The Transformation of Middle Eastern Cities in the 12th Century: Financing Urban Renewal

The scope of the project1

The 12th century was a period of rapid change in the Middle East. It was a time of renewal as well as completion as the cityscapes' Islamization came to a head. In Syria and Northern Mesopotamia a vast building program finally transformed the late Roman/early Islamic city of the sixth to the tenth centuries—followed by almost two centuries of decline—to the prosperous medieval city of the twelfth to sixteenth centuries, which can be still seen in the old towns of modern cities in the Middle East. The majority of the urban populations had become Muslim, and, with the appearance of a strong Muslim constituency, the cities became dominated by Islamic buildings and institutions, such as congregational mosques, schools of higher learning (madrasa), convents for mystics (khanqah), and hospitals. The period prior to the Seljuq conquest of Syria in 1087 witnessed urban decline. The beginning of the urban, political and economic renaissance², and the extensive Zangid³

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S. Heidemann, Die Renaissance der Städte in Nordsyrien und Nordmesopotamien. Städtische Entwicklung und wirtschaftliche Bedingungen in al-Raqqa und Harran von der Zeit der beduinischen Vorherrschaft bis zu den Seldschuken, Islamic History and Civilization. Studies and Texts, 40, (Leiden, 2002).

Y. A. al-Tabbaa, The Architectural Patronage of Nur al-Din (1146-1174), PhD dissertation, (New York, 1982).

and Ayyubid⁴ building programs are all comparatively well-known. However, the political and economic structures behind this growth and expansion are less familiar.

After the Seljuqs laid down the military, administrative, and fiscal foundations, the Zangids conducted far-reaching economic and fiscal reforms that allowed for that urban transformation throughout the area. At the same time the Zangids adjusted many of the existing political and economic institutions to the regulations of the revealed law, the *sharica*. The Zangid's care for Islam, *sharia* and *jihad* was vital for their legitimization of power.

Approaches that follow Max Weber's views of the development of the cities in the Middle East usually fail to address what made the Islamic city work because they focus on constitution, privilege and legal and political autonomy. Although these issues can be fruitful, a crucial, distinctive, and frequently overlooked issue in the development of Middle Eastern cities is that of the legal system. Islamic law was almost independent from the ruler and provided for a legal security and relative predictability of legal decisions from the Maghreb to Central Asia. Islamic law makes no distinction between free citizens and peasants, in principle. From the standpoint of the nexus between urban development and legal systems, the visible growth of cities in the Middle East during the 12th century followed a different path than that of the West.⁵ The multidisciplinary project 'the transformation of Middle Eastern cities in the 12th century' aims at achieving a better understanding of economic growth and urban change in pre-modern societies. It employs as its criteria patterns of land tenure, urban and rural taxation, and the monetary and legal systems.

In the middle of the 12th century a new *waqf* policy was enacted by a ruler from the Seljuq tradition, Nur al-Din Mahmud ibn Zangi (r. 1146-1174). The intention of his *waqf* policy went far beyond the mere financing of single institutions. The *waqf* policy meant the systematic use of a legal instrument

⁴ L. Korn, Ayyubidische Architektur in Ägypten und Syrien. Bautätigkeit im Kontext von Politik und Gesellschaft 564-658/1169-1260, Abhandlungen des Deutschen Archäologischen Instituts Kairo Islamische Reihe, 10, (Heidelberg, 2004).

For recent criticism on the Weberian approach see J. Paul, "Max Weber und die 'islamische Stadt'." Max Webers Religionssoziologie in interkultureller Perspektive, Veröffentlichungen des Max-Planck-Instituts für Geschichte, 194, (eds.) H. Lehmann and J. M. Ouédraogo, (Göttingen, 2003), p. 109-138, and S. Heidemann, "Entwicklung und Selbstverständnis mittelalterlicher Städte in der Islamischen Welt (7.-15. Jahrhundert)", Was machte im Mittelalter zur Stadt? Selbstverständnis, Außensicht und Erscheinungsbilder mittelalterlicher Städte, Quellen und Forschungen zur Geschichte der Stadt Heilbronn 18, (eds) K.-U. Jaeschke and C. Schrenk, (Heilbronn, 2007), p. 203-244.

of private law for general public institutions and duties that fell—in the broad sense—under the responsibility of the state. This function of the *waqf* is familiar to scholars of the Mamluk and Ottoman periods, but it is not yet established when and why this conscious policy began in the Seljuq and Zangid period and what immediate impacts it had on the transformation of the cities.

2. The rationale of the waqf in Islamic Law

In the ninth century the regulations of the waqf developed as part of Islamic law. According to these regulations, an endowment—or waqf—is established by a legal deed that names the owner of the endowed property, the substance of the endowment, and the beneficiary of its income. According to the Hanafi school of law, by the act of endowment, the founder relinquishes all his property rights, transforming it into a hagg Allah, an inalienable "claim of God." The founder is essentially free to determine the beneficiaries with a few caveats. If he designates a general perpetual charitable purpose, such as the support of the "poor and needy" or the holy sites in Mecca and Medina, then it is referred to as waqf khayri, a beneficial, charitable endowment. The founder can also designate a succession of beneficiaries, such as members of his own family or any other natural persons in the legal sense. Being a formal sub-group of the waaf khayri, it is referred to as waaf ahli or waaf dhurri, a family endowment. Because a waqf must be perpetual in its legal nature, its founders have to name an ultimate perpetual beneficiary, like the aforementioned general category of the "poor and needy." And as any line of beneficiaries of a family endowment can die out, nearly every waqf ahli ultimately transforms sooner or later into a waqf khayri. When the family line ended and the endowment reached the khayri stage, it was generally integrated into the patrimony of another institution or of another waqf. These patrimonies were composed of a large number of individual endowments and properties, but administered as one unit.6

3. Financing 'public' institutions in the early Islamic and Seljug period.

Continuing the practice of the late Roman empire, the Umayyad and early Abbasid states financed the military and urban public and semi-public institutions and duties primarily from the revenues of the public treasury: building and maintaining facilities such as fortifications, streets, water supply,

For a brief introduction into endowments according to Islamic law see M. Hoexter, "Huquq Allah".

and mosques, as well as the remuneration of its personnel and establishing and maintaining markets. The state reaped revenue through the agricultural tax, the *kharaj*, which was usually collected by the civil administration as cash payments. In the cities, the poll tax levied on non-Muslims, *jizya*, was also collected in cash. It was paid by the majority of the population which had remained Christian, Jewish, or Zoroastrian. The highly developed monetary economy ensured the fiscal cycle of cash money, meaning tax income and state expenditure.

Over the course of the 10th and 11th centuries, the military, political, administrative, and economic structures of the core lands of the Islamic empire collapsed.7 Archaeological settlement surveys in Syria, northern Mesopotamia, and Iraq consistently indicate a sharp decline in the number of rural settlements and in turn in primary production and in population.8 During the 10th century, a further wave of nomadic migration from the Arab Peninsula into the core regions of the Islamic empire prompted further expulsion of the settled rural population as well as abandonment of villages and small towns. Archaeology, architecture, and narrative sources also point to a sharp decline in urban centers and report on ruinous and deserted city quarters. Since the beginning of the 10th-century, the ability of the state to maintain and support public and semi-public facilities, institutions and their personnel diminished considerably. This can be seen in many, especially small and medium sized, cities where state-financed central buildings, like congregational mosques, became dilapidated. This happened not only in the provinces but also in major cities like Damascus and Baghdad. Writing in the middle of the 12th century ^cImad al-Din al-Isfahani (d. 1201) estimated more than one hundred dilapidated mosques in the realm of Nur al-Din Mahmud.9

In the 11th eleventh century, a new development started with the Seljuqs. Coming from eastern Iran, they conquered much of the Islamic world. In 1087, they succeeded in incorporating Syria. They were in command of a professional army of Turkish horsemen and an efficient administration in eastern Iranian-Samanid tradition. In contrast to their nomadic predecessors, they chose fortified cities and fortifications as their seats of power. About 150

⁷ S. Heidemann, Renaissance, p. 29-33.

⁸ Compare for example R. M. Adams, Land Behind Baghdad. A History of Settlement on the Diyala Plains, (Chicago, London, 1965); K. Bartl, Frühislamische Besiedlung im Balikh-Tal/Nordsyrien, Berliner Beiträge zum Vorderen Orient, 15, (Berlin, 1994).

⁹ Al-Isfahani in Abu Shama, (d. 665/1267), *Kitab al-Rawdatayn fi akhbar al-dawlatayn al-nuriyya wal-salahiyya*, (ed) M. H. Muhammad Ahmad and M. M. Ziyada, v. 1, part 1, (Cairo, 1957), p. 24-27.

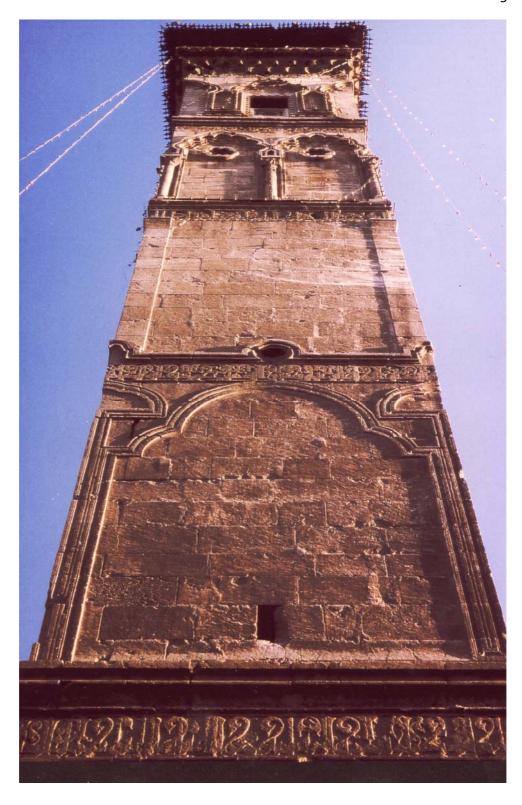


Fig. 01 – Aleppo, minaret of the Umayyad mosque, built between 1089 and 1094 in the name of the Seljuq Sultan Tutush (photo author).

years after the collapse of Abbasid rule, rulers in Syria and northern Mesopotamia again commissioned the construction of monumental buildings. Frequently, after a conquest, one of the first projects was to build minarets, which may be seen as victory monuments of the Sunni renaissance (fig. 01). The Seljuq concept of financing the state was different from that of the early Islamic period. They reacted to the new social, demographic, economic, and monetary conditions. To finance a seasonally available army of horsemen, the hinterland of the conquered cities was divided into $iqta^c$ – districts and distributed among army commanders, amirs, and their detachments. These troops and their leaders usually lived in their allotted $iqta^c$ district. The $iqta^c$ was an immediate claim on the land-tax revenues (kharaj) of that district as remuneration for military service. Most of the yield was probably levied in kind. This system reflects the level of the shrunken monetary economy and the prevailing political and military conditions in Syria and northern Mesopotamia. To cope with the centrifugal forces inherent in such a system, an elite troop of military slaves was organized, trained, and financed through cash payments. 10 Cash was also necessary for the construction of fortifications, monumental representative buildings, and court expenditures. To raise money, primarily urban economic activities were skimmed. In order to get income in money for the treasury, excise, mukus, which was a toll on long distance trade was imposed, and intra-urban dues on sales, rusum and huquq al-bay^c, were levied. These dues, however, were illegitimate according to the sharica. Their levying contradicted the ideological self-perception of the Seljuqs and their successors, the Zangids and Ayyubids, who saw themselves as the revivers of the Islamic state and its legal system. The contemporary legal scholar, theologian, and mystic al-Ghazali (d. 1111) leaves no doubt about that:

"The assets of the sultans in our time are all unlawful (haram) or to the greater part."¹¹

4. The waqf policy of Nur al-Din Mahmud

What significance did the *waqf* have for the cities prior to the period of Nur al-Din Mahmud? Narrative sources from 150 years preceding the Seljuq

S. Heidemann, "Arab Nomads and Seljuq Military", Shifts and Drifts in Nomad-Sedentary Relations, Nomaden und Sesshafte, 2, (eds) S. Leder and B. Streck, (Wiesbaden, 2005), p. 289-305.

Al-Ghazali, (d. 505/1111), Ihya' ^culum al-din, (ed) Abu I-Hafs, 5 vols, (Cairo, 1414/1994), here v. 2, p. 216. For the Seljuq tax system and the contemporary criticism see S. Heidemann, Renaissance, p. 302-305.

conquest of Syria only occasionally mention endowments, of which references very few were established by rulers or members of the ruling elite. The early Seljuq policy of the Sunni renaissance included the establishment of schools of higher learning, *madrasas*, and of convents for the mystic *Sufis*, *khanqahs*. These new establishments were usually supported by *waqfs*. Educational policy and spiritual care were the main motivations behind this wave of endowments. The first Seljuq sultans, however, did not take the initiative for their establishment but were set up by governors, viziers, and others. Farm land leased to peasants formed the main financial base of these *waqfs*. 13



Fig. o2 – al-Raqqa, waqf inscription of an ^cUqaylid amir, first third of the $6^{th}/12^{th}$ century (photo German Archaeological Institute).

After the Seljuq conquest of Syria and northern Mesopotamia, waqfs, endowed by the ruling dynasty and their households, were more commonly mentioned for this region. Prior to the period of Nur al-Din Mahmud,

For an overview of the history of the *waaf* institution in Syria see "Wakf. II. In the Arab Lands. 2. In Syria", Encyclopaedia of Islam 2, v. 9, p. 823-828.

A. K. S. Lambton, "Awqaf in Persia: 6th-8th/12th-14th Centuries", Islamic Law und Society, 4 (1997), p. 298-318, here p. 300.

however, their number remained small and enumerable (fig. o2). Despite the small number of references to *waqfs*, it can be assumed that family *waqfs* and the patrimonies of established old *waqfs* and institutions played a major role in the economic life of the cities in Syria and northern Mesopotamia, even before the time of Nur al-Din Mahmud.

What characterizes the waqf policy of Nur al-Din Mahmud as contrasted with the practice of his predecessors? The reign of Nur al-Din Mahmud and his son/successor al-Salih Isma^cil (r. 1174-1181) is not only distinguished by an ideological emphasis on the Sunni renaissance but also by visible, effective economic and fiscal reforms in more than one field. The necrologies and eulogies on Nur al-Din Mahmud form the basis for the study of his economic and fiscal measures.¹⁴ Almost contemporary biographies of Nur al-Din Mahmud begin with elaborate eulogies on his pious devotion and virtue. This panegyric differs from that of his predecessors inasmuch as the authors deal extensively with his economic policy. According to the characteristics of this genre, though, such policies are described as acts of piety and justice: "he has laudably abolished the urban dues which were illicit according to the sharica." In such a situation of expanded public duties and responsibilities, however, even a partial abolition of illegitimate dues has to be financially compensated in some other way—and that way was with the establishment of endowments.

For the first time endowments occupy a broad space within the eulogies of the piety of a ruler in Seljuq tradition. The Chronicler Abu Shama (d. 1267) continued with paragraphs about the endowments of Nur al-Din Mahmud. In these eulogies, the public or semi-public responsibilities of the state are summarized by the term *masalih al-muslimin* with a general meaning of "welfare of the Muslims." ¹⁵ Ibn al-Athir (d. 1232) proceeds in a similar passage to describe the impressive building program of Nur al-Din Mahmud, enumerating the institutions that fell under the term *masalih*, welfare, in a concrete way. Ibn al-Athir names at first city walls and fortifications (fig. 03), institutions of education and higher learning, followed by mosques (fig. 05, 06), hospitals (fig. 04), *Sufi* convents, guesthouses for pilgrims and many more. ¹⁶

Yaacov Lev undertook a first appraisal of his economic policy. Y. Lev, "The Social and Economic Policies of Nur al-Din (1146–1174): The Sultan of Syria", Der Islam, 81 (2004), p. 218-242.

¹⁵ Abu Shama, Rawdatayn, v. 1, part 1, (Cairo, 1957), p. 9-58, esp. p. 39-44.

lbn al-Athir, (d. 630/1232), Al-Tarikh al-Bahir fi l-dawla al-atabakiyya, (ed) ^cA. A. Tulaymat (Cairo, 1382/1963), p. 170.



Fig. o₃ – Damascus, city wall restored by Nur al-Din Mahmud, building inscription 564/1168-9 (photo author).

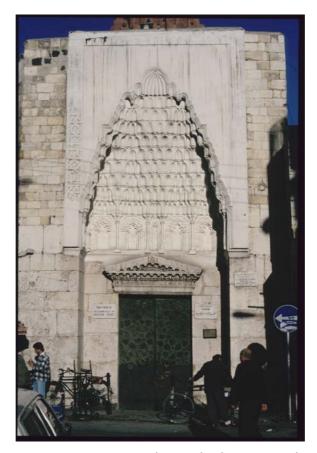


Fig. 04 – Damascus, Bimaristan al-Nuri, built in 1154 (photo author).



Fig. 05 – Damascus, Umayyad mosque, mosaic inscription by Nur al-Din Mahmud, probably after the earthquakes (photo author).

The establishment of endowments became an immediate concern for the rulers, as evidenced by al-Isfahani's record of the hundred dilapidated mosques that Nur al-Din Mahmud began to reconstruct (fig. 05), to each of which he assigned a supporting waqf. Under his rule the number of waqfs increased considerably.¹⁷ The extensive building program even included construction work in small and medium-sized cities, such as al-Raqqa on the Euphrates (fig. 06), which were not immediately affected by the series of devastating earthquakes that took place in Syria in 1152 and between 1156 and 1159. Nur al-Din Mahmud now ordered their reconstruction. In accordance with al-Isfahani, Abu Shama states that Nur al-Din Mahmud endowed a separate waqf for each institution.

In the Zangid and Ayyubid period, primarily revenue-generating urban real estate was endowed, such as shops in the markets, tenement buildings, commercial complexes, bakeries, mills, and baths. Only private property (milk) can be legitimately endowed. Ibn al-Athir emphasizes this distinction of Nur al-Din Mahmud between his private purse and the state coffers: and he only endowed what was "fully legitimate property, in outer [appearance] and inner [substance]."18 The ability of Nur al-Din Mahmud to set up more than one hundred endowments raises questions about his personal wealth and its sources as well as about the position of the Seljuq-Zangid ruler within the economic life of his principality.

Al-Isfahani in Abu Shama, Rawdatayn, (ed) Ahmad and Ziyada, v. 1, part 1, p. 24-27.

¹⁸ Ibn al-Athir, Bahir, p. 172.



Fig. o6 – al-Raqqa, façade of the congregational mosque with restoration inscription of Nur al-Din Mahmud, dated 561/1165-6. For more than a hundred years the mosque had lain in ruins (photo author).

In the time of Nur al-Din Mahmud, the office of the "administrator of the supervision of the *waqfs*," the *mutawalli nazr al-awqaf*, seems to be either newly created or is emphasized for the first time in the reports of this period. Its duty was to supervise and control those institutions that the *waqf* made financially independent from the ruler, and to align them with the goals of the Zanqid policy.

5. The meeting about the assignment of income from the patrimony of the Umayyad Mosque

A unique document on the *waqf* policy of Nur al-Din Mahmud is preserved in the chronicle of Abu Shama. It is part of a protocol of a meeting that took place in the citadel of Damascus, on Thursday, March 12, 1159.¹⁹ Between September 1156 and May 1159 a series of devastating earthquakes ravaged Syrian cities.²⁰ In the situation of emergency, the responsible urban elite faced the enormous challenge of reconstruction.

¹⁹ Abu Shama, *Rawdatayn*, (ed) Cairo, v. 1, 17-18; (ed) Ahmad and Ziyada, v. 1, part 1, 41-44.

E. Guidoboni, F. Bernardini and A. Comastri, "The 1138–1139 and 1156–1159 Destructive Seismic Crises in Syria, South-Eastern Turkey and Northern Lebanon", Journal of Seismology, 8 (2004), p. 105-127.

Nur al-Din Mahmud summoned all the relevant urban dignitaries—this is evidendent by the circumstances—to find a mutually agreeable, practical, and moreover legally legitimate solution to redirect funds from the largest and richest patrimony of the city, that of the Umayyad Mosque (fig. 05), to urban construction and re-construction projects, and also to the fortification of the city.

Over the centuries, the great patrimonies of the city had accumulated enormous wealth in the form of commercially used urban real estate. In the protocol the term *masalih* was used in two different ways: in the general sense as 'welfare of the Muslims' (*masalih al-muslimin*); and in a specific usage, as productive assets of the patrimony which are not part of an endowment. The use of their proceeds was not regulated by any *waqf*-deed. In general, the *masalih*-assets should serve the "welfare" (*masalih*). Abu Shama wrote:

"And Nur al-Din asked them about the [additional] asset of *masalih* which was added to the *waqf*s of the congregational mosque in Damascus, [and] which [i.e. the additional asset] is not an endowment for it [i.e. for the mosque]. [...]

Then Nur al-Din ordered the administrator (*mutawalli*) of the *waqf*s of the congregational mosque, the mosques, the hospital, the aqueducts and what goes with those, that he read out before him - in the presence of the aforementioned [attendees] the proceeds of the endowments, place by place, in order to separate what—according to their knowledge—belongs to the *masalih* property and does not belong to the *waqf*."²¹

The document continues with an extensive list of the patrimony's real estate holdings within Damascus, emphasizing the great economic importance of the patrimony. This list itemizes numerous shops in the market (*suq*), a commercial complex (*qaysariyya*), tenements, rooms for rent and a bakery. All property was scattered within the entire area of the intramural city. The protocol implies four legal categories as how the aforementioned real estate belonged to the *masalih* assets of the patrimony: First, real estate that formed part of the Umayyad family's legacy within the city; second, all that which was acquired with the assets of the *waqfs* and *masalih*; third, family *waqfs* that came to the patrimony when their last beneficiary passed on;

²¹ Abu Shama, *Rawdatayn*.

fourth, commercially used real estate built on public streets and grounds (tariq al-muslimin), such as those within the old temenos, the precinct of the Hellenistic temple which had become the Umayyad mosque. Nur al-Din Mahmud then directed the discussion toward re-assignment of these revenues he wished to achieve.

"And Nur al-Din said: 'And in fact the most important of the welfare (masalih) is the protection of the border lands of the Muslims and the building of a wall enclosing Damascus (fig. 03), towers and a moat for the safety of the Muslims, their families and their properties.' And they approved what he suggested and they thanked him."²²

Then Nur al-Din Mahmud turned to another source of revenue, the surplus from the endowments, fawadil al-awqaf. This term refers to the net income of the waqf, the gross income minus the expenditures to fulfil the purposes stipulated in the waqf deed. Finally, according to the protocol, all attendees approved the policy of Nur al-Din Mahmud. With this decision, they not only acknowledged the authority of Nur al-Din Mahmud but also tended to the needs created by the earthquakes.

In this case, Nur al-Din Mahmud succeeded in finding a legally approved solution to tap the revenues of a major patrimony for funding of public and semi-public duties. In comparison to later treatises and practice, it can be argued that this was not a singular incident, but mirrored a now growing practice of control by the ruler over the spending of revenues of these major patrimonies. The largest urban patrimony in Damascus controlled much of the urban economy. In turn, the control of the surplus from the patrimony and the newly established waqf allowed Nur al-Din Mahmud to control indirectly also the use of the surplus of urban economic activity and to redirect it to 'public' purposes without reverting to direct taxes, and even abolishing them, at least from time to time. The politically assigned revenues of the waqf and the patrimonies served the same purposes as taxes.

6. Conclusion: The dynamic economic effects of the transformation of the

The new endowment-policy of Nur al-Din Mahmud went far beyond the financing of single institutions. After two centuries of decline, the Seljuq state

²² Ibid.

increasingly penetrated into more and more realms of society, particularly with regards to economy, the fiscal system, the legal system, public security, education, urban infrastructure, and road construction. This expansion of the state was financed by dues and taxes that were illegitimate according to shari^ca. The eulogies on Nur al-Din Mahmud report funding by waqfs, and the concurrent abrogation of illegitimate dues. One main model of funding, the treasury, was replaced by another, the waqf. The necessary funds for the establishment of those endowments came from the private property of the ruler. These measures also served as part of his political legitimization.

Within the fiscal and economic architecture of the principality of Nur al-Din Mahmud and his Zangid and Ayyubid successors, endowments of urban, commercial, revenue-generating real estate constituted a major source for funding of urban public and semi-public institutions and duties. This funding was independent from the state's treasury. Both the military $iqta^c$ and the waqf allow their beneficiaries to achieve financial independence from the state coffers. To control the waqfs and to keep them in line with the goals of the Zangid policy, the office of the "administrator of the supervision of the waqfs" was newly created or now especially emphasized.

The political assignment of the proceeds of the numerous newly established waqfs and—at least after the earthquakes during reconstruction—the revenue of the masalih assets and the surplus of the patrimonies made it possible to skim urban economic activities for public and semi-public duties and construction projects.

What were the economic impacts of this new waqf policy of Nur al-Din Mahmud on the development of the cities? Nur al-Din Mahmud's waqf policy was part of a wide range of measures stimulating dynamic economic growth. The expansion of the Seljuq form of $iqta^c$ improved the cultivation of rural areas and fed a growing urban population. Numerous settlement surveys prove this demographic turn. The endowed property—the new waqf assets, shops, khans and workshops in the suq, tenements and other buildings—increased urban economic activities and allowed a far larger group of people to find housing and employment in the cities. The impacts of that economic growth are still visible in the cityscapes in the Middle East.