

The Contribution of Waqf Administration to the Organization of Endowments in Algeria during the Ottoman Era, 1518–1830

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Abstract

Endowments (waqf) expanded in Algeria during the Ottoman era, particularly toward its end, and these institutions came to own real estate in most regions. This was due to several reasons, the most important of which was the coexistence of the Hanafi school, followed by the ruling class, and the Maliki school, followed by the Algerians. Waqf properties were then subjected to specific and strict regulations aimed at controlling and inventorying their resources. Subsequently, a distinct local administration and an independent body with clearly defined powers were established. This body was characterized by the skill of its supervisors in managing charitable institutions. The local inhabitants and some Ottoman rulers paid considerable attention to these institutions, particularly the religious ones, demonstrating the adherence of all segments of society at that time to their Islamic faith and religion.

Keywords: Waqf institutions, Algeria, Ottoman era, Scientific Council.

Introduction

Algeria was one of the leading countries in paying attention to waqf institutions. Some local inhabitants and Ottoman rulers provided us with a unique model in the field of waqf for descendants and charitable institutions. This was attributable to the nature of Ottoman rule, as the Ottoman policy encouraged the population to endow their properties in order to achieve solidarity among themselves and social cohesion, particularly in light of the migrations of Andalusians persecuted in Spain. Waqf institutions consequently multiplied and their social, cultural, and religious roles diversified, with most segments of society, including Kouloughlis, Ottomans, Andalusians, and Algerians, rushing to pursue a higher objective, namely seeking the satisfaction of the Almighty Creator and embodying the values of the Islamic religion, which encourages spending in His cause.

Waqf properties also expanded, particularly toward the end of the Ottoman era, and came to control a significant proportion of both immovable and movable properties, thereby constituting a system in its own right. Most cities during the Ottoman period were characterized by the widespread presence of real-estate properties endowed for institutions and individuals. This was

due to the circumstances experienced by Algeria from the end of the fifteenth century until the beginning of the nineteenth century. This period was characterized by the growing influence of zawiyas and Sufi orders and by the deepening of religious sentiment among the population, who found in waqf the best means of protecting their properties from the injustice and abuses of some rulers. Waqf institutions became particularly widespread toward the end of the eighteenth century CE, until they came to control vast areas of property inside and outside the cities, as attested by some travelers and consuls who visited Algeria at that time.

Waqf properties in Algeria during Ottoman rule were characterized by a well-organized system and balanced supervision in all respects. A dedicated administration and a group of employees were assigned to oversee them at all times and protect them from anything that might lead to their disappearance or destruction. How, then, was waqf administered in Algeria during the Ottoman era? Did this contribute to the spread of waqf? Waqf documents frequently referred to charitable institutions that were widespread throughout most regions of the country. This was one of the reasons people endowed their properties, because they trusted that they would be spent on those entitled to them. This administration included the Scientific Council, whose members were renowned for their morality and knowledge, including scholars, judges, muftis, and others. The judges on this council paid considerable attention to waqf properties by adjudicating numerous matters, such as purchase, sale, and rental. This body also played a role in auditing and monitoring these accounts. The administration also included the *نظر* (waqf trustee), who was required to possess competence, high moral character, knowledge, and integrity. He had no right to dispose of these waqf properties in any manner and was responsible for implementing the conditions stipulated by the endowers and distributing waqf properties among their beneficiaries.

First: Definition of Waqf and Its Legitimacy

Waqf emerged during the Prophetic era in Islamic society and contributed to various aspects of life among Arab and Muslim peoples throughout several historical periods. It constituted a social phenomenon that had been known in Algeria since periods preceding Ottoman rule. In order to determine the concept and types of waqf, it is necessary to understand its nature, which becomes apparent through the various jurisprudential definitions. To determine the term *waqf*, it is necessary to address its linguistic and terminological definitions, as well as the relevant Islamic legal evidence.

1- Definition of Waqf

A- Linguistically

The term *waqf*, according to Ibn Manzur in *Lisan al-Arab*, means detention or confinement, as in the expression “he endowed the land for the needy,” meaning that he confined it for them. “I stopped the animal, the land, and everything else.” As for the term *awqafa* in all the aforementioned cases involving animals, lands, and others, it is considered poor linguistic usage (Manzur, 2009). It is said, “I stopped the animal,” meaning that I confined it to its place (Zahra, 1972). Waqf also refers to prevention, confinement, and dedication. Thus, we say, “I stopped the thing,” meaning that I confined and dedicated it; it is therefore confinement and dedication. The plural of *waqf* is *awqaf*. The Qur'an mentions the concept of stopping or detention in the

sense of confinement, as in the Almighty's saying: ﴿But stop them; indeed, they are to be questioned﴾ (Surat al-Saffat, 24).

Habs, with a damma on the first letter, refers to something stopped and confined in the cause of Allah. In the hadith, "That is *habis* in the cause of Allah," meaning that it is dedicated to the warriors who ride it in jihad. *Habis* is a form meaning something that has been confined, and everything confined for any purpose is *habis*. Al-Layth stated that *habis* refers to a horse made a *habis* in the cause of Allah, upon which one goes forth in battle. Al-Zuhri stated that *hubs* is the plural of *habis* and applies to everything whose owner has dedicated as a permanent waqf that may neither be inherited nor sold, such as land, palm trees, vineyards, and productive property. Its principal is held as a perpetual endowment and its yield is dedicated as an act of seeking closeness to Allah Almighty. It also means preventing disposition of the corpus of an asset from which benefit can be derived and assigning its benefit to one of the various forms of charitable purposes, initially and ultimately (Makhlouf, 1960).

The term *waqf* derives from the verbal root *waqafa* and carries the meaning of *hubs*, or confinement. Thus, we say, "He stopped the thing," meaning that he confined it, in the sense of preventing its disposal. Arabic dictionaries have assigned several meanings to this term. The *Al-Maany Dictionary*, for example, states: "He stopped the land or house," meaning that he dedicated it in the cause of Allah; it is *mawqufa*, or dedicated in the cause of Allah. From this comes the commonly used term *sabbala*, with the plural *awqaf* (Al-Zuhayli, 1989).

B- Terminologically

It is established that Muslim jurists did not provide a single comprehensive and exclusive definition of waqf. Rather, the views of Islamic-law jurists regarding the terminological meaning of waqf differed from one scholar to another and from one school of jurisprudence to another. Some defined it as withholding the corpus and dedicating the benefit. This is the legal definition of *habs*, namely, withholding the corpus so that it cannot be inherited, sold, or gifted, while dedicating its yield to those for whom the waqf was established (Al-Azhari). Others defined it as withholding the asset from ownership-transferring transactions while it remains in the ownership of the endower, with the obligatory donation of its revenue to one of the charitable purposes (Al-Zarqa, 1997). Imam Malik viewed it as granting the benefit of an asset for as long as it exists, while its ownership remains, even notionally, with the person granting it. Its legal ruling is binding, and it is not permissible to revoke it.

Waqf is the withholding of an asset under the ownership status of the endower and the donation of its benefit for a charitable purpose. According to the Hanafis, the endowed property does not cease to belong to its endower; rather, it remains in his ownership, and he may dispose of it through all forms of transactions, including sale, mortgage, and gift. When he dies, it is transferred to his heirs. The consequence of waqf is therefore the donation of its benefit, and it is permissible to revoke it at any time (Basha, 2004). Accordingly, the definition found among the Malikis establishes that the ruling is binding, as it is among the Shafi'is, Hanbalis, and the majority of Hanafis, unlike Abu Hanifa. The Malikis adopted a middle position between the two approaches: they prohibit disposition of the endowed asset and make the dedication of its benefit binding while ownership of the corpus remains with its owner, as in the position

attributed to Ibn Hanifa; however, they prohibit transactions that transfer ownership, require him to dedicate its benefit, and do not permit him to revoke the waqf.

Waqf is considered one of the most important manifestations of Islamic civilization. Fundamentally, it expresses the Muslim's willingness to do good and his deep sense of solidarity with Islamic society. Nasser al-Din Saidouni defined waqf as a contract for a charitable act of a religious nature, based on the existence of an endower who possesses the legal capacity to donate what he owns in terms of an asset or benefit, and on the existence of the endowed property, namely the benefit dedicated through confinement, in addition to the existence of the beneficiary, who is entitled to receive the asset or benefit, even when the beneficiary is a public interest such as a mosque, school, zawiya, or other institution. This also requires an expression establishing the waqf, even if it is in writing on a mosque or charitable institution (Saidoun, 200).

Religious motivation was the foundation behind the waqf of most local inhabitants. This can be observed among many Ottomans who were keen to record this in the waqf documents preserved in the National Archives and the National Library. The intention of some endowers was also to improve people's conditions, particularly from a social perspective. The objective of all of them was motivated by goodness, enthusiasm for religion and knowledge, and a desire for a good reputation. Some rulers were keen to endow their properties in order to secure a good reputation during their lives or after their deaths. The motivation was sometimes material or worldly, such as removing wealth from certain heirs or retaining it for their children and descendants, so that it would not revert to the state, which used to seize properties without heirs and place them under the supervision of the Muslim Treasury.

2- Legitimacy of Waqf

The majority of scholars held that waqf is permissible and legitimate, meaning that it is recommended because of the benefit and welfare it provides to Muslims as a whole, as well as its continuing reward even after the death or disappearance of its founder. Its legitimacy is established by the Qur'an, the Prophetic Sunnah, consensus, and the practice of the Companions and their followers in righteousness until the Day of Judgment.

A- The Holy Qur'an

The legitimacy of waqf in the Holy Qur'an is indicated by many verses encouraging acts of goodness, charity, and benevolence. Among these, by way of example rather than limitation, is the saying of Allah Almighty: ﴿The example of those who spend their wealth in the way of Allah is like a grain that grows seven ears; in every ear are a hundred grains. And Allah multiplies for whom He wills, and Allah is All-Encompassing, All-Knowing (260). Those who spend their wealth in the way of Allah and then do not follow what they have spent with reminders of their generosity or harm will have their reward with their Lord, and there will be no fear concerning them, nor will they grieve (261) ﴾ (Surat al-Baqarah). Allah Almighty also says: ﴿You will never attain righteousness until you spend from that which you love. And whatever you spend of anything, indeed Allah is Knowing of it﴾. Allah Almighty also says: ﴿Indeed, those who recite the Book of Allah, establish prayer, and spend from what We have provided for them, secretly and publicly, hope for a transaction that will never perish ﴾ (Imran, 92).

B- The Prophetic Sunnah

Waqf emerged and its concept and fields developed in the first Islamic society in Medina. This began with the construction of the Quba Mosque, which was the first religious waqf in Islam, immediately after the Prophetic migration. It was followed by the construction of the Noble Prophetic Mosque on land belonging to orphans from Banu al-Najjar, which the Messenger, peace and blessings be upon him, purchased for eight hundred dirhams. The Messenger, peace and blessings be upon him, participated in its construction alongside the Companions, may Allah be pleased with them, saying: “O Allah, the reward is the reward of the Hereafter, so have mercy on the Ansar and the Muhajirun” (Kathir). The Prophet, peace and blessings be upon him, built it in the first year after the Hijrah at the place where his she-camel knelt when he settled in Medina. The Messenger of Allah, peace and blessings be upon him, also encouraged his Companions to give charity in the cause of Allah. Among his sayings is: “When the son of Adam dies, his deeds come to an end except for three: ongoing charity, beneficial knowledge, and a righteous child who prays for him” (Muslim). This noble hadith is considered one of the clearest expressions of the waqf system in Islam, alongside a large and countless number of Qur'anic verses and Prophetic hadiths encouraging expenditure in charitable causes.

Second: Waqf Institutions in Algeria during the Ottoman Era and Their Administration

First: Waqf Institutions in Algeria during the Ottoman Era

During the Ottoman era, waqf properties in Algeria were distributed among several religious, cultural, economic, and social institutions throughout most regions of the country. They were characterized by a special administrative system with a group of officials responsible for managing these charitable waqf institutions. Waqf for these institutions existed in both forms, whether family waqf or charitable waqf, and the objectives sought through them varied according to their nature. The most important of these institutions are as follows:

A- Institution of the Two Holy Mosques

The Institution of the Endowments of the Poor of the Two Holy Mosques is considered one of the oldest waqf institutions in the city of Algiers in particular and Algeria in general. This institution occupied the first position in terms of importance and in terms of the number of endowed properties belonging to it. It controlled the majority of waqf properties inside and outside the city, and even in other cities belonging to the Dar al-Sultan, such as Tlemcen, Koléa, Annaba, Mazouna, and Oran. It provided assistance to the inhabitants of the Two Holy Mosques residing in Algeria or passing through it after verifying the authenticity of their genealogical connection to the holy places. It sent a portion of its revenues to the poor of the Two Holy Mosques at the beginning of each year through an envoy of the Sharif of Mecca, who carried a huge quantity of money, gold, and clothing to the poor of Mecca and Medina and the servants of the Two Holy Mosques (Saidoun, *Studies in Real-Estate Ownership*, 1981). Algerians' inclination to dedicate their properties to the Two Holy Mosques was due to the exalted status that the holy places occupied in the hearts of Algerians, who endowed many of their properties to them within and outside the city of Algiers throughout the country, placing this institution at the forefront of charitable institutions.

All segments of society contributed to the endowments of this institution, including Algerians, Ottomans, Andalusians, and others. Among the contributors, according to a register dating from

the early period of the occupation, which constitutes an inventory of the endowed properties whose beneficiary institution was identified as the Institution of the Two Holy Mosques, the register contains six hundred and fifty-one deeds distributed among seventeen *houmas*, namely: Houma Qaa al-Sour, Houma al-Hawaneit Ben Rabia, Souiqa Amour, the Casbah, Sidi Muhammad al-Sharif, Ben Jawar Ali, Mssid al-Ghoulah, Madfa' Djerba, Houma Kousha Boulaba, and others (Ghattas, 2007). The principal characteristic of this institution, in addition to alleviating the suffering of those in need, was its commitment to providing assistance to the inhabitants of the Two Holy Mosques in Mecca and Medina, ensuring shelter and food for them. All of this constituted evidence of solidarity and religious brotherhood with the Hijaz region.

B- Institution of the Great Mosque

This institution is one of the oldest religious institutions in Algeria. Its history dates back to the eleventh century, as the inscription found on its pulpit indicates that it existed in Rajab 409 AH / 1018 CE (Bouhamchouch, 2007). There were substantial endowments in the name of the Great Mosque, some of which belonged exclusively to it, while others were shared between it and the endowments of the Two Holy Mosques and the Andalusian endowments. The mosque played a social role in providing shelter and food for poor Andalusians during the first period of the Ottoman era, as demonstrated by the collection of endowments jointly held by the mosque and the Andalusian community (Hamouche, 1420 AH/1999 CE). The Ottoman governors used the Great Mosque as a meeting place for the judicial council to adjudicate disputes among the local inhabitants. The Maliki mufti was the one who codified judicial rulings so that they would become legally effective. Some eyewitness accounts indicate that the Maliki mufti sometimes had precedence over the Hanafi mufti and exercised full supervision over the administration of the Great Mosque and all its endowments. Indeed, appointments to the other judicial positions were made by the Maliki mufti of the Great Mosque.

As for the endowments of the Great Mosque, Abd al-Jalil al-Tamimi identified 492 waqf deeds according to the document relating to the Great Mosque. One report concerning the properties of the Great Mosque in 1837 stated that they consisted of 125 houses, 39 shops, 3 bakeries, 19 gardens, and 107 income-generating properties (al-Tamimi, 1980). The beginning of the sixteenth century witnessed the emergence of these endowments, with the first waqf deed dating to 947 AH / 1540–1541 CE. Accordingly, the Institution of the Endowments of the Great Mosque emerged during the middle of the sixteenth century and continued to develop until the nineteenth century, when the French authorities seized it in 1843, following the accusation directed against its mufti, Mustafa ibn al-Kababti, of resisting the French occupation. Its annual income in 1830 reached 70,432.22 francs, generated by 1,558 waqf properties (Bouhamchouch, *The Institution of the Endowments of the Great Mosque in the City of Algiers*).

C- The Institution of Souboul al-Khairat Endowments

It is considered one of the most famous waqf institutions and was a semi-official institution, as it supervised all endowments devoted to the service of the Hanafi school, including zawiyas, mosques, schools, employees, and the poor. According to most sources, its establishment dates back to 999 AH/1584 (Zahra Z., 2007). The authority to administer the endowments of Souboul al-Khairat was entrusted to the Hanafi mufti, who performed the prayers and exercised the function of issuing fatwas at the New Mosque, which was allocated an annual income of no less

than 150 guineas (Saidoun, *Studies in Real Estate Ownership*). It supervised several public charitable projects, such as repairing roads, constructing irrigation channels, assisting victims of disasters and persons with disabilities, and establishing scientific institutes. It thus came to occupy a significant position compared with other charitable institutions, particularly in terms of the abundance of its revenues and the large number of its endowments. It was also strengthened by its affiliation with the Hanafi school on the one hand and by the wealth of the Turkish community on the other, as members of the latter endowed their properties for the benefit of Hanafi mosques.

This institution established the Hanafi New Mosque, whose construction dates back to 1070 AH/1660 AD, a century after the Ottoman Turks arrived in the city of Algiers. It gained considerable importance in an effort to rival the Great Mosque in terms of importance and status within the Maliki school, particularly when the New Mosque became the seat of the Hanafi Sheikh al-Islam (Namir, 2001–2002). This institution was supervised by a number of officials, namely the two Hanafi officials, the mufti and the judge, who represented the legislative body. They were among the important members of the Scientific Council, which held its sessions every Thursday at the Great Mosque to examine the issues submitted to it, including matters relating to waqf as well as other matters such as divorce, inheritance, and other issues requiring referral to the Scientific Council (Hamouche, *Mosques, Zawiyas and Mausoleums of the City of Algiers during the Ottoman Era*, 2010).

D- The Institution of the Muslim Treasury

It was a charitable institution whose activities were limited to managing properties belonging to orphans and absentees, properties that had been destroyed, and properties without heirs. Through this function, this institution acquired a certain degree of independence from the waqf institution, whose regulations sought to prevent the state, through the Treasury, from seizing waqf properties and endowments. On the other hand, Devoulx considered this institution the natural adversary of the endowment institutions because of its efforts to recover the state's share of the properties of persons who had no heirs. It was mistakenly classified among the religious institutions (Allah, 1979).

It became concerned with vacant properties without heirs and placed them at the disposal of the public treasury on the grounds that they belonged to the Muslim community. It also undertook the liquidation of estates and began carrying out charitable and social activities, such as burying poor Muslims and distributing alms to approximately two hundred poor people every Thursday, as well as presenting gifts on every religious holiday to the Pasha, his entourage, and his servants. In addition, it preserved the properties placed under its authority and paid specific monthly sums to the state treasury (Allah, *Lectures on the History of Modern Algeria at the Beginning of the Occupation*, 1982).

E- The Institution of the Endowments of the Andalusian People

The endowments of the Andalusians in Algeria during the Ottoman era are considered among the most important waqf institutions, no less important than the endowments of zawiyas and mausoleums and those of the Sharifs. Despite the modest number of its endowments and their limited revenues, it became concerned with a large segment of the Andalusian community in Algeria. They established a mosque and a zawiya with the encouragement of the authorities,

who sympathized with them. Through this, they sought to strengthen solidarity among themselves and, on the other hand, to serve their poor. The Andalusians enjoyed a special position within Algerian society, particularly among the Ottomans. The endowments of the Andalusian people designated for those displaced from Andalusia and for assisting Muslim exiles from Spain were estimated at approximately 5,000 francs annually (Sargine, 2007).

F- The Institution of the Endowments of Mausoleums and Zawiyas

The inhabitants of the city of Algiers undertook to endow their properties to charitable and religious institutions. Mausoleums and zawiyas were among the establishments to which the inhabitants of the city dedicated endowments. The endowment deeds preserved in the Sharia courts demonstrate the development experienced by the endowments devoted to mausoleums and zawiyas during the Ottoman era. This had a positive effect on the survival of these institutions by providing financial resources that contributed to their maintenance and administration. There were nineteen mausoleums in the city of Algiers, and these mausoleums had a large number of endowment resources, eighteen of which were located within the city of Algiers, while one was the mausoleum of Sidi Ibn Allal Aghmoun in the Greater Kabylia region. The number of zawiyas in the city of Algiers reached twelve in 1830, but decreased in 1862 to only five, according to Devoulx (Saidoun, Historical Studies in Property, Waqf and Taxation, 1986).

G- The Institution of Endowments for Public Facilities: Roads, Springs and Water Channels

Several waqf properties inside and outside Algeria contributed to financing public facilities such as springs, water channels, and roads. They benefited from numerous endowments established by the local population and the Ottomans. Their establishment was also motivated by religious considerations and the desire to obtain reward from God Almighty. A special agent was assigned to each of these public facilities to supervise its endowments and manage its affairs, such as the agent responsible for springs and water channels, whose annual income from the endowments under his supervision amounted to 150 francs during the early years of the occupation. The number of springs in the city of Algiers reached one hundred. Some were located in prisons, particularly prisons for Christian captives, others in military barracks, while others were distributed throughout streets, lanes, and markets (Hassani, 2009).

Second: The Administrative Organization of Waqf Institutions in Algeria during the Ottoman Era

Endowments spread throughout all regions of the country, and the local population as well as some Ottoman rulers became involved in them. This necessitated the establishment of an independent administration responsible for managing and organizing waqf institutions throughout the country. It became responsible for organizing the waqf institution and then the charitable institutions that represented the principal entities where the properties of endowers were placed. The legislative body also monitored the liquidity of those endowments allocated to various institutions, while the executive apparatus administered waqf properties and appointed agents whose primary task was to preserve the charitable institutions. These institutions became active in all cultural, social, economic, and religious fields. As Djemdan Khodja stated, charitable institutions and endowments were established in accordance with

Islamic law and regulations, aiming, as previously mentioned, to improve the conditions of Algerian society, such as assisting the poor and alleviating their suffering (Khodja, *The Mirror*). Their methods of administration also differed from one institution to another.

1- The Judicial Apparatus (Scientific Council)

Endowed properties necessarily required someone to care for and preserve them, repair whatever became damaged, and undertake everything necessary to keep them productive and in good condition. It would then exploit them through all lawful means, spending their yields for their designated purposes and distributing them among their beneficiaries. The judicial responsibility for endowments was entrusted to the Scientific Council, which met every Thursday to examine the conditions of endowments through charitable institutions. Its duties consisted of collecting the revenues of properties and distributing them among their beneficiaries in implementation of the conditions stipulated by the endowers; issuing legal rulings concerning the various transactions related to waqf properties; ordering and prohibiting whatever concerned the condition of the waqf and protecting it from any loss or damage; and issuing decisions consistent with the interests of the waqf concerning leasing and maintenance (Mansouri, 2008). The duties of the Scientific Council were not limited to waqf matters but extended to judicial or religious affairs. Its method of operation was characterized by seriousness and strictness in applying the laws to individuals and institutions.

The Scientific Council consisted of the religious body in both its Hanafi and Maliki branches, as well as the Hanafi judge, the Maliki judge, preachers, religious exhorters, teachers, those responsible for mosque affairs, and custodians of mausoleums. It also included khawjas, educated free men, and marabouts, who played a prominent role in connecting the population with the Ottoman authorities, as well as notables, the Sheikh of the City, the administrator of the Muslim Treasury (Bayt al-Malji), the chief secretary (Bash Adil), an ordinary registrar (Adil), and an officer holding the rank of "Bash Yaya Bashi," representing the Diwan and giving a binding character to the Council's rulings concerning members of the Ottoman Turkish community, who were required, in the presence of this officer, to comply with and accept the Council's decisions (Saidoun, *Historical Studies in Property, Waqf and Taxation*). It functioned as the supreme court in the country and adjudicated unresolved disputes and disagreements, thus serving as a court of appeal. Waqf cases occupied a prominent place on the agenda of the Scientific Council. It also adjudicated disputes and litigation between waqf beneficiaries or between them and the waqf institutions to which the endowment belonged.

The Scientific Council held several sessions attended by both the Maliki and Hanafi muftis, the Maliki and Hanafi judges, a group of the city's notables, a representative of the Pasha and the military holding the rank of Yaya Bashi, and agents of the Two Holy Mosques. It supervised the collection of the yields of the endowments of the Two Holy Mosques and appointed the trustee responsible for transporting these endowments to the poor of Mecca and Medina during approximately every Hajj season. Thus, waqf affairs in these cities became subject to the rulings of the Scientific Council, which convened once a week in the city's principal mosque in the presence of religious figures such as the Hanafi and Maliki muftis, the Hanafi and Maliki judges, the waqf agent, and some officials working under him, such as the supervising sheikh,

some agents and scribes (khawjas), assistants, guards, and Quran reciters (al-Hazaba) (Al-Bouabdelli, 1984).

The work of the Scientific Council was not confined to the city of Algiers; it also existed in the capitals of the three beyliks and in all Algerian cities containing military garrisons. The Scientific Council of Algiers was considered the religious reference and the supreme legislative and judicial authority in Algeria during Ottoman rule, to which the other Scientific Councils referred in difficult cases and legal problems. The Scientific Council served as the “legislative body” of the Waqf Institution through its preservation of endowments from loss, annulment, and imposition of fines. From the early years of the occupation, the French praised the importance of this body and the ability and competence of Algerian scholars, which led some people from Tunisia and Morocco to consult them regarding their cases (Helayli, 2008).

B- The Administrative Apparatus

The administrative council worked to implement the decisions of the Diwan Council concerning the charitable institutions under its supervision. It was required to record the decisions of the Scientific Council while complying with the directives of the mufti and judge regarding the rulings applicable to the waqf institution under its supervision. It was assisted in its assigned duties by a group of employees, assistants, agents, and guards who reported directly to it. Among its responsibilities were preserving the sources of the endowments that financed charitable institutions, collecting all monetary revenues, and recording the accounts of each waqf institution. It was also responsible for sending copies to the mufti or judge and submitting detailed reports on everything it did to the Scientific Council, as well as implementing what was stipulated in the waqf deed.

1- The Supervising Agent (al-Wakil al-Nazir)

Waqf officials were appointed by the highest authorities in the country, essentially the Pasha, who was responsible for ensuring their attendance at the sessions of the Scientific Council. Among these officials was the agent from the lineage of the founder of the mosque or zawiya, who inherited the position from father to son. Nevertheless, appointment to the position of agent, particularly in major institutions, was made with the knowledge of the Scientific Council, the judge, and the Pasha. The appointment was subject to the reputation of the individual and public opinion regarding who was most deserving of the position (Hamouche, Mosques, Zawiyas and Mausoleums of the City of Algiers during the Ottoman Era). He was not permitted to undertake any action concerning the waqf except for the benefit of the waqf or the endower, and he was required to choose what was most beneficial. If the endower granted the supervising agent freedom of action, this did not mean that he could do whatever he wished in the exercise of his duties; rather, he was required to act according to what was justified by the condition of benefit and to undertake those actions that were most beneficial and pleasing to God and His Messenger.

The supervising agent was required to possess integrity because the position he held demanded it, as he was responsible for waqf funds, whether those funds were held by waqf institutions, stored as agricultural yields, or belonged to beneficiaries but had not yet been distributed to them because the time for distribution had not arrived. The supervising agent was also liable when his actions caused harm to the waqf, such as distributing the yields to beneficiaries while

the waqf required construction or maintenance, or when the waqf had a debt that had become due for payment. In general, he was liable for transgression and negligence in preservation and for every action that he was not permitted to undertake and that resulted in a financial loss to the waqf (Zahra M., Lectures on Waqf). Saadallah states in this regard: "It is possible to change him when he becomes known for matters that violate the waqf system or public morality... The agent is subject only to the supervision of his conscience, public opinion, and the position of the scholars. If corruption, deviation, and the use of the waqf for purposes other than its intended purpose become known about him, the Bey or the Pasha intervenes to remove him" (Allah, Cultural History of Algeria). They were, in most cases, of Turkish or Andalusian origin.

Among the duties assigned to the supervising sheikh was ensuring the collection of all monetary and in-kind revenues of the waqf, overseeing expenditure management, and supervising the accounts of the waqf institution entrusted to his assistants, including the collection of agricultural products and monitoring the payment of salaries. He also ensured the maintenance of the waqf and expenditure on it and supervised the provision of copies of the Qur'an and books of Prophetic Hadith. He was required to submit a detailed and accurate account of all the activities carried out within his field. He therefore kept multiple registers covering all these matters, particularly financial ones. It was customary for a copy of these records to be kept with the mufti or judge in order to prevent any ambiguity, alteration, or loss that might occur (Saidoun, Historical Studies in Property, Waqf and Taxation). He also ensured continuous monitoring of employees, followed up on funds spent on charitable institutions, and supervised cultural and economic institutions and their financial flows, regulating them so that they would not be subjected to encroachment or theft.

2- The Agents

The supervising agent was assisted in his duties by a group of agents in several waqf institutions. Their primary function consisted of supervising and preserving the endowments of mosques, schools, and zawiyas, and ensuring their development. They also worked to expand them when they consisted of tangible properties such as orchards, to store materials that could be stored, and to repair facilities requiring restoration or construct facilities that had been destroyed, such as mosques, student residences, and other affiliated facilities. Their appointment was made by the Pasha or the Bey. Consequently, there was considerable flattery of the Pasha in the hope of obtaining such an appointment. The agent received a specific salary from the waqf, but he nevertheless managed his income through practices that were not always known, such as giving gifts to the Pasha and senior officials, paying the salaries of employees in the institution under his supervision, and meeting the institution's own needs (Allah, Cultural History of Algeria).

An agent was also appointed for some mausoleums. If one of the saints established a zawiya that served as his residence and place of prayer, where he delivered his lessons and received his disciples and visitors, he would be buried in or near his zawiya after his death. The zawiya would then be administered by his sons and grandsons after him. An agent of the mausoleum or zawiya established around the righteous saint would be appointed either by his sons or by his followers after his death. In this case, the agent was appointed by the Pasha and was usually one of the sons or grandsons of the righteous saint or one of his followers. In turn, the agent would inherit the position to his sons. This is evidenced by the document appointing the scholar

Ibn al-Amin as agent of the shrine of Sidi Omar al-Tunsi; his son succeeded him after his death. The Pashas would approve such appointments whenever necessary, as demonstrated by the dates of the renewal of these decisions over many years (Hamouche, *The City and Authority in Islam*).

The agent could combine several functions. Thus, the mosque imam could also be an agent and a teacher at the zawiya. Likewise, the Maliki mufti was a mufti, preacher, and imam at the Great Mosque. The agency of the endowments of the Great Mosque was always assigned to the Maliki mufti, and he worked with three agents. One agent supervised the mosque's endowments in general and was directly subordinate to the Maliki mufti, whose seat was at the Great Mosque. The second agent administered the endowments of the muezzins, while the third agent was responsible for the endowments of the hizb reciters, that is, those who recited the hizb at the Great Mosque. Each of them supervised a specific field and was independent of the others (Ghattas, *Crafts and Craftsmen in the City of Algiers, 1700–1830, 2000–2001*). The supervising agent or administrator of the waqf could be appointed in the waqf deed, and the position could be assigned to a specific person, a specific function, or entrusted to a family. Most endowment deeds concerning mosques assigned the supervision to a Waqf Institution.

As for the process of auditing the agents, it was conducted periodically and at specified times for some institutions. However, this process was not carried out according to a uniform pattern or through annual schedules for all waqf institutions. This conduct on the part of the officials did not reflect doubts about the integrity of the agents; rather, it represented vigilance and precaution to ensure the revenues and their continuity. It was also considered an important step for preserving the property and maintaining its yield. During the audit, they were not necessarily required to submit an account statement; rather, most audits were conducted under particular circumstances, including cases in which the integrity of an agent was challenged, or because of negligence by one of the employees, failure to perform the assigned work, or failure to fulfill the duties related to the charitable institution. They were required to submit an account of their activities to the principal agents of the institutions to which they belonged in the city of Algiers. This allows us to consider them second-rank employees, just like the other secondary agents mentioned previously (Saidoun, *Historical Studies in Property, Waqf and Taxation*).

3- The Adouls

They were a group of officials appointed by the Scientific Council in the country and entrusted with facilitating the work of agents in waqf institutions. They also assisted them, on some occasions, in managing waqf facilities. They were appointed by the judges to perform several tasks, including registering waqf deeds. Among the functions performed by the adouls was drafting contracts between people in their transactions while fulfilling their legal requirements. The judge also relied on them to certify the witnesses who testified before him in disputes, because the judge could only rule on the basis of duly certified evidence and could not require the person in whose favor the testimony was given to produce someone who would certify his testimony (Issa, 1998). A condition for holding this position was possessing legal probity, displaying good moral character, and being free from disqualification according to the authoritative scholars. It was also a religious function attached to the judiciary and one of its

administrative instruments. The duty of this position was, with the judge's authorization, to testify between people concerning their rights and obligations toward the charitable institution.

4- The Sheikh of the City

He belonged to the group of subordinate officials as a civil official responsible for supervising professional guilds and population groups. He maintained contact with the leaders of these professions and the heads of these groups in order to examine their problems, meet their needs when necessary, understand their demands, and approach the authorities to find solutions to them (Saidoun, *Algerian Papers: Studies and Research on the History of Algeria during the Ottoman Era*, 2008). The importance of the Sheikh of the City's membership in and attendance at the sessions of the Scientific Council lay in the fact that he was among those with the greatest and closest knowledge of the location of waqf facilities, as well as his ability to know how waqf expenditures should be directed toward the beneficiaries designated in the waqf deed (Azzouz, 2009).

Among the duties assigned to him was communicating with population groups in the cities through their leaders, managing professional guilds by collecting the fees and dues owed by them, and conveying the orders of the Beylik to the various groups and ethnic and professional communities, such as scholars, craftsmen, and people arriving in the city from rural areas (Al-Bouabdelli, *Algeria in History: The Ottoman Era*, 1982). His residence was located near the House of the Emir, as he served as a link between the population and the ruling authority. His appointment was made by the ruling authorities of the country, represented by the Dey or the Pasha. He was also selected from among the local population. Over time, the position became hereditary from 1708–1709 in the family of Sheikh Ibrahim al-Tammam, which monopolized the sheikhdом of the city for more than seventy-two years. The Andalusian family of Ashir also held the position for a short period before 1745 (Ghattas, *The Modern Algerian State and Its Institutions*).

Among the Andalusian families that also held the position of Sheikh of the City was the Andalusian Boudhriba family, which was considered one of the families enjoying a good reputation in the city of Algiers. It was also one of the wealthy families and engaged in trade with European countries, which enabled it to occupy such an important urban position. Thus, Mr. Haj Muhammad, son of Mr. Mustafa Boudhriba, headed the sheikhdом in 1834–1835 (Ghattas, *Crafts and Craftsmen in the City of Algiers, 1700–1830*). Over time, this position became very similar to that of the supervising sheikh, according to Sheikh Nasir al-Din Saidoun: “We note, for example, in the city of Constantine that the position of the supervising sheikh became one of the powers of a principal official in the Beylik's Diwan, namely the Sheikh of the City, to whom were entrusted the endowments of the Great Mosque and the rest of the endowments of the Two Holy Mosques inside and outside Constantine” (Saidoun, *Historical Studies in Property, Waqf and Taxation*).

5- The Scribes of the Principal Agents

They were four scribes selected and appointed by the Dey himself. The first scribe was called the Maktabaji or Maktarchi (al-Muqata'i): he supervised the state's registers. The second scribe, or Defterdar, monitored the state's warehouses and recorded the sources of the country's revenues from various taxes and different fees. The third scribe, or Agent of the Small Kharaj,

was responsible for preserving the records of the spoils of naval jihad and regulating the affairs of the customs administration (Qamarik). The fourth scribe, or Raqamji, was responsible for preserving the state's official records relating to foreign affairs, which required a special interpreter to be placed at his disposal (Al-Bouabdelli N.). They were known as khawjas and functioned as accountants responsible for maintaining the accounts of the supervising sheikh. Their task was to regulate the accounts of the endowments and preserve the documents. These scribes enjoyed extensive powers in the duties entrusted to them; however, they did not issue decisions except with the approval of the Dey. It is noteworthy that these officials, who were subordinate to the ruling authority, came to supervise several other employees in various institutions of a social and economic nature.

6- The Waqf Guard

He was an official whose primary task was to ensure the continued existence of the waqf institution without exposing it to destruction or theft. He also performed certain duties within the institution where he was assigned to work. Mustafa Ben Hamouche states concerning him: "The Bash Chaouch supervises a group of chaouches who guard the buildings of the institution and collect its revenues" (Hamouche, Mosques, Zawiyas and Mausoleums of the City of Algiers during the Ottoman Era). These numbered twelve officials from the local population, headed by a Bash Chaouch from the Turkish element. The authority of this group extended to Arabs, Christians, and Jews, in accordance with the orders of the Dey (Ghattas, The Modern Algerian State and Its Institutions).

7- The Scribe of the Waqf Supervisor

He functioned as the secretary of the waqf supervisor. His task was to regulate the financial accounts under the supervisor's authority so that they could easily be presented before the Scientific Council during audits (Azzouz, The Waqf Institution in Ottoman Algeria: Its Social and Economic Role).

Conclusion

Through our study of the contribution of the waqf administration to the organization of endowments in Algeria during the Ottoman era, we reached a number of conclusions, the most important of which are as follows:

- During the Ottoman era, waqf in Algeria was distributed among several charitable institutions of a religious nature, such as the Institution of the Two Holy Mosques, the Institution of the Endowments of the Great Mosque, the Institution of the Muslim Treasury, the Institution of Souboul al-Khairat, the Institution of the Endowments of the Andalusians, and the Institution of the Endowments of Zawiyas and Mausoleums.
- The religious motivation of the local population, some Ottoman rulers, and the Andalusian community contributed to dedicating part of their properties and wealth as endowments for charitable institutions and members of their families.
- Family waqf provided a source of livelihood for members of the wealthy classes among the Ottomans and the local population, while also preserving the rights of descendants, orphans, and widows. This was because family waqf provided the best means of safeguarding their rights to real estate, whether immovable or movable.

- The role of endowments in Algeria extended to several fields, including cultural, social, economic, and military aspects, and they served as support for the population during times of fear, epidemics, and famine.
- The endowments in the city of Algiers were characterized by a special administrative organization marked by a degree of attention and seriousness in management. The waqf agent was the principal representative in organizing the endowments, assisted by the adouls, supervisors, guards, and a number of other employees.
- The Scientific Council worked to administer waqf properties and distribute them to their beneficiaries in order to achieve the public interest. These institutions provided various services to the population and sought to meet the needs of the community in the fields of religion and education.

We also seek through this study to present some recommendations concerning waqf in Algeria during the Ottoman era:

- Reviving the Sunnah of waqf among Muslims and paying attention to it, and organizing an administration for it so that it can fulfill the mission for which it was established.
- Considering the establishment of a special institution for waqf that should enjoy broad independence, so that a public waqf institution could be established on the model of other governmental institutions.
- Holding and broadly and continuously organizing conferences and academic seminars devoted to waqf, with participation from countries of the Islamic world, rather than limiting them to the local level only.
- Transforming all waqf activities from individual initiatives into organized institutional work through the establishment of specialized waqf funds throughout the country.
- Creating suitable conditions for specialized professors and researchers to conduct productive studies and research on waqf and its social and economic importance for individuals and society.
- Making use of purposeful media to raise Muslims' awareness, introduce them to, and sensitize them to the role of endowments and their devotional, social, and economic value, with the aim of reviving the Sunnah of waqf.

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