees Islamic affairs in the West Bank, including Jerusalem. Thus, this body is considered a successor to the Supreme Islamic Council, which used to handle Islamic affairs in Palestine. According to Sheikh Ikrima Sabri, the purpose for establishing the Islamic Supreme Committee, was to fill the legal vacuum by learning from what happened to Islamic endowments in the occupied territories in 1948, and their confiscation by the “custodian of absentee property”. Those in charge of the Committee wanted to establish an institutional body in Jerusalem, to supervise Islamic sanctities and endowments, and to prevent the Israeli colonial government from considering them as absentee property⁸¹. Abd Al-Hamid al-Sayeh mentions in his memoirs the context in which the Committee was established: he learned from an Arab Muslim who lived in occupied Palestine in 1948, that the occupation authorities were trying to enact legislation to seize the records of the Sharia Court of Jerusalem, including those relating to endowments, and while he

79) Saad Al-Din Al-Alami. Documents of the Islamic Supreme Committee 1967-1984, Jerusalem: Arab Printing House, 1984, p. 8.

80) Al-Sayeh a previously mentioned source, pp. 80-81.

81) An interview with Sheikh Ikrima Sabri, on February 6, 2022.



was searching for a way out, he stumbled upon an Islamic jurisprudential text which stated that if non-Muslims attack Muslim areas, then Muslims must meet and choose a person to represent them and take charge of their affairs and endowment matters. He secretly began communicating with some Jerusalem dignitaries, and these dignitaries formed the reference that decided to establish the Islamic Supreme Committee, and those who responded were⁸²:

1. Anwar al-Khatib, Governor of Jerusalem.
2. Rawhi al-Khatib, Mayor of Jerusalem.
3. Sheikh Helmy al-Mohtaseb, member of the Sharia Court of Appeal.
4. Sheikh Saeed Sabri, the legal judge of Jerusalem.
5. Sheikh Saad al-Din al-Alami, Mufti of Jerusalem.
6. Kamal Dajani, lawyer.
7. Ibrahim Bakr, lawyer.
8. Fouad Abdel Hadi, appointed lawyer.
9. Abdul Rahim Al Sharif.
10. Abdel Mohsen Abu Mezar, lawyer.
11. Anwar Nusseibeh, lawyer.
12. Hafez Tahboub, lawyer.
13. Saeed Aladdin, lawyer.
14. Omar al-Waari, lawyer.
15. Ishaq Darwish.
16. Aref al-Aref, Director of the Jerusalem Museum.
17. Ali al-Tazzeez, President of the Jerusalem Chamber of Commerce.
18. Faeq Barakat.
19. Dr. Daoud Al-Husseini.
20. Dr. Sobhi Ghosheh.
21. Ishac El Duzdar.
22. Hassan Tahboub, Director of the Jerusalem Endowments.

In most of its statements, the Islamic Supreme Committee was keen to stress the unity of the two banks, east and west under the authority of the Jordanian government, despite the lack of communication with the Jordanian government. According to al-Sayeh, he did not communicate with Jordanian authorities after Israel's occupation of the West Bank, and the establishment of the Islamic Supreme Committee, because Israeli occupation was monitoring his contacts and communications, and because contact with the Jordanians was prohibited. The successive chairs of the Committee were as follows⁸³:

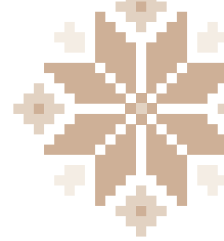
1. 1. Sheikh Abd al-Hamid al-Sayeh, 24/7/1967 until his deportation to Jordan 9/23/1967. ^{84*}
2. 2. Sheikh Hilmi al-Mohtaseb, 24/9/1967 - 31/12/1980 CE. ^{85**}

82) Al-Sayeh, a previously mentioned source, p. 82-83.

83) The Committee's website: : الهيئة الإسلامية العليا – القدس – من نحن The Islamic Supreme Committee – Jerusalem (islamic-c.org)

84)* Abd al-Hamid al-Sayeh states in his memoirs that he was deported on 9/25/1967.

85)** Al-Alami mentions in his book that he was elected head of the Islamic Supreme Committee in 1982.



3. 3. Sheikh Saad al-Din al-Alami, 1/1/1981 until his death, 6/2/1993.
4. 4. Hassan Tahboub, Acting Chairman until his election as Chairman, 06/16/1993 until his death 04/27/1998.
5. 5. Muhammad Nusseibeh, Acting President, 27/4/1998 - 12/7/1998.
6. 6. Sheikh Ikrimah Saeed Sabri, 13/7/1998 to date.

Israel kept the Waqf administration as it is in Jerusalem, so that its policy towards Waqf in Jerusalem in terms of form adopted a policy of non-interference, and maintained its administrative and economic independence. But this did not stop the demolitions and confiscations of endowment property, just like what happened to the endowments of the Maghariba and Al-Sharaf neighborhoods. Content-wise, Israel sought to absorb and weaken the Waqf system, deterring it from carrying out its responsibilities⁸⁶. Therefore, it prevented any construction or renovation without obtaining a permit from the relevant Israeli authority. The Waqf institution was unable to enforce legal procedures towards the Waqf system and current users of Waqf properties as it does not recognize Israel's control over Jerusalem, nor does it bring any cases before the Israeli courts. In 1988, an Israeli court of law was established in western Jerusalem, after proceedings were conducted in Jaffa Court in the past.

On February 21, 2001, the affiliation of these courts of law was transferred to the Ministry of Justice in the Israeli government, where the Israeli courts of law have exclusive jurisdiction over the establishment and management of endowments. This jurisdiction came in accordance with Article 52 of the Constitution of Palestine during the British Mandate period⁸⁷.

By establishing alternative organizations, restricting and not recognizing Palestinian institutions, and encouraging Palestinians to turn to Israeli institutions, the occupation did not officially recognize the Jordanian Sharia courts operating in Jerusalem⁸⁸. Some users of Waqf real estate have taken advantage of the inability to enforce Jordanian laws by not adhering to agreements with the Waqf guardians, which has led to the weakening of endowments, decreasing their economic revenues, and transferring rents to the 'Hikr' system⁸⁹. A Hikr is "a long-term lease agreement in which the forestaller allows, with the permission of the guardian, to build on the endowed flats of land. The forestaller has also the right to sell or endow the new construction (without affecting the condition of the original property).

One of the negative effects of this situation is the erosion of the actual rental value on the long term⁹⁰. The system of protected lease contracts, according to Israeli law (Article 10) of the Israeli Tenant Protection Law of 1972 and its amendments, "rent is protected if the property was rented before August 20, 1968, regardless of whether or not an advance

86) Dumper, a previously mentioned source, p. 141.

87) Khaled Zabarka and Hamza Qutteinah, "The Legal System of the Islamic Endowment in the City of Jerusalem," a previously mentioned source, p. 301.

88) Ibid, p. 298.

89) Ibid, p. 200-204.

90) Munir Fakhr Al-Din and Salim Tamari. Endowments and Jerusalem Properties: A Study of Old City Real Estate in the Twentieth Century, Ramallah: The Institute for Palestine Studies; Taawon (Welfare Association), 2018, p. 33.



payment was paid for the leased property. Whereas, the rent is protected after August 20 1968 only if the tenant paid an advance payment to the landlord when he rented the property⁹¹. Settlement societies have taken advantage of this law to confiscate Waqf properties, with the so-called third generation law, where the law links protection to certain generations, starting with the landlord, his wife, then children if any.

After the dying out of the third generation, these endowments are seized by the Israeli settlement associations through the Absentee Property Law, as the Jordanian government, the guardian of the Waqf, is considered absent and the guardians of the family Waqf (Dhurri Waqf) are considered absent as well⁹².

Table No. (3): Settlement-related confiscations by the occupation authorities until 2004 (area in meters)⁹³

Settlement\ ownership type	Privately owned		Guardian of enemy property		Family Waqf (Dhurri Waqf)		Church Waqf		Islamic Waqf		Total	
	#	Area	#	Area	#	Area	#	Area	#	Area	#	Area
Security takeover	3	857	-	-	-	-	-	-	-	-	3	857
Absentee property	31	1073	-	-	-	-	-	-	-	-	1	1073
Guardian of enemy property	3	890	35	5094	-	-	-	-	-	-	38	5984
Other	8	1243	-	-	1	160	4	2706	-	-	13	4109
Confiscated	-	-	-	-	-	-	1	708	-	-	1	708
Confiscated after 1967	24	2081	21	3956	33	5579	4	1934	7	818	87	14368
Total	39	6144	56	9050	34	5739	9	5348	7	818	145	27099

91) Khaled Zabarka and Hamza Qutteinah. "Protected rents of waqf properties: issues and solutions", Editor. The Islamic Endowment in Jerusalem, Jerusalem: The Islamic Supreme Committee, 2018, p. 315.

92) Ibid, p. 319.

93) Fakhr Al-Din and Tamari, Ibid, p. 24.



Waqf issues in the city of Jerusalem are very complex. Although the Israeli government did not recognize the sovereignty of the Jordanian government over the endowments and Sharia courts in Jerusalem prior to the 1994 Israel–Jordan peace treaty (Wadi Araba agreement), Jordanian sovereignty over the West Bank and Jerusalem began during the Nakba. Jordan also retained sovereignty over the holy sites in Jerusalem after settling disputes with the Palestine Liberation Organization (PLO), according to the 1988 disengagement decision taken by King Hussein in 1988, according to which he terminated Jordan’s legal and administrative responsibility towards the West Bank, with the exception of the holy sites, Endowments and its affiliated institutions in Jerusalem.

The disengagement plan between Jordan and the West Bank signed between the Jordanian government and the Palestine Liberation Organization in 1988 states: “In view of the timeless specificity of Jerusalem, the force majeure circumstances surrounding it, and the continued Hashemite role in caring for and protecting its holy sites from any danger and tampering, and for fear of exploiting any void that arises, the Jordanian government, based on the Hashemite religious and historical jurisdiction over the holy places, decides to continue with its administrative and legal responsibility over Endowments, Islamic Affairs, the holy sites, and the Shari’a Judiciary in Jerusalem⁹⁴”.

Israel “respected” the Hashemite jurisdiction over religious sanctities in Jerusalem “pro – forma” in the Wadi Araba agreement signed between Israel and Jordan on October 26, 1994, of which Article (9/2) stipulated: In this regard, and in line with the Washington Declaration, Israel respects the current special role of the Hashemite Kingdom of Jordan in the holy sites in Jerusalem, and when the final status negotiations take place, Israel will give a high priority to the historical Jordanian role in these places.⁹⁵”

The various Israeli colonial policies in Jerusalem worked in two directions:

The first direction: is the economic erosion and loss of the Waqf real estate, and the related problems between the guardians of the Waqf property and its users. The Israeli Tenant Protection Law has led to a low economic return on the endowment real estate, which caused the beneficiaries of these properties to not follow up, and lose communication with Sharia courts, which led to their loss. For example, the Dajani family filed lawsuits against the Zionist settlement associations that tried to establish a religious school on the Waqf land of the Dajani family in Jabal al-Nabi Daoud (Mount of the Prophet Daoud), and the family was able to stop the project, but after the death of the concerned parties within the Dajani family in relation to the Waqf property, the Waqf guardians from the family did not follow up, as they were indifferent to the Waqf due to its economic ineffectiveness, which led to the freezing of the Waqf⁹⁶.

“The records of the Sharia court in Jerusalem, dating back to the Ottoman Caliphate, indicate that there are approximately 1,800 family Waqf (Dhurri Waqf) deeds that

94) Khaled Zabarka and Hamza Quttina. “The Legal System of the Islamic Endowment in the City of Al-Quds Al-Sharif”, *Ibid*, p. 296.

95) *Ibid*.

96) Azzam Tawfiq Abu Al-Saud. “The Family Endowment (Dhurri Waqf) in Occupied Jerusalem from the Perspective of Personal Experiences”, in: Nadia Saad Al-Din (Editing). *Islamic and Christian Endowments in Jerusalem (I) Legal and Humanitarian Dimensions and the Future of Jerusalem*, Jordan: Arab Thought Forum, 2014, p. 91.



are monitored and supervised by at least 1,500 guardians. However, with the passage of time, and the wars and calamities that this country has gone through, the records indicate a decline in the number of Waqf guardians from 1,500 to no more than 70, and the matter becomes even worse if we know that only 15 guardians actually follow up on their endowments with the Sharia court”⁹⁷.

Abu al-Saud describes the value of annual revenues from endowments in Jerusalem provided by the Islamic Endowments Department in Jerusalem: The total income of Islamic endowments in Jerusalem from charitable Waqf (public Waqf) amounted to 936,758 JDs, and the value of debts accumulated by tenants of charitable Waqf (public Waqf) properties amounted to 840,157 JDs, while the value of the annual dues to the Waqf Department in Jerusalem from family endowments (Dhurri Waqf) reached 76,720 JDs, and the debts owed to the family endowments (Dhurri Waqf) amounted to 230,982 JDs, and from the family endowments (Dhurri Waqf) to the Endowments Department 23,098 JDs, i.e. 10% to the Jerusalem Endowments Department in exchange for managing the endowments⁹⁸.

The second direction: the families continued to convert some of their properties inside the Old City into family Waqf (Dhurri Waqf), as part of their vision concerning the future of their properties inside Jerusalem. The goal of many Palestinians is to protect their property and its Arab, Islamic and Christian identity inside Jerusalem, and to prevent their usurpation to Israelis.

The reason for the increase in the number of endowments in Jerusalem after the occupation is due to the Waqf being considered as one of the main ways to strengthen the steadfastness of Arab institutions, and a requirement by a number of donors to register Jerusalem institutions and turn them into endowed institutions. Estimates indicate that the number of endowments (Islamic and Christian) that were registered during the Jordanian period in Jerusalem (1948-1967) amounted to 16 endowments, but increased after the Israeli occupation of Jerusalem (1967-1990) to 90 endowments (one third of which are charitable endowments (public Waqf), and 24 charitable Waqf , and 66 family endowments (Dhurri Waqf))⁹⁹.

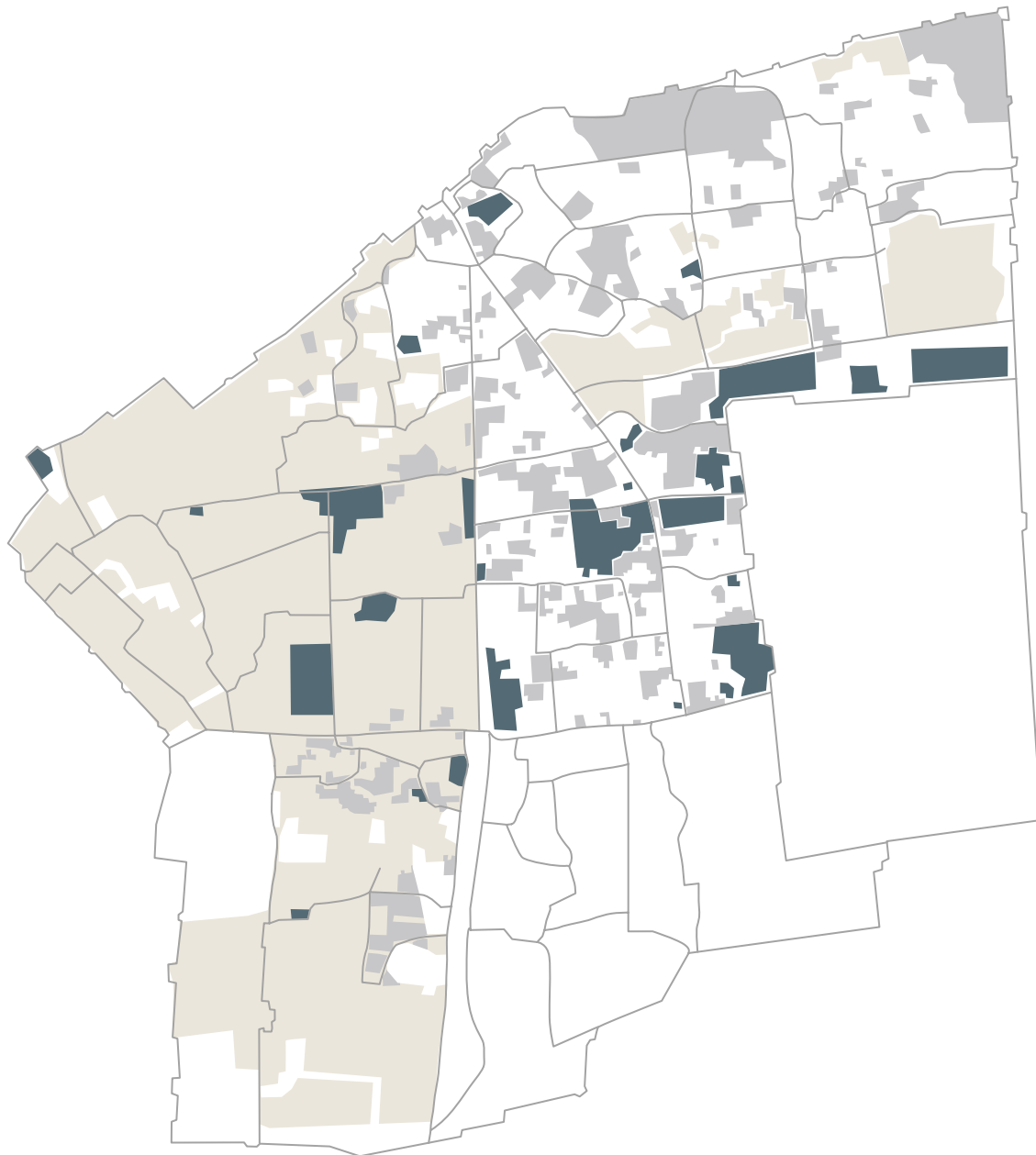
97) Muhammad Sarandah, “The Reality of Family Endowments (Dhurri Waqf) in Jerusalem”, Editors’. The Islamic Endowment in Jerusalem, Jerusalem: The Islamic Supreme Committee, 2018, p. 140.

98) Abu Al-Saud, Ibid, p. 102.

99) Fakhr Al-Din and Salim Tamari, Ibid, p. 37.



Map No. 1: Geographical distribution of endowment plots by type of property¹⁰⁰



■ Family Waqf (Dhurri Waqf) ■ Church Waqf ■ Islamic Waqf

¹⁰⁰) Ibid, p. 66.



The area of distribution of plots of land in the Old City is 526 dunums, of which the Islamic Endowment constitutes 36 dunams (excluding the area of the Haram al-Sharif) at a rate of 7% of the area of the Old City. If we add the area of Al-Haram Al-Sharif of 144 dunams to it, the total area of the Old City will become 670 dunums, of which the Islamic Endowment constitutes 180 dunams (27%) of the area of the Old City. While the area of the Islamic and Christian family Endowment (Dhurri Waqf) amounted to 84 dunums, 13% of the total area of the Old City. This area is with the exception of the Mughrabi neighborhood, which was demolished by the Israeli occupation authorities, and with the exception of the extended Jewish Quarter built on the lands of Al-Sharaf neighborhood confiscated by the Israeli occupation authorities after 1967.¹⁰¹

Table No. (4): Type of use of the Islamic Waqf¹⁰²

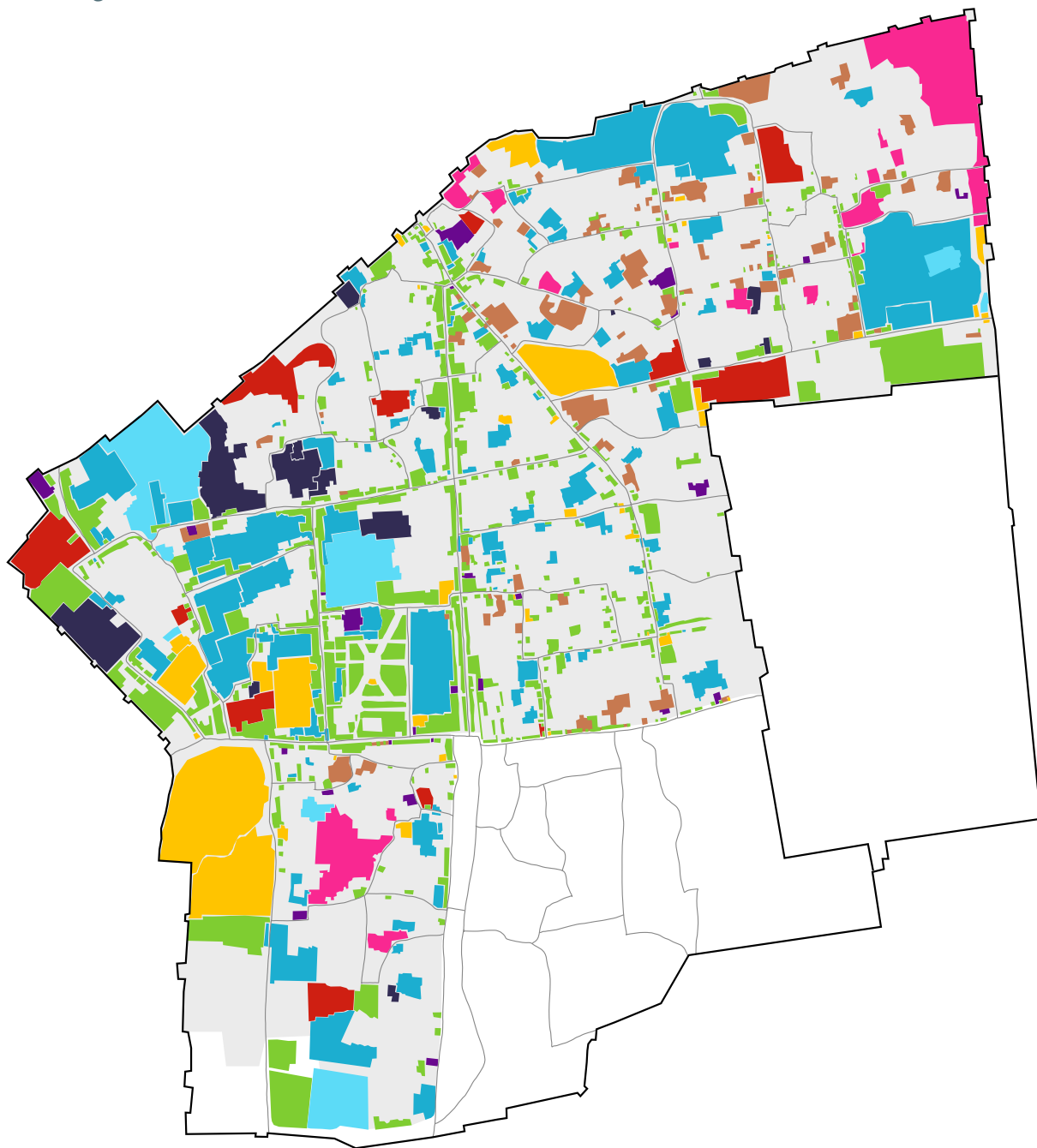
type of use	Waqf type	area in dunams, excluding the Holy Al-Aqsa Mosque area and the Jewish and Moghrabi Quarters
Land	charitable	unknown
	family	12
Commercial	charitable	9
	family	11
public services	charitable	4
	family	unknown
Housing\residence	charitable	14
	family	41
Mosque	charitable	4
	family	unknown
Joint	charitable	1
	family	20
educational institutions	charitable	4
	family	0.4











¹⁰¹⁾ Ibid, p. 65.

¹⁰²⁾ Ibid, p. 84 – 85.



Map No. (2) Geographical distribution of the locations of the blocks according to usage categories¹⁰³



- | | | |
|---|---|--|
|  Joint |  Land |  Unknown |
|  Residence |  Public Services |  Commercial |
|  Christian Institution |  Educational |  Church |
|  Mosque | | |

103) Ibid, p. 82.





The Jordanian Ministry of Endowments and Islamic Affairs and Holy Sanctuaries established the “Islamic Waqf Council in Jerusalem”. The establishment of the Council aims to¹⁰⁴:

1. Preserving the Arab and Islamic identity of the city of Jerusalem.
2. Developing programs and plans related to Islamic endowments and the Holy Al-Aqsa Mosque/Al-Haram Al-Sharif.
3. To manage the religious, administrative and political affairs of Islamic endowments and those of the Holy Al-Aqsa Mosque/Al-Haram Al-Sharif.

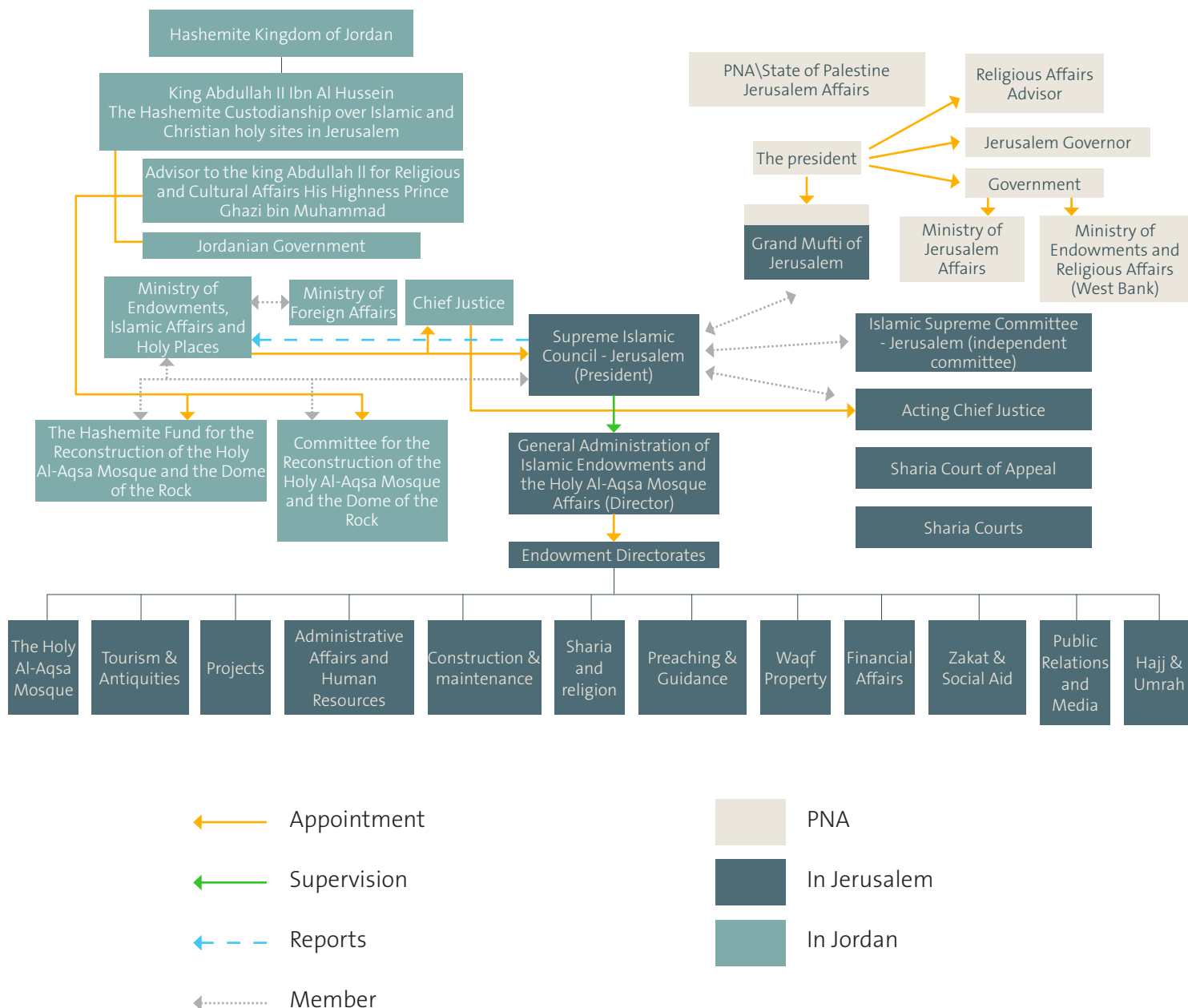
The members of the Council are appointed by the Jordanian Ministry of Endowments, and its membership includes the Mufti of Jerusalem and the Islamic Territories, the Head of the Islamic Supreme Committee, and the Acting Chief Justice of Jerusalem, in addition to the Director General of Islamic Endowments and a number of religious, academic, political and legal personalities. The Council supervises the management of Islamic endowments in general and the Affairs of the Holy Al-Aqsa Mosque, and the latter supervises the various Waqf directorates (see figure below). The figure shows the lack of legal authority of the Palestinian Authority over Waqf affairs in Jerusalem, with the exception of representation in the membership of the Waqf Council through the Mufti of Jerusalem and Palestinian Territories, where the Endowments Council submits

¹⁰⁴ مجلس أوقاف القدس الشريف - وزارة الأوقاف والشؤون والمقدسات الإسلامية (awqaf.gov.jo) : Al-Quds Al-Sharif Waqf Council - Ministry of Endowments, Islamic Affairs and Holy Places (awqaf.gov.jo).



its periodic reports to the Ministry of Endowments, Islamic Affairs and Holy Places in the Jordanian government. The Sharia Court of Appeal and Sharia Courts also report directly to the Chief Justice, who is appointed by the Jordanian Ministry of Endowments. These courts supervise the establishment and management of Islamic endowments.

Figure No. (4): Islamic Endowments and the Affairs of the Holy Al-Aqsa Mosque in Jerusalem 2021¹⁰⁵



105) PASSIA - PUBLICATIONS - Palestinian Heritage in Jerusalem- الأوقاف الإسلامية وشؤون المسجد الأقصى المبارك في القدس 2021 : Islamic Endowments and the Affairs of the Holy Al-Aqsa Mosque in Jerusalem 2021.



4. The significance of endowments in Jerusalem and ways to strengthen them

The aforementioned historical contexts refer to the importance of the Waqf in politically unstable societies, and those that live in a state of settler colonialism, which is the case of Palestine in different historical periods. Many Waqf-related jurisprudences were also issued throughout historical periods that came to reflect the political, social and economic situations in those historical periods.

The Ayyubid period demonstrated the importance of the Waqf and its role in preserving the cultural features and the Arab Islamic identity of Jerusalem after the Crusaders destroyed it, killed and displaced its inhabitants. The goal of the endowments in that period was to restore the Islamic character of the holy city, and promote immigration to it, through the establishment of religious, educational, health and other service institutions as Waqf properties, in addition to endowing many real estates to them to provide financial resources. During the Ottoman period, the type of threat was different. The threat was internal; usually from princes, families, and others. Resorting to endowments, especially family Waqf (Dhurri Waqf), was aimed at protecting private property from the control of rival princes, or other competing families. As for the establishment of Waqf during the British Mandate period, it was aimed at protecting Palestinian land and preventing its transfer to the Zionist movement. Usurpation of real estate, especially land, was widespread in the period preceding the Palestinian Nakba. The Mandate government appointed British officials as heads to governmental institutions concerned with lands, to facilitate the transfer of lands to the Jews.

Therefore, Palestinians lost many legal cases related to “disputes” with Jews over land ownership. During the British Mandate era, the Supreme Islamic Council protected Waqf funds and real estate in Palestine, and used them to impede the sale of land to Jews. The Council used to buy the lands that were threatened with usurpation and sometimes helped the land owners with the costs of legal cases. It also worked to conclude agreements with the residents to convert the lands into a Waqf while preserving the peasants’ right to benefit from these lands, in addition to encouraging the peasants to convert their lands into a family Waqf (Dhurri Waqf) to prevent selling it to Jews¹⁰⁶. Thus, we can say that the political conditions in the Palestinian territories during the Mandate period encouraged the Palestinians to turn their lands into a Waqf, with the help of the Supreme Islamic Council, which was the largest religious and political institution in Palestine at the time. The Supreme Islamic Council, according to Barghouti and Totah, was “the greatest national institution in Palestine, and the third government after the Mandate government and the Jewish Agency¹⁰⁷,” which added a religious and national dimension to this process”.

To cite just one example of the cooperation between the peasants and the Supreme Islamic Council in their attempt to prevent the transfer of land to Jews through the use

106) On the role of the Supreme Islamic Council in resisting the sale of land to the Jews, see the studies of Samih Hammouda, *Ibid*.

107) Barghouti and Totah. *Ibid*.



of the Waqf system:

The Council played a role in defending the lands of Arab al-Zubeidat, known as the lands of Bassuma, located near Shafa Amr, in the Galilee region, which has an area of approximately 4,200 dunams. We have the text of an agreement signed in 1935 CE by individuals from the Arabs of Zubeidat and the people of Shafa Amr and those on behalf of the owners of Khirbet Bassuma on the one hand, and by Mr. Izzat Darwaza, representative of the Islamic Endowments in Palestine on the other hand. After they lost a significant part of their land, in a dispute with the Jewish Land Improvement Company, which is affiliated with the Jewish Agency, they agreed with the Council to sell half of their remaining land to the Islamic Endowments at a price of two hundred and fifty dimes per dunum. The Council, with the required amount, shall appoint lawyers and pay the costs of the cases necessary to preserve what is left for the owners of the land¹⁰⁸.

The same applies to the establishment of family endowments (Dhurri Waqf) during the Israeli occupation of Jerusalem after 1967, as it aimed to preserve property and prevent its usurpation, as was the goal of establishing the Islamic Supreme Committee. This was the same goal of the Jordanian guardianship of Islamic holy sites in Jerusalem, for the sake of filling the legal vacuum and for Waqf property to not be regarded as absentee property.

Various historical experiences point to the purpose of this study in explaining the role and importance of Waqf which is to preserve property in Jerusalem, prevent its usurpation to Israeli colonialism, and maintain the Arab-Islamic heritage and identity in the city, which constitutes a kind of Jihad for the sake of Allah Almighty. The Waqf, with its elements and components, constituted a state of resistance that pose imposing obstacles for the Israeli colonial goals of Judaizing Jerusalem, displacing its Palestinian residents and considering it the unified capital of the Jewish people. Several plans were developed to achieve the Israeli government's vision for Jerusalem, including the 2025 plan and the 2050 plan. These plans agree on the importance of reducing the number of Palestinians in Jerusalem, as well as reducing property owned by Palestinians. The demographic equation of Jerusalem, according to the Israeli vision, is 30% Arabs, and 70% Jews. Israel works to achieve this vision through various means, including creating an unfavorable environment for Palestinians in Jerusalem, and confiscating and buying lands and buildings, regardless of the type of ownership (private, public, or Waqf).

It is worth noting that Israel, as a settler colonial state, aims to control the land and reduce the area owned by Palestinians. Land is a core issue in the settlement project, as it is the core of the conflict. Hence, Israel uses all means and mechanisms to achieve its settlement project, especially in Jerusalem, and thus the protection of property is a central issue subject to the objectives of Israeli policy and its colonial priorities, as Israel is confiscating property regardless of whether it is private, public or Waqf. In the event of a property with a high priority attached to it, it will seek to either control it, or destroy

108) Sameeh Hamouda. "The Role of the Supreme Islamic Council...", *Ibid*, pp. 80-81.



it, as it was the case with many of the confiscated Waqf properties, or in the Mughrabi neighborhood that was destroyed by Israel immediately after the June 1967 war. But at the same time, it is possible to take advantage of the law of the Jordanian Waqf system that is still in place, to try and protect Waqf properties in Jerusalem, and hinder the transfer of their ownership to Israelis, through sales contracts.

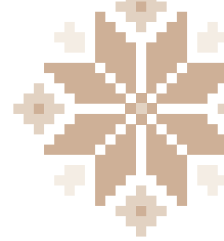
This is due to the nature and characteristics of Waqf properties, mainly family endowments (Dhurri Waqf), which are more immune than charitable endowments (public Waqf), because the latter is easy to absorb and annex to the various state agencies, especially the non-holy endowments (devotional), since Israel considers itself the party responsible for achieving the public benefit, and the guardian of charitable endowments (public Waqf) based on the Israeli Sharia Court. Fakhr Al-Din and Tamari say: “family endowments (Dhurri Waqf), which were established historically to preserve family property from any division and loss, have maintained their importance, and in Palestine, and Jerusalem in particular, their use has increased significantly. The registration of family endowments (Dhurri Waqf) has played a crucial role in responding to the economic and political crises that has ravaged Palestine since the Great War, through the Great Revolution of 1936, the Nakba of 1948, and the Israeli occupation in 1967¹⁰⁹”.

An essential point in the Waqf system is that the Waqf property is not for sale, and the sale is invalidated as soon as the Waqf ownership of the sold property is proven. The Waqf consists of four basic components, namely: first, the endower (Waqif), which is the person who owns the withheld property, as it is one of the basic conditions for transferring the “property” to a Waqf. The condition of ownership of this “property” is thus fulfilled, as Israel often claims that the user does not own the property he is using. Secondly, the endowed property (Mawqouf), which means the property or money that was “withheld” by its owner “the Waqif”. Third, the beneficiaries, which means the parties who benefit from the endowments. This is where the steadfastness of the beneficiaries is strengthened through the financial contribution provided by the Waqf. Fourth, the Waqf deed, which explains the nature of the Waqf and its limits, as well as the beneficiaries of the Waqf and ways to benefit from it, in addition to the relevant conditions and limitations. According to the Waqf laws, the Waqf argument is binding with all its components, as they say, “the Waqif is like a legislator,” meaning the commitment to the Waqf deed is a legal obligation that is not subject to change or alteration.

The last component of the Waqf “the Waqf deed” works to transform the Waqf into a legal personality, and the legal personality is represented by the separation of the Waqf from the Waqif as soon as it is converted into Waqf. The Waqif does not have the right to go back down on the Waqf, and for this, the Waqf can’t be sold nor bought, and remains a legal personality with administrative and financial independence. Administrative independence is represented by the commitment to the Waqf deed, and economic independence is represented by the commitment to how the Waqf revenues are distributed. Juma’a Al-Zariqi says: “Each Waqf has its own statute as a legal person,

¹⁰⁹) Fakhr Al-Din and Tamari, *Ibid*, p. 47.





and this stems from the Waqf's deed. It often stipulates how to disburse benefits to the beneficiaries. It defines them, clarifies their entitlements, and sets the conditions for its Waqf.

The Waqif is not restricted in the Waqf system, which he establishes, except by not setting conditions that contradict the provisions of the Waqf in the Islamic law and Sharia¹¹⁰.

In addition to the above, there are several laws that regulate the Waqf internally. These laws mainly aim to protect and maintain the Waqf and achieve the goal of its establishment¹¹¹. For example, with regards to defining the powers of the guardian of family or charitable Waqf, in Islamic Sharia, the Sharia judge supervises the guardian of the family Waqf (Dhurri Waqf), and here Sheikh Ikrima Sabri mentions in his study that the Sharia judge is more powerful and has greater authority than the guardian. The judge also has the right to dismiss the guardian in case of misconduct and treachery. Leasing Islamic endowments to the enemy is considered treason in which the lease contracts are rendered invalid.

Supervision of the powers also include a decision from the Sharia judge if the guardian of the Waqf property wishes to replace the Waqf, this also applies to lease contracts. Lease contracts can be regulated to prevent entering into long-term lease contracts in a way that erodes the economic returns of Waqf properties. For example, with regards to lease term, which can be renewable with the consent of both parties, Ikrima Sabri proposes¹¹²:

- One-year lease for houses and shops.
- Three-year lease for villages and agricultural land.
- A long-term lease for real estate, that is bound to conditions, if the tenant decides to rebuild, while taking into consideration the cost of construction during the lease term.

The usurpation of real estate and property in Jerusalem is an essential issue in the process of Judaizing the city and reducing the Palestinian presence in it. The process of usurping property is not the same as confiscation, here the process of Judaization and expulsion of Palestinians is given legal legitimacy, so that Palestinian property is legally transferred to the Israelis by means of sale and purchase¹¹³. The Israelis have several ways to pressure the Palestinians into selling their property, perhaps the most important of which is the use of hidden means, such as the use of Palestinian brokers, who buy real estate for the benefit of Israeli institutions and individuals and use tempting amounts of money to buy real estate of low real value, such as buying an uninhabitable house-not suitable for any investment -for millions of dollars.

110) Juma Al Zuraiqi. "The Legislative System of the Waqf System in the Maghreb Countries", Ghanem (Editor). *The Waqf System and Civil Society in the Arab World...*, Ibid, p. 156.

111) See: Ikrima Sabri. *Islamic endowment between theory and practice*. Jordan: Dar Al-Nafais for Publishing and Distribution, 2011.

112) Ibid, p. 299.

113) Although international law prohibits the transfer of property to the colonial party.



The third way is to implicate the Palestinians in issues that violate the law, especially drug trafficking and abuse, and so on¹¹⁴.

Attempts to usurp property began in East Jerusalem since the beginning of its occupation in 1967. Several mechanisms were used to achieve this, including direct purchase from property owners, as well as through confiscation by the Absentee Property Law, and multiple fraud operations.

According to the “Quds” website, the settler Zionist associations have adopted a new method since the 1990s, as follows¹¹⁵:

- Contracting with a number of Palestinian brokers, originally associated with the occupation’s intelligence services, to facilitate the seizure of property in the occupied city, without being subjected to any legal requirements by the owners of those properties who are deluded that the buyer is a Palestinian investor from outside the country. The owners are also given names of fictitious companies owned by fictitious businessmen.
- Forging property papers, using intimidation, kidnapping and threatening, and having members of the right-wing settler organizations identify members of targeted families and persuading them to cooperate in order to sell targeted properties.
- Operations that take place through the support of the National Fund to seize lands or real estate. The National Fund declares a property as absentee property, after hiring Arab brokers to falsely testify that the owners of the targeted property are not in Jerusalem, then the Fund transfers the property to settlement associations.
- Seizing property using security companies to break into homes, after forging documents and terrorizing their owners, in addition to claims to carry out excavations to look for ancient Jewish archaeological remains.

However, despite all the attempts and methods mentioned above, the Palestinians in Jerusalem are still clinging to their land and refusing to sell their homes to settlers, and it is estimated that the process of usurping property of homes in the Old City of Jerusalem did not exceed 1%.

With regard to confiscation operations targeting Waqf properties and real estate, Munir Fakhr Al-Din and Salim Tamari mentioned three procedures used by the Israeli colonial authority in confiscations¹¹⁶:

1. Confiscation of endowed lands by declaring that the area on which it was built, is of security importance for military purposes.
2. Declaring the properties as abandoned properties, because the custodian or the guardian or the family that owns them have become “absentees” according to the Israeli definitions.

114) تسريب العقارات في القدس ... عمليات بيع تلتهم المدينة ولا عقاب للجنة - شبكة قدس الإخبارية (qudsn.net).

115) Ibid.

116) Fakhr Al-Din and Tamari, Ibid, p. 38



Declaring the endowed lands as “Miri” lands, and considering their subsequent registration as invalid Waqf.

The confiscation of property by considering it as “abandoned”, constitutes a great danger, as the general custodian (the Israeli Central Court) took control of a plot of about one dunum called “Hakourat al-Sabra”, owned by the Nusseibeh family in the Old City of Jerusalem, and was endowed for the benefit of the “Dome of the Rock” Waqf.” The Nusseibeh family is still trying to restore guardianship over “Hakourat al-Sabra,” but each time the court rejects the appeal¹¹⁷. The “Absentees’ Property” law also poses a high risk, as Waqf properties and real estate will be confiscated if there is a proof that the Waqf guardians are not residing in the Holy City. Through this law, many Waqf properties in occupied Palestine were confiscated in 1948. The Israeli government applies this law in the West Bank and Jerusalem after its occupation in 1967. Article I of the Absentee Property Law defines an absentee as a person or group of persons, who was\were the legal owner\s of a property situated in Israel, or enjoyed it or held it, whether by himself or through another, at any time during the period between 29 November 1947 - 19 May 1948¹¹⁸. It is from this logic that the idea of the “Jerusalem Land Settlement Project (2018-2025)” Israeli Government Resolution 3790, emerged. According to the Situation Assessment paper issued by the Palestinian Center for Israeli Studies¹¹⁹, the decision was titled “Reducing social and economic gaps and improving the economy in East Jerusalem.”

Among its most important clauses, is the “land planning and registration” clause. According to the same situation assessment paper, Israel claims, taking this resolution at face value, “that the settlement of East Jerusalem lands would: increase the income of the Israeli occupation municipality in Jerusalem by hundreds of millions of shekels, increase the income of Jerusalemites, who will be able to benefit from the settlement, and allocate about 550,000 square meters of construction for industrial zones that will accommodate a Palestinian workforce. But at the core of the decision, the settlement can be used, effectively and irrevocably, to advance the settler-colonial project that will expropriate vast lands from East Jerusalem and officially register them as state or Jewish property¹²⁰.

The significance of the Waqf, and in particular the family Waqf (Dhurri Waqf), is critical in deterring the usurpation of property to Jews, but the main issue here, is not only in converting property into family Waqf (Dhurri Waqf), but also, investing in these endowments with the aim of strengthening the Palestinian presence in Jerusalem. The struggle over Jerusalem is not limited to the protection of Palestinian property, although it constitutes the basis for this struggle, but also includes resisting the Judaization and

117) Resolution 88/ 1774 Salim Nusseibeh et al. v. The General Guardian (Central Court). & Resolution 93/ 5141 Salim Khaled Nusseibeh v. The General Guardian (Supreme Court) (two unpublished documents).

118) Khaled Zabarka and Hamza Qutteinah. “The Danger of Going to the Israeli Courts in Disputes Related to Islamic Endowments”, researchers: The Legitimate and Legal Rights of Jerusalem Endowments, Jerusalem: The Islamic Supreme Committee, 2020, pp. 257-258.

119) 3790 قرار الحكومة الإسرائيلية (2018-2025) مشروع تسوية أراضي القدس (2018-2025) قرار الحكومة الإسرائيلية (2018-2025) Israeli Government Resolution 3790. (madarcenter.org) / Madar - Jerusalem Land Settlement Project (2018-2025) Israeli Government Resolution 3790.

120) Ibid.



Israelization of the holy city. That is why it is important to strengthen the Waqf in order to achieve two goals, protection of property, and resistance to Judaization and Israelization attempts.

Since it is an ongoing charity, investment in Waqf properties constitutes the basis of the Waqf system. Investing in Waqf properties sustains the revenues, which creates a sustainable charity. The Islamic Fiqh Academy has defined the process of investing in a Waqf, as “the expansion of Waqf funds (assets or proceeds), by means of investment that are permissible by Sharia”¹²¹. It is possible here to distinguish between two types of endowments, (1) current endowments, and (2) what is currently being converted into endowments.

Israel has enacted some laws that diminish the benefit from endowments, by applying the Hikr system to Waqf rents. The Israeli law “prevents an increase in the rent allowance on the property if it has been rented before 1967, and it prohibits changing the lease contract or evacuating the property to raise the rent”¹²². Another aspect is the erosion of Waqf properties, as these properties are not subject to continuous maintenance and restoration, which affects their physical structure, and the reason for this is the lack of funds as a result of the dwindling Waqf revenues. This is also because Israel prevents all maintenance and restoration processes without obtaining an official permit from the Israeli occupation municipality in Jerusalem, as these properties are historical buildings, and restoration and maintenance must be subject to special determinants related to preserving the heritage characteristics of the property.

If Waqf properties remain without maintenance or restoration, their collapse and subsequent loss will be inevitable, which is what the Israeli government aims at in the long run. Therefore, work must be done to improve the Waqf system and take measures to maintain and protect it. Legal means may be ineffective in this regard, as they are subject to Israeli interferences that work against achieving that. Hence comes the role of community and families. It is critical to form committees that work at the community, national and tribal level to create dialogue and discussion with the tenants of Waqf properties. These discussions aim to protect Waqf properties through their restoration and maintenance, and improve the value of Waqf rents that are spent on the continuous improvement of these properties, and improve the living conditions of the tenants, which would strengthen their presence and survival in Jerusalem.

As for property owners who wish to convert their property into endowments, it is necessary to form specialized committees that include specialists in jurisprudence, economics and sociology, to be able to work on formulating the Waqf deed in a way that guarantees and facilitates the development and investment in the Waqf. The investment process increases the income and revenues of Waqf properties, which leads to improved incomes for its beneficiaries. This does not mean a departure from or a transgression of

121) Fadwa Alawia. “The Family Endowment (Dhurri Waqf) and its Contemporary Applications: A Comparative Jurisprudence Study” (Master’s thesis submitted to complete the requirements for a PhD degree in the field of Jurisprudence and its Fundamentals at the International University of Islamic Sciences, 2011, unpublished), p. 278.

122) Michael Dumper. “Jewish Settlements in Old Jerusalem”. *Journal of Palestine Studies*, Volume 2, Volume 8 (Autumn 1991).



the legal and jurisprudential status of the Waqf. Rather, the transfer of Waqf properties is part of the economic investment of real estate owners. The main reason for converting properties into endowments is the colonial state that Palestine lives under, where colonial policies intensify in Jerusalem, calling for the need to protect property and prevent selling it to Jews.

The Palestinian national-religious vision of the Waqf system must not only include protecting property, but also, strengthening the presence of Palestinians in Jerusalem, and safeguarding its Palestinian national identity. This may be through an investment system in Waqf properties that include construction projects on Waqf lands, as well as converting some of those Waqf properties to markets that provide shopping services that meet the needs of the Palestinians, as well as entertainment facilities to act as outlets for Palestinians, or turn them into cafes or restaurants ... or others.

Achieving this vision must be subject to Palestinian planning that corresponds to the national interest in protecting property and strengthening the Palestinian national identity on the one hand, and on the other hand, enhances endowment revenues for the benefit of endowment beneficiaries, especially family Waqf (Dhurri Waqf), and encourages the registration of properties in Jerusalem and their conversion into Waqf in order to avoid usurpation and sale to settlers.



CONCLUSION

Islamic endowments were established throughout history to benefit Islamic societies in accordance with the provisions of Islamic Sharia. The Islamic endowments have played a major role in preserving Islamic sanctities in Jerusalem, and the Islamic, Arab and Palestinian heritage and identity of the holy city. Many of the family (Dhurri) and charitable (public) endowments established in Jerusalem sought to achieve this goal. Currently, Jerusalem is in dire need of endowments in order to resist the colonial and Zionist settlement projects in Jerusalem. The endowment system, in its internal structure, works to protect Islamic properties and real estate, as well as preserve the Islamic heritage and identity in Jerusalem. Israel has sought, through several means, to facilitate the transfer of real estate and land to Jewish organizations, one of these means, is limiting the establishment of endowments, and preventing the conversion of property to Waqf properties.

Resisting settlement projects, and Judaization and Israelization policies, is not only achieved through the conversion of real estate into Waqf properties, but also by strengthening the Palestinian presence in Jerusalem. The formation of identity arises from the nature of the relationship between man and place. The identity of a place stems from the identity of the people and their daily life, and this is what is happening inside Jerusalem. Restrictions, and limiting the access or use of properties and markets by Palestinians in Jerusalem, led to the migration of most of these shops outside the Old City of Jerusalem, which in turn, led to a decrease in the Palestinian presence in the Old City. This facilitates the Israelization and Judaization policies, despite the fact that the ownership of these properties belongs to Palestinian residents.

To limit the Judaization and Israelization measures, the Palestinians must be creative in finding ways and means not only to maintain Palestinian ownership of property, but also to increase the Palestinian presence in Jerusalem. This comes through the formulation of Waqf deeds that enhance investment programs in Waqf lands through housing projects for Palestinians to affirm their presence, and in a way, provide services to contribute to their effectiveness in the daily life of Jerusalem. The experience of Sultan Salah al-Din al-Ayyubi in providing health, educational and religious services can serve as an example worthy of study and emulation.



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