SOURCES AND APPROACHES ACROSS DISCIPLINES IN NEAR EASTERN STUDIES

Proceedings of the 24th Congress,
Union Européenne des Arabisants et Islamisants, Leipzig 2008

edited by
VERENA KLEMM and NUHA AL-SHA’AR

with
L. BEHZADI, S. BRINKMANN, S. GÜNTHER and M. JAGONAK

in cooperation with
B. BACKE, H.-G. EBERT, L.M. FRANKE, M. KOERTNER and D. DE SMET

UITGEVERIJ PEETERS en DEPARTEMENT OOSTERSE STUDIES
LEUVEN – PARIS – WALPOLE, MA
2013
## CONTENTS

**FOREWORD** .............................................. IX

### QUR’ĀN, RELIGION, PHILOSOPHY AND MYSTICS

**ABBoud Hosn** – Beirut

*Surat Maryam* and the Pre-Islamic Panegyrical Ode: A Study of the Tripartite Structure .................................................. 3

**Al-Sha’ar Nuha** – London

Between Love and Social Aspiration: The Influence of Ṣuʿfī and Greek Concepts of Love on the Socio-Political Thought of the Ikhwān al-Ṣafāʾ, Miskawayh, and al-Tawḥīdī ........................................... 25

**Bottini Laura** – Catane

Entre informations bibliographiques et biographiques: les *Rijāl* de Najāshī ........................................................................... 41

**Calderini Simonetta** – London

Classical Sources on the Permissibility of Female Imams: An Analysis of Some Ḥadiths about Umm Waraqa ................................... 53

**Arcas Campoy María** – La Laguna (Tenerife)

À propos de la terminologie (*muṣtalḥahāt*) du droit de succession (*al-farā’īd*): le Coran et le *Muwaṭṭa* .................................................. 71

**Frolov Dmitry** – Moscow

The Role of Prayers in the Composition of the Qurʾān ........................................... 83

**Melchert Christopher** – Oxford

Quantitative Approaches to Early Islamic Piety ........................................... 91

**Platti Emilio** – Leuven

Entre théologie et philosophie: des Arabes chrétiens dans l’œuvre de Shlomo Pines (1908–1990) ........................................... 101

**Scattolin Giuseppe** – Rome

‘Abd al-Mālik al-Kharkūshī (d. 407/1016). His Sufi Treatise *Tahdhib al-asrār* ........................................... 113
VI CONTENTS

STRAFACE Antonella – Naples
Abālīsa and Shayāṭīn: A Qarmatian-Ismā’īlī Interpretation. The Case of the Kitāb shajarat al-yaqīn . . . . . . . 127

VAN LEEUWEN Richard – Amsterdam
Reformist Islam and Popular Beliefs: Rashīd Riḍā’s Attack against the Cult of Shrines . . . . . . . . . . . . 141

VAN REETH Jan – Antwerpen
Le mi’rāḡ du Prophète . . . . ou les mirages d’une recherche effrénée? . . . . . . . . . . . . . . . . . . . . 155

WAARDENBURG Jacques – Geneve
Studying Islam as a Living Religion: Reflections . . . . 173

STATE AND SOCIETY IN HISTORY AND THE PRESENT

ARAT Mari Kristin – Strasbourg
Les interdictions du foulard en France, en Allemagne et en Turquie . . . . . . . . . . . . . . . . . . . . 187

BADRY Roswitha – Freiburg
Norms, Gender, and Political Representation: Recent Experiences of the Women’s Movement in Jordan (c. 1995–2007) . 207

CARBALLEIRA DEBASA Ana María – Granada
Poverty and Charity in al-Andalus: The Case of Pious and Family Endowments . . . . . . . . . . . . . . . . . 221

HÄMEEN-ANTTILA Jaakko – Helsinki
Khālid ibn ʕafwān – Between History and Literature . . . 233

PELLITTERI Antonino – Palermo
Les articles sur la Palestine (1947–1948) du Šayḥ Muḥammad al-Bashir al-ʿibrāḥīmī: l’autre face du texte entre discours politique et histoire . . . . . . . . . . . . . 243

REINFANDT Lucian – Vienna
The Political Papyrologist: Adolf Grohmann (1887–1977) . 251

SHATZMILLER Maya – London (Ontario, Canada)
The Role of Money in the Economic Growth of the Early Islamic Period (650–1000) . . . . . . . . . . . . . . . . . 271
## LITERATURE AND RHETORIC

<table>
<thead>
<tr>
<th>Author</th>
<th>Location</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATTAR Samar</td>
<td>Sydney</td>
<td>The Futility of Friendship with Egoistic Westerners in Modern Arabic Texts</td>
<td>309</td>
</tr>
<tr>
<td>BAFFIONI Carmela</td>
<td>Naples</td>
<td>Nāṣir-i Khosrow, Translator of the Ikhwān al-Ṣafā’?</td>
<td>319</td>
</tr>
<tr>
<td>CASSARINO Mirella</td>
<td>Catane</td>
<td>La conception du temps dans le Kitāb al-imtā’ wa’l-mu‘ānasa: poétique de l’obscurité et texture du conte</td>
<td>333</td>
</tr>
<tr>
<td>CORRAO Francesca M.</td>
<td>Naples</td>
<td>Street Performers in the Shadow Plays of Ibn Dāniyāl al-Mawṣīlī</td>
<td>343</td>
</tr>
<tr>
<td>DZIEKAN Marek M.</td>
<td>Lodz</td>
<td>’Imād ad-Dīn Ḥalīl und seine islamische Literaturtheorie und -kritik</td>
<td>353</td>
</tr>
<tr>
<td>MICHALAK-PIKULSKA Barbara</td>
<td>Cracow</td>
<td>The Beginnings of Short Story Writing in Qatar</td>
<td>361</td>
</tr>
<tr>
<td>OSSIPova Christina</td>
<td>Moscow</td>
<td>The System of Colouration in Medieval Arabic Wine Poetry</td>
<td>371</td>
</tr>
<tr>
<td>SCHIPPERS Arie</td>
<td>Amsterdam</td>
<td>Flower Poems in Arabic, Judeo-Arabic and Hebrew Andalusian Poetry</td>
<td>381</td>
</tr>
</tbody>
</table>

## PHILOLOGY AND LINGUISTICS

<table>
<thead>
<tr>
<th>Author</th>
<th>Location</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>BELHAI Abdessamad</td>
<td>Budapest</td>
<td>Rhétorique arabe et théologie: quelques lieux communs</td>
<td>397</td>
</tr>
<tr>
<td>GERSETTI Antonella</td>
<td>Venice</td>
<td>Établir les sources ou de la façon d’écrire correctement: les Kitāb al-Hatt d’Ibn al-Sarrāg et d’al-Zağgāğı</td>
<td>405</td>
</tr>
<tr>
<td>SERRANO-NIZA Dolores</td>
<td>La Laguna (Tenerife)</td>
<td>Le labyrinthe des mots: «cruauté» et «violence» dans les ouvrages de luğa</td>
<td>425</td>
</tr>
</tbody>
</table>
VIII CONTENTS

TORLAKOVA Ludmila – Bergen
     'Af’alu min kadhā: Comparative Idioms in Medieval Arabic
     Dictionaries ........................................... 437

MATHEMATICS AND ASTRONOMY

AGUIAR AGUILAR Maravillas – La Laguna (Tenerife)
     A Contribution on the Textual History of Islamic Astronomical
     Instruments. The Production of Arabic Texts on the Sine Quadrant
     Devoted to Teaching from the Thirteenth to Sixteenth
     Centuries ............................................... 455

MARTOS Juan – Madrid
     Les premiers mathématiciens dans al-Andalus ........ 465

NASH Harriet, AGIUS Dionisius A. – Exeter
     Star Charts from Oman .................................. 479

THOMANN Johannes – Zurich
     A Mathematician’s Manifesto on Scientific Reasoning against
     Religious Convictions ................................ 491

ART AND EPIGRAPHY

GRASSI Vincenza – Naples
     Abbreviations and Mock Inscriptions in Arabic Epigraphy . 505

SOUTO Juan A. † – Madrid
     Graffiti in the mihrāb of the Great Mosque of Cordova . 525
POVERTY AND CHARITY IN AL-ANDALUS:
THE CASE OF PIOUS AND FAMILY ENDOWMENTS

Ana María Carballeira Debasa
Granada

Previously, studies on poverty in the medieval Islamic world had been relegated to the background in favour of investigations concerning the most advantaged strata of society. However, there has been marked progress in this area in recent years, in comparison with the increase in works of this kind in the second half of the 20th century devoted to Christian Europe in the Middle Ages. Charity in the Muslim sphere, meanwhile, has already received greater attention from the academic community in relation to the ways through which charitable giving and acts were performed: pious endowments (waqf or ḥubs) and voluntary alms (ṣadaqa).

This work follows the line of research that I have been pursuing for several years with the aim of filling the existing gap in the historiographic analysis of poverty and charity in Islam in the West in the Middle Ages in general and in al-Andalus in particular. The main focus of this article is to examine the role played by the institution of ḥubs in relation to the poor and needy within the framework of Andalusi society.

In general terms, ḥubs is a perpetual foundation in which the owner renounces his rights over the property endowed by him with the prescription that the profit or usufruct is used for future or immediate pious

1 This paper has been carried out within the research project “Cruelty and Compassion in Arabo-Islamic Literature: A Contribution to the History of Emotions”, funded by the Spanish Ministry of Education (HUM2006-04475/FILO).


3 From this point onwards I shall use the term hubs and its plural abḥāṣ to refer to the pious foundations in al-Andalus, since it is the term that is most frequently employed in the documental base I have used. In fact, use of this form is supported in the Islamic West, as against common employment of the term waqf and its plural awqāf in the East.
works. As a general rule, ownership of these kinds of goods cannot be transferred from the owner to the beneficiaries of the donation, one of the limitations that characterises this institution. The act is called ‘public ḥubs’ (ḥubs khayrī) when an endowment is made with a social or religious purpose from which the public can benefit.⁴ There is also ‘family ḥubs’ (ḥubs ahlī), which is a measure adopted by the founder with a view to covering the needs of his relatives, thereby responding to an eminently material interest. Normally, once the beneficiaries designated by the founder have died, the property is then used for pious purposes.⁵

Arabic juridical sources are among the documents that, to a certain extent, help mitigate the archival impoverishment of Islam in the West in the Middle Ages. They come in the form of collections of 1) juridical opinions (fatāwā)⁶ to elucidate obscure points in the law or to provide guidance concerning new cases; 2) legal dicta (ahkām)⁷ adopted by qadis in the development of judicial processes, and 3) model documents (wathāʿiq, shurūṭ)⁸ that set out the criteria that should guide a notary when drawing up documents. It is not advisable to disregard other sources (historical, biographical, etc.) which may provide additional information and reinforce that which is contained in legal texts.

Taking this documental base as the point of departure, I will focus on the socio-economic benefits that flowed from the institution of ḥubs to


⁵ On ḥubs ahlī in al-Andalus, see CARBALLEIRA, Legados píos y fundaciones familiares, pp. 203–272; GARCÍA SANJUÁN, Hasta que Dios herede la tierra, pp. 139–168; idem, Till God Inherits the Earth, pp. 142–183.


the poor and destitute\(^9\) in al-Andalus between the 10\(^{th}\) and 12\(^{th}\) centuries. The task is, then, to determine in what way this institution affected those people whose economic resources were slender, who were involved in these kinds of foundations, and who benefited from what they received from them. Using information relating to donations for the poor and destitute of al-Andalus, I will distinguish between the poor as primary beneficiaries of a pious legacy and the poor as first and last beneficiaries of a family endowment. Finally, I will consider some aspects of the legal system that governed the institution of \(\text{\textit{hubs}}\) in order to elucidate whether the donations for the needy exhibit particular characteristics.

### 1. The Poor as Beneficiaries of \(\text{\textit{Hubs Khayr}}\)

\(\text{\textit{Hubs khayr}}\) was an institution endowed with significant income drawn from foundations established not only by monarchs, their wives and their mothers, high-standing dignitaries and so on, but also by affluent individuals. Apart from specific cases regarding pious endowments made by Andalusi sovereigns or by members of their entourage, there exist no data on the identity of the founders.

With regard to the constitution of \(\text{\textit{ahbās}}\) by an institutional power, there is evidence of two foundations whose founder was caliph al-\(\text{\textit{Hakam II}}\) (r. 961–976). One of these dates back to 975, when this monarch established a \(\text{\textit{hubs}}\) to benefit the schoolteachers he had assigned to instruct children of the needy. There were three schools in the vicinity of the Friday mosque and twenty-four in the suburbs of the capital.\(^{10}\) The other reference is to a foundation constituted by al-\(\text{\textit{Hakam II}}\) in the year 965 from his personal fortune, the purpose of which was to provide aid to the weak in the frontier areas. However, on occasions when the capital was suffering from food shortages, money from the \(\text{\textit{hubs}}\) could be used until

\(^9\) With regard to the terminology employed to designate the poor in texts concerning the institution of \(\text{\textit{hubs}}\) in al-Andalus during the period under study, it must be pointed out that the terms \(\text{\textit{faqīr}}\) (pl. \(\text{\textit{fuqārā'}}\)) and \(\text{\textit{miskīn}}\) (pl. \(\text{\textit{masākīn}}\)) are utilised. Use of the term \(\text{\textit{da'īf}}\) (pl. \(\text{\textit{du'a'afā'}}\)) is also documented, tending to appear in association with and in reference to members of a family who require help.

the situation improved.\textsuperscript{11} Although, on the one hand, this pious endowment made by the caliph from his private wealth cannot be classified as part of his official policy, it is, on the other, clearly a symbolic representative act of his role as protector of the Muslim community. In some cases, charity dispensed by Andalusi sovereigns reveals that they felt some responsibility to act in this way, whilst their behaviour was a model example for their subjects to follow.\textsuperscript{12} Meanwhile, the fact that, should there be want in the capital, the city would be the recipient of such income until normality was restored, could be interpreted as priority being given to the needs of Cordobans.

Turning to the objects specified in \textit{ hubs } for the benefit of the poor and destitute in al-Andalus, the records point to donations of different kinds that affect both real estate properties and personal property. In principle, the characteristic of perpetuity of \textit{āḥbās} implies that it is preferable for real estate properties to be established in \textit{ hubs }, as they are by nature imperishable. Some juridical doctrines of Islam showed their opposition to the donation of personal property because of their perishable character. However, documentation concerning \textit{āḥbās} in al-Andalus reveals the existence of this practice. This is because the Mālikis recognised the temporality of \textit{ hubs }, admitting the donation of all kinds of goods.\textsuperscript{13}

The sources say that personal goods, such as jewellery, clothes and books could be established in \textit{ hubs } to help the poor and destitute, and not just real estate properties (lands and buildings). In the case of real estate properties, the income obtained from their lease was destined for pious objectives. Luxury clothes and books, meanwhile, were objects that were not within reach of the needy. The aim, through these kinds of donations, was to make objects of high economic cost available to the lower social echelons, to prevent their use being limited only to the most powerful social classes. Jewels and clothes made from precious materials were loaned or hired out to people in need to be worn at wedding ceremonies,


\textsuperscript{12} Regarding the ambiguous nature of pious endowments made by Islamic political authority, see A. SABRA, “Public Policy or Private Charity? The Ambivalent Character of Islamic Charitable Endowments”, in: M. BORGOLTE (ed.), 	extit{Stiftungen in Christentum, Judentum und Islam vor der Moderne}, pp. 95–108. Institutional power also distributed alms donations (\textit{ṣadaqāt}) in al-Andalus; see, on this regard, A. M. CARBALLEIRA, “Indigencia y marginalidad en al-Andalus”, in: A. GARCÍA SANJUÁN (ed.), 	extit{Saber y sociedad en al-Andalus. Actas de las IV–V Jornadas de Cultura Islámica de Almonaster la Real}, Huelva, 2006, pp. 69–71; idem, “Pobres y caridad en al-Andalus”, pp. 70–77.

\textsuperscript{13} Concerning the controversy stirred up by the question of the permanent or temporary nature of \textit{ hubs }, see CARBALLEIRA, 	extit{Legados píos y fundaciones familiares}, pp. 16–17.
POVERTY AND CHARITY IN AL-ANDALUS

given the social importance of marriage in Islamic society. Pious donations of books served to promote science, culture, and knowledge among ulemas of humble social background. This kind of hubs also reflects how highly dedication to Islamic sciences was valued. These items were handed over as a loan, and had to be returned, so that other people could similarly benefit from them. One may infer from this that there existed an interest in al-Andalus in stimulating the social integration of the poor.

The poor could also sometimes benefit from ahbās whose purpose was unknown, due to the loss of the endowment deed. In these cases, jurists had to confront the thorny matter of the use to which such pious donations should be put. However, the opinions of the legal advisers are not unanimous in this regard. Two texts consider the possibility of utilising the total income from these kinds of pious legacies to defray the costs of the reconstruction of ramparts. In contrast to the affirmative response given by the 11th century mufti Ibn al-Qaṭṭān to this proposal, the mufti Ibn al-Hājj, in the 12th century, advocated that pious endowments whose purpose is unknown be designated for the maintenance of the poor and needy.

2. THE POOR AS BENEFICIARIES OF HUBS AHLĪ

2.1. The poor, primary beneficiaries of family endowments

In general terms, family foundations rested on the presumed charity or piety of their founder. Charity might be mentioned explicitly, as in cases where the family endowment was constituted in the interests of needy descendents of the founder, who were designated as first beneficiaries of the hubs. In this regard, the family foundation increasingly reflects the

14 It might be supposed that these pious endowments of books also had a socio-economic character, as occurred in other parts of the Islamic world, as in Marīnīd Morocco, where hubs khayrī played a fundamental role in the development and maintenance of libraries, library personnel and scientific activities; see M. SHATZMILLER, “«Waqf Khayrī» in Fourteenth-Century Fez: Legal, Social and Economic Aspects”, in: Anaquel de Estudios Árabes 2 (1991), p. 208. However, in the juridical documentation consulted, data have not been found that would lead us to consider a similar circumstance in al-Andalus, at least during the period covered by this work. In this sense, the fact that the existence of madrasas is not supported until the Nasrid period is significant; see G. MAKDISI’s theory in this regard, in The Rise of Colleges. Institutions of learning in Islam and the West, Edinburgh, 1981, pp. 28, 37–38.

15 AL-WANSHARISI, Miṣyār, VII, pp. 291, 442.

16 With regard to needy relatives as first beneficiaries of a hubs ahlī in al-Andalus, see CARRALLEIRA, Legados píos y fundaciones familiares, p. 217; GARCÍA SANJUÁN, Hasta que Dios herede la tierra, pp. 153–154; idem, Till God Inherits the Earth, pp. 162–163.
pious objective of a donation of this kind. So, for instance, according to the information provided by a legal question, an individual established some of his property in ḥubs in order to benefit needy relatives of his through paternal and maternal lines, granting priority to his close relatives, for whom he would provide food and clothes.\(^{17}\) In this case, preference is given to the founder’s closest relatives.

According to the data collected in legal sources, the founder not only frequently designated the beneficiaries of ḥubs, but also the way in which the fruit or usufruct of a family endowment should be distributed. Apart from cases where the founder left stipulations as to how the income of a family foundation had to be distributed among its beneficiaries, in others the founder left no such guidelines. In this situation the ḥubs question had to be submitted to the opinion of legal advisers, who were obliged to settle between an equitable distribution or a sharing out in line with the needs of the interested parties. The absence of stipulations by the founder on this matter is revealed in a legal question posed in the 12th century. In this endowment deed the founder of the ḥubs stipulates that there is to be an equal distribution of the income from the foundation among the initial beneficiaries, but does not specify how to distribute the revenues among later descendents. The two muftis consulted in this matter, Ibn Rushd and Ibn al-Ḥājj, favour apportionment based on the degree of need of the descendents of the first beneficiaries, unless they are all in the same economic situation, in which case the income should be distributed among them all equally.\(^{18}\)

2.2. The poor, ultimate beneficiaries of family endowments

As mentioned above, in the majority of instances the purpose of ḥubs ahlī was eminently materialistic, as it benefited relatives of the person who established it. This is why there was a generalised tendency for founders to invest it with an ultimate pious intention. The return of these kinds of goods to the final objective envisaged by the founder in the endowment deed took place on the decease of all the intermediate beneficiaries designated by him. In this situation, as a general rule, the founder stipulated that, when the beneficiaries of a family branch were no longer alive, some pious purpose should be allocated to the property in question. In this


sense, the information contained in the legal sources reveals that it is the destitute who are the main beneficiaries of the definitive return of ḥubs ahlī. One must bear in mind that the poor were especially imbued with the charitable purpose that disguised the materialist nature of family endowments.

Then again, the founder did not always leave clear stipulations regarding the ultimate beneficiaries who were to receive the usufruct of the ḥubs after the decease of the first in line. In such a case, it was the muftī’s task to assign an ultimate beneficiary of the foundation. This circumstance led to some controversy concerning the individual to whom the family endowment must revert. Where the founder had not stipulated for the return of the ḥubs to a final objective, needy relatives and, in their absence, the poor in the community, were frequently favoured. According to a model document recorded by Ibn al-ʿAṭṭār in the 10th century, there are those who are of the opinion that the goods return to the founder, if alive, or to his heirs, should he have died, with the loss of the status of ḥubs. Others express the view that it does not return to him, but reverts to the closest of his relatives who are in situations of poverty; only when there are no poor in the family must it be destined for the needy in the community.

3. ASPECTS RELATING TO THE STATUS OF THE AḤBĀṢ FOR THE POOR

The juridical documental base used to carry out this study determines the eminently legal nature of the information contained in it with regard to the constitution of aḥbāṣ to support the poor in al-Andalus between the 10th and 12th centuries. In the vast majority of cases, the intangible nature of these goods conditions the legal consultations that are engaged in concerning this kind of property. This aspect explains the fact that cases are frequently dealt with where there is a violation of the characteristics of intangibility and immobility inherent in these goods.

3.1. Sale of ḥubs

For Muslim jurists, the act of selling aḥbāṣ is amongst the most reviled, as it involves transgressing the principle of intangibility, through failing to comply with the stipulations expressed by the founder in the endowment

deed. However, the execution of sale of these goods is imposed in exceptional cases owing to the unproductiveness of real estate properties established in *hubs*. When these are no longer profitable, they are replaced by other goods of the same kind which may bring prosperity, so that the *hubs* does not cease to perform its function. But it is not the only case where the possibility of the sale of *ahbās* is contemplated, since this procedure was also applied in al-Andalus in other special circumstances, as in cases when the founder or beneficiaries were submerged in a situation of poverty.

In the latter circumstance, there needed to be a clause in the endowment deed with an explicit stipulation by the founder envisaging such a possibility. The income obtained from the sale of *ahbās* was employed for the benefit of the founder or of the beneficiaries. From this point of view, the property was not substituted by another, so the sale implicitly led to the total alienation of the *hubs*. Thus, in cases where the founder considers the sale of the foundation by the imperative of poverty, jurists tend to admit the validity of the clause in the endowment deed, in which this stipulation is recorded. The admission of the sale of *hubs* in cases of poverty might correspond to the underlying pious objective that accompanied an act of these characteristics. This is the opinion, among others, of the mufti Ibn Sahl in the 11th century, who adduces the favourable judgement of Mālik b. Anas (d. 796) regarding the sale of *hubs* in the case of need in connection with an individual who established a family foundation for his descendents and who authorised them to sell it for this reason.

Although this was the most frequent situation in most legal questions where the sale of *ahbās* in case of need was dealt with, the opposite case could also arise; that is to say, the sale of the properties established in *hubs* when the founder or the beneficiaries were wracked by poverty, without there being any prior stipulation to such effect in the endowment deed. This is specified in a consultation addressed to mufti Ibn al-Makwī between the end of the 10th century and the beginning of the 11th century.

---

21 For more information on the sale of unproductive *ahbās*, see Carballeira, *Legados píos y fundaciones familiares*, pp. 312–315; García Sanjuán, *Hasta que Dios herede la tierra*, pp. 295–304; idem, *Till God Inherits the Earth*, pp. 345–357.


However, he decrees the rescission of the sale despite the state of need affecting the beneficiaries.24

3.2. Leasing of ġubs

Sale was not the only system utilised in al-Andalus to make aḥbās profitable. In fact, the most common procedure in this regard consisted of leasing properties established in this way, as the total obtained in this transaction formed part of the income from ġubs and was destined for the pious purpose previously stipulated by the founder in the endowment deed.25 This is reflected in the 12th century by al-Jazīrī in a model document, where the endowment deed of a house established in ġubs is registered in favour of the needy of a particular place. It specifies that it must be leased, assigning income from it to the poor. But, should it not be possible to let it out, it must be inhabited by the destitute in accordance with their needs.26

From this perspective, the leasing of aḥbās was not detrimental to the interests of this kind of foundation, since it actually increased returns on them. Nonetheless, on specific occasions this operation could have negative repercussions for the functionality of the ġubs. This occurred in cases where the period of lease was very long. On the one hand, aḥbās subject to periods of lease that were too long ran the risk of suffering manipulation from the tenants, who might try to become the proprietors of the goods they were renting; that is why efforts were made to preserve the intangibility of this kind of property in order to prevent their existence falling into oblivion. On the other hand, in some cases the beneficiaries of the ġubs could be faced with a change in their right to enjoy the goods constituted to their benefit, as such enjoyment was subordinated to the finalisation of the period of lease. All these aspects explain why Andalusian jurists were in favour of establishing brief periods for the leasing of aḥbās. In particular, they all generally indicate that four years are allowed for the leasing of endowments destined for the poor.27

24 AL-SHA‘Ī, Aḥkām, p. 147; AL-WANSHARIṢĪ, Mi‘yār, VII, p. 432.
25 For more detailed information concerning the lease of aḥbās in al-Andalus, see CARBALLEIRA, Legados píos y fundaciones familiares; pp. 297–309; GARCÍA SANTIÚÁN, Hasta que Dios herede la tierra, pp. 130–137; idem, Till God Inherits the Earth, pp. 132–141.
26 AL-JAZĪRĪ, Maqṣad, p. 287.
In addition to the references contained in the juridical sources in relation to the period of lease of *hubs*, one must also point to information registered concerning reductions in the amount of rent on properties of this kind owing to their lack of productivity. As can be inferred from a text collected by Ibn Sahl, it was customary for the *qadis* of Cordoba to grant opportunities for tenants to pay rent on lands established in *hubs*, when they suffered because of crop failure.

4. Final Considerations

In general terms, the establishment of *āḥbās* admits the distinction between the primary beneficiaries of a direct pious endowment and the ultimate pious object of a family foundation after the decease of the first series of beneficiaries.

Pious legacies (*hubs khayrī*) reflect the supportive attitude of the founders towards the needs of others. The Andalusis were not insensitive to poverty. On the one hand, this kind of donation must be situated within the framework of the exhortations of Islamic religion concerning charity and eternal salvation. On the other hand, one must bear in mind the fact that these foundations not only had their roots in spiritual motives, but were also made with a view to gaining social prestige. From this perspective, charity becomes an instrument at the service of the founder. Whatever the case, it is undeniable that on some occasions there was a genuine urge to ameliorate the suffering of the destitute.

On other occasions, the constitution of family endowments (*hubs ahlī*) with ultimate pious objectives could not disguise the intentions of the founder to favour particular descendents to the detriment of others, as well as the attempt to safeguard the integrity of property among a group of people. In this case, *hubs* offers an easy way of evading Koranic prescriptions for inheritance. This system may have gained wide acceptance in al-Andalus as a means of avoiding such prescriptions, as can be inferred from the numerous questions posed to the Andalusi jurists in relation to family endowments. But the fact that at times the primary beneficiaries of such a foundation were the needy relatives of the founder

---

reveals that there existed some concern to improve the quality of life within the family. However, there are few cases of this recorded in the documental base used for this study.

From this angle, the sources consulted do not omit Andalusi social reality in relation to charitable measures adopted towards the weak and needy, for they provide a wealth of valuable information concerning initiatives adopted by political authorities and private individuals. Social policies did not have a place among the activities that were backed by institutional support in medieval Islamic societies. Apart from some donations made by political authorities, social assistance was, to a great degree, taken up by private initiative, channelled in particular through the institution of *hubs*. Such beneficent acts performed by private individuals reveal that individual initiatives were fundamental to mitigate the effects of poverty in al-Andalus from the 10th to the 12th centuries, so that these kinds of donations generally reflected the personal and non-institutional nature of Andalusi social services. This reinforces the idea of community, that is to say, the internal cohesion of the Muslim community that enabled it to have means at its disposal aimed at covering its basic needs. But it must be borne in mind that these charitable practices not only served to cover the material needs of the destitute, but also favoured the integration of the latter within society itself. Since poverty was a state inherent to the social order, the redistribution of wealth fundamentally contributed to maintaining the equilibrium between the different social groups.29

As well as providing an opportunity to appreciate the social and religious repercussion of *ahbās* in al-Andalus, the material collected makes it possible to obtain information regarding some aspects of the juridical system that governed the institution of *hubs*. In this context, one must consider whether the donations for the poor exhibit peculiar characteristics. In principle, the same status of intangibility was applied to them as to the rest of the *ahbās*, except in duly justified cases. Normally, defence of the intangible nature of *hubs* was due to reasons of a merely legal kind. Nonetheless, on occasion, social needs could reach a point where they conditioned the legal status of these goods. This becomes evident in extreme cases, as when the step is taken to sell a *hubs* in the event of the founder or the beneficiaries falling into poverty. However, poverty is not only capable of impinging upon the intangibility of *ahbās*, but may also

29 *Carballería*, “Caracterización de los pobres”, p. 132; *idem*, “Indigencia y marginalidad en al-Andalus”, pp. 69–74, 80; *idem*, “Pobres y caridad en al-Andalus”, pp. 82–87, 89.
entail other kinds of repercussions for the legal status of these foundations. Thus, the fact that a *hubs*, constituted for the poor, has a decisive influence on the leasing of properties established in this manner, both in terms of the length of the lease and of reductions in the amount of rent to be paid.

With the information provided by the sources consulted it is not possible to determine the extent of poverty or the effectiveness of the measures provided to deal with it. Nevertheless, the degree of need must have been considerable during the chronological periods discussed in this work. This can be seen in the significant number of references to *hubs* that exist, especially in the legal texts, with regard to pious legacies and family foundations established to relieve the situation of those most needy.30 Meanwhile, the fact that a great deal of social assistance was undertaken by voluntary individual donations contributed to its distribution. From this perspective, *hubs khayri*, more important in this respect than *hubs ahlī*, came to generate considerable economic resources for the welfare of the Muslim community in al-Andalus.

30 It must be borne in mind that in this period the poor were an inherent and, to some degree, a necessary part of society. From the Islamic perspective, an absence of indigent people acted as an obstacle against the Muslim faithful being able to fulfil the Koranic precept of giving alms. In this regard, both alms and pious endowments would be conceived as a means of alleviating the situation of the poor, rather than as a way of completely remedying their circumstances of poverty; see CARBALLEIRA, “Indigencia y marginalidad en al-Andalus”, p. 79; idem, “Pobres y caridad en al-Andalus”, p. 88.