

Fields Of Legal Endowment In Islamic History And Civilization A Descriptive Historical Study

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Abstract

This research aims to explain the fields of the legal endowment in Islamic history and civilization, and how these fields expanded from the era of the Prophet hood until our present time, and to explain the reason for this expansion and its benefit, and the main research problem in the case of the endowment in Islamic history and its development, and the reason for its expansion throughout history from the era of the honorable companions until the modern era.

The researcher followed the analytical inductive method, so he read the history books and extracted what is related to the endowment, especially with regard to the fields of the endowment and the people working in it, then analyzed the reason for the expansion and indicated the importance of this expansion in serving Islamic law and its purposes. This research led to several results, the most prominent of which are: A project with its origin in Islamic law, and that it is one of the best alms, and that the companions and those after them cared greatly in having endowments for them to benefit from their reward after death, and that the successor of this nation followed what was on its predecessor in the continuity of the endowment and urging it, as well as the fields of endowment expanded in Islamic history until Al Waqf included new areas in almost every era.

Keywords: Endowment, Fields, Prophetic Era, Development, Diligence.

Introduction:

Charities represent a way to console the poor, and the endowment is considered one of the best alms because its fruit is continuous, social solidarity through the endowment was one of the important solutions to meet the needs of the poor, needy people , and other Muslims throughout Islamic history, the legislation of the endowment came in Islamic law and was not preceded in pre-Islamic times. Muslims competed in the fields of endowments, until it was reported that more than eighty companions endowed many endowments, and then the people of goodness and righteousness competed them after that , because of what that includes in meeting the needs of the poor, needy people , and the wayfarer, and the frequent work of the righteous through the endowment to this day.

Research Importance: The importance of this research lies in the following:

1. The importance of Al Waqf in Islamic law.
2. The importance of solidarity between the classes of Islamic society.
3. Enhancing confidence in the endowment as one of the remaining works after life.
- 4- Reviewing the fields of Waqf in Islamic history, and open new horizons.

Research objectives: This research aims to show the following:

- The importance of Waqf in Islamic law.
- The continuity of Al Waqf throughout Islamic history.
- The interest of Muslims throughout history in social solidarity in general and the endowment in particular.
- Reasons for the expansion of Muslims in the fields of Waqf.

The research problem and its questions: The main research problem in Al Waqf state in Islamic history and the reason for its expansion throughout history from the era of the honorable companions until the modern era, and the research questions arising from this problem can be formulated as follows:

1. What is the importance of Waqf in Islamic law?

2. Was Waqf described as continuity in Islamic history?
3. Have Muslims, throughout history, paid attention to social solidarity in general and Waqf in particular?
4. What are the reasons for the expansion of Muslims in the fields of Waqf?

Research Methodology: In this paper, the researcher will follow the two approaches: inductive and analytical approaches, so the researcher reads history books and extracts what is related to Waqf from them, then analyzes the reason for the expansion, and shows the importance of this expansion in the service of Islamic law and its purposes, and hopes for the possibility of benefiting from Waqf in new fields.

Research Structure: This research is presented in an introduction, four topics and a conclusion:

Topic one : defining Waqf and explaining its legitimacy.

Topic two : the fields of Waqf during the Prophet's era.

Topic three: the development and expansion of the endowment fields after the Prophet's era.

Topic four : the reasons for the development and expansion of the fields of Waqf throughout history.

Conclusion: it contains the results and recommendations.

TOPIC ONE

Defining Al Waqf and explaining its legitimacy

In this topic, we will address the definition of Waqf in language and terminology, and then we will show its legitimacy in Islamic law. Accordingly, this topic will consist of two requirements:

Requirement One : definition of Waqf in language and terminology:

The origin of Waqf in the language: imprisonment and prevention, it is said: stopping the animal, if it is imprisoned and prevented from walking¹.

¹ See: Al-Maghrib fi Tartib Al-Mu`arab (٣٦٦/٢), Taj Al-Arous (٥٢٣/١٥).

And in the terminology: “imprisoning the origin and making the benefit possible², Al-Shawkani said: “The truth is that Al Waqf is one of the acts of worship that may not be revoked after it has been done, neither for the one who is endower, nor for anyone else³.

Requirement two : the legality of Al Waqf and the texts indicating it:

It is possible to deduce the legitimacy of Al Waqf with several evidences: general and specific. Among the general ones is every text that urges doing good, or spending in general, such as the Almighty’s saying: (And what they do of good, they will not be denied it; and God knows those of prudent fear.(Al Imran;115). The Almighty says: (and do good that you might be successful. [Al-Hajj: 77] And his saying also(O you who believe, spend from the goodness of what you have earned [Al -Baqarah: 267], so Al Waqf is a face of spending, and spending is a face of goodness and righteousness in the Sharia, so the previous public texts and others bear witness to the legality of Al Waqf in general.

As for the specific texts that indicate the legitimacy of Al Waqf , they are also many, including the saying of the Prophet, (PBUH), from the hadith of Abu Hurairah, may God be pleased with him: “When a person dies, his deeds cease from him, except for three: ongoing charity, or knowledge that benefits from it, or a righteous son, prays for him⁴, and Al Waqf is what is meant by ongoing charity, so Al Waqf and charity are between them in general and specific, as Al Waqf is called one of the aspects of charity, and it is the one that the owner imprisons of the origin and its benefit takes place in a specific way.

Among them is the hadith of the first Waqf in Islam, and is Waqf of Umar ibn al-Khattab, may God be pleased with him, who had acquired land in Khaybar, so he came to the Prophet, (PBUH), asking him to order it. He said: “If you wish, you can keep its origin and give it in charity.⁵

² Lexicon of the Sciences in Limits and Drawings (55/1), and see: Definitions (253/1)

³ Neel Al-Awtar, by Al-Shawkani, (30/6).

⁴ Reported by Muslim in his Sahih (1255/3), No. (1631).

⁵ Al-Bukhari included it in his Sahih (198/3), No. (2737), and Muslim in his Sahih (1255/3), No. (1632).

And we can deduce the unanimity that was transmitted by more than one, and Al-Shafi'i referred to him, as he was quoted in Mughni Al-Muhtaj: "And Al-Shafi'i, may God Almighty be pleased with him, said in the past : It reached me that eighty companions of the Ansar gave alms in forbidden alms, and Al-Shafi'i calls Al Awqaf the forbidden alms.⁶

TOPIC TWO

The fields of Al Waqf during the Prophet's era

The fields of Waqf mean; The things on which Waqf took place, whether it was a mosque, a school, orphans...etc., and whoever follows these fields will find that there is a great expansion in them, in this topic, we will start with the fields of Al Waqf during the Prophet's era, and then in the next topic, with the fields of Al Waqf after his era, (PBUH), among them:.

Land Waqf for mosques: This is one of the first Waqf in the Sharia, and it was presented with us that the Prophet, (PBUH), when he came to Madinah , and ordered the building of the mosque, and that the Banu al-Najjar endowed the land as a mosque⁷.

Waqf for the covering of the Kaaba: from Habib bin Abi Thabit, he said: "The Prophet, (PBUH), clothed the Kaaba, and Abu Bakr and Umar, may God be pleased with them, clothed it" ()⁸, and Al Waqf continued on the covering of the Kaaba to this day, and those who endowed it are many, including: Ibn al-Tankaziyah Salih bin Mohammed Bin Qalawun, the good king ()⁹.

Waqf for needy wayfarers: It was reported: "The Messenger of God, (PBUH), sent to the people of Fadak, in his departure from Khaybar, Muhaisah bin Masoud Al-Ansari, inviting them to Islam, and their leader was a man from among them, called Yoshaa bin Nun the Jew, so they

⁶ Mughni Al Muhtaj Limarefat Maeani Al Minhaj , (523/3), and the transfer of the Tirmidhi consensus, Sunan al-Tirmidhi (53/3), and al-Qurtubi, Tafsir al-Qurtubi (339/6), and the choice to justify the chosen one (40/3, 41).

⁷ Al-Bukhari included it in his Sahih (20/3) No. (1868), and Muslim (373/1) No. (524) and Lafith for Bukhari.

⁸ Akhbar Makkah by Al-Azraqi (253/1).

⁹ Look: the pearls hidden in the notables of the eighth century (361/2).

reconciled with the Messenger of God, (PBUH), On half of the land with its soil, and it was said that from them, and half of Fadak was purely for the Messenger of God, (PBUH), , because the Muslims did not reproach him with misers or riders, and he used to spend what came from it to the wayfarers.¹⁰

Waqf for children and family: Among that is what was mentioned of Anas: "He endowed a house in Medina, so if he performed Hajj, he would pass through Medina and stop at his house"¹¹, and similar to what Al-Hamidi mentioned, he said: "Abu Bakr Al-Siddiq, may God be pleased with him, gave alms in his house in Makkah to his son, for it is to this day, Umar ibn al-Khattab, may God be pleased with him, gave alms to his quarter at al-Marwah, and to al-Thaniyya to his son, which is to this day. Ali ibn Abi Talib, may God be pleased with him, gave alms to his land in Yanbu, and it is to this day, and al-Zubayr ibn al-Awwam, may God be pleased with him, gave alms to his house in Makkah in Haramiya, and his house in Egypt, and his money is in Medina for his son, and that is until today, and Saad bin Abi Waqqas, may God be pleased with him, gave alms in his house in Medina and his house in Egypt to his son."¹²

Waqf of water and wells: We presented Waqf of Othman bin Affan, may God be pleased with him, the well of Rumah, including: "Abu Al-Walid said: Al Yaqoota in Mina was dug by Abu Bakr Al-Siddiq, may God be pleased with him, during his caliphate, so Al-Hajjaj bin Yousif made it after the killing of Ibn Al-Zubayr, and made and sealed it, and the well of Omar bin Othman bin Affan, which is in Mina in Shaab Al Amru, and the well of partners in Ajyad for Bani Makhzum"¹³.

TOPIC THREE

The development and expansion of the fields of Waqf after the Prophet's era and the era of the honorable companions.

¹⁰ Futouh al-Buldan (38/1).

¹¹ Sunan Al-Bayhaqi (161/6) No. (11681).

¹² The Great Sunnahs of Al-Bayhaqi (266/6) No. (11900).

¹³ Akhbar Makkah by Al-Azraqi (224/2).

After the reign of the Prophet, (PBUH), a huge expansion occurred in the fields of Waqf, and I collected them all in one topic. There is no need to separate them, and the most prominent of what was reported to us:

Waqf of the houses for worship: Waqf of the houses for worship was famous. Al-Dhahabi mentioned: "And Ibn Ataa - meaning Al-Hujaimi Ahmed bin Ataa Al-Basri - had set himself up for a professorship, and he endowed a house in Belhajim for the worshipers and those who wanted to tell about them. Ibn Al-Arabi said: I think it was the first house that endowed in Basra for worship."¹⁴

Waqf of khans in the roads for the wayfarers: and there were found in history those who endowed a house, and some of them called it the guest house, and it was intended for strangers from the wayfarers, from which they were given what to eat, wear, and provide for their trips to their countries¹⁵.

Waqf of the houses for the elderly: It is close to the above, Waqf of the houses for the elderly, so enter it those who have reached the stage of old age from the weak who have no breadwinners, and they are paid salaries sufficient for them¹⁶.

Waqf of the palaces on the way to Mecca: for the pilgrims to rest in, including what al-Tabari mentioned that al-Mahdi ordered the construction of palaces on the road to Mecca, wide and large, for the pilgrims and pilgrims to rest during their travels¹⁷.

A special Waqf for the people of literature: Al-Hafid Al-Mazi mentioned that Maslama bin Abd al-Malik bin Marwan bin al-Hakam "used to say:

¹⁴ Sir A'lam al-Nubala' (408/9), the investigator said to Sir: Belhajim: The origin is "Bani al-Hajim," and therefore the Kasra in the mem must not be accompanied by al-Tanween, and it is a locality in Basra that was inhabited by the Banu al-Hajim, and they are a clan of Arabs who are attributed to al-Hajim bin Amr ibn Tamim bin Mir bin Ad, so it was attributed to them.

¹⁵ See: The Journey of Ibn Battuta (330/1), and see: The History of al-Tabari or the History of the Messengers and Kings (69/4).

¹⁶ Al-Musnad Al-Sahih Al-Hassan in the works and virtues of Maulana Abi Al-Hassan, (427).

¹⁷ See: The History of al-Tabari or The History of the Messengers and Kings (561/4).

Two feathers are visible: clothes and eloquence, and it was said: He bequeathed a third of his money to the people of literature, and he said: It is an industry whose people are ignorant”¹⁸, and I think he was the first to endow the people of literature..

Waqf on the benefits of Medina: Al-Baladhuri mentioned that Musa Al-Hadi Ibn Al-Mahdi “bought a land called Rostamabad, and he endowed it over the interests of Medina”¹⁹.

Waqf for a bookcase, and the flow of giving to its workers: Mohammed bin Abdul Razzaq Kard Ali was transferred; What Harun al-Rashid did was not known before his reign, as the books were collected in a treasury and called the House of Wisdom or the House of Knowledge. The House of Wisdom was more like a university in which there was a house of books where men gathered to discuss, read and copy, and the affairs of those houses were directed by those whose reason, honesty and work the caliph trusted²⁰.

Waqf of hospitals: And from, what Al-Suyuti transmitted from Al-Khatib: that Ahmed Ibn Tulun built Al Maristan - the hospital - and spent sixty thousand dinars on it²¹.

A hospital for the insane: Among the hospitals that were endowed were hospitals for the insane to protect them, treat them, and protect society from potential harm from them. Ibn Jubair mentioned in his journey about the works of Sultan Salah al-Din: Among the glories of this Sultan we also witnessed; Al-Maristan, which is in the city of Cairo, and it is one of the elegant and spacious palaces, the most prominent of which is for this virtue to be rented and reckoned with, and there is a spacious place in the courtyard in which there are palaces with iron windows, prisons were taken for the insane, and they also have someone who inspects their conditions every day, and meets them with what is suitable for them.²²

¹⁸ Tahtheeb Al Kamal in the names of men (564/27).

¹⁹ Futouh al-Buldan (315/1).

²⁰ See: Plans of Sham (185/6).

²¹ See: Hasan al-Muhadharah fi Tarekh Misr and Cairo (247/2).

²² See: The Journey of Ibn Jubair (26/1).

Waqf of a scientific library: Shihab al-Din al-Hamawi mentioned that Abul-Qasim Jaafar bin Muhammad bin Hamdan “had a house of knowledge in his country, in which he made a bookcase of all sciences as **Waqf** for every seeker of knowledge, and he does not prevent anyone from entering it if a stranger comes to it seeking literature, even if he is in difficult condition, he gave him paper and paper”²³.

Cemetery Waqf: Al-Dhahabi mentioned that Khatlab Al-Tabnini endowed a cemetery and was buried in it, and he endowed it from his money²⁴.

A school of medicine: It is common in history to endow medical schools, so that those who can treat Muslims and meet their needs, and from it what al-Dhahabi transmitted, and he said: Abd al-Rahim bin Ali bin Hamid, Sheikh Mohdhab al-Din, the doctor, known as al-Dakhwar, endowed his house in ancient Saqa area as a school of medicine²⁵.

Waqf of dams: Al-Zarkali said: Mohammed bin Al-Hassan, from the sons of Rasool ; He was one of the most perfect in morals, and set an example with his strength. He has architectural monuments in Yemen, including: a dam in the village of Qurfa²⁶.

Waqf office for Muslims orphans to read the Book of God: Al-Maqrizi mentioned: that Prince Al-Tawashi Saad Al-Din Bashir Al-Jamdar asked permission from Sultan Al-Malik Al-Nasir Hassan bin Muhammad bin Qalawun to build the mosque, and he was particularly fond of him, so he arranged a Qur'an in it and made him a reader, and established him at the door of Al-Qibli Mosque a store to supply fresh water every day, and above it he built an office for Muslim orphans to read the Holy Book of God²⁷.

Al Waqf for the oil of the Prophet's Chamber: It is one of the nice endowments that have a faith meaning related to the love of the Prophet, (PBUH). The endowment on the oil of the Prophet's Chamber,

²³ Lexicon of Writers or Guiding the Arib to Know the Writer (794/2).

²⁴ See: History of Islam (173/14).

²⁵ See: History of Islam (862/13).

²⁶ See: Al-Alam by Al-Zarkali (86/6).

²⁷ See: Sermons and consideration by mentioning plans and effects (56/4).

for its owner the best prayer and complete delivery, was reported by Ibn Badran, he said: It was established by Shihab al-Din Ahmed bin Abd al-Khaliq, he endowed a third of the hall on the oil that is lit in the Prophet's chamber, and the second third is on his wife, and the remaining third is on his nephew²⁸.

Waqf on animals and birds: Al-Sakhawiy mentioned: Barkoot Shihab al-Din is Ateeq Sa'id al-Makini al-Yamani, our sheikh said in his news: Among his works in the path of Anas a basin for animals, may God have mercy on him.²⁹

Al Waqf for the Roman Catholic Poor and the House of the Armenian Poor: Kamel bin Hussein Al-Ghazi mentioned in the endowments of the city of Aleppo: "Muhammad Ali Agha bin Al-Sayyid Muhammad Taher Agha Ibn Salih Agha Alekan endowed it; a house in the locality of Al-Maji at the Gate of the Clock, number 12 in the property book, Qibla gate, and to the east, the Roman Catholic Poor Endowment House and the Armenian Catholic Poor House, and to the north a house for its people, and to the west as well, its history is Shawwal 24, 1300 AH.³⁰

Waqf on wedding appetizers for women: Among these endowments is what Al-Jawhara bint Faisal bin Turki Al Saud allocated, which is an endowment for the bride's adornment, represented by providing a dress and some golden pieces for wedding appetizers, then this endowment was limited to cosmetics such as henna, perfume, Derm, and others³¹.

Waqf for the honey week: The author of "Bugait Al Anfas Bimahasin of Fez" recounted that an endowment in the city of Fez is devoted to the maintenance of a mortgage house pointing to the grooms to spend the honey week in it, this house was demolished in 1903 AD, and there is a house endowed with its bedding and furniture for those who

²⁸ See: Munadamat al-Attal wa Musamra al-Khayal (96/1).

²⁹ See: The Bright Light of the People of the Ninth Century (15/3).

³⁰ Nahr al-Dahab in the history of Aleppo (124-132/3).

³¹ See: Famous Women from Najd by Dalal Bint Mukhalled Al-Harbi (p. 22) via A'lam Al-Waqif (875), and see: Ibn Battuta's Journey (331/1).

want to implement wedding banquets who do not find a place to celebrate³².

Al Waqf for the circumcision of the children of the poor: It was narrated that Aziza bint Abi al-Abbas Ahmed bin Muhammad bin Othman Dai (Aziza Uthmana) endowed on the circumcision of the children of the poor and their clothing on the day of Ashura every year³³.

Waqf for widow women: The widow women are those whose husbands died, and endowments were endowed for them, and what was allocated to them was what Fatima did - and she is called Stita, Bint Nasir al-Din Muhammad ibn al-Shihab Ahmad, known as al-Musaykinah - as she endowed Ribat in Ajaid Al Kabeer for the widow women who came to Makkah³⁴

Waqf of utensils or dishes : One of the beautiful and kind endowments is what Ibn Battuta mentioned: "Waqf of utensils or dishes, it is an endowment for those who break the vessels of his master among the boys so that he does not fall upon him from being beaten by his master³⁵, so look at the beautiful act of those who endowed , the delicacy of their feelings, and their consideration for others.

Waqf of supply of poor pilgrims: the poor will be given enough money for the pilgrimage, so he will bridge his thoughts and help him with one of the pillars of Islam³⁶.

Special Waqf for the marriage of the blind: An estimated amount of money is spent from this endowment, and it is given to the blind, and they marry him³⁷.

Special Waqf for quarrels with their husbands: Some of the endowers made special endowments for severing quarrels who find no refuge to

³² By: Waqf in Islamic Thought (134/1).

³³ See: Lexicon of Women (280/3) via A'lam Al-Waqif (928).

³⁴ The bright light of the people of the ninth century (102/12).

³⁵ The Journey of Ibn Battuta, (331/1).

³⁶ See; The Journey of Ibn Battuta, (330/1).

³⁷ Waqf in Islamic thought, (134-135/1).

go to, and if they quarrel with their husbands until they resolve what is between them; she find a refuge , women who have quarrels and discord with their husbands can go to these endowments, and they are provided with food and drink, until they resolve what is between them³⁸.

Special endowments for the washing, shrouding and burial of the dead: Among them are special endowments for the washing and burial of the dead who do not know or cannot wash their dead, and washing the dead is one of the duties of Muslims in terms of sufficiency, he will be washed, shrouded and buried from the endowment money.³⁹

Al-Qard Al-Hassan Waqf Among the endowments is the endowment for Al-Qard Al-Hassan (without interest). Al-Dasouki mentioned: "In the footnote of Mr. Al-Blaidi: that in the villages of Fez there was a thousand ounces of gold endowed for advances, and they used to return it as copper, and it declined⁴⁰.

Waqf for the release of prisoners and their redemption: it will be released from the money of the endowment of prisoners, and they will return to their families⁴¹, and Judge Abdul Rahim al-Bisani said that in Baghdad there are endowments for charity and the release of prisoners⁴².

Endowments for the construction of roads: including: endowments for the construction and paving of roads, Ibn Battuta mentioned it during his visit to Damascus, and he said: "Because the alleys of Damascus each have two sidewalks on their sides that pedestrians pass through, and riders pass between them."⁴³

³⁸ Waqf in Islamic thought, (140/1).

³⁹ The behavior book to know the states of kings (628).

⁴⁰ Al-Dasouki's footnote on the great explanation, (77/4).

⁴¹ The Journey of Ibn Battuta, (330/1).

⁴² Al-Kamil fi al-Tarikh by Ibn al-Atheer (159/12), and see The Beginning and End, by Ibn Katheer (23/13).

⁴³ The Journey of Ibn Battuta, (331/1).

Endowments for the picnic of the poor: One of the kindnesses of the endowments is that Nur al-Din endowed the palace hill for the poor to stroll in, because he saw that the rich have palaces, so he made this hill a park for the poor, and it had a mosque, a sermon, a study place, and several mosques, and it had halls, departments, and two paths that were bisected by Barada River, and it had fishermen hunt, and the fryers on the side of the river to fry, and fifteen heads of sheep are slaughtered every day, and everything that the souls desire, and it had two ovens and three shops, and it had a bathroom that has no equal on the face of the earth due to the abundance of its water and its cleanliness, and it has windows overlooking the rivers from above and beneath it, and Al Taj Al Kindy described it and said:

When Nur al-Din saw in the orchards the palaces of the rich

He built the hill is a towering palace an absolute picnic for the poor.⁴⁴

Waqf for writing books: Among the endowments that existed in the year 878 AH; An endowment called (Endowment of Al Aarrad), given to everyone who wrote a book on the doctrine of Imam Ahmad⁴⁵.

Quarantine Waqf : Ibn Hassoun Al-Mazjalwi mentioned: One of endowment is a spot whose purpose was to endow it for those affected by leprosy, if they multiplied; to be on the side of people; so that they do not harm people⁴⁶.

Mo'nis of the Patients Endowment: Among its strange and beautiful things is what was known as Mo'nis of the Patients, which is endowed to suggest healing to the patient, by assigning two nurses to take care of the patient. So he hears them but does not see them, so one of them says to the other: What did the doctor say about this patient? The other replies to him: The doctor says that he is well, so he hopes for recovery, and there is nothing in his illness that disturbs him, and this helps the patient to get up from his bed due to the psychological effect, and there are many other endowments that fall into the type of the aforementioned, and it is difficult to mention its type because the place will be long.

⁴⁴ Munadamat al-Attal wa Musamra al-Khayal (404/1).

⁴⁵ The lesson in the history of schools, by Al-Nuaimi, (126/2).

⁴⁶ Al Miar Al Muaraab, by Al-Lonchrisi, (38-39/7).

TOPIC FOUR

The reasons for the development and expansion of the fields of Waqf throughout history

After these inductive lines of the development of the fields of Waqf in Islamic law throughout its history, the researcher concludes some important conclusions, including:

First: The reason for the continuation of Waqf:

The reader of Islamic history finds that the endowment continues from the day of legislation when the Prophet, (PBUH), guided Umar ibn al-Khattab to Waqf, to this day, the reason for the continuity of Waqf is due to several things, including: following the example of the Prophet, (PBUH) , and the honorable companions, and among them is seeking the reward from God, Al Waqf is a permanent reward, so it is preferred in this section over anything else, including social solidarity between the benefactors and the needy people, and the tracker of history as I mentioned before; it is certain that there is no century of centuries, nor a decade of decades, nor a year of years in which Al Waqf was interrupted in the nation of Islam, but rather it increased and flourished with the passage of years and dealt with important aspects of life, and applied to necessities, needs and improvements.

Second: The fields of Al Waqf are Ijtihadyya and not Tawqifyya :

There is no evidence in the Sharia that the fields of Al Waqf are stipulated and cannot be bypassed, and the legal purpose is not achieved without them. This is what the scholars express by Tawqif in the endowed , rather if it achieves the interest and purpose of the endowment, it may be Waqf, to prove this, we find that the legal texts contained in the matter of the endowment are limited to wells and land for building the mosque, or cultivated for the poor as alms, or shields and swords for jihad in the way of God, while we find that the honorable companions and followers after them of Muslims in every era of the ages; They were endowed in various fields, as will come in examples of endowments in Islamic history.

This indicates that the companions, followers, and scholars after them; They have understood that the fields of Waqf are Ijtihad, not Tawqifyya, so when Waqf achieves the interest of Muslims and one of the objectives of the Sharia, then it is permissible to endow on it.

Third: The development of fields with the flexibility of texts:

Two things met in Al Waqf: the flexibility of the texts, and the development of fields. The texts in Al Waqf do not stipulate a specific field that may not be bypassed, and the fields have developed, Al Waqf has expanded and has come to include the layers of the individual's needs, transcending necessities to needs, and even transcending them to improvements, as passed in the previous examples, It is natural for the fields of Waqf to develop because the fields of worship have greatly developed, and the texts came with general rules, and therefore the scholars say: the texts are finite and the facts are endless, and this is the advantage of the final religion, as its texts fit the facts in their different ways until the judgment day, so when the fields developed; We took from the texts what is suitable for these fields, and applies to them, and makes them included in them without arbitrariness, and we are familiar with what was narrated by Imam Malik, may God have mercy on him: "Sahnun asked Imam Abdul Rahman bin Al-Qasim: Have you seen that if he is imprisoned for the sake of God, then what are the ways of God? He said: Malik said : The ways of God are many, but whoever withholds something for the sake of God is only in the conquest. Sahnun said: Ibn Wahb said: Yunus said: Rabia said: Everything that is made as charity is withholding, or withholding and is not named as charity, then it is all charity that is carried out in the places of charity, and in terms of what is benefited by that in it, if it is an animal, then in Jihad, and if it is a yield of money, then it is in the status of what the ruler sees of the objects of charity,⁴⁷ and it is true that the path of God, if it is launched, is intended for conquest and Jihad; But he may enter in the way of God other types, the paths of God are many, as he said.

Conclusion: Results and Recommendations:

1. Al Waqf is of great importance in Islamic legislation and history, and its practices and implementation are too great to be counted.
2. Al Waqf is considered one of the best means of social solidarity in which the owners of the money console the poor, and the needy.
3. Al Waqf did not stop from the beginning of its legislation in the Prophet's era, on its owner's best prayer and complete delivery; Even in

⁴⁷ Al Moudawana (341/4).

our time, it continues and expands century after century, decade after decade, year after year.

4. By extrapolating history, we can judge that Muslims cared about social solidarity in general and Al Waqf in particular, expanded on it, and took great care of it.

5. Among the most important reasons for the expansion of Muslims in the fields of Islamic endowment: following the Prophet, (PBUH), and the honorable companions; Seeking the reward from God Almighty, and because the fields of Waqf are Ijtihad not Tawqifiyya, as well as for the development of fields of worship in general.

Recommendations:

First: Studying the historical development of Al Waqf, the reasons for the loss of some endowments, and the lack of continuity of their yield.

Second: Searching for new horizons for Al Waqf that are suitable for Muslims, and opening new fields for Al Waqf that are suitable for the era.

Third: Work to introduce Al Waqf into the fields of contemporary technology such as: computer applications, artificial intelligence applications, educational programs, and others.

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