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Ottoman Foreign Policy towards Jerusalem waqfs

Ottoman Foreign Policy towards Jerusalem *waqfs* during the Nineteenth Century

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السياسة الخارجية العثمانية تجاه أوقاف القدس خلال القرن التاسع عشر

الملخص:

تبحث الدراسة في مكانة أوقاف القدس في العلاقات الدولية للدولة العثمانية وكيف أصبحت هذه الأوقاف أساس التنافس بين القوى الأجنبية العظمى، ولاعبا سياسيا استغلته الدولة العثمانية في علاقاتها وسياساتها الخارجية. كما تكشف الجهود التي بذلتها هذه القوى العظمى في السيطرة على تلك الأوقاف مستغلة علاقاتها مع الإمبراطورية العثمانية. وتحاول هذه الدراسة الإجابة على الأسئلة التالية: ما هي العلاقة بين السياسة الخارجية العثمانية وأوقاف القدس؟ ما دور هذه الأوقاف في السياسة الخارجية العثمانية مع الدول الأوروبية

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في القرن التاسع عشر؟ وكيف أثرت هذه السياسة على أوقاف القدس ورموزها التاريخية وقدسيتها؟ أشارت الدراسة إلى أن السياسة الخارجية العثمانية كان لها تأثير على أوقاف القدس، حيث استغلت الدولة العثمانية هذه الأوقاف لتحقيق انجازات ومكاسب سياسية. هذه السياسة لم تغير معالم القدس التاريخية فحسب، ولكن أيضًا هويتها الدينية. وكان لتحليل ودراسة عديد محفوظات أرشيفات أجنبية ومحلية الأثر الأكبر في تناول هذا الموضوع.

الكلمات المفتاحية: القدس؛ السياسة الخارجية العثمانية؛ الوقف؛ العلاقات الدولية؛ الأماكن المقدسة؛ الإدعاءات الدينية.

Abstract:

This study investigates the importance of Jerusalem *waqfs* (endowments) in the Ottoman State's international relations and how endowments became the basis of competition between superpowers. It also examines the efforts that these superpowers invested in controlling those endowments while taking advantage of their relations with the Ottoman Empire. The analysis of various archives of different resources and languages was essential to this process. Furthermore, this study attempts to answer the following questions: What is the relationship between the Ottoman foreign policy and Jerusalem "*waqfs*? What was the rule of those *waqfs* in the Ottoman foreign policy with the European states in the nineteenth century? How did this policy affect the Jerusalem *waqfs*, their historical symbols and sanctity? The

study suggested that Ottoman foreign policy had an impact on the Jerusalem *waqfs* and contributed to the transfer of ownership of important *waqfs* to foreign ownership, which was parallel to Western interests in Jerusalem. The policy did not only change Jerusalem's historical features but also its religious identity as well.

Keywords: Jerusalem; Ottoman foreign policy; *waqf*; international relations; religious contentions

Introduction:

Jerusalem was the main priority of the Ottoman's foreign policy because of its religious, cultural and international heritage. Jerusalem had an important place since the Ottoman Sultan Suleiman the Magnificent (1520-1566) granted the greatest concession to Franco I, the King of France in 1534 and another previous concession to the merchants of Venice. Jerusalem increased in importance after the Ottoman Empire signed *Küçük Kaynarca Antlaşmasi* with Orthodox Russia in 1774, which developed influence in the Holy Land in competition with that of the Western states. This competition was called the Eastern Question and led to international conflicts, such as the Crimean War (1853-1856), that were focused on the Ottoman Empire and the Holy Places, which were in its possession.

During these circumstances in the nineteenth century, Jerusalem attracted the attention of the European states in their efforts to gain a foothold in the Holy Land in general and in Jerusalem in particular. The European invasion of Palestine in the nineteenth century is attributed to the belief that the

supervision of the Holy Land should not be restricted to one of the superpowers alone. Each power aimed to establish a foothold in Palestine and support it by peaceful measures, such as a religious and cultural invasion and the protection of its religious minority. Therefore, these countries strongly supported missionaries, philanthropic and cultural activities in which their subjects practiced in the Holy Land. The large number of state religious and public institutions which were established in Jerusalem in the nineteenth century reflects the influence of each foreign country. These institutions included schools, hospitals, monasteries, churches and other institutions. Yet, that would have been impossible had foreign countries been unable to own property including *waqf* properties either via direct purchase, rent in different forms, or ownership grants from Ottoman sultans. This would have been unachievable had it not been for the policies and law of the Ottoman Empire.

As a result, the following questions can be raised: What is the relationship between Ottoman Foreign Policy and the Jerusalem *waqfs*? What was the role of the Jerusalem *waqfs* in the Ottoman foreign policy towards the European powers in the 19th century? How did this policy affect the Jerusalem *waqfs*, their historical symbols and religious sanctity?

The study assumes that Ottoman foreign policy had an impact on Jerusalem *waqfs* and contributed to the transfer of ownership of important *waqfs* to foreign ownership. That was parallel to European interests in Jerusalem. The policy did not only alter Jerusalem's historical features but also its religious identity as well.

This study aims to investigate the role that Jerusalem *waqfs*, the public ones in particular, played in the international relations of the Ottoman Empire, and how *waqfs* attracted the attention and competition of superpowers based on their relations with the Ottoman Empire. That policy had an impact on the nature of internal European relations concerning the ownership of these *waqfs* and the establishment of political and civil institutions in the holy city, which was described by some German orientalists as "a peaceful crusader's campaign". (Scholch, 1993)

Since this subject has never been investigated before, it has essentially been based on primary Arabic, Ottoman, French, English and German sources. These include registers (*sijill*s) of the Ottoman Court of Jerusalem, Ottoman Church Registers (*sijill*s), Ottoman Archives kept at the Islamic Heritage Archive that is part of the Palestine *waqfs* Ministry, the French Foreign Ministry Archive, British Foreign Ministry Archive and German Foreign Ministry Archive. These sources uncovered the European policies to own Jerusalem *waqfs* and Saladin *waqfs* in particular. These resources, moreover, revealed the historical background and the intentions of these policies and how the Ottoman State dealt with them.

Jerusalem *waqfs* at the heart of International Policies and Relations

Foreign influence in Jerusalem began in 1799 with the French campaign against Palestine. That campaign informed other European countries, especially Britain, of the importance of the invasion and control of the Holy Land. The European interest was concurrent with the (opened doors)

policy that the Egyptian governor (*wālī*) Muhammad Ali Pasha and his son, Ibrahim, followed during his control over Palestine 1831-1840. The first foreign consulate to be inaugurated in Palestine in 1838 was the British consulate. Once the Ottoman Empire re-controlled Palestine, it followed the same policies that Muhammad Ali followed concerning the European states' subjects. That was concurrent with the Ottoman era of "planning" legalization that began with the Sharîf Kulukhāna Plan of 1839, Hümayūn decree of 1856, Land Law of 1858 and Foreign Ownership Law of 1867.

That period witnessed an interest on the part of subjects of foreign countries to settle in the Holy City whether temporarily or permanently. Not only did that lead to an increase in rent but also to skyrocketing property prices. As a result, Jerusalem residents, who did not own property, protested about these circumstances and sent their grievances in the form of a letter to Muhammad Ali Pasha, the governor of Damascus, who sent it to the Sublime Porte in 1842. In their letter of complaint, the residents of Jerusalem requested that Sublime Porte enact an imperial decree (*firmān*) banning the rent and the sale of property to foreigners without first obtaining permission from the Ottoman Court of Jerusalem. (Registers (*sijill*s) of the Ottoman Court of Jerusalem: 326, 1258/1842 : 14.)

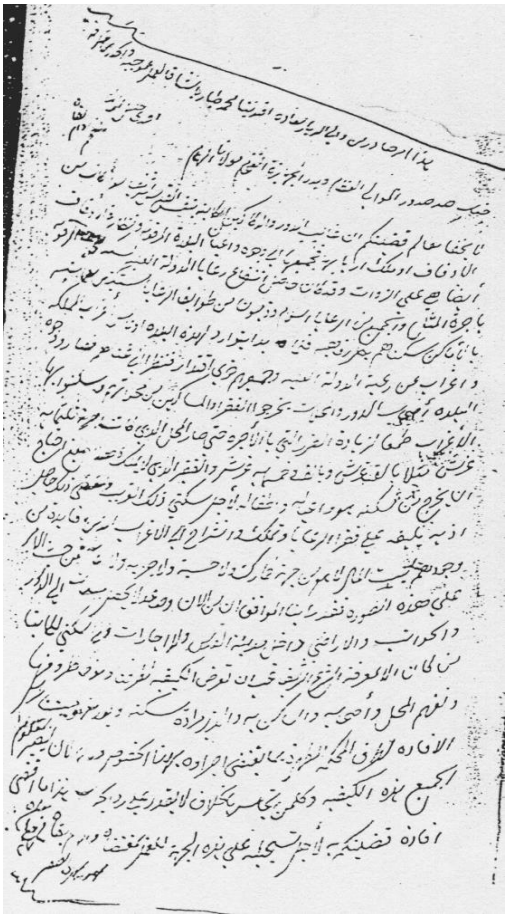


FIG. 1 The Jerusalem residents, who did not own property, protested about these circumstances and

sent this letter of complaint to Muhammad Ali Pasha, the governor of Damascus, who sent that letter to the Sublime Porte in 1842.

Reference: Registers (*sijill*s) of the Ottoman Court of Jerusalem: 326, 1258/1842, p. 14

Although the Hümayūn decree of 1856 entitled foreigners to own property on the condition that they obtain approval from the Sublime Porte, the Ottoman Empire, at that time, did not allow foreigners to own property unless a permit was issued by the Imperial Council (*diwān*) itself. That meant that foreign countries and their subjects had to complete an application for property ownership and send it to the Imperial Council and Prime Minister in Istanbul via Greater Jerusalem (*mutaṣarrifiyyat*) or to cede their citizenship – they became subjects of the Ottoman Empire- and be entitled to ownership in the Ottoman Empire. (Nicolaides, 1873: 21).

Foreigners' entitlement to property ownership was not an easy process in the Ottoman Empire, and it sometimes took several years to complete. For example, processing the French consul's application to buy a lot in Ein-Kārim, which is near to Jerusalem, on which to build a residence for Franciscan nuns took almost a year, although all Ein-Kārim land was private *waqf* owned by Abū Madyan Al-Ghūth in Jerusalem**.** This could be illustrated from the correspondence that took place between Istanbul and Jerusalem. The first letter that represented the application purchase was delivered on the 1 *Muḥaram* 1281/ 25 June 1864, and the second letter that included the approval was on the 30 *Muḥaram* 1282/ 25 June 1865. The procedures to verify the lot and the title deed at the court took the Jerusalem Government sixteen months. (*Sijill* , 353, 1283/1866 : 41-80).

Despite the efficiency of the Ottoman Empire's administrative branches, in Jerusalem, restrictions on foreigners' ownership of property, rules and regulations were violated by some foreigners and some subjects of the Ottoman

Empire. Examples included, but are not limited to, seeking Ottoman subjectship, bribing some administrative branch employees in Jerusalem, and using some local Christian and Jewish residents, who hold the Ottoman subjectship to own property. The registers (*sijill*s) of the Ottoman Court of Jerusalem revealed some of that.

The 1867 law for foreigners' ownership of property represented a new phase of foreign competition over property ownership in Jerusalem, which was called the era of competition and conflict. One important characteristic of that period was that it opened the doors without obstacles for foreign countries and their state subjects to own property in Jerusalem under one condition, that they approve the property law for foreigners' ownership.

The countries which were interested in property ownership approved the law in no time. The ambassadors of France, Britain, Belgium, Sweden and Norway approved the law simultaneously at the Ottoman Foreign Ministry in Istanbul in 1886. Subsequently, Austria approved the law in the same year. In 1868, the ambassadors of Prussia, New Zealand, Denmark and the United States of America did the same, and then Italy and Greece were licensed to do so. (Young, 1905: 335-336).

Therefore, the new Ottoman rules and regulations facilitated property ownership for foreigners in Jerusalem. As a result, there was an alarming increase in property purchases, which was accompanied by the building of religious, cultural, economic and residential foreign institutions.

The Ottoman Policy towards Jerusalem Public Property *waqfs* and its International Relations

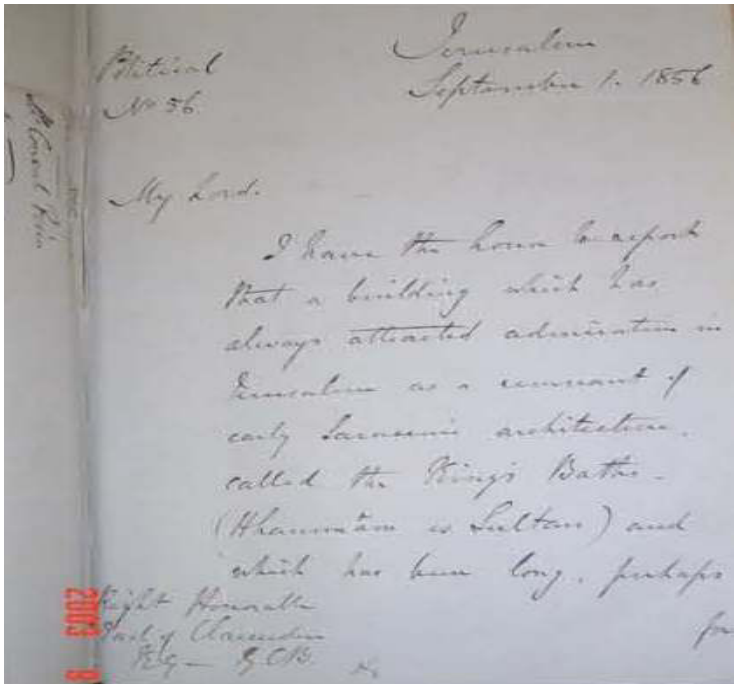
Some European countries exploited the Ottoman Empire's political reforms, rules and regulations, and their relations with the Ottoman State mainly after Russia, the traditional enemy of the Ottoman Empire, was defeated in the Crimean War (1853-1856). They also took advantage of good European- Ottoman relations, France and Britain in particular, when implementing their policies to control certain symbols of Jerusalem's public *waqfs* which were of special historical importance.

There are two examples that illustrate this. The first is from the British Archive concerning the ownership transfer of the Sultan Baths (*ḥammām*) to France. The second one is from the French and Ottoman Archive, pertaining to the ownership transfer of Al-Ṣalāḥiyya Madrasa (school) to France. In a report to the Foreign Minister in London in 1856, the British Consul in Jerusalem, James Finn, informed him that France bought Sultan Ḥammām which belonged to Khāṣikī Sultan, the wife of Suleiman the Magnificent (r. 1520-1566) and the adjacent buildings from the Ḥammām *waqf* administrator and his clerk. France paid 30,000 piasters for the Ḥammām and 20,000 piasters for the other property. The report showed that France claimed that the purpose of that purchase was to build a French Consulate in the same place. However, France had concealed the real objective which was to build a church for a religious group that did not exist in Jerusalem and that was the Armenian Catholics.

According to the previous report, France benefited from the deal in the following ways:

1. The Ḥammām price was very low because the estimated price for the copper tanks was 36,000 piasters.

2. The location of the Ḥammām was of strategic importance. It was situated between the Ottoman government building "Sarāyā"_and the Austrian Consulate. Therefore, France had a chance to observe the two sides. Moreover, the deal disturbed Austria. (Public Record Office of London, Fo 78/1217, 1856).


Political
No 56.

Jerusalem
September 1. 1856

My Lord.

I have the honor to report that a building which has always attracted admiration in Jerusalem as a remnant of early Saracenic architecture, called the Kings Baths (Hammam es Sultan) and which has been long, perhaps for

Right Honorable
Earl of Clarendon
&c &c &c

FiG. 2 The report, of the British Consul in Jerusalem, James Finn to the Foreign Minister in London in 1856

Reference: Public Record Office of London, Fo. 78/1217, 1856

The Ottoman Archive indicated that a construction license for building a church was issued 30 years later according to the Ottoman Canon Record Kilise Deterleri (Abu Ḥusayn, 1998 : 40).

The other example concerned Al-Ṣalāḥiyya School (*madrasa*), which was established by Saladin after he liberated Jerusalem in 1187. The school was built on the ruins of a Byzantine Church known as Sainte Anne, according to Christian heritage. The school was viewed as one of the most important symbols of Saladin in Jerusalem. Furthermore, it was the best educational institution in city (Sroor, 2010 : 84).

France sided with the Ottoman Empire during the Crimean War (1853-1856), taking the opportunity to be granted the school in order to reconvert it into its former structure as the Church of Saint Anne. Sultan Abdul-Majid approved that request in 1856; subsequently, the school was removed from the *waqfs* registers and became French private property according to a *firmān* issued by the Sultan. (AQO). Turkey : Jerusalem, Vol. 36 : 43-45).

French Ambassadors' reports, according to the French Foreign Ministry Archive, showed that France tried to control all property adjacent to Al-Madrasa. Consequently, it mapped the area and identified property owners there. Since many property owners refused to sell to France, the French Ambassador in Jerusalem suggested that the French Foreign Minister should request the Jerusalem Governor to enact a law banning the sale of any property adjacent to Al-Madrasa to any other party than France. Thus, if a property owner had to sell property; France would be the only candidate (Sroor, 2010 : 271).

The political developments that Europe witnessed in the second part of the nineteenth century, which was concurrent with the declaration of the law on ownership, had influenced the process of foreign ownership in Jerusalem. The Italian and the German union were as a result of those developments. Those countries 'interests in buying property in Jerusalem constituted another one. Competing with other European countries, in particular France and Russia was a third one. United Germany sought a foothold in Jerusalem to compete with other European countries by creating good relations with the Ottoman Empire. As a result of that policy, Fredrek Gulioum III, the crown prince of Germany, (born Oct. 18, 1831, Potsdam, Prussia—died June 15, 1888, Potsdam), visited Jerusalem in 1869. During that visit, Sultan Abdul-Aziz gave the Bīmāristān Al-Ṣalāḥî "Hospital" and its land, which was known as Dabbāgha and located in the Christian Quarter in Jerusalem, as a gift to build the German Anglican Church (Preine, 2001 : 345-360).

After that, the Germans managed to buy more property in Jerusalem. Some historical sources showed that: "The Roman Orthodox Patriarch bought two thirds of Dabbāgha neighborhood from Al-'Alamî family through rent, where a place for Saint Juana Hospice and Aftīmus Markets was built" (Khadir, 2006 : 419).

On 15 February 1864, the French Ambassador in Jerusalem sent an urgent letter No. 134 to his Foreign Minister. The Ambassador stated that:

> "Your Excellency Mr. Minister, I am honored to inform you that there is a controversy among Latin religious figures. The *waqf* administrator, who arrived

recently from Istanbul, claims that he has reached an agreement with Jerusalem's governor, who sent a certified document to the Ottoman Authority in Istanbul, whereby he clarifies and requests the Sultan to issue a sale permit to sell Sainte Marie la Grande Dabbāgha "place des tameurs et corroyeurs lot", ruins and the adjacent plots, which are called Hospital. The area of that plot "complex" is about 2500 square foot, which is surrounded by the Greek property that is located in a Cavalier controlled area "Sainte John Cavalier in Jerusalem". It is also surrounded by a plot that belongs to Sainte Marie which connects Venice Hospital with Sainte John Cavalier. The front side of the Hospital and its entrance are in a good shape, and leadto a small road that has been called Dabbāgha since the French kings' occupation of Palestine. That small road is one of the two roads that lead to the Church of Resurrection. The inscription and mosaic at entrance of Sainte Marie, the other Latin statues and inscriptions, and the statue that shows the 12 months of the year, which was written in Latin, are still there. This is strong evidence that the monument was built by the Cavaliers who were mostly French. The *waqf* administrator (Hospital Waqf) intends to sell the hospital land and its historical monuments for 200,000 francs to the Ottoman Treasury. If a public auction is held for that, the price will increase. The transfer expenses of property ownership, which are very high, will be added to the price. Not only Latin religious figures cannot afford that, but also respected and

important Latin European Institutions such as Sainte Josef and Du Leon as well". (AQO, Vol. 8 : 198-200).

In his report, the French Ambassador added that the *waqf* administrator either violated his authorization or had a permit or a decree from the Sublime Porte to act that way and put up those lots for sale. However, the Jerusalem Governor sent him an order not to hold a public auction for that important public lot because it was an Ottoman Government property. Therefore, the governor preferred that the Ottoman Authority kept the lot as long as France and its Latin religious representatives could not afford the purchase. The ambassador suggested the following to the Foreign Minister:

"Mr. Minister, because the hospital is one of the Ottoman rights and we cannot afford to buy it, we have to thank the Ottoman Sultan for keeping that lot under his authority and not to declare it for sale because it is an important issue for France. Therefore, I am writing to inform you that this lot can be sold at any time according to the law, and the Latin religious men are ready to pay 200,000 francs, the requested price, for that monument". (AQO, Vol. 8 : 198-200).

The Ottoman documents kept in the Heritage Archive Institution revealed that the lot was not for France because Abdul Aziz, the Ottoman Sultan, issued a *fìrmān* on 20, Dhū al-Qi'da/ 1287, Feb. 11, 1871 by which he granted part of the lot, where the hospital was built, to Prussia's king. That part is one third of a Dabbāgha place where the hospital was built, and it was believed that the place was in ruins. The grant also included a group of property attached to the hospital. That included 32 shops, a storage room and an oil press. The total area for the Sultanate grant was 5 *dunum*s (1 *dunum* equals

1000 square meter. The *firmān* stated that the ownership for that *waqf* should be transferred to Prussia and registered as a private property by Prussia's embassy for the purpose of building a church. (Islamic Heritage Archive, Ministry of Palestinian *Waqf*s, Abu Dis, File No. (13/22/17/10).

In the same context, in a report by the German Consul in Jerusalem in 1870, the German Archive revealed a plan to control the areas surrounding and adjacent to the hospital, which were granted to them on loan by the Ottoman Empire. The report also uncovered different means and methods that Germany arranged for that mission.

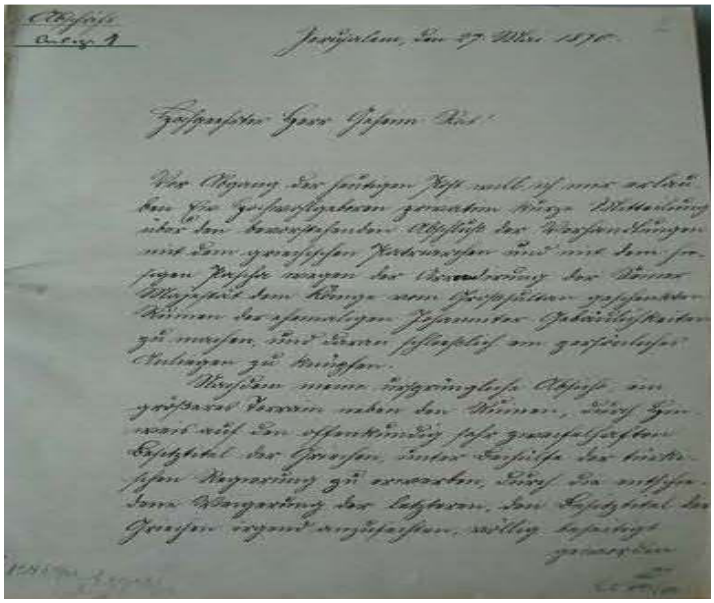


FIG. 3 The first page of the German Consul in Jerusalem report in 1870

Reference: Auswärtigue Amt-Politisches Archiv de Berlin, (APAB),[German Foreign Ministry Archive R61548].

The report showed that the German Consul requested the German Foreign Minister to send a special committee to Jerusalem to study the hospital location, map it, and set a plan that included methods and strategies that should be followed to control the location and transfer its ownership to Germany. Consequently, a German committee arrived in Jerusalem, visited the location, mapped it (see figure n. 4) and determined the nature of the adjacent property in the same year.

FIG. 4 hospital location map by the German committee send to Jerusalem by German Foreign Minister in 1870

Reference: Auswärtigue Amt-Politisches Archiv de Berlin, (APAB), [German Foreign Ministry Archive R61548].

The committee indicated that it was important to own seven shops that belonged to the hospital *waqf* near the church, part of the plot that belonged to Musa Efendi - the Jerusalem mufti - and 15 shops located in the meat market, which were close to the plot that the Ottoman sultan had given as a gift to Prussia's Emperor, and the shops which were located at the entrance of the road that led to the plot. The committee also recommended not constructing any new building at the meat market in order to open a road leading to the Bazaar. To achieve that goal, the German Ambassador recommended buying that property and compensating the *waqf* beneficiaries as follow:

Paying 1000 piasters for each of the seven shops that belonged to the hospital *waqf* and compensating the mufti with some money besides, paying 2500 piaster for each of the 15 shops with the possibility of negotiating the price with the shops' owners. In addition, paying 500 piasters to any owner, who will be committed not to build any new shop or add a new one in the meat market. The committee also recommended the Jerusalem government to approve the transfer of property ownership to Prussia and issue the relevant title deeds.

The correspondence between the German Consulate in Jerusalem and the German Foreign Ministry revealed that those objectives were met. For example, ownership transfer and title deeds were issued.

In his report to the foreign minister dated 26 May 1870, the German consul in Jerusalem reported that the Jerusalem mufti, the mufti's brother and his cousin, and also Muhammad Ṭahir Afandī Al-Khāldī, the *waqf*s' administrator who was a

member of the Jerusalem municipality, approved the donation of the property as a modest gift to his Excellency the German Emperor. However, the report indicated that the 15 shop owners refused to sell their private property at the recommended price. Therefore, the German Consul suggested paying tenfold to encourage owners to sell their property. The consul believed that if the latter farfetched offer was rejected; it was indicative that the owners were driven by greed. Consequently, the Ottoman sultan had to intervene directly and force them to sell their property. (APAB, R61548).

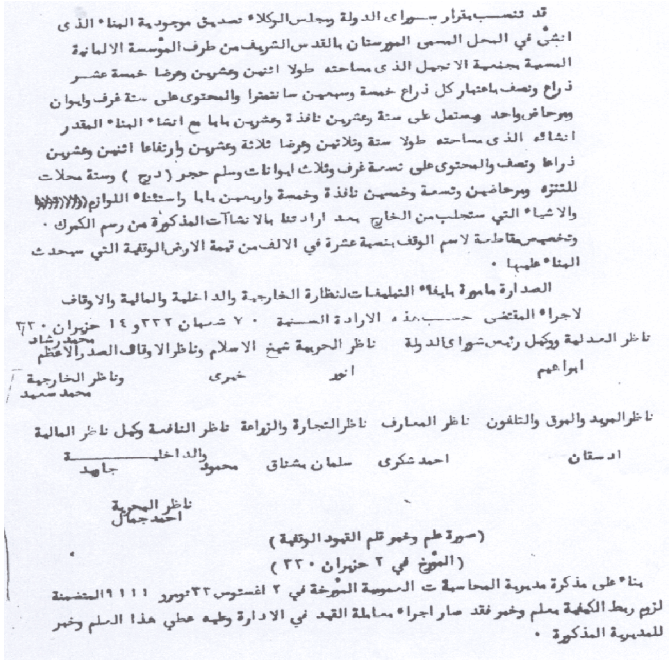
The German influence increased in Jerusalem immediately after the expulsion of the Russian consul after the war began between Istanbul and Moscow in 1877. Thus, the German embassy took care of the Russian state subjects and their property. In 1898, the German Emperor, Gallium II, was received warmly during his visit to Jerusalem. To show the Emperor his appreciation, Sultan Abdul Hamid opened a special “entrance” in the Jerusalem Wall for him to enable the Emperor to get to old Jerusalem while riding his horse. Henceforth, that door bore the name of Abdul Hamid. Furthermore, Sultan Abdul Hamid gave the Emperor a gift, which was a lot that has an area of 2000 square meters, to build a church for the German Catholics (see figure 5). Before leaving Jerusalem, the German Emperor assigned his consul in Jerusalem with the purchase of the lot adjacent to the one that the Emperor had given him. The area of that lot was 1600 square meters and belonged to Al-Dawwūdī family (APAB, R61548).

FIG. 5 The Saladin hospital and its surrounded at the beginning of nineteenth century

Reference: the author's collections

It is noteworthy that the German Anglican Association sent a petition to the Ottoman Sultan Mohammad Rashad requesting a construction license for the buildings that they had constructed on the hospital plot and a permit to build other buildings on one of the other plots of the hospital. It met with Sultan Muhammad Rashad's approval and he determined the area and the nature of the building that would be built on the hospital plot on condition that the German Association based on a *muqāṭaʿa* contract rented the plot. (see, comment n.1). Sultan Rashad added in his approval that the rent had to be transferred to the hospital *waqf*. That was illustrated in a *firmān*, which was issued on 7 Sha'ban 1332/ 1 July 1914,

signed by Sultan Muhammad Rashad, Muhammad Said, the Foreign Minister, Suleyman Bushnāq, the Minister of Commerce and Agriculture, Sheikh Al-Islam, Al-Sadr Al-‘A’zam “Prime Minister”, and other state ministers. The *firmān* was as follows: ((*Waqfs*: File No. 13/22/17/10).



قد تنصب بقرار شورى الدولة ومجلس الوكلاء تصديق موجودية البناء الذى
انشئ في المحل المسمى المورستان بالقدس الشريف من طرف المؤسسة الالمانية
المسمية بجمعية الانجيل الذى مساحته طولا اثنين وعشرين وعرضا خمسة عشر
ذراع ونصف باعتبار كل ذراع خمسة وسبعين سانتمترا والمحتوى على ستة غرف وايوان
وبرحاض واحد ويشتمل على ستة وعشرين نافذة وعشرين بابا مع انشاء البناء المقدر
انشاؤه الذى مساحته طولا ستة وثلاثين وعرضا ثلاثة وعشرين وارتفاعا اثنين وعشرين
ذراعا ونصف والمحتوى على تسعة غرف وثلاث ايوانات وسلم حجر (دبج) وستة محلات
للتنزه وبرحاضين وتسعة وخمسين نافذة وخمسة واربعين بابا واستثناء اللوازم
والاشياء التي ستجلب من الخارج بعد ارادتنا بالانشاآت المذكورة من رسم الكمرك .
وتخصيص مقاطعة لاسم الوقف بتسعة عشرة في الالف من قيمة الارض الوقفية التي سيحدث
البناء عليها .

الصدارة مامورة بابلاغ التعليمات لنظارة الخارجية والداخلية والمالية والاوقاف
لاجراء المقتضى حسب هذه الارادة السنية . ٧ شعبان ٣٣٢ و ١٤ حزيران ٣٣٠
ناظر العدلية ووكيل رئيس شورى الدولة ناظر الحربية شيخ الاسلام وناظر الاوقاف الصدر الاعظم
محمد شاد
ابراهيم انور خيرى وناظر الخارجية
محمد سعيد

ناظر البريد والبرق والتلفون ناظر المعارف ناظر التجارة والزراعة ناظر النافعة وكيل ناظر العالية
ادستان احمد شكرى سلمان بشناق محمود والداخلية جاهد

ناظر البحرية
احمد جمال

(صورة علم وخبر قلم القيود الوقفية)
(المؤرخ في ٢ حزيران ٣٣٠)
بناء على مذكرة مديرية المحاسبات العمومية المؤرخة في ٢ اغستوس ٣٣ نومرو ١١١١ المتضمنة
لزوم ربط الكيفية بعلم وخبر فقد صار اجراء معاملة القيد في الادارة وعليه عطي هذا العلم وخبر
للمديرية المذكورة .

FIG. 6 The *firmān* of the Sultan Rashad, which was issued on 7 Sha’ban 1332/ 1 July 1914, signed by Sultan Muhammad Rashad, Muhammad Said, the Foreign Minister, Suleyman Bushnāq, the Minister of Commerce and Agriculture, Sheikh Al-Islam, Al-Sadr Al-‘A’zam “Prime Minister”, and other state ministers.

Reference: Islamic Heritage Archive, Abu Dis: File No. 13/22/17/10).

The Ottoman documents showed that the German Anglican Association failed to pay the rent for 15 years. Therefore, in 1928 the general manager of the Palestine *Waqf* sent letter No.895 to Al-Ḥajj Amīn Al-Ḥusynī , the Supreme Islamic Council president, requesting the latter to have the German Anglican Association pay the rent according to an imperial *firmān*. In the letter, the Palestine *Waqf* general manager also requested the Supreme Islamic Council president to form a joint committee, the German Association and *waqfs*, to determine the rent that had to be paid. Moreover, the letter showed that there was no excuse for not requesting the rent after World War I was over. (*Waqf*s: File No. 13/22/17/10).

The ottoman government of Palestine sued the German Association, which was called Evanclish Jerusalem-Berlin, and took them to the land court judge in Jerusalem. The case included the following points:

1. "There is a lot inside the city of Jerusalem, where some buildings were constructed known as the hospital. It has an area of five *dunum*s or 75,346 arms square.

The wheat market is to the south of the plot. Part of the produce market, which has 15 shops that are added to the second part is to the east. Askelger Street is next to the plot. The main road that is next to the Church of the Resurrection, which is attached to the produce market, is to the north. The new road that reaches the wheat market is to the south.

The case also included seven shops previously registered by the Roman Patriarch. These shops are attached to the previous property and extend to the entrance of the butchers'

street. The roofs of these shops are included as well. It also included 15 shops, which belonged to Saladin Institutions, and were located to the north of the meat street. The three stores, which were located in the wheat market between Al-Sheik Gaben graveyard and the oil press that belonged to Al-Ḥusynī family were also part of the case. These stores were detached. Other seven stores, which are located to the north of the previous property and belong to Saladin Institutions and an additional lot are also included in the case. A map for that is attached.

2. Based on a *fīrmān* in Dhū al-Qi'da 1287, the Ottoman Empire transferred the previous property, which was known as the hospital, to his Excellency Prussia's King as a gift, and a decree was issued to register that property by the embassy of the Great Prussia's state.

3. Based on a document on 1 November 1893, the German Emperor approved the registration of the previous property to the second party. However, the registration was not documented in the Land Authority Ṭāpū. The ministry of Prussia, on the other hand, issued an order on 3 April 1922 to complete the registration process.

4. According to item 3 of the Ottoman land law which is part of Land Authority Cadastral files (Ṭāpū)" in 1858 and items 1 and 2 of the land Authority Ṭāpū rules and regulations in 1859 and the unregistered land transfer law in 1920, any land registration based on the documents of 1 November 1893 and 23 April 1922 was illegal unless it was registered in the Land Authority's Land Ṭāpū files. That is because it did not register the mentioned property to the second party. Moreover, a registration that was conducted according to a

document dated on 23 April 1992 was incorrect because it was not approved by the general guardian of enemies' property state subjects in Palestine. That was indicated in item 3, paragraph 3 of the previous document. The only right document with respect to the property in the case is the previous *firmān* in item 2. Therefore, if the general guardian property had been excluded, the rest of that property would be allocated to the government of Prussia.

5. The Ottoman Government of Palestine has the right to confiscate the mentioned property according to item 28 of Luzon Lausanne treaty between the allied countries and the Ottoman Empire". (*Waqf*s: File No.13/1321/1023/10/3).

Based on the correspondence of the Islamic Waqf administration in Palestine, it was decided that the German association should be requested to abide by the Sultan's *firmān*. That was revealed in letter No. 899 which the manager of the Jerusalem *Waqf* addressed to the German Anglican Administration on 3 December 1928. (*Waqf*s, No.13/22/17/10). The letter also uncovered that the German Association rejected the previous request and informed Mr. Nord, the German Ambassador, of that. Therefore, the German Ambassador sent letter No. 1/28 to the manager of the Jerusalem *Waqf* illustrating that the German Association did not have to pay rent and had no financial commitment to the *Waqf* Department. As a result, the *Waqf* Department did not have the right to request any financial demands for the following reasons:

1. "The hospital plot *waqf* and the buildings that it has were a gift from the Ottoman Sultan to the German Anglican Association according to a *firmān*

which was dated on the 20 *Dhū-Al-Qi'da* 1287/1870, and the *firmān* also erased the land from the *awqāf* property files and registered the land as private property for Prussia's Embassy.

2. The government *firmān* on 7 *Shaʿbān* 1332/1913 included a construction license for additional buildings on the hospital land near the Church of the Resurrection. However, because of World War I, that construction was never built. Furthermore, the construction license, that the Association had, was not concerned with the hospital buildings which were built before that Government *firmān*.

3. Consequently, if the *Awqāf* administration had the right to ask for the hospital *waqf* rent, it could have done that a long time ago and would not have waited for 15 years, during which time the rent was never requested". (*Waqf*s, No.13/22/17/10).

The Supreme Islamic Council requested Mr. 'Awnī Adul-Ḥadī, an *Awqāf* lawyer, to deal with that case. Mr. Adul-Ḥadī, therefore, requested the German Consul to provide him with a copy of the Ottoman *firmān* to study the case (*Waqf*s, No.13/22/17/10).

The German Consul responded and highlighted that the *firmān* was in Germany at that time and was therefore waiting for its copy. The copy was not delivered a year after that letter, and that is why the case was postponed until the copy was received (*Waqf*s, No.13/22/17/10). The letter was the last document that we have about the details of that case.

In this context, it is important to touch upon property ownership contentions between the French, Austrians and Russians for Al-Ṣalaḥiyya Khānqāh (see, comment, n. 2) property in Jerusalem. The only resource that provides us with the details of Western Russian, French and Austrian interest in Al- Ṣalaḥiyya Khānqāh and their desire to own and control its property is the French Archive, which is represented by the French Foreign Ministry Archive in Paris and the French Diplomatic Archive in Nantes. The previous archive reveals the competition that took place between those countries. It also reveals how France exploited its relations with Jerusalem's Local Administration and the Ottoman Authority to control some of Al-Khānqāh's buildings and prevented other countries and their subjects from doing so. Furthermore, the French Archive reveals Al-Khānqāh's importance to French political interests and the need to control its property.

The French Ambassadors' report and their correspondence with the French Foreign Ministry illustrated France's particular interest and policy towards Al-Khānqāh buildings, which were of essential importance to France. That issue took the lion's share of the discussions that the French politicians held in Jerusalem, Paris, Istanbul and Moscow.

On 12 June 1860, a report sent by the French Consul Edmond de Barrière described Al- Khānqāh's location and its importance for France.

FIG. 7 Part of the French Consul report showing Al-Khanka's location.

Reference: A report on Al- Ṣalaḥiyya Khānqāh **from the French Consul in Jerusalem to the French Foreign Minister June 12th, 1860. French Foreign Ministry Archive. Turkey: Jerusalem Vol. 6, 134-136.**

The report showed that Al- Khānqāh was a group of buildings adjacent to the Church of the Resurrection and close to the Russian Hospital, which was connected to the Church by a bridge. It also revealed that Al- Khānqāh's ownership was part of the *waqf* that was affiliated to the Islamic Religious Institutions. In his report, the French Consul added that Al- Khānqāh included a mosque and a group of houses, where Ottoman Turks lived. There was a small Franciscan friary next to Al- Khānqāh. It was the only used as a residence

for the priests of the Holy Land during Christmas, when they had to be available close to the Church of the Resurrection, to practice their religious ceremonies. The Consul reported that the friary was very small, narrow and did not accommodate all the priests and needed an extension. Yet, effectuating that extension was impossible without appropriating part of Al-Ṣalaḥiyya Khānqāh buildings adjacent to the friary that surrounds it from all sides. However, the Franciscans were unable to own that *waqf* property at that time for two reasons. Firstly, they did not manage to save enough money to buy it; secondly, the religious authorities created obstacles that made that chance impossible.

The report also illustrated that the French Consul in Jerusalem recommended the ownership of the Al- Khānqāh buildings, except the mosque, to the French Government which was impossible to own, and authorized the Franciscans of the Holy Land to administer them. The report added that the friars' objection to controlling those buildings would not be that strong once the French Crown was in control of them. In addition, the French Crown's control of Al- Khānqāh buildings would create respect for the Ottoman Government because it would be easier for that government to approve the transfer of *waqf* property to French Government ownership rather than to a Latin Catholic religious order.

Furthermore, the report showed that the French consul, Valette, exploited the Damascus riots that cost the Franciscans dearly (see: Isṭwanī 1993). Consequently, Mr. Valette requested the Franciscans to write to Ali Pasha, the Jerusalem Governor (*mutaṯarrif*) asking him to grant them Al- Ṣalaḥiyya Khānqāh to compensate for the losses that that the Muslims had

inflicted on them in Damascus. Before sending that letter, the Consul met with the prince of Jabal Lebanon who discussed that important and delicate issue with the right people in Saint Pittsburg, where sensitive issues concerning Jerusalem and Constantinople were usually discussed. (AQO, Vol.6: 134-136).

On 26 April 1860, Ermond de Barrer, the French Consul in Jerusalem sent a letter, No.**53**, to the French Foreign Minister which contained the following notes:

"I am honored to send you one of the most reliable maps for all buildings that are close to the Church of the Resurrection and those that surround it, and you will note the following:

1.The place and the location of Al- Ṣalaḥiyya Khānqāh, which is the only building that includes Latin property, is the only one that the Greeks or the Armenians have not controlled.

2. The Great Holy house location, which was put up for auction, represents Saint Jean cavaliers of Malta's last property. We made a big mistake not to own that. It was sold to an Austrian or a Palestinian Austrian from "Jean L'ordre de Malte group".

3. You will also note the plot where the Russian Consulate will be built".

The Consul added, "I believe that the attached plan for these different places is the best comment and illustration on my previous letter. Mr. Pierotti, who worked for Genie Sarde, was the architect. He did a great job when he designed those

plans, and we have to thank him for that. The architect himself designed a perfect plan for old and new Jerusalem." (AQO, Vol.7, p. 26-29).

On the 21 June 1860 the French Consul in Jerusalem sent another report No. 55 to the French Foreign Minister, Ermond de Barrere, in which he stated that:

"Al- Ṣalaḥiyya Khānqāh is a building that has a single purpose and that is to host Muslim pilgrims. That Khānqāh is situated next to a Latin friary which is connected to the Church of the Resurrection:

"There is a road to the north, there is the big dome, part of the Church of Resurrection and the Greek property to the south, there is the Greek property to the east, and the Russian Hospital which is connected with a bridge and a road under that bridge to the west. Al- Khānqāh buildings is the only part that surrounds the Church of the Resurrection, and it is the only building that we have to own to be part of our property in order to extend the place that surrounds the Church of the Resurrection and makes it light and airy. Russians, Greeks, Armenians, Copts, and Ethiopians own the rest of the buildings that surround the Church of the Resurrection. They did not exert every effort to possess Al- Khānqāh buildings even though they are close to both Al- Khānqāh and to the Church of the Resurrection. After that, the demand for Al-Khānqāh property rose steeply; therefore, the price for one room at Al-Khānqāh, which has 40 rooms, reached 100,000 francs. Later, the Greeks requested to buy one room and were willing to pay several 100,000 francs for that. Although the price was very high, one of Al- 'Alamî family members, who was a *waqf* administrator, refused the offer because he

believed that the price was low. Because of the fierce competition between the Christian foreign groups to own that complex**,** which has 40 rooms, the complex price reached 4 million Francs".

According to the French Consul, the price was very high and not reasonable and consequently the Latins could not afford it. Another obstacle was that the license in the hands of the Latins granting property ownership rights had expired. Consequently, owning the Khānqāh complex required millions of francs for the following reasons:

1. The Latin could not afford to buy it.

2. The fierce competition between the Russians, Armenians and Greeks who could afford to purchase the property increased the demand for it.

3. Since the complex surrounded the Latin property, it was more important to them than to the Russians, Armenians and Greeks who had huge areas of land around the complex.

For these reasons, the Consul suggested that something should be done in order not to sell the property for an excessive price to the Russians or Greeks because it was the only place in the area that the Russians or Greeks have not yet controlled.

The Consul believed that there was only one way to keep that complex as it was, prevent its ownership transfer to any other religious group than the Latins, and to help the Latins buy it. That is, to have a *fìrmān* banning the sale of any part of that complex in a public auction or in any other way. The Consul also thought that the Ottoman sultan could control the complex and transfer its ownership property from Saladin

waqf to public property (*mīrī* property). After that, the Sultan could give the complex to France as a gift of appreciation once he determined its borders. It was also suggested to separate the mosque and the minaret, which belonged to the Khānqāh complex, from the other parts of the complex that France was willing to control. According to the Consul, to achieve such a goal, the Sultan had to do the following:

1. To own Al-Khānqāh compensate the beneficiaries and provide them with an alternative residence if required. The Khanka administration (not the sponsors of Al-Khānqāh which was the Al-'Alamī family) was the party that had the right to deal with that issue and suggest the appropriate price based on the competition between the Christian denominations.

2. Every 'Alamī family member has to be compensated for running and using that *waqf* for more than two centuries. With the help of professionals, the sultan himself could determine the amount of compensation that had to be paid for that family. The Jerusalem Governor was the only one who controlled that *awqāf* and could take the appropriate measures concerning that. However, Al-'Alamī family only ran and used the complex because it was authorized to do so in spite of being an Islamic *waqf*. Any 'Alamī family member could negate any sale of any part of Al-Khanka by another family member. In addition, any 'Alamī family member could request an excessive price for selling his right –to use and run Al-Khānqāh and no one could object to that. Al-'Alamî family members had a joint right to use and run Al-Khānqāh. Since the Latins' right to ownership had expired, the Jerusalem Governor and the Emperor had to veto every sale

of any part of Al-Khānqāh and had to prevent any party from owning any part except France because the property surrounded the Latin property.

3. The Ottoman government had to buy those properties and transfer them to a public property and then grant them to France, which would pay the requested price to the treasury of the Ottoman Empire. This would bring the competition between the countries to an end. It would also restrict Al-'Alamī's family control over that property.

4. France had to take possession of the Al- Khānqāh directly from the Ottoman Emperor. This would put an end to the dispute between the Latin and the Franciscan Patriarchs. This ridiculous conflict, according to the Consul, would make it difficult for France to own that property, and that would subsequently be impossible..

The French Consul concluded his report by stating that the Jerusalem Governor and the Sultan should veto the Russian's and the Greeks' attempts, whose property in the complex were worth millions, to own or control Al- Khānqāh regardless of the price that they were willing to offer. Therefore, Al- Khānqāh had to be returned to the Latins for good because it surrounded their only friary which was connected to the Church of the Resurrection. The latter was not owned by any Christian religious groups. These groups could own any property in any other place in Jerusalem. The report also showed that Russia recently established a hospital next to Al- Khānqāh, which the Greeks tried to own. The Greeks offered 100,000 francs, equaling 500,000 piasters, for one single room in Al-Khānqāh. Those indicators, the consul added, forced France to work fast to get a *firmān* from the

Emperor that prevented the sale of any part of Al- Khānqāh to any country other than France. (AQO, Vol. 7: 41-45.)

Ten years after France's involvement in Al- Khānqāh and its continuous attempts to own it and prevent the transfer of its ownership or the representatives of its religious group to any other party than the French, the French Consul in Jerusalem wrote to the French Foreign Minister on the 2 April 1870 and informed him of the latest news concerning Al- Khānqāh. The consul also recommended some suggestions to solve the problem in a way to serve France's needs. The report showed that Saladin authorized Al-'Alamī family to run his *waqf*s, and in particular, he authorized Wafa Afandī Al-'Alamī the right to run his *waqf* and pass that authorization onto his heirs. As a result, the son of Wafa Al-'Alamî, Abdullah Afandī, was entitled by a special *fīrmān* from Sultan Abdul-Majīd to run that *waqf*. The report also indicated that al- Khānqāh had two yards: upper and lower. The upper part was extremely important for France and its ownership would meet French political needs because it surrounded the dome of the Church of the Resurrection. The report demonstrated that the ownership of that very important *waqf* could not be met except by the direct intervention by the Ottoman sultan. Furthermore, there was another part of Al-Khānqāh that the Al-'Alamī family owned. France could attempt to own that part through the family, which appreciated the services that the French Embassy had offered them. However, the report did not state the nature of those services. An agreement could be reached with the Al-'Alamī family to buy the property. That could be met by establishing direct contacts with the Al-'Alamī family and providing them with incredible privileges

on condition that they ignored France's desire to own Al-Khānqāh property mainly because Russia was working to meet the same goal. The report also illustrated the obstacles that Al-'Alamī family had to face to concede Al-Khanka property and sell it to France. Those were that an Al- 'Alamī family member, the second son of Abdullah Afandī Al-'Alamī, had converted to Catholicism and had been living in Rome at the time. This incident embarrassed the Al-'Alamī family and made it difficult for the family to transfer Al-Khānqāh to the Latins. Furthermore, the family's finances were bad; therefore, losing the Al- Khānqāh property would further worsen their economic situation. Due to this, the consul understood the family's worry and reluctance to transfer Al- Khānqāh ownership while taking into consideration the rumors that the sultan had offered Al-Khānqāh property to the Franciscans. Therefore, the consul believed that it was important to work hard to persuade the Al-'Alamī family to transfer the ownership of Al- Khānqāh to the Franciscans and have them view that as irrelevant. Money could also play a very important role, for example, the family could be offered financial compensation. The report also showed that there were religious obstacles that made the transfer of *waqf* property ownership very difficult. It was not permissible to sell the *waqf* as an example. The consul added that these obstacles could be overcome because Jerusalem Muslims were moderates and not fanatics. That situation had to be exploited mainly because there was news which revealed that the Prime Minister and the Ottoman sultan were ready to concede Al-Khānqāh's yards in addition to the houses that surrounded the dome and give them to the Franciscans. Therefore, the Prime Minister and the Sultan's

approval to concede Al-Khānqāh's yards would facilitate the ownership transfer process. (AQO, Vol. 10: 308-318).

A month after that report, the French consul sent a telegram, another report No. 42, to the French Foreign Minister on 7 May 1870 concerning Al-Khānqāh Al-Salāhiyya property. The report stated the following:

> "Finally, I achieved the temporary solution that I have always wished for so long time. Last month, on 27 May 1870, the governor of Palestine paid a visit to Al-Khānqāh Al-Ṣalāḥiyya. The Austrian Consul, the Father of the Holy Land, Jerusalem judge and other Ottoman employees were there.
>
> Mr. Minister: The Sultan transferred part of Al-Khānqāh's ownership to the Franciscan friars, which included three rooms, a stable and a shop which were located under the three rooms. That was a gift from the Emperor to the Franciscans. Two openings were made: the first was in the wall of one room, and the other was in the wall of the corridor that passed through the stable in order to create a connection between the Church of the Resurrection and the new property, which was separated completely from the other Al-Khānqāh Al-Ṣalāḥiyya property as requested by the Governor of Palestine. In this report, I am writing to continue my previous report that I wrote on 2 April a month earlier, concerning Al- Khanka. In that report, I illustrated in detail the upper and the lower parts of Al-Khanka and the need to own the upper part of that property, which was a yard that came to be known as Al-Khānqāh yard. We have not

yet managed to own that yard. The three rooms that we received as a gift from the Sultan are situated under that yard behind the wall that determines the real yard of Al- Khānqāh. The Pasha, Palestinian Governor, declared that the Emperor decided to provide not only one yard but also Al-Khānqāh Al-Ṣalāḥiyya yards to the Franciscan Fathers. The Franciscans have managed to obtain only one yard of Khānqāh yards so far. Moreover, the yard that we wish to own was not part of the Sultan's gift. The agreement, that was approved recently, includes positive information which can better illustrate the misunderstanding to deal with the problem".

In his report, the French consul also indicated the following:

"Because Franco Josef is a European national, as I was told by the Austrian Consul, a total ban on the sale of the upper part of Khānqāh yard was not issued. The Europeans are trying to meet a goal that is different than that of Austria. He added that due to the competition between France and Austria to own Al-Khānqāh yards' complex, he suggests a reasonable solution. The Ottoman Authority is located between two superpowers that have complex relations, and it is not easy for the Ottoman Authority to treat a super power better than the other. The Ottoman Authority took the initiative and granted some parts of Al-Khānqāh to the Franciscans. I have always thought that money does not play a very important role in these issues, and the best solution is to get a gift from

the Sultan. The Franciscans, in particular, could easily afford the property that the Emperor gave them as a gift. Austria, on the other hand, tried to get that property as a gift from the Sultan and did not try to buy it.

We cannot discuss the Ottoman Government's gift mainly because Austria did not object to that or to the borders set by the Ottoman Government. However, Father Constantine has always tried to get additional property to extend the friary, but he failed to do so and did not get more than the Sultan gave him as a gift."

The consul thought that the Sultan's gift, which was part of Al-Khānqāh Al-Ṣalāḥiyya property, had a positive financial value, but compared with the French Empire's greatness, the gift was worthless. The French Ambassador was the only representative to react, on an individual bases, and to accept the gift in a situation that reflected fierce competition for property ownership. In short, the value of the Emperor's gift to the Latins was less than that of his gift to Prussia, which was represented by Saladin's Hospital.

The consul concluded his report by stating that he would follow the issue up and draw a plan that illustrated the importance of Al- Khānqāh yards compared to the property that the Sultan granted to the Franciscan. (AQO, Vol. 10 : 331-334).

On 11 May 1870, the Edmond de Barriere, the French Consul in Jerusalem French wrote to the French Foreign Minister (letter No. 43) to inform him about the latest developments concerning Al-Khānqāh Al-Ṣalāḥiyya yard. He

also informed him that the Jerusalem judge revealed some government *firmān*s that stated that compensations had to be paid once Al- Khānqāh's case was dealt with. In his report, the consul indicated that he was informed by the judge that France could pay compensation once it approved the Afīf Beik memo. The compensation, according to that memo, was 60,000 piasters, equaling 13,000 francs. The consul added that he was misinformed by the judge. That was based on a meeting that he had with Father {Costwood} to discuss the Al-Khānqāh question. In that meeting, the priest told him that the agreement included only two rooms rather than three in addition to the stable and a shop under the two rooms. Furthermore, there were a set of stringent conditions for the agreement or the gift. For example, the Latin Catholic friars did not only have to demolish the two rooms and what was under them to create a yard in their place, but also to pay for the costs of the structural change. The friars had to also build a wall that separated the future yard from Al- Khānqāh at their own expense. This also required the demolition of a room in the Franciscan friary to reach the yard that was connected to the Church of the Resurrection. As a result, the Franciscan friary, which was small, would not only lose one of its rooms, but would also cover the high financial cost. The report added that the negative consequences of the Austrian policies surprised everybody and led to those developments. The Consul viewed that as a success to the Austrian policy, which has always been against Franciscan interests and the interest of their small friary. Furthermore, the report illustrated that the contradictions in the judge's statements and the agreement items illustrated explicitly why the judge travelled to Gaza the previous night. The governor of Palestine, who had always

disagreed with the Latins, disapproved of the transfer of that property to the Franciscans. That took place on top of Al-Khānqāh yard when the Consul, Father Costwood and the judge were present. The consul revealed that the Jerusalem Governor used French at that meeting and consequently, neither the judge nor the mufti understood the translation and the interpretation that the governor provided based on the sultan's recommendations. (AQO, Vol.10: 335-337).

It is important to note that some European countries such as France, Austria and the representatives of their religious groups were not the only ones who attempted to own Al-Khānqāh, but Al-'Alamī family, who were authorized to run and use the complex for several centuries, had their attempts, too. The previous French reports showed how Al-'Alamī family controlled the right to run and use Al- Khānqāh property and to auction off that property as private rather than public property. Registers of the Ottoman Court of Jerusalem also revealed how Al-'Alamī family took advantage of Al-Khanka as a place for residence or a place for rent. For instance, on 24 *jamadā* I, 1327 / 1909, Aminā Mūsā Al-Mughrabī su'ūd Abdul Al-Ghanī Amin Afandī Al-'Alamī, who was her brother – in-law, and took him to Jerusalem court. In her case, she claimed that the second party confiscated her belongings which were at "her home that is located inside Al-Khānqāh Al-Ṣalāḥiyya in the Christian Quarter". (*Sijill* , 402 /1327/1909 : 32).

Furthermore, the reports and correspondence of Jerusalem *waqfs* department uncovered that the Al-'Alamî family's attempts to control and own Al- Khānqāh were continuous. A letter, which was signed by the Jerusalem

waqfs administrator, was sent to the Land Authority administrator – Jerusalem Tāpū Department on 15 April 1939 revealed that Al-'Alamī family tried to register the rest of Al-Khānqāh property as a private property for the family. However, the *waqfs* Department was informed and prevented that registration. The letter, furthermore, indicated that Al-Khānqāh Al-Ṣalāḥiyya was part of Saladin *waqf*, which was public property and that Al-Alamī family had nothing to do with its ownership. The family members were employed as prayer leaders (*imams*) and callers to prayer (*muʾazins*) at Al-Khānqāh and received a salary for that. Consequently, their claims and objections, concerning land registration, were illegal". (*Waqf*s, File No. 13/39/113/10). On the other hand, Al-Alamī family sued the Jerusalem *Waqfs* Department requesting that it did not interfere in Al-Khānqāh's registration for the family. The letter, that Jerusalem *waqf*s Administrator sent to the *waqfs* General Manager to inform him about the case on 2 June 1929, explained the situation in detail. (*Waqf*s, File No. 13/39/113/10).

Conclusion

The course of events that the Ottoman Empire witnessed during its final decades suggested that not only did it influence the living conditions in Jerusalem but also determined the future of the holy city. The international interest in Jerusalem at that time had a significant effect on Ottoman state policies in which the Jerusalem *waqf* was top priority due to the intention not only to hurt the *waqf* institutions in Jerusalem but also to destroy them because these institutions opposed and fought international objectives and policies in Jerusalem. The *waqf* institutions in Jerusalem

were of special importance not only because of their role in fighting foreign ownership of these institutions but also because of their strategic locations in the holy city. These locations once represented a very important symbol for the others, that is, the crusaders.

The intention of the superpowers to control Saladin *waqf*, as illustrated, was not only for its economic value but also for its symbolism and moral, psychological and spiritual connotations. The control of Saladin *waqf* and erasing its religious symbolism, achievements and cultural heritage in the holy city was only a means to meet a higher goal which was to return the cultural heritage of the crusaders to Jerusalem. The weakness of the Ottoman sultans and their involvement in international alliances for their own survival attracted the superpowers' dangerous policies towards the Jerusalem *waqf* at that time. More detrimental than that was the Ottoman Empire's reform policies, which were exploited by these forces to meet their goals by reinforcing their existence in the Holy City and by owning Jerusalem's public *waqf* symbols. As a result, the international relations of the Ottoman state and its local policies have led to the loss of the Jerusalem philanthropic *waqf*.

Comments:

1- A *muḳāta'a* contract was a yearly special rent that *waqfs* offered to foreign religious institutions, whereby the rent was for good and entitled these institutions to build on *waqf* land.

2- Al-Khānqāh is a Sufi institution. This institution was established and endowed by Saladin in 1189. It was one of the main Sufi centers in Jerusalem.

There, Sufis lived, studied, prayed, and carried out devotional acts of recitation (dhikr) (Hawari, 2007 : 38.)

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