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Hospital endowment of Islamic and Arabic civilization Jurisprudential, legal and historical study

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Abstract:

This study aims to shed light on the role of the Waqf 'endowment' in Islamic and Arab civilization. The contribution of Muslims to the world of medicine would not have been possible without the creation of the various hospital structures and the funds provided by the endowment. All the advantages of research in anatomy, pharmacology, nursing, surgery and ophthalmology have been developed thanks to funding from the endowment. The history of medicine in the Muslim world calls out to us, leading us today to highlight this method of funding and to promote it. Irrespective of the social benefit provided by the endowment, the Waqf is an Islamic ritual in which the donor is well rewarded. This is why Muslims have competed to perform it, notably in the construction and operation of hospitals in the golden ages of Arab and Islamic civilization, by creating modern legal mechanisms to encourage this type of endowment.

Key words: *Waqf; endowment; Bimaristan; health care; fund; hospital.*

1. INTRODUCTION

The "Waqf" endowment is the property of the Muslim community. They are funds that benefactors donate out of charity to meet the needs of society, and are used to support the Muslim Treasury "Bayt Al-mal". With the expansion of the territory of Islamic countries and the diversity of their services, administrations and facilities were created to manage and develop endowment funds throughout the ages.

The first endowment in the history of Islam was the building of the Prophet's mosque - may God's mercy and blessings be upon him - and it later expanded to include social solidarity, agriculture, education and public health. The Waqf has become an important economic sector dedicated to improving socio-economic welfare.

2. Legal rulings on endowment

2.1 Definition of Waqf endowments:

The literal meaning of the word is (Habs) as "enclosure". In Islamic jurisprudence (Shariah), it refers to the voluntary, permanent and irrevocable consecration of a portion of a person's wealth, in cash or in kind, to God. Once this portion is an endowment, it can never be inherited, sold, given away, mortgaged, rented or lent. The endowment always remains intact, but the proceeds or profits can be used for any Sharia-compliant purpose. This is a very important part of Islamic law, as it forms an integral part of the structure of Muslim society.

Muafaq E-Din Ibn Qudamah (541-620 AH) said, according to Jaber, that Waqf is a consensus among Muslims, as anyone among them was capable of making Waqf.¹

Al-Qurtubi said that it was a consensus of the Prophet's companions. The advantage of obtaining a reward had a great impact on the spread of endowments and their means for public benefit in schools, mosques and Marsitans (hospitals)."²

"Al-Shirazi said that endowment is a commendable provision "Mandoub" and that all property is allowed to be used always."³

The majority of jurists believe that the Waqf is a desirable "Mustahab". Their proof is what has been mentioned in the Qur'an and the Sunnah, indicating the exhortation to charity. That is why God Almighty has said that Muslims will never attain reward until they will spend from what they love ⁴, and specifies that when they spend, they will neither be extravagant nor stingy, but must be in just position. ⁵

Abu Huraira reported, The Messenger of Allah, peace and blessings be upon him, said that when a human being dies, his deeds come to an end except for three: permanent charity (Sadaqah Jariyah), beneficial knowledge, or a virtuous child who prays for him.⁶

They also cited as proof of endowment what was narrated by Abdullāh Ibn 'Umar (may Allah be pleased with him) When Omar came to the Messenger of God to consult him about land of his own in Khaybar, the Messenger instructed him to make it a waqf for the sake of God if he wanted.⁷

2.2 The basis of the endowment:

The endowment has four essential "Arkan" bases: the declaration, the donor, the endowment and the beneficiary:

2.2.1 The declaration (Sigha): These are the terms that indicate the determination of the endowment. We can distinguish two types of expressions: explicit, using words such as "Waqaftu" (I want to make Waqf), and metaphorical, using words or acts that signify the intention of the Waqf in most schools of Islamic law.

2.2.2 The donor (Waqif): The donor must own the property at the time of the endowment and must have the legal capacity (Taklif) to dispose of his property.

2.2.3 The waqf property (Mawquf): The waqf property must be valuable; it must be "Ayn" (the object that can be seen or touched or the money that will be invested in income-generating projects).

2.2.4 Beneficiaries (Maouqouf Alayhi):

Waqf can be made in favor of generous institutions such as waqf for a mosque or hospital. The beneficiary may be specified (Waqf Mu'ayyan) or unspecified (Ghayr Mu'ayyan). The legal endowment has had a considerable impact on the creation of Islamic architecture and the development of society's economic and social capacities. It is considered one of the greatest acts of worship.

The health endowment was subject to an administrative and financial system that took into account the fund's income from endowments and ensured their payment and the continuity of care for residents in hospitals and the prevention of infectious diseases that were sweeping the Islamic world.

The health endowment meets the objectives of Islamic law (Maqasid Al-Shari'ah) Preservation and protection of five fundamental values: religion (Din), life (Nafs), lineage (Nasl), intellect (Aql) and property (Mal).

It can be said that the development of medical science and the building of hospitals in the golden age of Islamic civilization were financed mainly by the endowment.

2.3 Endowment in Algerian law:

Referring to the Civil Code⁸ we find that the Algerian legislator stipulated in the sixth paragraph of Article 49 that the endowment is a legal entity. As for the Endowment Law⁹, it specifies that it is not the property of natural or legal persons. It has a legal personality, and the state ensures that the will of the donor is respected and implemented.

If we return to the Algerian Family Law, we find that the legislator has stipulated in Article 213 of it that the endowment is the withholding of money from the ownership of any person

on a perpetual basis and as charity. This is what the Algerian judiciary adopted when the Supreme Court ruled in File No. 189265, issued on 05/19/1998.¹⁰

3 Historical stages of the endowment.

3.1 The time of the Prophet:

The first mobile hospital for the army was built in the form of a tent at the time of the Messenger of Allah, peace and blessings be upon him. Al-Imam Muslim reported, on the authority of Aisha, may Allah be pleased with her, that she said: "Saad bin Muadh was wounded at the age of 18 : Saad bin Muadh was injured on the day of the "Trench" (Al-Khandaq- raid), a Quraysh man called Ibn al-Arqa shot him in the ankle, so the Messenger of Allah, may the prayers and peace of Allah be upon him, pitched a tent in the mosque to visit him from close by. Ibn Ishaq said in Al-Sirah: "The Messenger of Allah, prayer and peace of Allah be upon him, had set up Saad bin Muadh in a tent for an 'Aslama' woman called Rufaida (Al-Aslamiya) in his mosque. When the arrow hit him in the trench, the Messenger of God said to the people: "Put him in Rufaida's tent until I come back to see him soon".

3.2 The Umayyad era 662-750 BC

It is said that Muawiya bin Abi Sufyan was the first to establish a hospital in Damascus in AH 60 / AD 679 under the western minaret of the Umayyad mosque. However, what is proven and well known is that Al-Maqrizi said that the first hospital in the history of Islamic civilisation was built by the sixth Umayyad caliph, Al-Walid bin Abdul Malik bin Marwan, in Damascus in AH 88 / AD 706, i.e. two years after he came to power.¹¹

He appointed doctors and nurses and provided them with sustenance through endowments, while giving every cripple a servant to look after his affairs and every blind man a headman to see to his comfort.¹²

Al-Walid took a special interest in the leprosy patients and prevented them from asking people for help. Its construction method was similar to that of Bimaristan Jundishapur, a city in Khuzestan in Persia, founded around three centuries earlier by Khosrau. The Umayyad and Abbasid caliphs called on doctors from Jundishapur, such as al-Harith ibn Kalda and Ibn Athal, the Christian physician al-Jundishapuri.

The "Bimaristan" hospital:

Bimaristan is a Persian word for hospital, Bimar (vīmār), meaning "sick" and "Stan" as a suffix for place and location.

In the medieval Islamic world, the word "Bimaristan" or "Maristan" was used to refer to a hospital. The medieval hospitals of Bimaristan are therefore considered to be the "first hospitals" in the modern sense of the term.

The patient wards within the hospitals were divided between men and women, and were based on patient service by religious jurists, servants, bed linen and cooks. In general, services were based on types of illness such as internal diseases, stomach diseases, skin diseases and stomach diseases. These services were supplied with medicines by the

"Sharabkhana", which is the pharmacy of our time. These services were supplied with medicines by the "Sharabkhana", which is the pharmacy of our time.

As for the management of the health establishment, it was carried out by the director of Bimaristan, and this is one of the functions of the "Diwaniyah", of Abu Al-Abbas Ahmed Al-Qalqashandi.¹³

These sanitary structures were known for the beauty of their internal and external design and for the water that flowed in the fountains and gardens.

3.3 The Abbasid era 750-1258 BC

Hospitals evolved during the time of Omar bin Abdul Aziz, developing over time with the Abbasids and competing in their creation with sultans and princes. Abu Jaafar Al-Mansur, the first Abbasid caliph in 132 AH / 749 AD, sought advice from Gurgis bin Bakhtishu' following an illness that had struck him in 148 AH, and appointed him chief physician in Bimaristan.

During the reign of Harun Al-Rashid (AH 170-185 / AD 786-801), the Caliph established a Bimaristan in Baghdad, under the supervision of Masawiya Al-Khuzi, and Bakhtishu' bin Gurgis, then his son Gabriel bin Bakhtishu', took charge of patients. This bimaristan was larger and more prestigious than the bimaristan of Jundishapur.

The Al-Sa'idi bimaristan was created by the caliph al-Mu'tasim Billah in Baghdad and supervised by Abu Bakr Al-Razi.

It is not often told about Harun al-Rashid that one day he wanted to examine the physician Bakhtishu in front of a group of doctors. He asked his servants to bring him some animal urine to test him. So they brought him a bottle, and when he saw it, he said, "Hey, faithful prince, this is not human urine." Abu Quraish replied, "It is rather the Caliph's water". The doctor replied: "No human being has ever urinated in this way. If this is really the case, this human being must become an animal." Harun says to the doctor, "Don't you think we should give barley to the owner of this water?" Harun laughed out loud.¹⁴

Caliph Jaafar Al-Muqtadir Billah 295 AH-320 AH / 872 AC-932 AC was the first to make the doctor's examination a condition of employment in Bimaristan Al-Muqtadiri, and he was charged with supervising Dr Sinan bin Thabit bin Qurra. And "Sayida", the mother of Caliph Jaafar al-Muqtadir Billah, was in a hospital on the banks of the Tigris. It opened its doors on the first day of Muharram 306 AH. The income from her property amounted to a million dinars a year, which she gave in alms and from which she withdrew an equivalent sum for pilgrims and doctors.

The large hospitals multiplied and expanded until there were five in the city of Baghdad alone at the beginning of the fourth century. By the middle of the twelfth century AD, there were more than sixty in Bimaristan alone.

"In her book on hospitals at the time of Harun Al-Rashid, Sigrid Hunke mentions a letter from a patient in hospital to his father: "My beloved father: You ask me if I need money, so I tell you that when I leave hospital, I will be given a new dress and five gold coins so that I will not have to work as soon as I leave...Knowing that when I was taken in after my fall,

the doctor examined me, then the nurse took me to the bath and gave me clean clothes. Here I spend my time with useful reading, and today the doctor told me that I could get up in the morning and leave hospital in good health... I hate it; because everything here is beautiful, the beds are soft, and their blankets are like silk, and in every room you find running water as well, and on freezing nights the rooms are warm..."¹⁵

Ancient Islamic cities were known to allocate endowments for the construction of medical residential quarters in which people seeking medical treatment and advice from various Islamic countries resided. Ibn Jubair recounted on his journey that there was an entire district in Baghdad that resembled a small town and was called the Maristan market, in the middle of which was a magnificent luxurious palace surrounded by many twisting trees, roads and numerous houses, all of which were endowments for the sick. Doctors, pharmacists and medical students, whose expenses were covered by endowments spread throughout Baghdad.¹⁶

3.4 The Tulunid era: (868 AD-905 AC)

Endowments in Egypt were responsible for building the Bimaristan Al-Fustat ibn Zuqaq Al-Qanadil and the Maristan Al-Ma'afer established by Al-Fath Ibn Khaqan, the minister of Al-Mutawakkil Ala-Lah in AH 247 / AD 861, as well as other hospitals founded by Ahmed Ibn Tulun in AH 259 / AD 872.

In 261 AH, Ahmed Ibn Tulun donated Dar A-Duyun and his houses in Al-Asakafah, Al-Qaysariyya, the slave market, a bathroom for men and another for women to the hospital. The patient takes a bath, and is provided with special clothes and mattresses. If he died, he would be prepared and wrapped in a shroud at the expense of the hospital's endowment fund. This hospital was reserved exclusively for the poor and needy. Soldiers and Mamelukes were excluded.

Saeed Al-Qadi says in his lament for Tulun Bimaristan at the fall of Tulunid rule in 292 AH:

And do not forget its Maristan and its expansion...

...and the expansion of the means of subsistence for the year and the month

...and what is therein of his strength and of his shroud...

...and their companionship with the poor...

...for the dead who are buried, their best equipment...

...and for the living, a companion in treatment and repair.¹⁷

Famous among the physicians of this Bimaristan: Muhammad bin Abdoun, Saeed bin Nawfal, and Shams al-Din Muhammad bin Abdullah bin Abd al-Rahman al-Masri...

3.5 The Ikhshid era: (935 AD-969 AC)

The Bimaristan Kafoor Al-Ikhshidi was built in 346 AH. Al-Qadhai said, "The Amir of Egypt donated all his buildings in Qisariyah and all the shops in Lower Maristan, the two flares and the bartenders."

Al-Makrezi described in his 'Plans' that Al-Ikhshidi's Bimaristan was splendidly beautiful with the awakening and shadow of Chinese copper pots.

3.6 The Buwayhi era (932 M-1056 M)

The choice of an appropriate site for the construction of the Bimaristans was one of the important issues to which the Muslims paid attention. It is reported that when Sultan Adod al-Dawla Al-Buwayhi consulted Al-Razi about where to build the Bimaristan, Al-Razi placed pieces of fresh meat in different places in the city of Baghdad; the place where the meat did not change quickly was chosen. In the same way, Al-Nouri's Bimaristan was chosen in Aleppo. He employed 150 doctors there, then the caliph Al-Qaim bi-Amr Allah renovated it in AH 422 / AD 467 / AD 1031. - In AH 1075, the Fatimid caliph Al-Nasir Li Din Allah built it in AH 575 / AD 1179, after adding the endowment of the adjoining garden.

The bimaristans developed, surgical operations were carried out under anaesthetic, medicines and solutions were manufactured and medical classrooms were equipped.

Ibn Abi Osaiba mentioned that Abu al-Faraj bin al-Tayyib and Abu al-Hasan Ali bin Ibrahim Bikis taught medicine in Bimaristan and treated patients there. Among the doctors who worked with him were Jibril bin Obaidullah Bakhtishu', Abu al-Hasan Ali bin Kashkaraya, Abu Yaqoub al-Ahwazi, Abu Issa Baqiyyah, Natheef al-Nafs al-Rumi...

Ibn Battuta described the Mansouri Hospital, founded by Sultan Al-Mansur Qalawun in Cairo in 682 A.H. 1284 A.D., and made the shops, bathrooms and hotels an endowment for the treatment of the Muslim patients there. The medicines are innumerable and it is mentioned that he collects a thousand dinars every day..."¹⁸

The hospital was intended for "the master and the servant, the old and the young, the free man and the slave, the man and the woman". It is mentioned that Prince "Jamal al-Din Aqush al-Ashrafi", the supervisor of Bimaristan, used to visit the patients at night and spend from the endowment fund what they lacked in income from their work.

Al-Busiri praised Al-Mansur Qalawun and said at the beginning of the poem:

...You established a school and Maristan....

...and you practised the correction of religions and bodies....

So he appreciated him and rewarded him for his gifts.¹⁹

The famous physician Ibn-Nafis endowed Maristan Al-Mansuri with his house, his books and everything he owned.

Among the endowments of Maristan Qalawun (Al-Mansuri): Caesarea Al-Sabbana in Fustat, King Al-Saeed Hotel, Hammam Al-Sabat, Al-Qufaisat Market, and Al-Ketbeen Market. Doctors at Maristan al-Mansouri include Ahmed bin Youssef, Sheikh Rukn al-Din, Muhammad bin Ibrahim, Taqi al-Din al-Kirmani...

Sultan Nur Al-Din Mahmud ibn Zanqi ordered the teaching of medicine in Bimaristan and medical students studied the books of Claudius Galenus and Abu Hanifah al-Dinuri. Hospitals became famous for using opium as an anaesthetic in surgery, and doctors developed outpatient clinics and patient records. In AH 569 / AD 1181, he had bimaristans built in Aleppo and Damascus and entrusted medicine to Abu al-Majd ibn Abi al-Hakam.

Music was used in Islamic hospitals: musical performances were given, for example, at the Mansuri Hospital in Cairo during the medieval period. Evilya Celebi visited the Nur-Adin

hospital in 1648 AD and reported that concerts were given three times a day. He also noted that the treatment of the insane was recorded by the chief physician. From various sources, it seems that other forms of entertainment were also used, such as dancing, theatrical performances and recitations".²⁰

4. Conclusion:

In conclusion, we can prove that the Waqf, as an Islamic ritual, made it possible to build hospitals and medical training institutes during the golden age of Islamic civilization. In these establishments, created and financed by the Waqf, all medical and training disciplines were developed by Muslims. The world became familiar with the foundations of human medicine and the ethics of contemporary medical practice. Thanks to this development, the world has learned more about the field of medicine and its learning arts. Through our survey of Islamic heritage, we concluded that the endowment as a religious ritual is no longer limited to endowments of lands, orchards, and wells for mosques only, but rather extends to the construction of general and mental hospitals and medical colleges, which contribute to the expenses of financing treatment and medical education activities for these health institutions.

It was necessary for the Algerian legislator to establish endowment funds dedicated to health care, establish the rules for their management, invite people to contribute to them and develop them, and encourage all initiatives that would revive the endowment values for which the Algerian people are known.

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