

# Armenian Endowments (WAQFS) in Jerusalem in the 17th Century

**Ibrahim bin Yahya Al-Busaidi<sup>a</sup>, Mohammad Salem Al-Tarawneh<sup>b</sup>, Badr bin Hilal Al-Alawi<sup>c</sup>, Hussein Massoud Mohammed Al-Ajmi<sup>d</sup>, <sup>a,b,c,d</sup>Sultan Qaboos University, Muscat, Oman, Email: <sup>a</sup>[ibrahimalbu@gmail.com](mailto:ibrahimalbu@gmail.com), <sup>b</sup>[dr\\_tarawneh64@yahoo.com](mailto:dr_tarawneh64@yahoo.com), <sup>c</sup>[m.altarawneh@squ.edu.om](mailto:m.altarawneh@squ.edu.om), <sup>d</sup>[y0a9m0@gmail.com](mailto:y0a9m0@gmail.com), <sup>c</sup>[alawib@squ.com](mailto:alawib@squ.com)**

Representing an important segment of the Jerusalemite society, the Armenians' activities were limited to occupations like industry, crafts and trade. Endowment or waqf (property's inalienable endowment) is an ongoing charity that is not to be sold, bought, gifted, nor inherited. Its returns are to be disbursed in terms of righteousness and charity. The people of the Armenian community in Jerusalem created these endowments (waqfs) according to their terms and conditions based on the Hanafi doctrine of Islamic jurisprudence which was the official doctrine of the Ottoman Empire. Despite the difficulty of research and the lack of sources, the materials available in the records of the Jerusalem Shari'a Court are major and genuine source that helped in writing of this topic, despite their failure to cover the economic and social activities of Armenians in Jerusalem. The endowment (waqf) cases firstly account among the social aspects of the Liwa (Sanjak) of Jerusalem, and studying it is of great importance as it informs us about the role of social groups in Jerusalemite society, including the Armenian community. The records of the Jerusalem Shari'a Court are one of the main pillars upon which the study relied on because the information it provides covers various aspects of the life of Jerusalem's population. This information was characterized with its credibility, accuracy and impartiality, and its uniqueness from any other information received from other sources. This information dates back to the 17th century and there are seven endowments (waqfs) of the Armenian community recorded in the Shari'a Court which are according to the Islamic waqf principle and in accordance with the Hanafi doctrine.

**Key words:** *Armenian Community, Jerusalem Legal Documents, Charitable Endowment, Civil Endowment, Endowment Terms.*

## **Introduction**

### ***The Location of Jerusalem***

Jerusalem is situated on a high ground and is surrounded by four mountains on each side: Moriah, Besetha, Accra and Zion. The mount Moriah is the mountain on which the Temple Mount was built, and Mount Accra is the mountain on which the Church of the Holy Sepulchre was built (Tutah, Khalil, Geography of Palestine, p. 14). Jerusalem is divided into a number of districts (Dozy, Supplement Dictionaries Vol. II, p. 579). Each of these districts includes a number of quarters like Bab Hata, Al-Risha, Al-Zara'ina, Uqba Al-Sitt, Christian quarter, Armenian quarter, Mughrabi quarter, and Jewish quarter (Jacob, Vol. II, p. 434-436). Jerusalem is surrounded on all sides by a wall built during the reign of the Ottoman Sultan Suleiman the Magnificent, 1536-1540 and has a length of about 4 kilometers and a width of one and a half meters and it is more than two meters in height (Najm and others, p. 31). In the walls there are gates leading out of the city, namely: Damascus Gate, Jaffa Gate, Lions' Gate, Flower's Gate, Mughrabi Gate, Zion Gate and Golden Gate (Le Strange, pp. 133-136).

During the Ottoman period Jerusalem had a number of churches and monasteries belonging to all Christian denominations, including: the Church of the Holy Sepulchre, the Monastery of St. James, which belongs to the Armenian community, located at the south-western end of the city (Taboo Notebook No. 516, p. 16), sometimes known as the Armenian Monastery (Al-Alimi, Vol. II, p. 51). The Armenians themselves call it "Srbots Hagopiants" Monastery (Al-Aref, p.101).

### **Armenians in Jerusalem in the Ottoman Era**

The Ottoman documents indicate that the Christian communities that inhabited Jerusalem were: Melkites, Assyrians, Jacobites, Armenians, Copts, Orthodox Christians, Georgians, Ethiopians, and Latin, which remained in Jerusalem throughout the Ottoman rule (Taboo Notebook No. 516, p. 14-15). It is not unusual for the city to attract all those who come and reside there because it is a sacred place for the followers of the three monotheistic religions who came here for asceticism, and for worship.

Armenians living in Jerusalem migrated mainly from Armenia, Aleppo and Anatolia (Sanjian, 1974, p.195; Sanjian, 1984, pp. 127-144; Al-Sabbagh, Vol. II, p. 842), and they lived in the southwestern part of the city where Mount Zion is located, and the place they inhabited was called the Armenian quarter. Some Armenian families also lived in the Al-Risha quarter (Jerusalem Record No.173, p. 210) and also in Bethlehem (Peri, p. 19).

The Ottoman Empire had recognized the Armenian community in 1461 (Sanjian, 1974, pp. 195-196), and the documents of the Jerusalem Shari'a Court indicate that the Ottoman Empire took good care of Christians' affairs in Jerusalem.

For example, after the Ottoman conquest of Jerusalem, Sultan Salim I arrived in Jerusalem on December 30, 1516, and the city celebrated the sultan who was helping the poor people of all communities (Fereydun, Vol. 1, p. 483-484). During his presence in Jerusalem he ordered the preservation of the rights of all the Christian communities in the Holy City and requested the preservation of the privileges granted to them during the Mamluk period, and he issued a ferman (decree), under which he granted them the freedom of worship and safety over their property in Jerusalem, exempted the Christians of Jerusalem from taxes, and granted the Armenian community in Jerusalem the right over their monastery as they were enjoying it during the Mamluk period (Ottoman Archive, The Museum of Top-Qapy Saray, Sultan's Treasury Papers, Document No. (E. 5585); Document No. (E. 4312).

In the Church of the Holy Sepulchre Armenians had their prayer room like other Christian denominations, and their cemetery was in the "Yousefat" Valley (Memoires, p. 170) (Jerusalem Record No. 196, p. 15).

According to the Shari'a documents, the Ethiopian community in Jerusalem in 1640 was under the supervision of the Armenian community, and the document states as follows: "The Ethiopian community is regulated by the Armenian community and was under their supervision from the time of Omar's conquest until now without any opposition and disputes." (Prior and Taylor, p. 12).

The number of Armenians in Jerusalem in 1525 was estimated at about 15 families (Jerusalem governorate, p. 51). According to Ottoman census one family consisted of 5-7 members, thus their number in Jerusalem was around 90. According to the 1566 census the number of Armenians in Jerusalem was estimated at about 54 families, bringing their total number to 324 (Taboo Notebook No. 516, p. 13-17).

In 1691, Peri estimated the number of Christians in Jerusalem at 1,800; the main part of which were the Orthodox Greek (58%), and the Armenians formed the second largest community accounting for 23% of the total population (Peri, p. 21).

One of the occupations of these Armenians was tailoring, and according to the Jerusalem Shari'a documents, Dowlat son of Aslan the Armenian was the sheikh of the tailors' guild in Jerusalem (Jerusalem Record No. 119, p. 425; Jerusalem Record No. 184, p. 22).

They excelled in the manufacture of decorations and antiques, for selling them to foreign tourists who visited religious sites in the Holy Land. Armenians also worked in the copper

industry making copper pots and household appliances. From the famous Armenians who worked in the copper industries was Kevork Hanna (Jerusalem Record No. 156, p. 361; Jerusalem Record No. 180, p. 153).

Armenians of Jerusalem had their own representative to the High Porte in Istanbul in order to be involved with the affairs of the Armenians there. Armenians also had a translator to whom the waqf documents referred to as "Al-Tarjuman", and his job was the translation for the judges and the monks.

In 1640, disputes arose in Jerusalem between the Greek Orthodox and Armenian communities after the Armenians took from Ethiopian and Coptic communities their places that were inside the Church of the Holy Sepulchre, and at the same time they were able to agree with the Orthodox Patriarch of Jerusalem to rent the Monastery of St. James. They neglected the rent and took over the monastery, and, as a result, disputes arose between them and the Greek Orthodox, which ended with the issuance of a Sultan's decree in 1644 supporting the rights of the Orthodox Patriarchate in its properties in the Church of the Holy Sepulchre (Al-Asali, p. 29; Lee. I. Levine, p. 477).

In the beginning of the 17th century Armenians were followers of the Armenian Apostolic Church, but already in the 18th century they divided into Orthodox and Catholic (Gharaibeh, p. 119).

### **Armenian Waqfs in Jerusalem**

The waqf is linguistically defined as refraining from possession, whereas in juridical terminology it means refraining from possession (of the property) and ownership of anyone and giving it to charity (Yakan, p. 8). It is important for Muslims because it is one of the things bringing them closer to God Almighty, as indicated by the words of the Prophet (Peace be upon him): "If the son of Adam dies, his work is interrupted except from the three: the continuous charity, the benefit of the knowledge or the good child who is called upon" (Muslim, Hadith No. 1631, Vol. 14, p. 1255). The continuous charity means the waqf, so the person will continue to receive the reward after his death because people continue to benefit from it by continuous charity.

The benefit from the waqf property is suspended from the beginning and is allocated to charitable organizations, such as schools, mosques and hospitals. The benefit is first for the endower as long as he is alive then for his children after him and if there are no successors the benefit shall be disbursed to a certain party according to the terms of the endower (Yakan, p. 8).

## **Types of Waqfs (Endowments) in Jerusalem**

### **The waqfs are divided into three types**

**1. Charitable waqf:** It is the confinement of a real estate or land to one of the charitable parties, and allocates its benefit to one of the public benefit bodies, such as the mosques, schools, and hospitals (Al-Shafei, p. 201).

**2. Family waqf:** It is the endowment of the family or children or grandchildren without stipulation of poverty or need. Its objectives include: Preserving the inheritance from dispersion, in the interest of the children and grandchildren, and avoiding paying taxes to the Ottoman Empire (Azzam and Abd Al-Hadi, p. 15).

**3. Joint waqf:** It is intended that one part of the waqf's benefit to be allocated for the family, while the other part is for charitable works (Azzam, Abd Al-Hadi, p. 15; Al-Huseini, p. 15; Al-Zarqa, p. 10).

### **Waqf Objectives**

The objectives of the waqfs are as follows: (Al-Saud, p. 271):

1. To obtain continuous remuneration and reward for God's servants during their life and after their death.
2. Achieving the principle of social solidarity, finding an element of balance between rich and poor, and ensuring a decent life for the poor, without harming the rich.
3. The waqf guarantees the survival and protection of the property, and the continuous use and benefit from it.
4. The income from the waqf is spent on religious sites for its reconstruction.

### **Description of the Armenian Waqfs**

In recording their waqfs, the Armenians adhered to the provisions of Islamic law, in accordance with the Hanafi doctrine which was the official doctrine of the Ottoman Empire and derives its provisions from the books of Hanafi scholars which were mentioned in the Armenian waqfs as follows: Abu Hanifa Al-Numan bin Thabet Al-Kufi (699-767), the founder of one of the four Sunni "Madhhabs" (doctrines) (Al-Dhahabi, Vol. VI, p. 390), Imam Abu Yusuf Ya'qub bin Ibrahim (731-798), a disciple of Abu Hanifa Al-Nu'man and the first to spread his doctrine, (Al-Dhabai, Vol. VIII, p. 47), Imam Muhammad bin Hassan Al-Shaibani (748-804), Imam in jurisprudence and principles (Al-Khatib, Vol. II, p. 172).

The Armenian waqfs presented in this study are recorded and documented in the records of the Jerusalem Shari'a Court and are named "Hujja Waqfiya". In Jerusalem Shari'a Court records of the 17th century we have found seven Armenian waqfs recorded in accordance with the Islamic law. The small Armenian waqf documents are about 11 cm wide and 29 cm in length and their number of lines are about 20. They were written in Arabic naskh script. The judge who recorded it stamped at the top, and the witnesses present at the Shari'a Court council signed at the bottom during the recording of the waqf. All of them were Muslims, ranging from 5-10 witnesses for each of the Armenian waqfs (Jerusalem Record No. 150, p. 35; Jerusalem Record No. 152, p. 409; Jerusalem Record No. 173, p. 206).

The main drivers for Armenians to register the waqfs were their religious feelings, as the aim behind this was to serve the monks residing in the Monastery of St. James in Jerusalem, and the Armenian pilgrims coming to visit the Holy Land in Palestine, and the poor Armenians of Jerusalem (Jerusalem Record No. 174, p. 107).

## **Introduction to Armenian Waqfs in Jerusalem in the 17th Century**

### **Contents of the waqf document**

The waqf document determines the property with its boundaries and parts, and then states to whom it is endowed, and finally mentions its terms. The waqf document can be described as follows:

#### **1. Traditional preamble**

The waqf document usually begins with the traditional preamble, which emphasizes the permanence of the endowment (Jerusalem Record No. 150, p. 35).

#### **2. Identifying the waqf (property)**

After the preamble, the endower continues to identify the property and describe its parts accurately, in addition to describing its boundaries.

#### **3. Preamble is affirming the sanctity of the waqf**

The endower emphasizes the sanctity of the waqf and mentions its characteristics. After the building becomes waqf it can't be sold, bought or endowed (Jerusalem Record No. 174, p. 107).

#### **4. Determining to whom will be endowed**

The endower must determine to whom the waqf is entitled to.

## 5. Terms of the waqf

Each waqf has conditions that must be followed, so the conditions often refer to the waqf supervisor and the terms of his appointment. On the other hand, most of the documents - if not all of them - require the supervisor to allocate the benefits of the building to restore it, and to do so before distributing the benefit to whom it is entitled to.

### Armenian Waqfs Registered in the Jerusalem Shari'a Court

#### First Armenian waqf- 1654 (Jerusalem Record No. 150, pp.35-37)

1. The owner of the waqf: Baghdad the daughter of Bana the Armenian.
2. Introduced by: Her son Sargon son of Denis the Armenian.
3. The formula of the waqf: It was endowed voluntarily while she was in a state of good health and safety, and she calculated what she has under her ownership and legal possession and transferred to her by legal purchase according to a legal endowment, and she is in possession of it with a valid and legitimate right without any opposition or dispute.
4. Date of the waqf document: 11 December 1654.
5. Waqf registration: This waqf represents a copy of the original, which was recorded in the Jerusalem Shari'a Court, record No. 150, pages 35-37.
6. Waqf language: The waqf was written in Arabic, and is characterized by its beautiful literary style in which the text was written and the extent to which its author was able to speak beautiful Arabic, far from commissioning at a time when the Arabic language had entered the stage of weakness and decline.
7. Waqf script: The waqf was written in naskh script.
8. Description of the waqf: The waqf consists of three pages measuring (13x29cm). Each page includes (19-21) lines, and the number of words per line ranges between (7-10) words.
9. Description of the waqf property: The property is in Al-Risha quarter and includes two upper and lower floors, sanitary and service facilities. The lower floor includes two houses that are entered from a door located in the southern side, and the building includes a western porch with a wooden door. The lower building also includes a southern house, the door of which is located on the northern side. The building includes a southern porch designed for cooking. The building's yard contains a tank for collecting rainwater, while the upper floor includes a terrace and an upper house.
10. The boundaries of the waqf property: From south it is bordered by the house of Hussein Bek bin Abdullah Al-Sbahi, to the east there is a roadway where the door of the property is located, and to the north is a narrow impermeable alley, and to the west is the house of Jacob son of Preston the Jew.
11. Waqf terms: The conditions of the waqf were as follows: The mentioned waqf was endowed on herself for the duration of her life. She benefits from housing and all forms of endowment, and then afterwards it is for her two children, Sargon and Dowlat sons of Denis,

then for the Christian Armenian community living in the Monastery of St. James, and then after them for the poor wherever they are.

12. The person who is in charge of the waqf (supervisor): The mentioned endower stipulated conditions of the waqf. If the said waqf passes to the poor and there is no one from the Armenian community in Jerusalem, then the judge of Jerusalem will be appointed as its supervisor. The Patriarch of Armenian Christians distributes the benefits of the waqf to feed the community of Armenians living in the Monastery of St. James. She also stipulated that the supervisor of the waqf should allocate from its benefits to the building for its preservation. Then she withdrew her possession from this waqf and handed over to Hakob son of Said, the translator of the Armenian community appointed to take charge of registering the mentioned waqf.

13. Waqf doctrine: The mentioned waqf was endowed in accordance with the Hanafi doctrine, the official doctrine of the Ottoman Empire.

14. Witnesses to the waqf: This waqf was witnessed when it was recorded in the Jerusalem Shari'a Court by the following people: Sheikh Suleiman Katib, Sheikh Zakaria Al-Diri, Sheikh Afif Al-Din, Sheikh Mustafa Al-Dajani, Sheikh Nour Al-Din Al-Shafei, Sheikh Ali Al-Thawri, Sheikh Fathallah Al-Diri, Sheikh MuhabAl-Diri, and Sheikh Habibullah Al-Diri.

#### **Second Armenian waqf - 1657 (Jerusalem Record No. 152, pp. 410-409)**

1. The owner of the waqf: Armenian monk - Manuk Touma

2. Introduced by: / .

3. The formula of the waqf: He endowed voluntarily while he was in good health, safety and free in his choice. He endowed what he has and is around his property and transferred with legal purchase according to a legal procedure, issued by the legitimate ruler who is the signatory above, dated as per below, and he owns it until the issuance of this waqf document, without opposition and disputes.

4. Date of the waqf document: July 13, 1657.

5. Waqf registration: This waqf represents a copy of the original, recorded in the Jerusalem Shari'a Court, record No. 152, and pages 409-410.

6. Waqf language: The waqf was written in Arabic, and is characterized by its beautiful literary style in which the text was written and the extent to which its author was able to speak beautiful Arabic, far from commissioning at a time when the Arabic language had entered the stage of weakness and decline.

7. Waqf script: The waqf was written in naskh script.

8. Waqf description: The waqf consists of two pages measuring (12x30cm). Each page includes (18-20) lines, and the number of words per line ranges between (7-9) words.

9. Description of the waqf property: The waqf property is in Al-Risha quarter and includes two upper and lower floors and a tank designed for collecting rainwater, a restroom, a kitchen and a yard with a berry tree, elderberry plant, grapes and utility facilities.

10. The boundaries of the waqf property: In the south it borders the waqf of Berstman Al-Salahi, the residence of Sharaf Al-Rasas, to the east, the house of Argon, the residence of Muhammad Al-Fakhouri, and to the north is the roadway and the entrance to the house, and to the west with the house of Ohan from the Armenian community living in Jerusalem.
11. Waqf terms: The conditions of the waqf are as follows: The endower established this waqf on the interests of the monastery of St. James, and for the monks living in it. If this is not possible, then it is for the poor of the Armenian community living in Jerusalem. If that was not possible, it is for the Armenian Christians wherever they are.
12. The person who is in charge of the waqf (supervisor): The endower stipulated conditions of the waqf. From these conditions is that the Patriarch of the Armenian community adjacent to the monastery will be the supervisor of the waqf. He does not mortgage, sell, replace, or transfer it. He appointed Hakob Çelebi, the translator of the Armenian community, to be present with him in the Shari'a Court, in charge of the waqf to register it legally and withdraw his possession from the property, and to legally hand it over to Hakob Çelebi.
13. Waqf doctrine: The above mentioned waqf was endowed in accordance with the Hanafi doctrine, the official doctrine of the Ottoman Empire.
14. Witnesses to the waqf: This waqf has been witnessed upon its registration in the Jerusalem Shari'a Court by the following people: Sheikh Zakaria Al-Diri, Sheikh Afif Al-Din, Sheikh Mustafa Al-Dajani, Sheikh Nour Al-Din Al-Shafei, Sheikh Ali Al-Thawri, Sheikh Fathallah Al-Diri, and Sheikh Muhab Al-Diri.

### **Third Armenian waqf - 1671 (Jerusalem RecordNo. 173, p. 206-207)**

1. The owner of the waqf: Khachadour Mardkis the Armenian.
2. Introduced by: / .
3. The formula of the waqf: He endowed voluntarily while he was in good health, safety and free in his choice. He endowed what he has and is around his property and transferred with legal purchase according to two legal documents, and he owns it until the issuance of this waqf, without opposition and disputes.
4. Date of the waqf document: September 15, 1671.
5. Waqf registration: This waqf represents a copy of the original, recorded in the Jerusalem Shari'a Court, record No. 173, and pages 206-207.
6. Waqf language: The waqf was written in Arabic, and is characterized by its beautiful literary style in which the text was written and the extent to which its author was able to speak beautiful Arabic, far from commissioning at a time when the Arabic language had entered the stage of weakness and decline.
7. Waqf script: The waqf was written in naskh script.
8. Waqf description: The waqf consists of two pages measuring (12x30cm). Each page includes (20-21) lines, and the number of words per line ranges between (7-10) words.

9. Description of the waqf property: The waqf property is in Al-Risha quarter and includes three houses, a kitchen, a restroom, a tank (well) for collecting rainwater and sanitary and service facilities. It is the half of the common share: 10 carats out of 24 carats of all the existing houses in the Al-Risha quarter in outer Zion road including two upper and lower floors, several houses, utility facilities and two tanks for collecting rainwater. This house is a common waqf for the Armenian Christians living in the Monastery of St. James with the right of the half.

10. The boundaries of the waqf property: This house in the Al-Risha quarter is bordered from the south by the houses of Christian Armenians, to the east by an impermeable alley where is the door of the house, and to the north by the garden of Abd Al-Rahman Santeh, and to the west “Zaitouna” house which is in possession of the endower. The second house, located in Al-Risha quarter on Zion road is bordered in the south by a house which is a waqf for poor Armenians, and to the east by what was known in the past in favor of Ibrahim Al-Alshanyoda, and now is in the above mentioned waqf, and to the north by the roadway, where the door of the house is, and to the west is the Monastery of St. James.

11. Waqf terms: The conditions of the waqf are as follows: The endower established this waqf on the interests of the poor Armenian Christians residing in the Monastery of St. James. They benefit from housing and all other legal endowments, and if there is no one of the poor Armenian Christians living in the monastery, then it will be a waqf for Armenian Christians residing in Jerusalem.

12. The person who is in charge of the waqf (supervisor): The endower stipulated conditions of the waqf. From these conditions is that he appointed the supervisor for the waqf to who will be the Patriarch of the Armenian Christians. If the waqf falls under the interests of the Foundation Stone, the supervisor should be considered he who is also in charge of the waqfs of the Foundation Stone.

13. Waqf doctrine: The above mentioned waqf was endowed in accordance with the Hanafi doctrine, the official doctrine of the Ottoman Empire.

14. Witnesses to the waqf: This waqf has been witnessed upon its registration in the Jerusalem Shari'a Court by the following people: Sheikh Zakaria Al-Diri, Sheikh Nour Al-Din Al-Shafei, Sheikh Ali Al-Thawri, Sheikh Musa Al-Shafei, and Mohammad Çelebi Al-Tarjuman.

#### **Fourth Armenian waqf - 1671 (Jerusalem Record No. 173, pp. 209-211)**

1. The owner of the waqf: Efiia the Armenian.
2. Introduced by: Salshakhan son of Baghdasar, Al-Kassar son of Khashadur.
3. The formula of the waqf: He endowed voluntarily while he was in good health, safety and free in his choice. He endowed what he has and is around his property and transferred with legal purchase, from the Christian Qara-Goz according to a legal document.
4. Date of the waqf document: September 5, 1671.

5. Waqf registration: This waqf represents a copy of the original, recorded in the Jerusalem Shari'a Court, record No. 173, and pages 110-209.
6. Waqf language: The waqf was written in Arabic, and is characterized by its beautiful literary style in which the text was written and the extent to which its author was able to speak beautiful Arabic, far from commissioning at a time when the Arabic language had entered the stage of weakness and decline.
7. Waqf script: The waqf was written in naskh script.
8. Waqf description: The waqf consists of two pages measuring (12x29cm). Each page included (20-21) lines, and the number of words per line ranges between (8-10) words.
9. Description of the waqf property: The waqf property is in Al-Risha quarter o outer Zion road and includes a southern porch and two houses in it, and next to it southern house and northern house, and a tank for collecting rainwater, and also a northern house, inside of it a restroom, and on the upper floor an upper terrace, above the two northern houses, and the upper layer has a window which looks at the roadway, and also includes a lower terrace with a tank for collecting rainwater, and a stone ladder which goes from it to an upper terrace, and this area has southern house with door to the north, inside it a house and western porch and next to it a kitchen and a restroom. It also includes an upper floor and a terrace and utility facilities, and it belongs to the Armenian Christians mentioned above with the right of the half.
10. The borders of the waqf property: To the south of the house is the waqf of the poor of the Armenian monastery, and to the east is a house known in the past for Ibn Al-Astaq, and now is under above mentioned waqf, and to the north is the roadway and the two doors, and to the west is the waqf of the Armenian monastery.
11. Waqf terms: The conditions of the waqf are as follows: The endower established this waqf on the interests of the poor Armenian Christians residing in the Monastery of St. James. They benefit from housing and all other legal endowments, and if there is no one of the poor Armenian Christians living in the monastery, then it will be a waqf for Armenian Christians residing in Jerusalem. If it was no longer possible to do so it is to be returned to the interests of the Foundation Stone. And if that is not possible, it should be returned to the poor and needy neighboring Jerusalem.
12. The person who is in charge of the waqf (supervisor): The endower stipulated conditions of the waqf. From these conditions is that he appointed the supervisor for the waqf to who will be the Patriarch of Christian Armenians. If the waqf falls under the interests of the Foundation Stone, the supervisor should be considered he who is also in charge of the waqfs of the Foundation Stone, and if it is for the interests of the poor and needy of Jerusalem, the supervisor of the waqf shall be appointed by the judge of Jerusalem. Mohammad bin Abdullah Al-Çelebi is appointed to be in charge for the waqf during its registration. The owner withdraws his possession from the waqf and hands it over to above mentioned representative by acknowledging that he is the one who received it with legal recognition.

13. Waqf doctrine: The above mentioned waqf was endowed in accordance with the Hanafi doctrine, the official doctrine of the Ottoman Empire.
14. Witnesses to the waqf: This waqf has been witnessed upon its registration in the Jerusalem Shari'a Court by the following people: Sheikh Zakaria Al-Diri, Sheikh Ali Al-Daqaq, Sheikh Ali Al-Thawri, Sheikh Musa Al-Shafei, and Sheikh Khalil Al-Diri.

#### **Fifth Armenian waqf - 1671 (Jerusalem Record No. 173, pp. 210-211)**

1. The owner of the waqf: The Armenian Patriarch Mardios.
2. Introduced by: Khashadur son of Mardkis the Armenian, the representative of Armenian Christians living in the Monastery of St. James.
3. The formula of the waqf: He endowed what he has and is around his property and transferred with legal purchase, under a legal document dated 25 October 1670 and this is under his possession until the issuance of this document.
4. Date of the waqf document: July 8, 1671.
5. Waqf registration: This waqf represents a copy of the original, recorded in the Jerusalem Shari'a Court, record No. 173, and pages 210-211.
6. Waqf language: The waqf was written in Arabic, and is characterized by its beautiful literary style in which the text was written and the extent to which its author was able to speak beautiful Arabic, far from commissioning at a time when the Arabic language had entered the stage of weakness and decline.
7. Waqf script: The waqf was written in naskh script.
8. Waqf description: The waqf consists of two pages and a half measuring (13x29cm). Each page included (20-21) lines, and the number of words per line ranges between (8-11) words.
9. Description of the waqf property: The waqf property is in Al-Risha quarter and includes three houses, an upper floor, a kitchen, a restroom, a tank for collecting rainwater and utility facilities.
10. The boundaries of the waqf property: it is bordered from the south by the house of Armenian Christians, to the east by an impermeable alley with the door of the house, to the north by the garden for Ibrahim Santeh, and to the west by the "Zaytouna" house.
11. Waqf terms: The conditions of the waqf are as follows: The endower established this waqf on the interests of the poor Armenian Christians residing in the Monastery of St. James. They benefit from housing and all other legal endowments, and if there is no one of the poor Armenian Christians living in the monastery, then it will be a waqf for Armenian Christians residing in Jerusalem. If it was no longer possible to do so it is to be returned to the interests of the Foundation Stone. And if that is not possible, and may God forbid, it should be returned to the poor and needy neighboring Jerusalem.
12. The person who is in charge of the waqf (supervisor): The endower stipulated conditions of the waqf. From these conditions is that he appointed the supervisor for the waqf to who will be the Patriarch and representative of Christian Armenians residing in the Monastery of

St. James. If the waqf falls under the interests of the Foundation Stone, the supervisor should be considered he who is also in charge of the waqfs of the Foundation Stone, and if it is for the interests of the poor and needy of Jerusalem, the supervisor of the waqf shall be appointed by the judge of Jerusalem. Mohammad bin Abdullah Al-Çelebi is appointed to be in charge for the waqf during its registration. The owner withdraws his possession from the waqf and hands it over to above mentioned representative.

13. Waqf doctrine: The above mentioned waqf was endowed in accordance with the Hanafi doctrine, the official doctrine of the Ottoman Empire.

14. Witnesses to the waqf: This waqf has been witnessed upon its registration in the Jerusalem Shari'a Court by the following people: Sheikh Ali Al-Thawri, Sheikh Nour Al-Din Al-Shafei, Sheikh Ali Al-Daqaq, Sheikh Musa Al-Shafei, Sheikh Khalil Al-Diri, Sheikh Zakaria Al-Tarjuman and Mohammad Çelebi Al-Tarjuman.

### **Sixth Armenian waqf - 1677 (Jerusalem Record No. 179, pp. 481-482)**

1. The owner of the waqf: Saifar the Armenian.
2. Introduced by: not mentioned in the record.
3. The formula of the waqf: He endowed what he has and is around his property and this is under his possession until the issuance of this document.
4. Date of the waqf document: October 28, 1677.
5. Waqf registration: This waqf represents a copy of the original, recorded in the Jerusalem Shari'a Court, record No. 179, and pages 481-482.
6. Waqf language: The waqf was written in Arabic, and is characterized by its beautiful literary style in which the text was written and the extent to which its author was able to speak beautiful Arabic, far from commissioning at a time when the Arabic language had entered the stage of weakness and decline.
7. Waqf script: The waqf was written in naskh script.
8. Waqf description: The waqf consists of one page and a half measuring (12x30cm). The first page consists of 20 lines and the half page consists of 19 lines, and the number of words per line ranges between (8-10) words.
9. Description of the waqf property: The property includes a shop in Jerusalem, on the street of David (peace be upon him).
10. The boundaries of the waqf property: The shop is bordered from the south by the roadway, and to the east by the house of Sheikh Salah Al-Din and Sheikh Ahmad, and Sa'ima Khatun daughter of Ahmed Effendi, and around it is a garden under their possession and shops under the waqf of the school, and to the west is the above mentioned endowed shop.
11. Waqf terms: The conditions of the waqf are as follows: The endower established this waqf for himself for the duration of his life, and then who is after him: his son Simeon the blind. He benefits from all the other legal endowments for the duration of his life, and then after them on the interests of the Monastery of St. James. If it is no longer possible it becomes

for the interests of the Foundation Stone. And if that is not possible, it should be returned to the poor Muslims.

12. The person who is in charge of the waqf (supervisor): The endower stipulated conditions of the waqf. From these conditions is that he appointed the supervisor himself for the duration of his life, and then his son Simeon, and then after his son to whom will be the representative of the Armenian Christians living in the Monastery of St. James, and then who will be the supervisor of the Al-Aqsa Mosque waqf. If this is not possible, it the supervisor should be the judge of Jerusalem. He appointed Ali Rajab Al-Darusi to be in charge of this waqf, and then handed it over to him by acknowledging that he is the one who received it and he withdraws his possession from it.

13. Waqf doctrine: The above mentioned waqf was endowed in accordance with the Hanafi doctrine, the official doctrine of the Ottoman Empire.

14. Witnesses to the waqf: This waqf has been witnessed upon its registration in the Jerusalem Shari'a Court by the following people: Sheikh Zakaria Al-Diri, Sheikh TaqiAl-Din, Sheikh WaliAl-Din, Sheikh Fathallah, Sheikh Khalil Al-Diri, Sheikh Musa Al-Shafei, and Sheikh Fathallah Al-Diri.

## **Conclusion**

It can be said that the study shed light on the Armenian waqfs (endowments) in Jerusalem in the 17th century. There were seven waqf documents for Armenians of the city in the Jerusalem Shari'a Court records, and they represent the copies of the originals of these documents.

During the Ottoman era the Armenian community of Jerusalem enjoyed their right of endowment of their movable and immovable properties (houses, lands and shops), supervising and managing them according to their terms. The books of Islamic jurisprudence, especially Hanafi jurisprudence, have approved the rights of "Ahl Al-Dhimma" to endow their properties to their monasteries and churches and to the poor and needy from their community.

The records of the Jerusalem Shari'a Court indicate that seven properties were endowed by the Armenians in Jerusalem, to spend from their benefits on the endower during his lifetime and on the poor and needy Armenians, and on the Monastery of St. James known as the Monastery of the Armenians for its reconstruction and restoration and continuation. There are other reasons hidden behind the endowment of these properties to their heirs, to the poor and to their monasteries. This was for the protection from the expropriation of the Ottoman authorities and for the evasion of paying taxes.



The study highlighted that the Armenian community is considered one of the oldest Christian communities in Jerusalem. Under Ottoman rule they enjoyed freedom and religious tolerance, integrated into the Jerusalem community and became an active part of it. At the same time, they enjoyed wide freedom in managing their affairs through their spiritual leaders who regulate their religious and secular affairs, and organize their relations with the Jerusalemite society and the Ottoman Empire.

The study showed that the records of the Jerusalem Shari'a Court provide information about the industries, trades and professions with which the Armenians were occupied in Jerusalem. The records indicated that they worked in various professions, such as dyeing, gold and silver crafting, knitting, weaving, tailoring, carpentry, blacksmithing, manufacturing copper tools and utensils, doing decorations for sale to foreign tourists who visit the holy places etc. They also were occupied with agriculture and trade.



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