SOME WAQF DOCUMENTS FROM LAMU

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The eight documents that follow were transcribed by Hunwick in the course of a brief visit to Lamu on the Kenyan coast in the summer of 1980. The first three documents are preserved in the Lamu Museum, while the rest are in the possession of Dr. J. de Vere Allen. We are grateful to both the Museum and to Dr. Allen for permission to publish them in preliminary fashion in the Bulletin. We would also like to thank Dr. Allen for his comments on the first draft of this paper.

Although neither of us is competent to discuss their local historical significance, we have thought their publication in this form worthwhile for two reasons. First, because few documents, by comparison with Arabic or Swahili literary texts, from the East African coast have as yet been published and, secondly, because there appear to be few published examples of this genre of waqfiyya, or deed of endowment, namely the endowment of parts of the Qur’an or of other devotional or learned works.

The deeds, which are generally recorded on the last folio of the work concerned, date from the late nineteenth and early twentieth centuries; the earliest, no. 6, is dated 1866, and the latest, no. 1, bears the date 1922. In content and form the documents present few exceptional features. Men—and in two cases women—place their treasured texts in mortmain for the benefit of their own descendants, with the final reversion (before God who is the ‘best of Inheritors’) generally going to the Muslim community; no. 3 has particularly detailed stipulations to ensure that the book remain within the ‘family’ in the broadest possible sense. No. 8 differs in that four copies of one particular chapter of the

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Qurʾān, Sūrat al-Kahf, are dedicated, not to descendants, but to the users of the Faza congregational mosque.

In regard to the format of these waqfiyyas, the following appear to be the principal elements of the dedication, though most of the present sample of documents lacks one or more of these elements:

{1} Basmala.
{2} Ḥamdala.
{3} Taṣliya.
{4} Identification of the donor (al-wāqif), often prefaced by a stereotyped passage on the transience of life.
{5} Formula of endowment, incorporating an identification of the text endowed.
{6} Identification of the beneficiary or beneficiaries (al-mawqūf lahu/lahum).
{7} Identification of the person(s) to whose account the reward for this pious act is to be ascribed.
{8} Statement of the lawfulness and immutability of the endowment, grammatically linked to the formula of (5) by a cognate accusative: waqqafa / waqqafat / waqqaftu ... waqf an ṣahīḥ an ... sharīʿan.
{9} Statement of stipulations inherent in a waqf and an admonition against changing them, often quoting Qurʾān 2:181.
{10} Identification of the administrator (nāẓir) of the endowment and who replaces him/her on his/her death.
{11} Identification of the scribe.
{12} Date of drawing up the deed.
{13} Terminal invocation.

To facilitate study of the documents each such element will, in the translations below, be numbered and placed on a separate line, a blank being left if the element does not feature in the document. The elements do not always appear in exactly the order given above.
Document 1

(Lamu Museum)

An endowment by ʿAlī b. Muhammad al-Shaykh al-Awā’ilī of the third seventh \( (sub^7) \) of the Qur’ān for the benefit of his children and their descendants.

بسم الله الرحمن الرحيم الحمد لله وحده
وصلى الله على من لا نبي بعده وعليه صحبه وسلم

وبعد ان علي بن محمد بن الشيخ الأوائلي لما رأى وعلم انالدنيا دار مقر ووضع عبور لا موضوع قصور بادر
ونهض في انشاء الخير بوقف السبع الثالث من القرآن العظيم
لولولده ولولادة ولولادة وما تنااسلوا الى يوم الدين وجعل ثوابه
للولاديه 1 والناظر هو علي المذكر ثمن يقوم مقامه من
ولولادة وقفنا صحيحا ثابتا شرعيًا لا يباع ولا يرهن ولا يوهب
ولا يؤجر ولا يورث حتى يرث الله الأرض ومن عليها فمن
بدلله بعد ما سمعه فانا ائتمع على الذين يبدلونه ان الله

جميع عليكم

كتبه عمر بن احمد بن يونس بامر علي المذكر وشهد بذلك
الشريف عبد الله بن سيد احمد الشيخ عالي وشي بن محمد
بن الشيخ الأوائلي والله خير الشاهدين

1 Recte لوالديه.
Translation

{1} In the name of God, the Compassionate, the Merciful.
{2} Praise be to God alone,
{3} and may God bless him after whom there is no prophet, his family and his Companions and grant them peace.
{4} Thereafter: when ʿAlī b. Muḥammad b. al-Shaykh al-Awāqibī perceived and realised that the world is but a transient domain, not an enduring abode and that it is a place of passage rather than a place of confinement, he hastened to perform [an act of] goodness
{5} by placing in mortmain the third seventh of the Mighty Qurʾān,
{6} for [the benefit of] his children and his children’s children and whomsoever they beget until the Day of Judgement
{7} assigning the reward [for this pious act] to his parents;
{10} and the administrator is [himself] the aforementioned ʿAlī, and after him whomever of his children takes his place [as head of the family?],
{8} [it being] a properly constituted (ṣaḥīḥ) and immutable (thābit) endowment, [enacted] in accordance with the Shariʿa.
{9} [This endowed portion of the Qurʾān] is not to be sold, pledged, given away, hired out or inherited until God inherits the earth and those upon it. ‘And whoever alters it after having heard it [should be aware that] the sin of so doing devolves only upon those who alter it. Surely God is Hearing, Knowing.’
{11} This was written by ʿUmar b. Aḥmad b. Yūnus at the behest of the aforementioned ʿAlī and was witnessed by the sharīʿ Abd Allāh b. Sayyid Aḥmad al-Shaykh ʿĀl Washī

2 Qurʾān 2:181. The same quotation occurs in all other documents published here, except nos. 7 & 8.
b. Muhammad b. al-Shaykh al-Awā’ilī, and God is the best of witnesses.

\{12\} Dated Friday 1[... Dhū ’l-]Hijj[a] 1340.3

**Document 2**

(Lamu Museum)

An endowment by ʿAbd Allāh b. Abī Bakr of an as yet unidentified commentary on the *Alfiyya* of Ibn Mālik (d. 672/1273) to his children and their descendants.

ṣallā illāhi wa ‘salam

امًا بعد فقد وقفت وتصدقت وسبلت وحبست هذا الكتاب

المكود انا الفقير الى رحمة الله تعالى ورضوانه عبد الله بن أبي

بكر على أولادي وأولاد اولادي والمسلمين وقفا صحيحًا ثابتا

شرعيا لا يباع ولا يوهب ولا يرهن ما دام شرع المصطفى على

وجه الأرض فمن بدله بعد ما سمعه فانما اثمبه على الذين

يبدلونه ان الله سميع عليم واعف عن الله لواقفه وقارئه وناظره

وسامعه وجميع المسلمين والحمد لله رب العالمين.

**Translation**

\{2\} Praise be to God as is meet that He be praised.

\{3\} Blessings and peace be upon the Messenger of God,
Muḥammad, may God bless him and grant him peace.

3 Either 26 July or between 5-13 August 1922.
4 A thousand verses on grammar, v. *GAL*, i, 298, S i, 521.
Thereafter: I have placed in mortmain, charitably donated, piously dedicated and inalienably bequeathed this colligated [\textit{mukawwad}] book,

I, a poor seeker after the compassion and good pleasure of God, \textsuperscript{c}Abd Allāh b. Abī Bakr,

for the benefit of my children and my children’s children, and the Muslims,

[it being] a properly constituted and immutable endowment [enacted] in accordance with the Sharī'a,

[which is] not to be sold, given away or pledged so long as the law of the Chosen One [\textit{sc. Muḥammad}] endures upon the face of the earth. ‘And whoever alters it after having heard it [should be aware that] the sin of so doing devolves only on those who alter it. Surely God is Hearing, Knowing.’\textsuperscript{5}

O God, grant pardon to him who endowed it, to him who shall read it, to him who shall look upon it\textsuperscript{6} and to him who shall hear it and to all the Muslims. Praise be to God, Lord of the worlds.

Document 3

(Lamu Museum)

An endowment by Burhān b. \textsuperscript{c}Abd al-fiAzīz of a portion of the \textit{Miftāḥ al-ʿulūm}\textsuperscript{7} to his children and their descendants. Burhān was apparently given the book by his father \textsuperscript{c}Abd al-Azīz and subsequently placed it in mortmain for the benefit of his children. He drew up the deed of endowment which he was then asked to read aloud. The person who asked him to read it out (perhaps his son) was then called upon to bear witness and this section recording the review of the document and the witnessing was set down by Burhān’s father. The document falls into three parts: prologue, dedication and

\textsuperscript{5} Qur\textsuperscript{a}n 2:181. Elements 10-11-12 are not used in this document.

\textsuperscript{6} Or, perhaps, ‘him who shall administer it (\textit{nāẓirīhī})’.

\textsuperscript{7} A work on philology and grammar by Sirāj al-Dīn al-Sakākī (d. 626/1229), see \textit{GAL,} 1, 294, \textit{S}1, 515.
SOME WAQF DOCUMENTS FROM LAMU

review.

هذا الكتاب من فن البديع من كتاب مفتاح العلوم
واهبنين والدي العلامة أبو برهاان عبد العزيز الأموي هبة
شرعية لفضّا بقبض واقباض
وبعد ما صار ملكي وففته لله على ولاد (ي) ولاد ولادي
ما تناسلوا الذكور منهم سوى الأئلّاتهم العلماء دون الجهال
ثم إذا انقرضا فلا ولادي 8 ولاد الأئلّاتهم منهم ثم الأقرب
فالأقرب منهم نسبا وحسبا ثم على علماء قبيلتنا الأقرب
منهم فالابعد وقت [نفا] ماتدا 9 لا يبيع ولا يورث حتى يرث
الله الأرض وهو خير الوارثين
كتبه برهاان بن عبد العزيز الأموي القرشني تاريخ هلال ربيع
الأول سنة 98 10 [1298] ولد النجيبي برهاان بن عبد
العزيز الأموي

هنا استقرّاته فقراه لفضّا واشهدني على نفسي فشهدت عليه
بذلك فمن بدله بعد ما سمعه فامنا اثمّه على الذين يبدلونه
ان الله سميع عليم

8 Sic.
9 Not understood. Read مابدا for مؤندا, in perpetuo.
10 Indecipherable.
Prologue
This [piece of] writing is from the [section on the] art of rhetoric, taken from the book *Miftāḥ al-‘ulūm*, [which] was given to me by my father, the learned Abū Burhān ʿAbd al-ʿAzīz al-Amawi,11 as a gift in accordance with the Sharīʿa, words indicative of giving and receiving having been uttered.12

Dedication
{5} After it became my property, I placed it in mortmain for [the sake of] God,
{6} for the benefit of my children and my children’s children for as long as they shall multiply (*mā tanāsalū*), the males among them rather than the females and the scholars in preference to the ignorant. However, if they [sc. the descendants of males] die out, then [it shall pass] to the children of the children of the females, then to the closest and next closest in lineage and repute. Thereafter [it shall pass] to the scholars of our clan (*qabila*), those most closely related [to us] among them and then those more distant.
{8} [It has been established as] an endowment *in perpetuo*,13
{9} which is not to be sold or inherited until God inherits

11 Or al-Amuwī, for al-Lāmuwī, the man from Lamu.
12 The transfer of property by gift (*hiba*) is regulated by Islamic law and is only valid if accompanied by words indicating donation on the one hand and acceptance on the other.
13 Reading *maʿbad* for *muʿabbad* where text appears to have *mātīd*
the earth, and He is the Best of Inheritors. \(^{14}\)

\{11\} This was written by Burhān b. ʾAbd al-ʾAzīz al-Amawī al-Qurashī.

\{12\} The date is the new moon of Rabīʾ I in the year 1298\(^{15}\) and […]. \(^{16}\) the son of the illustrious Burhān b. ʾAbd al-ʾAzīz al-Amawī.

Review
Hereupon I asked him to read it out and he did so verbatim. He caused me to be my own witness and I bore witness to it accordingly. ‘And whoever alters it after having heard it [should be aware that] the sin of so doing devolves only on those who alter it. Surely God is Hearing, Knowing.’

This was written by ʾAbd al-ʾAzīz b. ʾAbd al-Ghanī b. Ṭāhir b. Nūḥ al-Amawī al-Qurashī. The date is the new moon of Rabīʾ I in the year twelve hundred and ninety-eight.

**Document 4**

(Dr. Allen)
An endowment of a portion of the Qurʾān by Āmina bint bāni/ā M.h.n. S.mālī (Somali?) for her children and their descendants. The portion of the Qurʾān endowed runs from the beginning of ʿSūrat al-ʾĪsāʾ (17) to the end of ʿSūrat al-Furqān (25) and corresponds to almost exactly one seventh of the entire text.

بسم الله الرحمن الرحيم الحمد لله وصلاة والسلام على رسول الله صلى الله عليه وسلم
فليعلم كل من نظر هذا الكتاب من المسلمين ان امنة بنت

\(^{14}\) Cf. Qurʾān 21:89.
\(^{15}\) 2 February 1881.
\(^{16}\) Indecipherable.
باني مهن سمالي قد وقفه على اولادها فما تناسلوا وجعلت الناظر نفسها وثوابه لابويها وقفنا صحيحا شابتا شرعيا لا يباع ولا يوهب ولا يورث حتى يرث الله الأرض ومن عليها وهو خير الوارثين فمن بدله بعد ما سمعه فاذا ائمه على الذين يبدلونه ان الله سميع عليم .

Translation

{1} In the name of God, the Compassionate, the Merciful.
{3} Blessings and peace be upon the Messenger of God, may God bless him and grant him peace.
{4} Let every Muslim who looks at this book know that Āmina bint bānī/ā [= bwana?] M.h.n. S.māli
{5} has placed it in mortmain
{6} for the benefit of her children and her children’s children and whomsoever they beget.
{10} She has appointed herself as administrator
{7} and [given] the merit to her parents,
{8} [it being] a properly constituted and immutable endowment [enacted] in accordance with the Sharī‘a.
{9} [This endowed portion of the Qurān] is not to be sold or given away or inherited until God inherits the earth and those upon it, and He is the Best of Inheritors. ‘And whoever alters it after having heard it [should be aware that] the sin of so doing devolves only on those who alter it. Surely God is Hearing, Knowing.’
Document 5

(Dr. Allen)

An endowment by bwana Mkubwa\(^{18}\) b. al-Shaykh b. Abī Bakr al-Khātimī of a copy of the commentary called *Fatḥ al-mu‘īn* on the *Qurrat al-‘ayn fi muhimmat al-dīn*, for the benefit of all the Muslims. Both the *Qurrat al-‘ayn* and its commentary are by Zayn al-Dīn b. Ghazzāl al-Malibārī (fl. 10th/16th cent.)\(^{19}\) a Ḥanāfī whose *nisba* suggests that he came from the Malabar coast of southwestern India.

The copy endowed here was written by Shūrū b. Ṣūfīn b. Abī Bakr, probably in Lamu, and was completed on Monday 30 Jumādā I 1263/23 March 1852. The document of endowment was written out in two versions—the first apparently a draft—on a single sheet of paper. It was found inside an envelope addressed to Sayyid Muḥammad Saqqāf Riyaḍā at Lamu. Only the second version is translated here.

**(a) First version**

بسم الله الرحمن الرحيم الحمد لله رب العالمين وصلاة والسلام

على رسول الله صلى الله عليه وسلم

وبعد لعلكم كل من نظر على هذا الخط من المسلمين بان بان

كُوْبُ بن الشيخ بن أبي بكر الحاتمي قد وقف وحبس وسبل

هذا الكتاب [فتح للعينين]\(^{19}\) على أولاده وأولاده ثم ما

تناسلا وتناسبوا عليه [وجعل الناظر]\(^{21}\) وقفا صحيحا ثابتًا

\(^{18}\) Written *bān kūb* or *bān kub* in the Arabic text which we have interpreted as the Swahili title or name given above.

\(^{19}\) *GAL* ii, 417, *S* ii, 604.

\(^{20}\) *Sic*, written superscript.

\(^{21}\) This phrase has been crossed out.
{1} In the name of God, the Compassionate, the Merciful.
{2} Praise be to God, the Lord of the worlds.
{3} Blessings and peace be upon the Messenger of God, may God bless him and grant him peace.

{4} Thereafter: Let every Muslim who sees this writing know that bwana Mkübwá b. al-Shaykh b. Abí Bakr al Khátimí

{5} has placed in mortmain, inalienably bequeathed and piously dedicated this book, Fath al-mu’ín, a commentary on the Qurrát al-‘ayn

{6} for the benefit of all the Muslims, as

{8} a properly constituted and immutable endowment (enacted) in accordance with the Sharí’a.

{9} It may not be sold, given away or inherited and God is the Best of Witnesses.

{10} He has appointed as administrator Sayyid M.ḥtár22 b. ʿAydarús b. M.ḥzár b. al-Shaykh ʿAlí, and after him [sc. after his death] the scholars of law (fuqahá’) among the offspring of bwana Mkubwa Shaykh.

{13} O God, grant pardon to the writer and to his parents and to all the Muslims. May God bless our master Muḥammad, his family and Companions and grant them peace.

Document 6

(Dr. Allen)

An endowment by ʿAbd al-Raḥmán b. Yūnus b. Abí Bakr al-Siwí23 of an unspecified gloss (ḥāshiya) on the poem in praise of the Prophet, known as the Burda.24

بسم الله الرحمن الرحيم

الحمد لله وصلى الله على من لا نبي

بعده

22 Spelt M.ḥḍár in version 1 as is also the name of his grandfather; possibly to be read ‘Mḥḍár’ ‘a swift runner’.

23 That is, from Siu on the island of Pate.

24 Its formal title is al-Kawkab al-durriyya fī madh khayr al-bariyya; its author is Sharaf al-Dīn al-Būṣīrī al-Ṣinhājī (d. 694/1294), see GAL S II, 467-8.
Translation

{1} In the name of God, the Compassionate, the Merciful.
{2} Praise be to God,
{3} and may God bless him after whom there is no prophet.
{4/5} Thereafter: cAbd al-Rahmān b. Yūnus b. Abī Bakr al-Siwī has placed in mortmain this book, a gloss on al-Burda. Now when he realised [that the world is] 28 but a transient
domain and not an enduring abode, a place of passage rather than a place of confinement, he hastened to perform [an act of] righteousness and embarked [upon] the enactment of a good deed, by the endowment of this book, from its beginning to its end.

[...] 30

{8} [it being] an immutable endowment, [enacted] in accordance with the Sharī'a;

{9} [this book] is not to be sold, given away, hired out or inherited until God inherits the earth and those upon it, and He is the Best of Inheritors. ‘And whoever alters it after having heard it [should be aware that] the sin of so doing devolves only on those who alter it. Surely God is Hearing, Knowing’.

{13} May God accept this and account it [as having been done] purely for His Noble Sake.

{10} And the administrator is Muḥammad b. Abī Bakr b. Muḥammad b. Khaṭīb, the preacher (al-khāṭīb).

{12} The date is the year 1282, in the month of Shawwāl, the twenty-sixth. 31

Document 7

(Dr. Allen)

An endowment by mwana Āmina bint bwana Sa’d of the second half of the Qurʾān for the benefit of her brother’s son bwana Sa’d b. bwana āliyū.

بسم الله الرحمن الرحيم الحمد لله الذي وحده وصلاة

29 Reconstructed text; the lefthand edge of the page is worn away.
30 One and a half lines of text have been erased; no doubt they included the beneficiary’s name.
31 14 March 1866.
32 Sic.
والسلام على من لا نبي بعده
ثم لما علمت مان امئة بنت بان سعد السمكية بان الدنيا دار
ممر لا دار متر وموضوع عبور لا موضوع قصور بادرت إلى وقف
النصف الثاني من القرآن العظيم من سورة مريم الى اخره
وقفت وحبست ابتعاد مرضاي الله وغفانه وان يسكنها في
داره القرار وجعل 34 ثواب هذا القرآن لوالديه 35 بان سعد
بن بان أوب السمكية وامها ياي بنت بان علوي السمكية
وابنها موقوف له ولد اخيها بان سعد بان علوي
وجعلت الناظر نفسها ثم من يقوم مقامها من ورثتها الذكور
وما تنازلو[1]
وكتب الحقير ولدها القاضي كمال بن [بجانه] 36 وموكَّو بن
شحال بن ايوب بيده الفانية .

Translation

{1} In the name of God, the Compassionate, the Merciful.
{2} Praise be to God alone.
{3} Blessings and peace be upon him after whom there
is no prophet.

33 Sic.
34 Recte وجعلت .
35 Recte ولديها .
36 Reading uncertain.
Thereafter: when mwana\textsuperscript{37} Āmina bint bwana\textsuperscript{38} Sa\textsuperscript{c} d, the Somali [woman], realised that the world is but a transient domain and not an enduring abode, a place of passage rather than a place of confinement,

she hastened to place in mortmain the second half of the Mighty Qur\textsuperscript{3\textdegree}ān, from \textit{Sūrat Maryam}\textsuperscript{39} to the end. She placed it in mortmain and bequeathed it inalienably, desiring God’s good pleasure and His pardon and in order that he might make her to dwell in His everlasting abode.

She has assigned the reward [of endowing] this Qur\textsuperscript{3\textdegree}ān to her father, bwana Sa\textsuperscript{c} d b. bwana Ùbu the Somali, and to her mother, Yāyi bint bwana \textsuperscript{c} Aliyü, the Somali [woman].

The beneficiary (\textit{al-mawqūf lahu}) is her brother’s son, bwana Sa\textsuperscript{c} d b. bwana \textsuperscript{c} Aliyü.

She has appointed herself as administrator, then [after her death] whomsoever stands in her place among her male heirs and whomsoever they beget.

It was written by the humble one, her son, the qādī Kāli b. B.jān.h [?] Mükū b. Sh.h(h)āl b. Ayyūb in his own mortal hand.

This document is unusually interesting in that it enables us to reconstruct in part the genealogy of a coastal (and probably Lamu) family over four generations. It should eventually be possible to identify the qādī Kāli, who, by virtue of his position as judge, would have been a local notable.

\begin{center}
\begin{tikzpicture}


\node (Ayyūb) at (0,0) {Ayyūb};
\node (Sh.h(h)āl) at (0,-1) {};\node (Sa\textsuperscript{c} d) at (0,-2) {Sa\textsuperscript{c} d};
\node (B.jān.h Mükū) at (0,-3) {B.jān.h Mükū};
\node (Übu) at (0,-0.5) {Übu};
\node (cAliyü) at (0,-1.5) {cAliyü};
\node (Yāyi) at (0,-2.5) {Yāyi};
\node (Āmina) at (0,-4) {Āmina};
\node (Qādī Kāli) at (0,-5) {Qādī Kāli};
\node (cAliyü) at (0,-6) {};\node (Sa\textsuperscript{c} d) at (0,-7) {Sa\textsuperscript{c} d};

\draw (Ayyūb) -- (Sh.h(h)āl);
\draw (Sh.h(h)āl) -- (Sa\textsuperscript{c} d);
\draw (Sa\textsuperscript{c} d) -- (Yāyi);
\draw (B.jān.h Mükū) -- (Āmina);
\draw (Āmina) -- (Qādī Kāli);
\draw (Qādī Kāli) -- (cAliyü);
\draw (cAliyü) -- (Sa\textsuperscript{c} d);
\end{tikzpicture}
\end{center}

\textsuperscript{37} Reading mān as the Swahili title ‘lady’.
\textsuperscript{38} Reading bān as the Swahili title ‘master’.
\textsuperscript{39} The nineteenth chapter.
Document 8

(Dr. Allen)

The following formula is written on f. 1r. of four copies, each measuring approximately 16 x 11.5 cm, of the same Qur’anic chapter, *Sūrat al-kahf* (18).

{4} The humble servant who hopes for the forgiveness of his Lord, the Knowers of the transcendent, the Shaykh Muḥammad b. Shaykh Abī Bakr b. Shaykh ʿAbd Allāh b. Shaykh Muḥammad b. Imām b. Abū M.r. b. Amin al-Khālidī al-Sāfiʾī,\(^{42}\)

{5} has placed in mortmain, inalienably bequeathed and piously dedicated this [copy of *Sūrat*] *al-Kahf*,

{6} for the benefit of those Muslims who enter the con-

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\(^{40}\) Recte Ḥabīb. \\

\(^{41}\) Recte al-Shāfīʾī. \\

\(^{42}\) For ‘al-Shāfīʾī’. 

gregational mosque (masjid jāmi‘) of Fāza,43

{8} [it being] a properly constituted and binding endowment, [enacted] in accordance with the Sharī‘a,

{9} not to be sold, given away or inherited until God inherits the earth and those upon it, and He is the Best of Inheritors.

43 A town on Pate Island.