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Urban Conservation in Historic Muslim Cities

The Case of Waqf Institution in Historic Cairo

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To The Egyptian Youth

Who Lost Their Lives in the Egyptian Squares for The Sake of

Freedom and Dignity

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ABSTRACT

AWQAF and HERITAGE:

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Haysam Nour

Since its establishment in Europe by the end of the 18th century, the modern discipline of heritage conservation was practiced as a part of the general appreciation of the legacy of the ancestors and as a symbol of national identity. However, its scope has been broadening from being tied to the special architecture of single buildings to whole cities. Today, the international community has noticed the need for a comprehensive and context-conscious approach for the conservation of historic cities. On the one hand, comprehensiveness implies the adoption of a multi-disciplinary vision that integrates the physical dimensions of conservation with the social and the economic ones. On the other hand, context consciousness should reflect a deep understanding and respect of the particularity of each society. Thus, Charters, Conventions and Recommendations have been issued by international institutions, especially UNESCO, to promote those ideas and to help the different countries to adopt it.

In Arab-Muslim countries, for more than a millennium, historic buildings and their surroundings had been erected, managed and maintained by the Waqf institution. This institution had been established based on the religious idea of the "lasting charity" and had evolved according to the framework of Islamic Law. According to the philosophy of Waqf, conservation of historic buildings

was practiced within a comprehensive system of urban and community development that had guaranteed the main services such as health, culture, education and even defense. Accordingly, the Waqf adopted a comprehensive approach, since it considered the non-physical aspects of conservation, as well as a context-conscious one since it was based on the very local legal and institutional frameworks. However this comprehensive and context-conscious approach was based on different standards and priorities than the one promoted by the modern international institutions

Egypt, like most of the Arab-Muslim countries, has witnessed a conflict between the traditional legal and institutional structures and the imported ones due to the waves of Westernization since the early 19th century. That conflict was supported by an assumption that has identified historically inherited regulations and forms with backwardness and underdevelopment while imported ones have been regarded as signs of progress. This conflict created a situation in which the traditional models didn't evolve and the efficiency of the imported ones was never achieved.

This research traces the implications of that conflict on the field of urban heritage conservation in historic Cairo. Thus, it adds another layer of analysis to the discourse about the contemporary locked situation concerning the conservation of the historic city. The best mean to tackle the topic, I have decided, is to investigate the history and development of the philosophy beyond the legal and institutional frameworks that shaped the intervention in the historic city. It starts with the traditional Waqf institution, passing through the era of Westernization, which had brought the Western ideas to the field in order to substitute the local one, and ends up with the contemporary situation. This historic analysis, although it covers quite a long period, brings forth some interesting reflections concerning historic Cairo as an example of historic Muslim cities and the whole field of urban conservation as well.

INRODUCTION

The modern movements for the protection of heritage started to be established during the Romantic Era in Europe in the 18th and 19th century. The main motivation beyond the establishment of those movements was primarily a nostalgic one represented in the need to protect the legacy of the ancestors. Thus, for decades, the nature of intervention was shaped by monumental consideration which tend to favor the physical heritage and to fossilize the urban context. However, this vision needed more than a century to be broadened. Today, historic cities are grabbing more attention of the international community all over the world for its historic, cultural and economic values. This change created a need for adopting more comprehensive visions that target the whole urban setting on the one hand and context-conscious approaches that fit the social and economic life of the surrounding communities on the other.

Like all historic cities, historic Muslim cities witnessed considerable decay due to some common factors, such as the unsuitability of the traditional architectural and urban fabric to the modern uses. However, some scholars emphasized the particular role of that conflict between "traditional" and "modern" patterns of administration in the deterioration of historic Muslim cities. They argue that the imported type of city administration often tended to block the traditional self organization of local communities which was a fundamental factor in the definition of the urban fabric of the city for centuries. Additionally, it sacrificed traditional institutions and systems in favor of more centralized and bureaucratic ones that didn't have the tools to deal with the intricate and complex problems in the historic city.

This research discusses that conflict through a detailed study of one of those institutions that played a crucial role in the historic Muslim cities with a focus on the case of Cairo. For more than a millennium, historic Cairo, and all Muslim cities, had been preserved through the traditional institution of Waqf. According to the philosophy of Waqf, conservation of historic buildings was considered an activity within a comprehensive approach for urban and community development. This approach gets its legitimacy from religious texts based on the idea of "lasting charity". Additionally, it evolved within a legal framework based on Islamic law. Since it was first established in the 7th century, it kept working and evolving independently reflecting the very local and daily needs of the surrounding communities.

However, the situation in Egypt and most of Arab-Muslim countries has quite changed. On the one hand, through the Colonial and Post-Colonial periods, in order to control the state's resources, the independence of Waqf decreased compared to earlier periods in history. On the other hand, different regimes, even the most secular ones, couldn't overcome the involvement of religion in the life of their communities. Thus, they tended to create a compromised model that didn't totally ignore religion however, it has strictly controlled it. Accordingly, today the Waqf institution isn't anymore the traditional one; instead it's a Ministry with some different tasks. Its role in the historic city has decreased, but not vanished, in favor of new institutions specialized in antiquities within the Ministries of Culture following the most common model in the West. This situation created a conflict of interests between totally different institutions that deal with the same objects.

The following accident might shed more light on the nature of that conflict. In 2010, a *minbar*[1] was stolen from a historic mosque in Cairo. The point here is not the robbery itself since it's a normal activity related to precious objects.

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[1] It's a pulpit from which the address at the Friday prayer is given.

Neither is it the relatively big proportions of the stolen object and the extremely crowded area in which it was set. Actually what might be important here is the crisis that took place after the discovery of the robbery between two Ministries: Awqaf [2] and Culture. Recriminations started between the two Ministries in the media. This "scandal" opened the door for a public discussion about who is responsible for what in historic Cairo? Antiquities officials argue that responsibilities are clearly defined since Awqaf owns most of the historic buildings while the Supreme Council of Antiquities controls restoration activities then deliver the buildings back to the management of Awqaf. On the other hand, Awqaf officials argue that the ownership is only on papers but it's the Supreme Council of Antiquities that is responsible for those buildings.

The problem might seem a lack of coordination or shortcoming in legal and institutional frameworks; however, it's much deeper. It's an old cultural problem that shaped the contemporary policies. That problem identified historically inherited regulations and forms with backwardness and underdevelopment while imported ones are regarded as signs of progress. The result was usually, the loss of both. For instance, asking some officials and experts about the Waqf institution and its role in heritage conservation, I received different responses that seem to be influenced by the general negative impression about the contemporary Ministry of Awqaf among Egyptians.

For instance, during a meeting with the team of UNESCO World Heritage Center Unit in historic Cairo, the head of that unit shocked me with a fact that the Ministry of Awqaf owns almost 40% of all the properties in historic Cairo besides 80% of the listed buildings. However, when asked about how they coordinate with it, the answer was more shocking because the Ministry was not invited yet to any discussion because, as he said, its officials are not interested at all in the regeneration of historic Cairo.

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[2] Awqaf is the plural of Waqf in Arabic

Another example is the Technical Manager of Historic Cairo Restoration Project[3] in the Ministry of Culture who had the same impression arguing that Awqaf officials care mainly about the revenues from their properties and don't consider the historic value of the buildings and they don't have the technical competence for conservation. Ironically, the same official didn't know that the department in which he has been working for more than a decade was originally a department within the Ministry of Awqaf.

In general, officials and experts knew that most of the historic buildings had been managed by Waqf institution for centuries; however, most of them consider that information a historic one and they believe that its role has ended and today we have to follow another route. This assumption is taken for granted based on the negative consensus about the contemporary role of the Ministry of Awqaf. This idea reflects that the cultural problem that started to take place by the end of 19th century is still dominating the field of urban conservation in Cairo.

In that respect, this research opens a dialogue in order to trace the origins of that problem and the possible scenarios for its future. It examines the changes in the nature and performance of the institution responsible for heritage conservation in historic Cairo from an urban perspective from being the main player to a passive one that sometimes impedes any kind of intervention. It argues that the collapse of the traditional model for the conservation of historic Muslim cities and its substitution with an imported model is an important factor beyond the contemporary locked situation in which the values of the traditional model didn't evolve and the "expected" rational efficiency of the imported one was never achieved. Having that clear picture adds another layer of analysis in order to define the main factors beyond the "locked" system that ruled

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[3] Historic Cairo Restoration Project is the "national project" working for the historic city since 1998. It'll be fairly discussed in chapter V.

interventions in historic Cairo and accordingly, it might offer some "key" solutions.

Accordingly, the research addressed some core questions in order to tackle the subject. For instance, what is a Waqf and what was its role in the Muslim community? Was it exclusively dealing with historic buildings? How was it managed? What was the philosophy behind its establishment and intervention? How did it work on the urban level? What are the core differences in the philosophy between Waqf and modern heritage institutions? Since most of literature in urban and conservation history appreciated the role of Waqf in the conservation of Muslim heritage for centuries, why has it lost that role and when? What kind of roles does it have now? What is the nature of the new legal and institutional frameworks responsible for heritage conservation? Did it succeed in filling the shortcomings of the traditional Waqf? What are the possible future scenarios for the historic city?

To venture into the subject, I had to work on multilateral dimensions. First, I had to go through the literature about the origins, philosophies and evolution of both the whole discipline of heritage conservation in the West as well the Waqf institution. For the Western part, I had the opportunity to spend two months in the General Directorate of Culture, Cultural and Natural Heritage in the Council of Europe in Strasbourg where I went through some main documents and discuss them with a very high caliber of experts either working for the Council or external ones. However, the case was different for the Waqf because it's a very old institution and there are special sections about Waqf in all the books of Islamic jurisprudence since the 9th century. The choice was then not to go to old literature and just to focus on the last few decades for two main reasons. On the one hand, the Waqf has witnessed a kind of stagnation through the last century especially since the Post-Colonial era in the 1950's. Accordingly, works done since that period would give a more comprehensive

image about the whole history of the institution and not a specific period of time. On the other hand, those works have some reflections about the Waqf institution from modern perspectives different than the classical ones that mainly consider the religious aspects. The aim of that review was to define the principles according to which Waqf institution had intervened in urban conservation as well as its core differences with the Western movements.

Secondly, for the case of historic Cairo, there was a main problem which is the very long time frame this research has to cover which created another load in order to keep the research consistent and well controlled. Thus, the case study was presented following a chronologic sequence in three main phases that were believed to share common paradigms. This research aims, by no mean, to present a comprehensive history of the Waqf institution in Egypt which needs encyclopedias. However, it focuses on some topics and traces its evolution through the selected phases. Those topics cover the overall political context, the urban setting, different actors, legal frameworks and some practices. Topics are discussed separately through the whole phase then the discussion shifts to the following one. The results based on that sequence were found deeper than following each topic through the three phases at once since it offers a more detailed picture of each phase separately which was important to trace the main historical turning points.

On the other hand, since the discussion covers the period after the foundation of Cairo in the 10th century, some classic sources about the history of the city had to be reviewed in order not to lose such important dimension. However, the focus was given to some main texts that are quite known on the international level such as *Khitat* Al-Maqrizi written in the 14th century, *La Description de L'Egypte*, written in the early 19th century by the French scholars in the French Expedition and Ali Mubarak's *Al- Khitat Al-Tawfiqiya* written by the end of the 19th century. Additionally, some primary sources had to be reviewed such as

the Bulletin of the *Comité de Conservation des Monuments de l'Art Arabe* which was the main player in the conservation of Muslim heritage in Egypt through the Colonial period until the mid 20th century.

The discussion about the status-quo is mainly based on a practical experience though which I spent a two months internship in one of the main urban conservation projects in historic Cairo which is Al-Darb Al-Ahmar Project funded by the Aga Khan Development Network. Through this period I had the opportunity to go through the main legal and institutional procedures for urban conservation as well as attending lots of meetings with local experts and officials.

Finally, a seminar was organized in Milan in which some Italian and Egyptian experts were invited in order to discuss the different future scenarios based on the historic analysis. The aim was not to define "the way" for the future of the city, instead it tries to introduce the different ideas, which are theoretically countless, through four main pillars for policy design in most of Arab-Muslim cities and of course in Egypt.

Within this framework the research is divided into three main parts. The first part represents the theoretical framework. In chapter one a brief review of literature about three main issues was presented. First, it discusses the establishment and the evolution of the new discipline of heritage conservation on the international level. Secondly, it reviewed the main international documents that accompanied the evolution of the whole discipline through the last one and half century. Finally, another brief review is discussed about the problems that face the conservation in historic Muslim cities. This review brings forth what might be called the psychological/cultural nature of the problem that has been rooted in most of the Arab-Muslim countries since the mid 19th century.

Chapter two offers a detailed picture of the historic Muslim city. In its first section it discusses some crucial aspects in understanding the nature of the Muslim city from both architectural and urban perspectives. This section is useful in defining the context and the value system that shaped the philosophy beyond heritage conservation in Muslim cities. The second section discusses the Waqf institution that used to maintain historic buildings for more than a millennium. This section tries to answer most of the questions about this institution such as its origins, categories, how it was managed, its contribution to the community and its role in the urban development of the city. However, its main contribution is the definition of the core principles that ruled the intervention of Waqf in the historic city.

The second part discusses the case of historic Cairo through a historical research approach on three main phases. Chapter three represents the first phase which is the pre-Napoleon in which Egypt was ruled according the "pure" Islamic law since the Muslim arrival to Egypt in 7th century until the Napoleon Expedition in 1798. This Expedition carried the first strong impact from Europe on the traditional local culture. Chapter four discusses the era of Westernization that started after Muhammad Ali Pasha came to power in 1805 and established his family's monarchy that lasted till 1952. This era witnessed major changes in the political and administrative structures following the Western model especially after the British Colony in 1882. Chapter five discusses the Post-Colonial period that started after the Free Officers Movement which put an end to the monarchy and the British Colony in Egypt and founded the Republic. Through that period, the Waqf institution witnessed its worst situation in all its history when it lost most of its role in the historic city.

The last part, represented in chapter six, explores the future scenarios of the situation in Egypt. It offers an overview of the previous efforts of reform. Then,

it discusses two sets, each includes two different scenarios. The first set is based on a state-led pattern which doesn't adopt provocative approaches concerning the existing structures. The other set adopts "more liberal" ideas based mainly on partnerships. Each of the four scenarios is introduced within four main guidelines which are: governance, economy, community and religion.

CHAPTER I

HERITAGE CONSERVATION: FROM AN OLD PRACTICE TO A NEW DISCIPLINE

This chapter is the first part of the theoretical framework. It's divided into four main sections. First, it starts with shedding light on very general issues related to the field of urban conservation. Secondly, it discusses the origins of the new discipline of heritage conservation on the international level through the 19th and 20th century. Thirdly, it presents a general review of the main international documents in the field of heritage conservation through the same period. Finally, it discusses the situation of the historic cities in Arab-Muslim countries and its relation with the international trends.

1.1 General Issue

It might be important to shed light first on three main issues strictly related to each other and to the field of conservation of urban heritage in general. First, the exact meaning of the term urban heritage conservation used through the whole research should be defined. Secondly, a question is raised about the reasons and values for which conservation is practiced. Finally, a question is raised about the reasons due to which urban heritage deteriorates.

1.1.1 Definitions

It's essential before going through the research to set the definitions for the terminologies used through the whole research. Through the works of scholars

such as Lichfield (1988), Larkham (1996) and Jokilehto (1999) as well as international charters and recommendations, attempts have been made to define terms, however, significant variations do remain. Jokilehto (1999) refers those variations to the use of concepts beyond their specifically defined limits, the differences between languages, such as Romance and Germanic, and due to the expanding field of cultural heritage. However, the aim of this section is just to set the standards that will be used through the whole research.

According to the definition adopted in the 1979 Burra Charter, revised in 1999, conservation "*…means all the processes of looking after a place so as to retain its cultural significance*[1]". In 1987, Washington Charter, when discussing the urban dimension of conservation, declares that conservation of historic towns and other historic urban areas "*…should be an integral part of coherent policies of economic and social development and of urban and regional planning at every level.*" Accordingly, the term "urban heritage conservation" adopted in the research refers to *the integrated process through which historic cities are subject to intervention in order to improve the physical conditions of the built environment, including historic buildings, as well as socio-economic conditions of the community*. It might be equivalent to other terms such as rehabilitation, regeneration and revitalization.

1.1.2 Why to Conserve?

A number of scholars dedicated their efforts to answer that question which is crucial to go on in the field of heritage conservation. In that section two main efforts are discussed. First, Lichfield (1988) defines two main motivations for conservation. On the one hand, *resource value* is an important value for conserving existing stocks since; in general, conservation of historic stocks

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[1] *Cultural significance* means aesthetic, historic, scientific or social value for past, present or future generations. It's embodied in the place itself, its fabric, setting use, association , meanings, records, related places and related objects.

saves more resources, than the construction of new ones, especially when the quality of those stocks is generally superior to the new ones. On the other hand, *responsibility towards the others* is another value that led certain countries to act as trustees not only for future generations but also for non-nationals around the world. In that sense historic stocks are considered trust to be kept and delivered for others.

On the other hand, Tiesdell et al. (1996) agree about the resource value and add six other values for which conservation is practiced. First, it's for the *aesthetic value* that we protect the old objects. However, they emphasize the importance of saving the capacity for change as well because extreme conservation is not desirable. Secondly, *architectural diversity* is another value for conservation. This value is mainly based on the idea of protecting the situation of having different buildings from different periods. Thirdly, *value for environmental diversity* is defined by the diversity in nature and scale of the conserved elements, for instance, from the street market in old cities to the monumental street scale of the modern ones. Fourthly, *value for functional diversity* is defined by the different uses within the same areas. Additionally, old buildings and areas might keep offering some needed services for the community. Fifthly, *value for continuity of cultural memory* was the first motivation for the establishment of the new discipline of heritage conservation in the 19th century. Additionally, it was reintroduced again through the Post-Modern Movements, in response to the Modern one. Last but not least, *economic and commercial value* plays an important role in justification of conservation activities, especially in the last few decades according to the huge increase in revenues from service industries such as tourism.

1.1.3 Why Do Historic Cities Deteriorate?

In general, historic districts and cities around the world face quite similar problems regardless the context. However, it's the official response that usually

defines the consequences and the level of deterioration. Lichfield (1988) indentifies four main elements through which the obsolescence of the fabric can be seen. First, Physical/ structural deterioration took place usually through time, weather and traffic vibrations. Additionally, it might take place when the fabric gets less improvement, by the usual constant maintenance, than the needed one. Secondly, functional quality decreases also through time. The fabric becomes unsuitable for its original function either due to the fabric itself, such as the unavailability of some major needs like hot water and heating systems. It might be also due to external factors on which the function of the fabric depends such as difficulties of accessibility through traffic congestions. Thirdly, locational change could introduce obsolescence if the old links with the surrounding were interrupted. A market close to a train or bus station is affected if that station becomes defunct. Finally, human, social, economic and environmental unsuitability could lead also to obsolescence. Air pollution, change in population groups as well as income levels mean less attraction.

Tiesdell et al. (1996) agree and add other two main aspects. On the one hand, image change could lead to obsolescence. An image which was adopted in a specific period may not be adopted after a while. On the other hand, legal/official changes may also lead to obsolescence. The introduction of new standards or issuing new laws, for health and safety for instance, might lead to the loss of interest in the old fabric. Additionally, new financial policies especially those related to taxes might lead to consider the old fabric a wasting asset even if it was physically alive.

Following the same line of thought, Rojas et al. (1999) place physical, functional, and economic obsolescence at the core of the problems facing historic cities. These processes interact to lead to the deterioration of historic buildings and their surrounding spaces. Within this classification, they merge both the lake of infrastructure and the deterioration of buildings within the

physical obsolescence. Additionally, they consider locational and functional obsolescence the same factor. They argue that functional obsolescence of buildings and public spaces arises when these structures become inefficient for the functions for which they were originally designed. For instance, old hospital buildings might become obsolete due to the change in medical technologies and old libraries might be inadequate to cope with the needs of the latest research equipments. Finally, they argue that economic obsolescence occurs when it is no longer efficient to keep the building in service given its physical character. The land on which the building sits increases in value, creating an increasing pressures to demolish it and put the land to the market price. A typical example of economic obsolescence is demolishing single family houses to use the land for high-rise housing or office buildings.

A survey of the different factors shows the level of obsolescence and deterioration at any particular time. Usually, the degree of deterioration won't be the same under the different factors. Furthermore, the degree of deterioration won't be the same within the same factor. For instance, foundations don't have the same resistant coefficient of that of decorations although both fell within the physical aspect.

1.2 Establishment and Evolution of the New Discipline

Protecting old buildings, especially those with special value for the community is an old practice that took place since the time of ancient civilizations. For instance, Greeks preserved the Hellenic monuments, Roman Emperors and Teutonic chieftains intervened to preserve the monuments of their ancient city. Those actions were mostly motivated by concern and respect for the past and its people. However, it's during the time of the Italian Renaissance that major steps towards a more comprehensive understanding of heritage took place. It

was then that humanists started to recognize in antiquities an ideal source to build on the contemporary and future culture beside the traditional recognition as legacy of ancestors. Some interventions, such as of Popes Pius II and Leo X in late 15th and early 16th century, took action to preserve Rome's monuments. However, it was still ineffective since those early efforts were the exception. (Larkham 1996; Philippot in Jokilehto 1999)

Then, it was by the 18th century that the modern concept of restoration was mainly shaped when series of fundamental changes founded the so-called "*modern world*", and shaped the European, and latter global, political, economic, cultural and scientific developments. Politically, starting from the French Revolution in 1789, the period was marked by absolutist rule leading to the idea of nation state. That period was also known as the Age of Reason and Enlightenment due to the rise of an intellectual movement of thought that was concerned with interconnected concepts such as reason, nature and religion. This movement and its tendency towards setting universal values might be the basis for the introduction of the idea of protecting antiquities as cultural heritage of humanity. It also led to the development of methodologies for proving the facts from the primary sources and the establishment of new fields such as modern archeology and art history. For instance, the backbone of modern conservation philosophy and practice, which is the concept of "*authenticity*" based on consistent information sources, was produced at that period in history. (Rodwell 2007) Additionally, the Industrial Revolution was another factor that changed the face of Europe leading to dramatic achievements in scientific thought and technical knowledge providing the basis for new types of development.

However, the same technical and industrial developments that have founded the rising modern world created inconsiderable changes in memorable places, historic structures and works of art. Accordingly, the relatively fast radical

changes taking place in Europe and the huge demolition activities created a new tension between and the sense of historicity and the romantic nostalgia for the past on the one hand and the rationalism of the Enlightenment and the consequences of the Industrial Revolution on the other. This tension might be considered the main factor beyond the establishment of this whole new discipline that works on shaping the relation between people, history and historic buildings. (Jokilehto 1986)

1.2.1 Early Movements in 19th Century

Through the 19th century, the Romantic Movements, the recognition of pluralism and cultural diversity as well as the emergence of nationalism started to spread which created an increasing interest in preserving historic buildings. However, within this section a light is shed on two contributions that came from two main powers of the time: France and Britain. Both engaged in passionate discourses about the kind of intervention that should take place in historic buildings.

1.2.1.1 Stylistic Restoration Movement and Violet-Le-Duc

The Stylistic Restoration Movement started to be shaped after the French Revolution influenced by the writings of many intellectuals such as Victor Hugo who harshly criticized the huge destruction in the medieval fabric of the French cities especially in Paris. However, the most significant contribution in that movement is referred to Eugène Emmanuel Viollet-Le-Duc (1814-1879) who embraced restoration as a conventional practice. In his dictionary, published in 1866, he defined restoration as: "*The term Restoration and the thing itself are both modern. To restore a building is not to preserve it, to repair it, or rebuild it; it's to reinstate it in a condition of completeness which could never have existed at any given time.*" (Le-Duc in Sanders 2008:12-3)

The philosophy beyond his works was based on a the fact that since the ancient times, people carried out repairs, restoration and changes on existing buildings in the style of their own time. Additionally, through the Middle Ages, the majority of historic buildings had been completed through different times and thus consisted frequently of accumulations of different layers of changes and additions. Accordingly, in order to apply his philosophy in rebuilding monuments to an imagined complete state instead of fossilizing its ruins, Le-Duc emphasized the importance of detailed knowledge and survey of the remains as a first and essential step. (Larkham 1996)

1.2.1.2 Modern Conservation Movement and John Ruskin

The speculative nature of stylistic restoration created a large anti-restoration movement in both France and Britain, of which John Ruskin (1819-1900) was one of the main leaders. He criticized restorationists' activities for the destruction of the authenticity of the buildings and defended the respect of the accumulative historic layers to buildings through protecting their current status. In 1849 in his famous book *"the Seven Lamps of Architecture",* Ruskin criticized restoration as:

> *"It means the most total destruction which a building can suffer: a destruction accompanied with false description of the thing destroyed. Do not let us deceive ourselves in this important matter; it's impossible as impossible as to raise the dead, to restore anything that has ever been great or beautiful in architecture."*(Ruskin in Jokilehto 1986: 304)

Later, in1877, he joined William Morris in one of the earliest associations for the protection of historic buildings: the Society for the Protection of Ancient Monuments, *SPAB,* of which the manifesto is considered the official foundation for architectural conservation. (Larkham 1996; Rodwell 2007)

Between both sides of the scale, the Stylistic Restoration Movement promoted by Le-Duc and Ruskin's Modern Conservation Movement, fall many other contributions and other movements in other places such as Austria, Germany and Italy. However, it was important to offer a guideline for the picture at the very early stages of the establishment of the new discipline at that time.

In conclusion, two main points should be emphasized. On the one hand, the debates between the different schools was usually in the answer of the *what* and *how* questions not in defining the value itself since both agreed on the importance of protecting historic buildings because they represent parts of the "*national heritage*". On the other hand the debates were mainly concerned with the nature and the techniques of the *physical intervention* on the scale of single buildings. In other words, neither the surroundings of the historic building in terms of other buildings and open spaces, nor the social and economic aspects of the local community grabbed enough attentions from most of the contributors at that early stage.

1.2.2 Changes through the 20ᵗʰ Century

The first half of the 20ᵗʰ century witnessed two major events that shaped the discipline of urban planning and had a major impact on heritage conservation. On the one hand, based on the new theories set at the dawn of the century by Howard, Le Corbusier and others convectional urbanism started to shape the new discipline of urban planning and design. This new trend has led architects to consider the idea of planning and designing cities is that the job should be done similar to designing a building, but just a bit larger. (Porta et al. 2010) Additionally, those planning movements tried to standardize and abstract their tendencies to fit everywhere, which might be considered an extension for the

French Revolution's philosophy of universal values.[2] On the other hand, World Wars left massive destruction in a large number of European cities which created an urgent need for fast and mass interventions.[3] (Fig. 1) Both events shaped the post war planning era which was dominated by physical and central interventions.

Fig. 1 Bombed Warsaw City Center during WW II
(http://thenews.pl/1/11/Artykul/52592,Polands-heritage-should-be-protected-says-UNESCO – 14-11- 2011)

Physically, the new theories led planners not to pay enough attention to the social aspects of housing because their interest was focused mainly, or even exclusively, on physical matters. Even when planners considered social

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[2] Latter, the Post Modern Movement arouse as a reaction for those trends. It was about drawing upon the sense of place, revalidating and revitalizing the local and the particular.

[3] For instance, during the WWI (1914–18) some cultural disasters couldn't been prevented, such as the bombardment of Rheims Cathedral and the damage of Soissons and Nôtre-Dame Cathedral in France and the burning of the University Library of Louvain in Belgium, as well as the massive destruction of many historic buildings and towns in Central Europe. Furthermore, WW II (1939–45) was more destructive. Almost 46 000 buildings were destroyed in France, and about 15% of the listed buildings were damaged. While in Germany about 54% of historic buildings were damaged.

matters, they tended to view them in terms of physical environment such as shops, parks and local primary schools defined according to specific ratios.(Taylor 1998) Accordingly, there was no place for old ideas and practices that shaped the old cities such as self organization. Centrally, the need for mass interventions equaled major governmental participation since "mother always knew best". At that moment mother was the government and the local authority. (Ross 1991)

Closely linked to the change in the nature of urban planning and the role of the central state as well as the massive destruction of historic buildings during World Wars, the idea of protecting heritage witnessed two significant changes. On the one hand, it has evolved from the elitist romantic protection of old monuments and works of art of the 19th century into a broad discipline recognized and promoted by governmental authorities through issuing laws, adopting clear policies and taking real actions for the protection of heritage. Additionally, international organizations, such as the League of Nations and later the United Nations and the World Bank, supported the efforts in the field by producing charters and conventions and even execute some projects in order to create an international consensus on some guidelines for protecting heritage.

On the other hand, through the process of creating this national and international concern for protection of heritage, the focus of intervention has widened from the narrow field of single buildings and architectural elements to a broader one that includes the surroundings, however, it kept the planners tendency towards the physical environment. Later, by the last quarter of the 20th century, more comprehensive visions that include immaterial aspects have been included in defining the nature of intervention in historic cities leading to what this research considers "*urban conservation*".

1.3 Evolution of International Agenda

Since the late 19th century, tens of international documents has been published and contributed to the evolution of the whole discipline of heritage conservation. However in this section a light will be shed on major ones that are considered key documents in shaping the international consideration of heritage. They reflect the main changes that took place in the whole field and especially concerning the fields of intervention from single buildings to urban setting considering social and economic aspects.

1.3.1 SPAB Manifesto 1877

The Society for the Protection of Ancient Buildings was founded in 1877 by William Morris. SPAB was considered the milestone in the process of promoting the concern for conservation and historic buildings. It was founded to face the Stylistic Restoration Movement practiced by Victorian architects and stylistic restorationists in the 19th century. In its manifesto, restoration was considered*:*

> *"...a strange and most fatal idea, which by its very name implies that it's possible to strip from a building this, that, and other parts of its history,... and then to stay the hand at some arbitrary point and leave it still historical, living and even as it once was."*
> (SPAB Manifesto)

Additionally, it called to replace the word "*restoration*" with "*protection*". For SPAB, the answer for the question of what to protect was: "*…anything which can be looked on as artistic, picturesque, historical, antique, or substantial: any work, in short, over which educated, artistic people would think it worthwhile to argue at all."* SPAB believed that it's the genuine monument in its current status, and not its modern copy, is the nation's heritage and the actual memory of the past. However, it considered the stylistic concept of

restoration a kind of forgery, since it led to the destruction of the authenticity of the work as shaped by the artist, and as changed through time. (Jokilehto 1999)

1.3.2 Athens Charter 1931

In 1931, the International Museums Office[4] organized a meeting in Athens with the participation of 120 representatives of 23 countries and produced Athens Charter as the first international document that discussed some main topics concerning the protection of monuments. Additionally, the last concluding resolution of the Charter stated: *"Attention should be given to the protection of areas surrounding historic sites."* (Athens Charter 1931) This might be the first step towards the recognition of the urban dimension in heritage conservation; however, it was still related to buildings.

1.3.3 Venice Charter 1964

After WWII, the Athens Charter was revised under the auspices of the new established institute, UNESCO, which produced the International Charter for the Conservation and Restoration of Monuments and Sites known as Venice Charter in 1964. This Charter was more detailed and specific concerning many issues in the techniques of conservation, however, its main significance was the extension of the concept of "*historic monument*" to include not only the single architectural work but also "*the urban or rural setting in which is found the evidence of a particular civilization, a significant development or an historic event.*" (Venice Charter 1964) Accordingly, Venice Charter represents another step that, somehow, disengaged the absolute historic value from single buildings to a larger meaning that includes urban setting. Additionally, Venice Charter might be one of the earliest documents that emphasize the importance of the adaptive reuse of the conserved buildings: "*The conservation of*

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[4] It's an Office established within the League of Nations's International Committee on Intellectual Cooperation.

monuments is always facilitated by making use of them for some socially useful purpose." (Venice Charter 1964) This concept is currently a common dimension in all conservation policies all over the world.

1.3.4 World Heritage Convention 1972

The year 1972 might be a decisive moment in the history of the protection of heritage. It was then that the UNESCO produced the World Heritage Convention which promoted the idea of the "*outstanding universal value*" for heritage sites followed by the establishment of the World Heritage Center which produces the World Heritage List. (UNESCO World Heritage Convention 1972) The List which includes cultural and natural properties created an international competition among the UN member states to inscribe their national heritage sites. Listing is an old tool generally used on the national level in all the countries for documentation and prioritization purposes. However, the promotion of this old tool in a new way was accompanied by the global tendency towards post industrial economy in which tourism industry has a fair share. Accordingly, within this framework, offering a historic building the "label" of UNESCO World Heritage Site has matched with the new global economic trend. Additionally, it might be considered a reintroduction of the very old idea of defining universal values.

1.3.5 Nairobi Recommendations 1976

In 1976, UNESCO Conference in Nairobi included recommendations on the protection of historical and traditional entities and their role in the modern life. One of the main points of these recommendations refers to the fact that the historical and traditional entities are an integral part of the human environment and that their integration into the modern life pattern of societies is fundamentally important for cities' planning and spatial organization. It was recommended to create sets of instruments that allow the regeneration of the

traditional historic sites and urban areas as well as providing a framework for new developments and constructions. Additionally, the recommendations call for actions to be undertaken in those areas to prevent them from *Museification* processes in case of being "*hot spots*" for investors and tourists. It also calls for activities to prevent them from being exposed to decay in case they aren't interesting for investors and/or have high maintenance cost. (Brković 1997; Sedky 2009)

1.3.6 Washington Charter 1987

The Charter for the Conservation of the Historic Towns and Urban Areas, Washington Charter, is the key document for urban conservation. It emphasizes the multi-disciplinary nature of urban conservation through the continuous need for the consideration of archeological, historic, architectural, technical, social and economic factors. It states that the conservation process of historic cities should be an integral part of coherent policies of socio-economic development and of urban and regional planning at all levels. It also states that conservation of historical cities and urban areas should be introduced in a way that enables their harmonious adaptation to the modern life. Another key aspect in that Charter is the consideration of the involvement of the local residents as an essential factor for the success of conservation programmes. On the operational level, it considers its conservation principles and those of Venice Charter main references that should be respected in any conservation activities. (Washington Charter 1987, Brković 1997)

1.3.7 Burra Charter 1999

Burra Charter was first adopted in 1979 then revised in 1999. It's not exclusively focusing on buildings or even areas, instead, it aims at providing the guidance for the management and conservation of places with cultural significance in general. Burra Charter includes some overarching articles. For

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instance, it includes detailed definitions of some main concepts such as restoration, conservation, preservation and cultural significance. Additionally, it considers conservation an integral part of good management of places with cultural significance. In another article, the Charter calls for the participation of "…*people whom the place has special association and meanings or who have social, spiritual or other cultural responsibilities for the place*." (Burra Charter 1999) Burra Charter might be considered an important step towards more comprehensive vision of conservation since it presents it as a part of a larger process of management. Additionally, it emphasized the importance of understanding the "contextual" dimension from physical, cultural and social perspectives.

1.3.8 Convention for the Safeguarding of the Intangible Cultural Heritage 2003

The Convention for the Safeguarding of the Intangible[5] Cultural Heritage might mark another qualitative change in the international consideration of heritage. It's mainly based on some previous works such as the UNESCO Recommendation on the Safeguarding of Traditional Culture and Folklore in 1989. It adds another layer for the classification of cultural heritage which is by no mean based exclusively on movable and immovable materials; actually, it includes immaterial aspects as symbols of cultural diversity that should be protected as well. (Convention for the Safeguarding of the Intangible Cultural Heritage 2003)

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[5] According to the 2nd article, "intangible cultural heritage" means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artifacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity.

1.4 Crisis of Historic Muslim Cities

Historic Muslim cities, which are also called Medina[6], face the same problems of historic cities elsewhere. For the last 50 years, they have been facing rapid physical and social deterioration usually referred to abandonment by part of their original inhabitants and the rapid growth of new neighborhoods where contemporary economic, social and cultural activities are taking place. Additionally, the intricate fabric, through which vehicular traffic is difficult, is considered a main factor that impedes the ability to afford the needed services. Even after the inscription of a number of Medina in the UNESCO World Heritage List and after the increasing international interest in those cities, most of the national governments have hardly been able to set and implement the appropriate public policies for their conservation. (Fig. 2, 3) (Bigio et al 2010)

However, some scholars refer to other factors that are much deeper in interpreting the deterioration of the historic Muslim cities. Those factors go back to the late 19th century and early 20th century, when Europe reached its peak in applied sciences and modern technology, which in turn became the basis for its massive industrialization. Additionally, it witnessed the largest Colonial expansion which swallowed most of the Arab-Muslim countries.

Through the same period, studies about the East grabbed the attention of groups of Western scholars from whom a fair number dedicated their efforts to study the Muslim city and architecture. However, the adopted approach in the analysis of the Muslim city by Western scholars although scientifically objective, was influenced by the superiority effect and the reference to the Greek and Roman legacy of planned towns and cities which led them to project the morphology of Muslim cities on the Euclidian grid. Accordingly, the

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[6] Medina in Arabic means: city

complicated organic fabric of Muslim cities was considered a reflection of chaotic codes and lack of municipal government. (Abu-Lughod 1997; Ben Hamouche 2009)

Country	Cultural World Heritage Sites	Of which medinas	Medinas classified as WHS
Algeria	6	2	M'Zab valley (five medinas), Kasbah of Algiers
Egypt	6	1	Old Cairo
Iran	10	2	Esfahan, Bam
Occupied Palestenian Territory	6	1	Acre
Lebanon	5	3	Baalbek, Byblos, and Tyre
Libya	5	1	Ghadamès
Morocco	8	6	Fez, Marrakesh, Meknes, Tétouan, Essaouira, and El Djadida
Syria	5	3	Damascus, Bosra, and Aleppo
Tunisia	7	3	Tunis, Kairouan, and Sousse
Yemen	3	3	Shibam, Sana'a, and Zabid
Total	**61**	**25**	

Fig. 2 List of Historic Muslim Cities Inscribed as UNESCO World Heritage Site
(After Bigio et al. 2010)

Fig. 3 Historic Center of Sana'a: A World Heritage Site since 1986
(http://www.panoramio.com/photo/30847525 - 24-1-2012)

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Sauvaget, for instance, in his study about Damascus in the 1930's and 1940's, argued that the Muslim city was neither managed nor equipped with those institutions with a centralized nature that ensured and controlled the development of the city: "...*the city is no longer considered as an entity, as a being in itself, complex and alive: it is just a gathering of individuals with conflicting interests who, each in his own sphere, acts on his own account.*" (Sauvaget in Raymond 1994) Additionally, Roger Le Tourneau's comments on the Muslim city in the *Maghreb* are quite similar. He argued that linear avenues of Roman and modern cities are hardly found in any Muslim city and he considered its street networks symbols of labyrinth. He added that the buildings, instead of being integrated into a planned design, have forced the streets to turn round them, or to cut through them, as best they could. (Le Tourneau in Raymond 1994)

Referring to the same period, Bianca (2004), Al-Dosary et al. (2007) and Sedky (2009) define the most important single factor that might be responsible for the decline of historic Muslim cities. It's actually a factor of a *psychological/cultural nature* that led those cities to be seen as *unfashionable getting a negative image*. Thus, it's not merely the shift of points of attraction to new neighborhoods; instead it is referred to the negative impressions and attitudes towards the historic districts which were mainly influenced by the interpretation of the Western concept of Modernism. Those new concepts identified historically inherited regulations and forms with backwardness and underdevelopment while imported ones are regarded as signs of progress.

Accordingly, this psychological/cultural problem might have four main implications on historic Muslim cities. First, from an ideological perspective, a whole new framework that is totally secular was adopted in a context that, for more than 13 centuries, "…*embraced all aspects of daily life, on the individual as well as the collective level, permeating man's activities with constant*

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references to an acknowledged religious truth." (Bianca 2000:9) For instance, the whole discipline of heritage conservation in Europe was based on the 19th century's romanticism and respect for the remains of the ancestors as symbol of national identity. On the other hand, the conservation of historic buildings in Muslim societies was born and evolved according to the concept of charity and got its legitimacy and organizational framework from religious texts and the interpretations of religious scholars.[7]

Secondly, the implementation of Western planning ordinances tended to destroy the integrated structures and to break up the contextual values of Muslim cities from urban and social perspectives. Accordingly, the production process of the traditional fabric was interrupted in favor of another process that, in consequence, led to whole different product. (Fig. 4) Thirdly, an imported type of city administration was implemented, which is also built on the Western model. This type often tended to block the traditional self organization of local communities which used to function for centuries. Additionally, it sacrificed traditional institutions and systems in favor of a more centralized and bureaucratic ones that doesn't have the tools to deal with the intricate and complex problems in the historic city. (Bianca 2004) Finally, the new institution didn't evolve and adjust itself following its counterparts in its original homes due to the different context. Accordingly, the rational efficiency of those new institutions, for which it replaced the traditional one, was not achieved.

1.5 Reflections

This brief review of the history of the new discipline in dealing with historic buildings and areas, the main international documents and the situation of

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[7] This point will be fairly discussed next chapter.

historic Muslim cities bring forth some main issues. However, three main reflections need to be borne in mind.

Fig. 4 Traditional Fabric of Historic Tunis in the North and the Orthogonal Fabric of the Colonial District in the South
(After Hakim 2008)

The first reflection is about the overall evolution of the international interest in protecting heritage which might lead to an assumption that it's basically a *European baby*. Both the Stylistic Restoration Movement and the Modern Conservation Movement came to surface as a result of the accumulation and interaction of some major ideas and experiences that shaped the modern European history according to its particular context. The Italian Renaissance, the French Revolution, the Age of Enlightenment and the Industrial Revolution are key historical moments that guided the future of Europe; however, it had less impact on other places and cultures since it was based on particular values

that are far from being context neutral. For instance, the concept of *nation state* promoted after the French Revolution was reflected in adopting the concept of *national heritage*. While the notion of nation state reached the Middle East more than one century later, after World War I. Furthermore, the main changes that occurred through the 20th century had different implications in Europe than in other places such as the massive destruction of cities during World Wars as well as the central and conventional planning movements.

Secondly, through the review of the main international documents, it might be argued that it took the international community more than a century to define the "guidelines" for a comprehensive vision about historic areas that, at the same time, are "somehow" context-conscious. The debate in the 19th century was exclusively about buildings, then, it increased to include the surrounding context in terms of buildings and open spaces, thus it was still dealing exclusively with physical aspects. Later, it included other non-physical aspects as main fields of intervention. However, it was only in Washington Charter in 1987 that historic areas were introduced as integrated parts of the social and economic life of the whole city and not as isolated islands. Finally, the revision of Burra Charter in 1999 adopted some main terminologies that emphasized the contextual dimension in urban conservation.

Last but not least, referring to the discussion about the psychological/cultural nature of the problem of historic Muslim cities and the previously discussed reflections, it might be argued that the guidelines promoted by the international charters and the value system that shaped the whole discipline of urban conservation may help in temporarily solving technical and operational problems. However, the cultural problem and its implications will remain the same which creates a real threat for the sustainability of any intervention. Accordingly, there might be a need to discuss the historic Muslim city from a wider perspective that takes the cultural problem into account.

1.6 Conclusion

This chapter discusses the main literature concerning the research topic. It starts with the answers on two main questions of why to conserve? And why do historic cities deteriorate? These answers represent a kind of collective agreement on the international level however, with different priorities according to each context. Then it discusses the evolution of the modern movements of heritage conservation through the 19th and 20th century as well as the main international documents. Finally, it sheds light on the case of the historic Muslim cities. It's argued that the historic Muslim cities suffer from the same problems of other historic cities; however, it had its own particularity. This particularity is referred to the Colonial and Post-Colonial periods in which the traditional structures and institutions were replaced with imported ones that couldn't work efficiently. The next chapter will fairly discuss the Waqf institution as a sample of traditional institutions and which played the major role in the conservation of the historic Muslim city from the 7th until the 20th century.

CHAPTER II

WAQF AND URBAN CONSERVATION IN MUSLIM CITIES

Until the end of 19th century, and in some countries until the 1950's, cities in Arab-Muslim countries had been growing according to the same traditional rules which evolved along the history of the city itself. Those rules reflected the accumulation of centuries of the local experience and the interaction between different environmental, social and cultural aspects. Accordingly, understanding the process of preserving historic buildings and areas in the Arab -Muslim countries is hardly achievable without understanding the whole urban system that used to control the whole city. In that respect, this chapter is divided into three main parts. First, an overview of the traditional Muslim cities, its types, planning guiding principles and the main involved actors are discussed. Secondly, the Waqf institution that used to manage historic buildings is fairly analyzed. Finally, the main principles adopted by Waqf institution in the conservation of the historic cities are defined.

2.1 Muslim Cities

In this section, an overview of some main aspects concerning the Muslim cities is discussed. It sheds light on the different types of cities, the guiding principles that controlled its growth, the role of the different authorities in the decision making process concerning the built environment and the implications of this process on the architectural and urban levels. This introductory section is quite important in the interpretation of the role of Waqf institution on the urban level.

2.1.1 Types

Classification of the different types of Muslim cities in history depends on the analytic perspective. One attempt classified cities as *created* and *spontaneous* with respect to their evolution and the main actor beyond their foundation. Accordingly, *spontaneous* cities are those developed without planning by a governmental body while c*reated* cities are the ones founded by Muslims as military camps, capitals or political towns. (Akbar 1988) Another classification added the *inherited* or *remodeled* cities, such as Damascus, in separate category. Those cities which were subjects to major changes after Muslim invasion and, through time, the ancient grids, which were mostly Roman, were replaced by an irregular fabric of the incremental development process. (Hakim 1982) A third classification is mainly based on the function of the city. Accordingly, it introduced the *religious* cities such as Mecca and the *royal* cities which mainly satisfied the ruler's will to remove the residence from the capital to another site such as Baghdad and Al-Zahraa in Andalusia (Ben Hamouche 2009)

However, there might be three comments on the previous classifications. First, *spontaneous* cities are *created* since they didn't exist before the arrival of Muslims. They grew without a governmental motivation however they share the same guiding principles with all other cities within the Muslim Empire. Secondly, Mecca, Medina and Jerusalem, which are the exclusive cities with religious significance for Sunni Muslims, are considered *inherited* cities because they existed before Islam and their religious importance affected neither the urban structure nor the guiding principles for the growth of the city. It means that they followed the same evolutionary process like other cities. Finally, cities that were erected according to royal motivation didn't offer a different urban character. For instance, the Royal city of Baghdad, which is the most famous example of top down planning with a predefined urban form (Fig. 5), grew in a "*spontaneous*" process that even dominated the original one.

Another case is Cairo which was constructed according to the will of the Fatimid ruler to be the new capital but again it grew in the same way like all other cities. Accordingly, Muslim cities might be classified under two main categories: *inherited* and *created* cities. Each category may include other sub-categories. For instance, created cities could include cities designed by the central authority with a predefined form, like Baghdad, and others without that kind of form. Then deep analyses should trace the major differences between each sub-category.
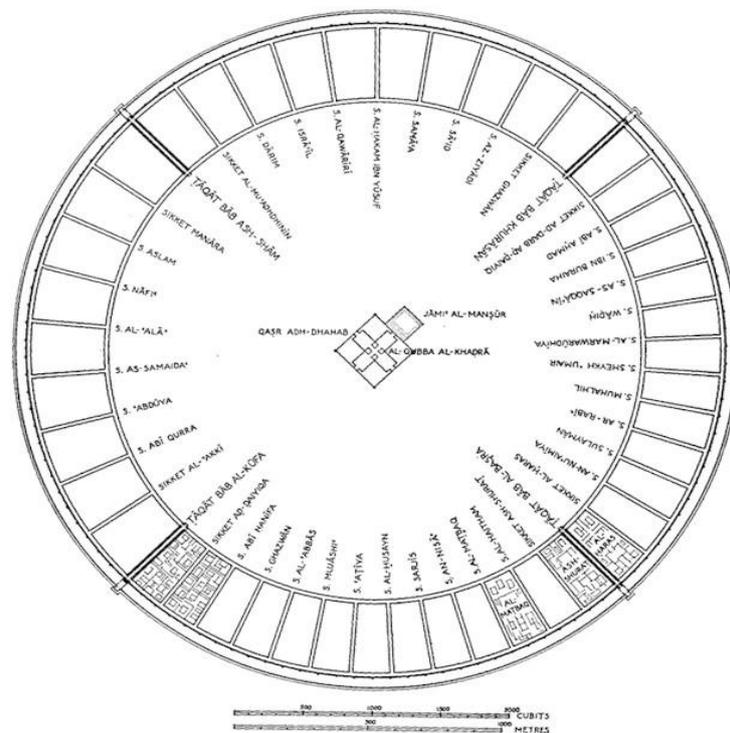
Fig. 5 Round City of Baghdad Constructed in 762 with the Palace and the Central Mosque in the Center: an Example of Top Down Planning, After Creswell
(http://www.flickr.com/photos/quadralectics/4351231726/in/photostream/lightbo
x/- 24-1-2012)

2.1.2 Guiding Principles

Urban problems in Muslim cities were understood and addressed within the framework of the *Fiqh*[1] which is the science of laws based on religion and

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[1] Islamic jurisprudence

organizes all aspects of public and private lives. This science is divided into two main fields: *Ibadat* that addresses religious matters, and *Mu'amallat* that addresses matters of concern or disputes resulting from the interaction between people. *Fiqh* science is based on many sources such as: *Quran[2], Sunna[3], Ijmaa[4], Qiyas[5], Istihsan[6], Al-Masaleh Al-Mursala[7]* and *Urf*[8]. (Hakim 2001)

This diversity of sources and techniques produced more than one hundred guiding principles in construction, from which Hakim (2001) defined five core pillars for the ongoing process of growth and change within the city. First, the freedom to act is the original basis for action. Accordingly, one may develop one's property with no restrictions as long as ownership is legally documented. Secondly, actions are controlled by the prevention of damages caused to others. So the building process had an impact only on the initiator and the close neighbor. Accordingly, building decisions are based mainly on the informal relationships and the interdependence of the community and more specifically neighbors. Thirdly, tolerance is accepted for lesser damages in order to avoid greater ones. Fourthly, adjustment of new constructions takes place according to the presence and/or conditions of older established ones. Finally, customs and traditions of the local community must be respected and followed as long as they don't contradict with clearly specified Islamic laws and prohibitions.

2.1.3 Main Players

The role of the central state in the Muslim city can be traced on two levels. On the macro level, especially in the newly created cities, the state dominated the

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[2] Holy book believed to be the words of God to his Prophet Mohammad
[3] Prophet's sayings and deeds
[4] Opinion based on the consensus of majority of scholars
[5] Reasoning by analogy
[6] Deviation from a common ruling to a problem to a ruling based on special circumstances
[7] Those problems which primary sources have not addressed before, and which require solutions due to the special circumstances of time and place
[8] Local customs, however under one condition which is to be correct which means it must not contravene clearly specified Islamic laws and prohibitions

decisions concerning the location, the size and the boundaries. Additionally, it defined the location of the main public facilities such as the main mosque, the market, public baths, cemeteries as well as defensive walls. Thoroughfares that lead from the center to the main gates generally are defined in a rough way. Additionally, it was the responsibility of the state to allot land to tribes, ethnic groups and extended families through a procedure known as *Iqta.* However, the responsibility of the state over those lands almost vanishes after the allotment since the subdivision and management of these lands was the responsibility of the community leaders such as the tribal heads. Then, heads of households were responsible each for organizing their clusters and the design of their own houses. (Akbar 1990, Hakim 2010)

On the micro level, the role of the central authority was less coercive; however, the responsibility was delivered to two main players. On the one hand, the *Qadi,* Local Judge*,* played a major role in applying legal principles. *Qadis* were always students of jurists which assured the application of the Islamic principles to all judgments.[9] On the urban level, non-intervention by *Qadi* was the predefined rule unless one person sues his neighbor. However, once someone has taken his case to the Judge, he uses, first, agreements and negotiations to resolve the dispute. If he fails, he has to impose the judgment on one of them. (Akbar 1988)

On the other hand, the *Hisbah* institution played an important role on the micro level. Its main tasks are defined in specific manuals and implemented by the *Muhtasib*. In general, the post of *Muhatsib* was considered a part of the general collective obligation to promote good and restrain evil. However, his detailed

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[9] The Islamic juridical system might be different than the modern ones. *Qadi,* used to have some authorities that are considered in the modern structures purely legislative and executive authorities' ones. For instance, *Qadi,* who is originally a scholar, extracted his decisions directly from the original sources of legislation and the works of different scholars which are available for all Muslims. Accordingly, there was no need for a centralized elected legislative authority. Additionally, he had the right to sue anyone to protect the public right. This wide area of responsibilities increased the degree of independence of the juridical authority in the Islamic system. (Al-Bishry 2007)

tasks were to inspect and organize markets such as gathering certain traders in specific sections, eliminating unfair competitions as well as collecting the market taxes. Additionally, it was his responsibility to control craftsmen and to assure the quality of building materials and their assemblage from a technical perspective. Finally, he had the authority to act on the behalf of the public against harmful individual and collective behaviors such as throwing dirt, and obstructing circulation in the streets as well as in the case of using violence against students in schools. However, like the Judge, he cannot intervene between disputing parties on his own. His intervention is conditional upon the demand by one of the disputing parties. The *Muhtasib* was supported by some assistants that worked on the secondary streets and alleys levels. To sum up, the role of *Muhtasib* was similar to both a policeman and a judge, since he has the right to monitor and sometimes to punish. However it was related to more primary and day-to-day basis that didn't need detailed investigations. (Lapidus 2008, Ibrahim 1993, Al-Bishry 2007)

In conclusion, the role of the central authorities in the Muslim city was quite reactive on the micro level which is a crucial factor in understanding its morphology. Additionally, one of the main players, the Local Judge, didn't actually represent the central authority since he's by nature independent.

2.1.4 Reflection on Architectural and Urban Level

It might be argued that when applied to the architectural and urban level, the guiding principles and the role of the different players provided a high level of freedom to act and build, however, restrained by certain limits.

2.1.4.1 Architectural Level

The proscriptive in nature guiding principles provided the maximum freedom to generate solutions to specific local problems in response to the site and the conditions around it. Equilibrium is reached on site where the best possible

solution is achieved for a specific micro condition through collective agreement between directly affected parties with a very limited task for external actors only in case of disputes. This mechanism afforded a high level of diversity in the built environment since every plot had its own "code" and thus contributed significantly to its own identity. (Hakim 2007)

For instance, the construction of any private property generally passed through four main steps. First, based on the freedom to act, all actions could take place without the need of any permission from any authority. Secondly, the action was examined in relation to its immediate context and not to predefined fixed regulations. If no harm was caused either to neighbors or to the public, it could be carried out directly. Thirdly, affected neighbors, whom Akbar (1988) called *nigh parties*, and associates had the right to object, however, negotiations usually overcame those objections either through exchanges of rights and interests, or through friendly agreements. Finally, in the case of failure in reaching agreements, the case could be taken to the *Qadi* who in turn takes the decision. (Ben Hamouche, 2009) Accordingly, the role of any external actor appeared only as the last option in the case of disputes.

2.1.4.2   Urban Level

Neighbors' agreement didn't control private properties only but it did so also with public spaces since the consensus among most jurists is that all public spaces are owned by the community collectively, not by the state. Accordingly, in such case, the principle applied is that individuals may act and change elements in the street as long as nobody objects and no harm is caused to the public. Absence of objection means that the action is implicitly approved. Accordingly, the form of the public space was subject to continuous change through time. This process led Habraken (2000) to consider the rules that shaped the public spaces in Muslim cities *a play producing a form* which is

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different than the Western model based of strict respect of predefined territorial boundaries. (Fig. 6)
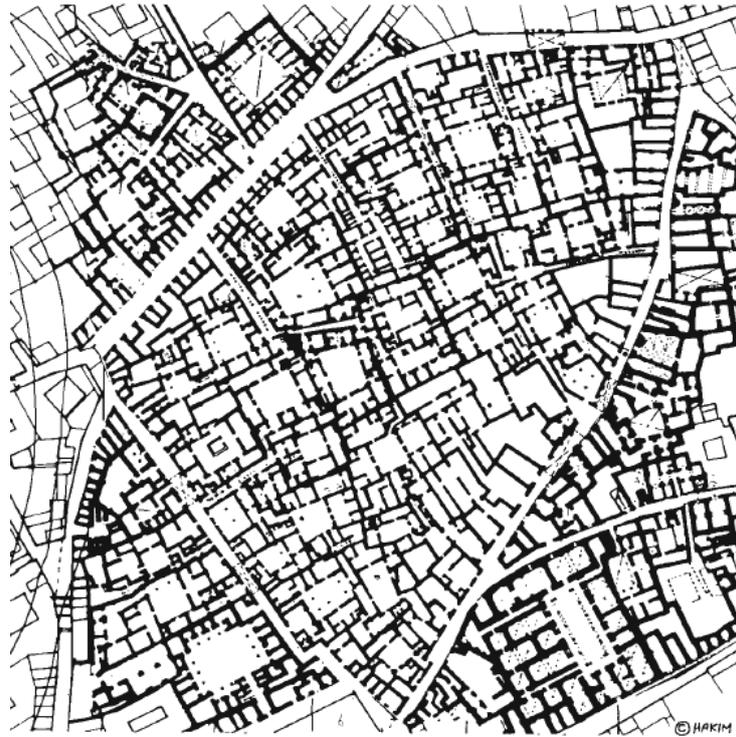
Fig. 6 Organizational Pattern for a District in Tunis Shows the Architectural Composition and the Urban Fabric Resulted from the Decision Making Process
(Hakim 1982)

On the other hand, a single objection equals the objection of all the *nigh parties*. This process extended to reach the ability to change the use of a whole property, that could take place only if didn't harm others. (Akbar 1988) For instance, the residents of a dead-end street had the full control over it. Opening a new door into the street could be done without the approval of the residents according to the same process previously discussed. It was part of their property; accordingly they usually erected gates and closed them on specific schedules for security reasons. With control went responsibility for maintenance, for instance, each house is responsible for the adjacent part in terms of waste management and lighting. Additionally, water supply and sewage systems were parts of that responsibility. (Akbar 1993) However, in some cases especially in big cities such as Damascus and Cairo, the authorities

claim responsibility for the control major thoroughfares. In other words, in major cities, the more active the street, the more intervention by the authority can be expected. In conclusion, one cannot find better than the words of Hakim (2010) to summarize the system that used to manage the Muslim city and its implications on the architectural and urban level:

> *"It was the responsibility of the ruling authority to create the broad framework for the town or city. The decisions of the ruling authority affected city walls and gates; the location of the major mosque, the palace, and the central market area; and the general alignment of the primary streets connecting all of these structures. In other respects, the city emerged naturally as a result of the decisions and actions of its residents, who, when they built houses and other structures, responded to existing conditions on adjacent properties by adjusting their own design. Over time, changes occurred as the owners adapted to neighboring and, especially, contiguous structures. The alignments of pathways and streets were delineated and extended in response to the creation of nearby structures and changes in them. In a word, the system was self-regulating and adaptive."*
> (Hakim 2010)

This extremely decentralized system and the extreme level of community participation in every little decision concerning the built environment are crucial aspects in understanding the nature of the Muslim city from both architectural and urban perspectives. However, these factors shaped the "common" environment in terms of buildings and public spaces. So what about the "exceptional" ones that were later considered monuments?

2.2 Waqf Institution and Muslim Cities

Historic Muslim cities share many features such as organic urban fabric, wide use of courtyards and even some architectural features. However, another

common feature among *all* the historic Muslim cities is indeed the dedication of a huge share of the real estates and agriculture lands to the Waqf institution.

Actually, most of the modern tourism attractions such as mosques and schools in addition to many of the exceptional architecture had been erected and maintained for centuries as parts of Waqf. However, the philosophy of the Waqf institution was quite different than our modern heritage institutions concerning the meaning and the value of those exceptional buildings and the relation with the surrounding as well as the users from the local community. This section discusses in details the Waqf institution and its philosophy in heritage conservation.

2.2.1 Origins of Waqf

Waqf is a type of pious foundation. It literally in Arabic means detention or stopping; however, it has a different name in the Maghreb which is *"Habus"*. Legally, jurists of different schools of Islamic law have given many definitions for Waqf[10] that could be summarized in detaining the corpus from the ownership of any person and the gift of its revenue or usufruct both presently and in the future to charitable purposes. (Abo Zahra 1959) It refers to any endowed property *"Mawqoof"* of which the revenue is devoted to a special purpose *"Mawqoof Aleih"* while ownership is immobilized forever. The Waqf is not a Muslim invention since ancient temples and priests were sponsored through similar mechanisms, however, with different names. In our case, Waqf had existed from the first years of Islam however it got its legitimacy basically from many parts of the original texts of Islamic religion: Quran and Sunnah of the Prophet and not merely as a legacy from previous generations. A fair number of early traditions and legal texts, which consists of Prophet's sayings, *Hadith,* narrated in different ways, outline the early practices of Waqf. (Ben

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[10] Awqaf is the plural of Waqf

Hamouche 2007) For instance, the Prophet said: *"When a human being dies, his work for God comes to an end except for three: a lasting charity, knowledge that benefits others, and a good child who calls on God for his favor."* Muslim jurists defined Waqf as a type of this *"lasting charity"* mentioned in the *Hadith.* Actually, that *Hadith* might be considered the main motivation beyond the evolution of the whole concept of Waqf which is clear in most of the Acts of Foundation. (Abo Zahra 1959; Ghanem, 1998; Akbar, 1988)

2.2.2 Waqf in Muslim History

Throughout the Muslim world, especially under the Ottoman rule, Awqaf spread everywhere. For instance, Jerusalem's Haskei Sultan charitable complex founded in 1552 by the wife of Ottoman Caliph Suleyman the Magnificent in Palestine and Lebanon had been sponsored by the revenues of 26 whole villages, a covered bazaar, shops, soap plants, flour mills and bath houses. (Marwah et al. 2009) By the second half of the 19th century, half of the agricultural lands in Algeria and one third of that in Tunisia were under Waqf. (Kuran, 2001) On the other hand, while describing Waqf in Damascus, Leeuwen argues that:

> *"…there was probably hardly anyone whose life was not at one stage or another shaped by Waqf system, either in the form of schools or mosques, or in the form of commercial locales, or in the form of bathhouses, coffeehouses and other social meeting places, or in the form of allowances, financial support and provisions."* (Leeuwen in Ben Hamouche 2007)

Waqf also had its role in interacting with the tragedies in the Muslim history. For instance, in Algiers a Waqf was established to host and accommodate the massive Muslim refugees from Spain during the *Reconquesta* and to provide them with the first aid. This Andalusia Community Waqf, that included houses and an educational complex, was kept working until the French Colony in

Algeria in 1830, more than three hundred years after the tragedy. (Ben Hamouche 2007)

In conclusion, it might be argued that the Waqf Institution represents the Muslim interpretation of social justice and responsibility. It played a major role in filling the gap between the different social classes and satisfying social needs. It insured permanent services and incomes for the deprived persons and thus strengthened the social cohesion in the Muslim cities. Additionally, the Waqf might be considered a local application in the direction of developing the non-profit, non-governmental sector and increasing the welfare services both quantitatively and qualitatively.

2.2.3 Categories of Waqf

Most of the jurists subdivided Awqaf into two main categories; the first is that donated to the donor's relatives and offspring and that is known as *Waqf Ahli* or *Dhurri*. The second category is the charitable one, *Waqf Khayri,* in which the revenues are devoted to philanthropic or public goals. Additionally, it dedicated some of the revenues to public services that satisfy community needs such as supplying water, streets' paving, hosting and feeding the poor, constructing mosques, schools and hospitals which were religiously well appreciated. (Ben Hamouche 2007; Denoix 2000; Pioppi 2004)

However, some scholars consider the joint one *Waqf Mushtarak* a third category. This joint Waqf devotes a defined share for the family of the donor and another share for the philanthropic goals.[11] (Ghanem, 1998) Anyway, the main concern within this research is about the *Khayri* type which was dedicated for public purposes.

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[11] Legally, this third category isn't much different than the *Khayri* and the *Ahly* Waqf.

2.2.4 Establishing a Waqf

Each Waqf was managed according to specific conditions, *Shurut*, set by the founders. Those rules are documented in an Act of Foundation called *Waqfiya or Hujat-Al-Waqf,* which must be created by the founder, and approved by legal authority that usually included judges and witnesses. This *Waqfiya* defines which properties were to be endowed, for what purposes, to which institutions, and according to which conditions. (Fig. 7) (Denoix 2000)
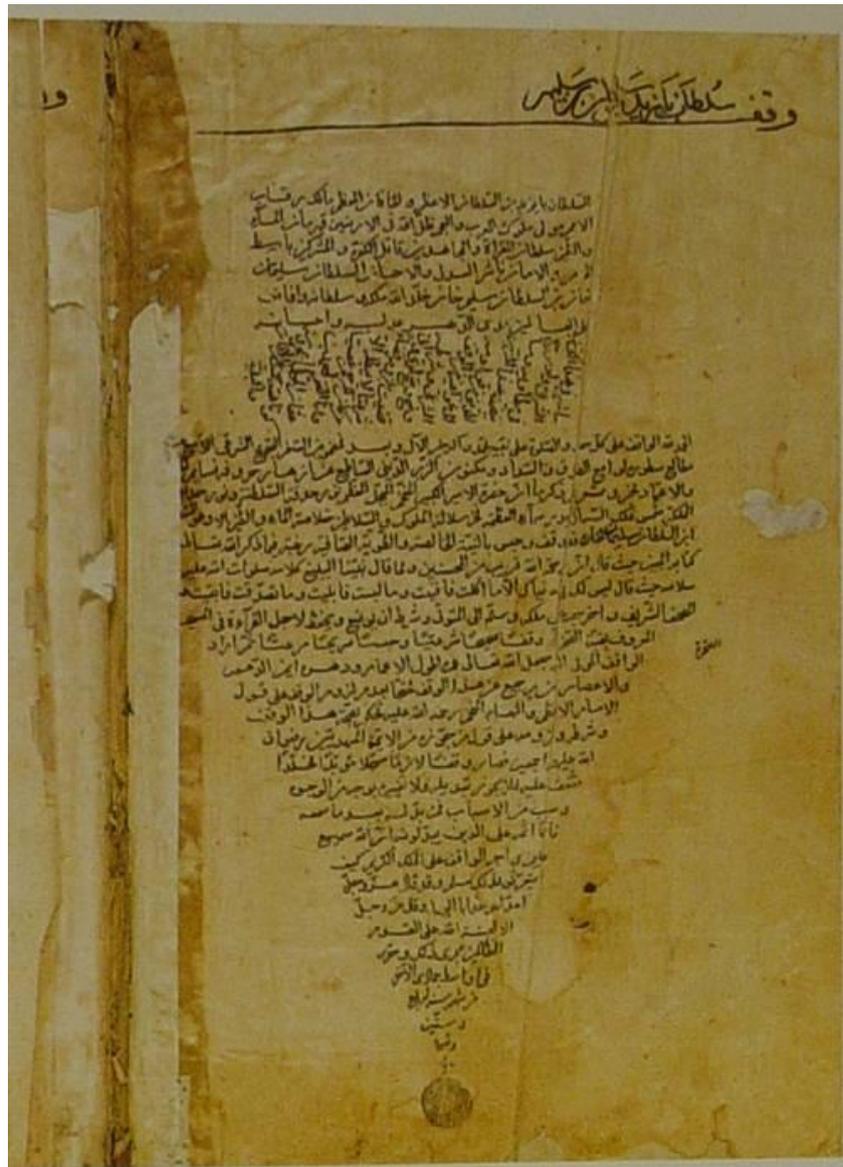
Fig. 7 Part of the Waqfiya of the Ottoman Sultan Bayezid in Jerusalem 15th Century (Institute of Jerusalem Studies http://www.jerusalemquarterly.org/Gosheh.aspx- 14-11-2011)

Waqfiya includes different sections. In a first section, a detailed architectural description is given about all the buildings included in the Waqf. In a detailed tour through the building, all the spaces one after another are described. For instance, in the *Waqfiya* of Sabil of Yusuf Agha in Cairo, it's mentioned that the staircase leads to the primary school overlooking the street, having a floor made of stone, a wooden ceiling and balustrade. In describing another room where the water was distributed, it was mentioned that it has ceramic panels, polychrome marble floor, painted ceiling and two marble basins for collecting the water. (Raymond 2000)

This first section usually ends with very important information from legal perspective. It offers a clear definition of the boundaries of the plot with the exact geographical location which is given by the indication of the immediate neighbors.. (Haarmann, 1980) Furthermore, *Waqfiya* might also define the methods of maintenance of the buildings by indicating the different amounts to be dedicated to whether repair, maintenance or complete restoration. (Aboukorah 2005) Accordingly, this detailed section about the physical setting of the Waqf according to its Act of Foundation plays a crucial role for historians, archaeologists, and architects in affording a clear picture of the buildings at the time of its inclusion in the Waqf and can therefore determine the changed, added and ruined parts as well as how they should function. (Crecelius 1991, Denoix 2000)

Another section includes the different properties, in terms of agricultural land and estates which are endowed as *Mawqoof* for a specific purpose. It defines its exact dimensions and location within the towns and villages they constitute. Within the same section, the founder shows proofs of ownership of the different properties such as a purchase contracts. The exact dates of those contracts are given for authentication at the *Qadi's* bureau where all Awqaf properties were listed by type, whether a house, shop, bath or agricultural land.

Since the *Qadi* has the authority to monitor the performance of the managers, these registers were crucial to be mainly used for the monitoring and the control of the properties and the collection of revenues. Furthermore, they were updated periodically and were reproduced for safety reasons. (Ben Hamouche 2007)

In a third section, the purpose of Waqf and the functions of each part of the buildings as well as the parts that could be rented and thus generate revenues, are described. Then the salaries and allotments for employees and beneficiaries are specified based on a clear job description and required qualifications. (Haarmann 1980)

In conclusion, the Act of Foundation is the main legal document related to Waqf in terms of defining the physical character of the assets as well as the managerial structures and codes of management. Additionally, it represents a detailed charter for the management of each Waqf independently not on collective basis. This approach matches with the previously discussed guiding principles for construction which also provides a "code" for each plot separately. The importance of this document was appreciated by most of Muslim countries which may be clear in the huge efforts done from the public authorities to preserve and restore those Acts of Foundation from different periods of their history not for historic purposes only but also for legal ones.

2.2.5 Autonomy of Waqf Institution

In general, the relation between the central authority and the different Waqf institutions within the Muslim city was based on cooperation which created a common field in which the central authority and the different social actors cooperated in adopting initiatives to satisfy the basic public services and needs. Ghanem (1998) defines three main principles that shaped the legal status of the Waqf institution. These principles had afforded a kind of independence and

protection for the institution from any possible intervention from the ruling regime. However, some rulers succeeded in controlling Awqaf in their cities with the help of some local judges, but that situation was the exception. The first principle is the respect of the will of the founder documented in the *Waqfiya*. Legally, this document had a *quasi sacred* status and is considered the main reference in the management of the institution that can only be modified under very special circumstances after the consultation of the Judge.

Secondly, the guardianship over the institution is exclusive for the juridical authority. Jurists of different schools of law defined the juridical system as the only official body that might have the power to intervene in the management of Waqf in some special cases because it was the body with the most independent nature in the political structure of the state. For instance, in the case of the death of the founder without appointing someone to manage the institution, the Judge had to appoint a new manager and he had the authority to eliminate the managers in cases of mismanagement or corruption. Furthermore, the juridical authority had the upper hand even against the rulers in the management of Waqf institutions.

Finally, the Waqf institution was considered an independent legal entity by all the Islamic schools of law. Accordingly, the institution was considered under law separately from its founder and manager. It may engage in selling, buying, letting and borrowing. Additionally, it may sue and be sued and it was also subject to certain legal obligations, such as the payment of *Zakat*[12]. This consideration as an independent legal entity with the previously discussed principles afforded a kind of legal independence and protection for the Waqf institution from the intervention of the different powers. (Ghanem, 1998)

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[12] It's the annual tax paid by Muslims who have a minimum defined amount of money or assets.

An example of the consequences of this autonomy of the Awqaf could be traced on the political level. As a source of autonomy and financial support for political opposition, Awqaf played a major role that has always embarrassed oppressive rulers and authorities over history. For instance, in Egypt which was the first Muslim country to face the Colonial wave by the French in 1798, the major revolts and rebellions it witnessed had been led by jurists and Imams from *Al-Azhar* that were mostly funded by Awqaf. Even after the defeat of the French army, the same Imams had led the revolts against the Ottoman ruler and forced the Sultan in Istanbul to appoint another one whom they chose. Another case is in Algeria which, by the dawn of the French Colonial administration in 1830, witnessed many rebellions led by jurists and Imams also funded by Awqaf revenues which pushed the Colonial administration, later, to confiscate the endowed properties. (Ben Hamouche 2007)

2.2.6 Management of Waqf Institution

As mentioned in the first principle about independence of the institution, the founder of the Waqf established the managerial structure for the whole institution in the *Waqfiya*. He can manage it himself or appoints a manager who is called *Nazir-al-Waqf* or *Mutawalli*. This manager is in charge of maintaining the revenue-generating nature of the main properties of the Waqf, distributing the revenues or spending it according to the *Waqfiya* with the support of the needed number of employees he might need. However, all the actions are carried out after executing the activities of the maintenance and improvement of the main properties even if this was not stated literally by the founder in order to keep Waqf in the most advantageous condition. (Kadry 2006) Usually, *Waqfiya* defines the monthly salaries and allotments for *Nazir* and the employees.[13] However, the salary of most of the positions within the Waqf

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[13] For instance, in the Act of Foundation of the Waqf of Muhamed Bey Abul-Dhahab, the ruler of Egypt (1773-1775), the *Nazir* of the Waqf was to receive 125,000 Nisf Fiddas (standard silver coin) and 500 Irdabbs (roughly equivalent to 14.16 English bushels) of wheat annually. The *Mubashir* who

such as teachers, sheikhs, readers and even students were standard for Awqaf of the time. (Crecelius 1991)

Additionally, some *Waqfiya* might adopt a micro-management approach in managing Awqaf. For instance, it was mentioned in a *Waqfiya* that whoever was given a nightshift task received a salary 50% higher than his dayshift colleague. Other *Waqfiya* defines special regulations for paid and unpaid leaves or absence. For instance, whenever one of the teachers went to the pilgrimage in Mecca or visited Jerusalem or even his home town, he was granted a leave for a maximum of three months on paid basis. (Haarmann 1980)

Occasionally, *Waqfiya* might be silent about the salaries, accordingly the manager can either work on voluntary basis or he can ask the Judge to determine a salary for him. (Marwah et al. 2009) According to most of the schools of law, a *Nazir* is required to be an adult, Muslim, legally responsible, with a good reputation and able to carry out his duties with knowledge and experience. (Sergany 2010) In the case of the death of the founder without appointing a *Nazir* or proof of corruption or misuse against the employees in the institution, the Judge is allowed to take the required decision either by appointing another *Nazir* or by shifting the management to be directly within the juridical system. (Ghanem, 1998)

On the other hand, unlike the common idea promoted through the Colonial and Post-Colonial period about the rigidity of the concept and role of Waqf, the Waqf afforded several mechanisms of self-adjustment against the changing social, economic and political conditions. For instance, decades after the original foundation of the Waqf, it was possible to add other revenue producing

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supervised the daily affairs of the Waqf, was to receive 7,200 Nisf Fiddas and 50 Irdabbs of wheat annually. The *Jabi* who collected the rents of the different Waqf properties was allocated 3,000 Nisf Fiddas and 20 Irdabbs annually, the same salary received by the Shahed who supervised the workers and the performance of the work process.

assets to the initial ones in order to upgrade or at least to maintain the functions of the institution either by raising the salaries and thus ensured the quality of the performance or by increasing the number of beneficiaries. (Denoix 2000)

Another mechanism that may reflect the self-adjusting nature of the management of Awqaf to the changing realities is the *Istibdal*, exchange. According to *Istibdal* mechanism decayed or unprofitable assets could be exchanged for another one or could be sold in order to trim the Waqf or make funds for other investments. However, in some periods, this mechanism was also subject to misuse by powerful rulers and high ranked officials especially in periods when central and prestigious districts were almost saturated. Accordingly, they used *Istibdal* to afford lands for their own Waqf. (Fernandes 2000)

2.2.7 Waqf Institution and Urban Development

Many of the Orientalists and Westernized Arab-Muslim scholars suspected the Waqf as an institution that impeded the city's development by freezing land and estates. This criticism might be hardly fair since, for many centuries, the Waqf institution was a main driving force behind urban development and the good performance of most the Muslim cities. Actually, the foundation of a Waqf in some periods in the history of Muslim cities meant directly an urban regeneration project. It was a dynamic that could contribute to the rehabilitation of whole areas in decline and the substitution of old and decayed buildings by new ones. Founders of Awqaf had played a similar role of "*developers*" in the real estate market; however, they were more community oriented. They would buy ruined buildings and pull them down in order to build new ones which were strongly committed to satisfy public needs. They followed coherent strategies behind the establishment of the great Awqaf with a clear determination to re-urbanize the different areas by equipping it with different structures. This strategy was based on placing the revenues producing estates,

Mawqoof, within the same area of the building that affords the main purpose of the whole Waqf, *Mawqoof Aleih.* This setting endowed the area with the basic urban functions in terms of religious, educational, commercial and residential services which is known in modern planning expressions as "mixed uses". However, in some periods, the land was not available to place both parts of the Waqf within the same area. In that case, the role of Waqf in urban regeneration of central areas was reduced to the construction of some exceptional buildings that afforded main services and their maintenance physically and functionally while revenue producing assets were built elsewhere. (Denoix 2000, Fernandes 2000)

For instance, mosques, bridges, roadhouses, caravansaries and other elements of the traditional built environment were based on Awqaf, and many remained in good condition. Other main contributions of Awqaf were to deliver water to localities through digging canals, the construction and maintenance of defensive walls in towns, subsidizing the cultivation of special crops and operating commuter ships, supporting retired people from specific guilds. (Kuran 2001) However, education and culture grabbed a special attention from the founders which created an educational system that is dependent entirely on Awqaf. For instance in Cordoba, during the rule of Al-Hakam bin Abdul-Rahman III, there had been 27 elementary schools sponsored by Awqaf in all the districts of the city. Additionally, by the mid of the 10th century in Mosul in Iraq, a huge library was endowed for all scholars and it offered a scholarship for poor researchers. Another library in Baghdad had an extension to host and feed foreign scholars for free. (Al-Sergany 2010) On the other hand, Awqaf were not dedicated only for basic services but also it had its contributions in affording some luxurious goods for all citizens in the city. For instance, in the 12th century Saladin built a fountain in the castle of Damascus that supplied sweetened water and milk twice a week. (Al-Sebaay 1998)

A last note in this section is that there had never been a barrier in including non-Muslims in the beneficiaries of Awqaf. For instance, in 1640's, a Jewish traveler wrote in his diaries that while he was travelling to Istanbul from Egypt, he and his companions spent most of the nights at Waqf inns open to all travelers without any discrimination based on religion or beliefs. (Kuran 2001) Additionally, in a *Waqfiya* of a water fountain in Cairo, it was mentioned that the water was to be distributed to passers-by daily from among Muslims and others of all conditions. (Raymond 2000)

2.3 Waqf Principles for Urban Conservation

Based on the previous detailed overview of the organization of the Waqf institution and how it used to work, this last section discusses in four guiding principles its contribution and adopted philosophy in heritage conservation on the urban level.

2.3.1 Comprehensiveness

The meaning of comprehensiveness according the philosophy of Waqf is a multidimensional one. First, exceptional buildings had never been erected on isolated basis; instead, they were parts of a comprehensive social and economic system within the city. For instance, when an individual wants to build a school that delivers a public service, he would establish a whole Waqf that includes real estates, shops, warehouses, bathes or agricultural lands to assure the sustainability of the function of the school. Accordingly, the quality of the building, physically, and of the service it delivers are dependent on the economic conditions that control the revenues collected from the different assets. This understanding shifts the listing unit from the most common individual buildings and/or areas classification to a more articulated system that

includes social and economic aspects. Thus, in order to save the historic buildings, multidimensional interventions are needed.

Secondly, the establishment of a Waqf is not restricted to the area around the exceptional building which is the case for conservation areas. For instance, a school in the city center could be maintained by the revenues of real estates in another district or agricultural lands in another city or even in another country. Accordingly, a Waqf is integrated in the social and economic life of the whole region not just within the boundaries of the historic area. The call for that kind of integration was introduced on the international level only in Washington Charter in 1987.

Finally, as previously discussed in the first section about the direct responsibility of the owners and users in the maintenance and repair of public spaces in the Muslim city, the Waqf institution had a direct responsibility towards the maintenance and improvement of their surroundings, for instance in terms of infrastructures and waste management. Accordingly, the revenues of Awqaf were not dedicated only towards the properties within the Act of Foundation but also it had a responsibility towards its context. For instance, the repair of sewage system within a street is a collective responsibility of all residents of that street. When a building fells in a Waqf, it had to pay its share from its revenues. Additionally, in some Acts of Foundations there was a dedicated amount for the maintenance of some streets or whole districts.

In conclusion, comprehensiveness according to the Waqf philosophy and the quality required by communities living in historic cities are achieved by *the collective impact of the good management of many Waqf within the city without any kind of centralized management, formal coordination or comprehensive interventions.* (Fig. 8)
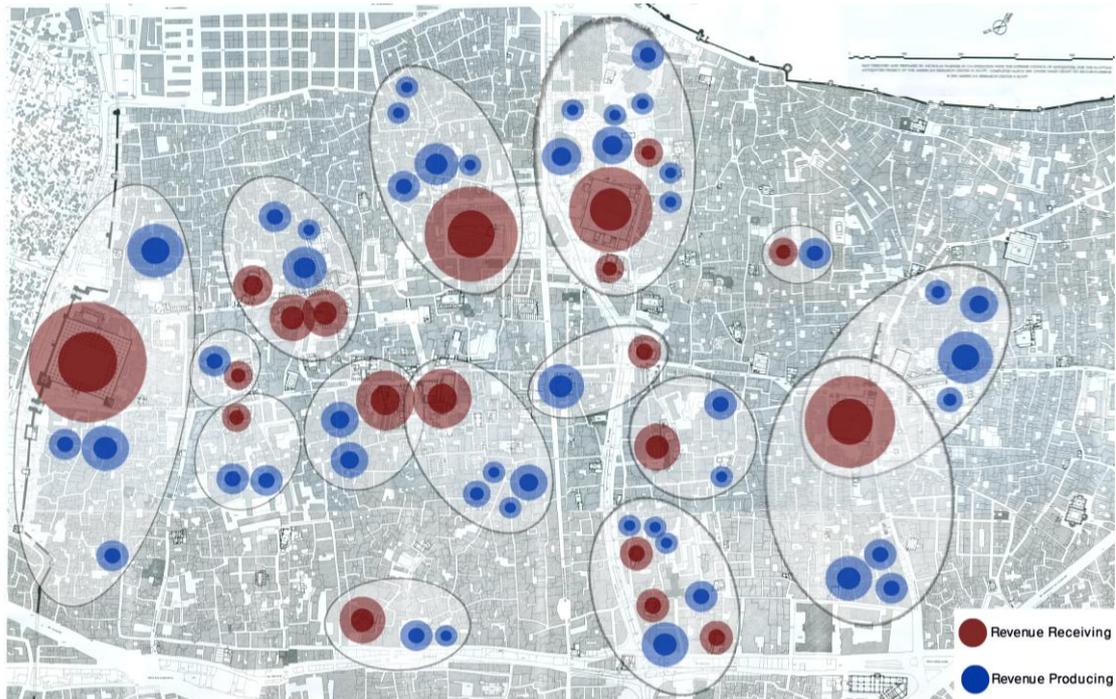
Fig. 8 Hypothetical Distribution of Different Waqf Though a Historic Muslim City Showing the Interpretation of Comprehensiveness According to Waqf Philosophy (The Author based on map of Warner 2005)

2.3.2 Quality of the Common

The philosophy of the Waqf reflected an understanding of the quality of the built environment that kept the balance between the "common" and the "exceptional". Furthermore, in the time of crisis, the common ones were favored. This balance was achieved through creating an interdependent relation between them. Within the same Waqf, the needed funds for the maintenance of the exceptional building, such as schools, mosques and hospitals, are available usually after the repair and maintenance of "common" ones such as normal houses and shops. Accordingly, it guaranteed a special quality for the "common" without transforming it to an untouchable exceptional. This interdependence would create one of three conditions. In the case of good management, both the common and the exceptional buildings will be well preserved. In the case of worse management, the main capital would be well preserved while the exceptional might face some problems. In the case of bad

management, both the common and the exceptional buildings would deteriorate. According to this approach, saving a historic building take place through the good management of common ones. Additionally, this approach would never produce a well preserved historic building in a deteriorated context which is very common in historic cities today.

On the other hand, the study of the evolution of the modern conservation movements in Europe in the 19th century, in the previous chapter, and the following contributions of UNESCO through the 20th century reveal that the aim of the intervention was essentially to protect buildings with special value. Then, it was argued that to have a better protection of single buildings, the surrounding also should be protected and so on reaching whole towns and cities. That entry point created a tendency to define "buffer zones", "beautification lines" and whole "conservation areas" around the exceptional buildings which actually didn't create a balance between common and exceptional, instead it transformed the "common" buildings within those zones to exceptional ones with exceptional treatments.

This old understanding of the quality of the common building in the urban context was expressed by some contemporary scholars such as Alexander (1979) and Habraken (2000) who argues: "*It's by the quality of the common that environments prosper and by which ultimately our passage will one day be measured.*" (Habraken 2000: 327)

2.3.3 Functional Value

Similar to the case of the relation between the common and the exceptional buildings within a Waqf, is the relation between the building and its function. The exceptional building was erected to deliver a specific function, thus it doesn't have a value in itself. Furthermore, some schools of law consider the unused buildings as ruined ones, even if they are in good conditions, which

need either to have new uses or to be demolished in order to construct another building that is useful for the community. Accordingly, the main goal of protecting the building was mainly to sustain the function and the service it delivers. In that respect, when the revenues are not enough to sustain both, some parts of the building, after the approval of the Judge, can be rented in order to sustain the service. That's another difference with the modern consideration of heritage that considers the historic building a value in itself even if it doesn't have any function.

Additionally, that approach reflects the local community's understanding and relation with its heritage. Historic buildings were deeply embedded in the daily life of the local communities since most of the public services, such as education and health, had been afforded mainly by Waqf institutions. Accordingly, for centuries, the need to protect and maintain those buildings was not an elitist concern for some nostalgic, symbolic or aesthetic reasons instead it was a public concern strictly related with people's daily life.

2.3.4 Autonomy

The management of Waqf was a subject to an extreme degree of decentralization and autonomy. It is not only decentralized from the authority of the state but also from any centralized management unit. Each Waqf was managed independently according to its specific rules and conditions defined by the founder. Additionally, the juridical authority was the only one that has the right to monitor and intervene. Accordingly, each historic building has its own "charter" that defines the type of intervention to be executed, the function as well as the properties that should sponsor both. However, in some exceptional situations, for instance the collapse of some properties or parts of the buildings or even economic crisis, the Judge has intervene to solve the resulted disputes and the inconsistency in the revenues in order to maintain as

much as possible the will of the founder and, accordingly, the solution was afforded on individual basis.

The respect of the will of the founder and the role of the juridical authority guaranteed a community oriented mainstream that governed all decisions concerning Awqaf and protected it from being used for political or personal goals. Additionally, this decentralization protected the historic stock from facing comprehensive deterioration since the risks are dispersed case by case. This one-to-one approach in dealing with Waqf matches with the adopted "construction code" that was defined according to the location of each plot.

2.4 Conclusion

This chapter offers a clear picture of the traditional Muslim city with a special focus on Waqf institution that used to manage historic buildings in those cities. However, the main contribution of that chapter is the definition of the main principles that shaped the role of that institution from an urban perspective. Those principles reflect a special understanding and implementation of some main concepts in the modern conservation discipline such as comprehensiveness of intervention and decentralization of management. Additionally, it reflects a deep time and context consciousness.

One the one hand, those principles are time conscious since they deal with the fact that change is an inevitable process in the history of cities. Therefore, they don't seek to fossilize the whole urban context through strict conservation codes in order to protect the whole city. On the other hand, they are context conscious since the main goal of establishing a Waqf in general is to satisfy the community needs which differ from a place to another. Additionally, they offer different mechanisms to adjust their performance and contribution according to

the changing needs from social and economic perspectives in order to maximize the community benefits.

Finally, being a very old institution, scholars from around the Arab-Muslim world have developed and documented enormous works about the Waqf, full of details and infinite number of cases that cover most of the countries since the very early Dynasties. Those twelve centuries of continuous work represent a very well articulated legacy based on real cases and shaped at a very micro level according to social and cultural values of the community not at very global one based on imported values and very general guidelines that are recently defined without being well tested even in their home contexts.

CHAPTER III

PRE-NAPOLEON CAIRO

(969-1798)

This chapter discusses the practice and contribution of the Waqf institution in Cairo through the phase that started from the foundation of the city in 969 A.D. until Napoleon French Expedition in 1798. During the period that exceeded 8 centuries, Egypt was ruled by four different Dynasties, however, with purely Islamic backgrounds. First, an overview of the different categorization of the history of the city was discussed. Then, a light is shed on the Muslim rule in Egypt and the first Muslim settlements. Thirdly, the history of the foundation of the city and the major changes through the Muslim rule is discussed. Fourthly, some examples of the different Waqf established to maintain the historic buildings in Cairo from different eras are discussed. The diversity of the examples aimed at offering as much as possible a comprehensive picture of this institution and how it used to work within the traditional built environment under the different Muslim Dynasties that ruled Egypt. Finally, some reflections and comments are made on the previous examples.

3.1 Overview of the History of the City

Abu Lughod (1971) and Stewart (1999) classify the history of Cairo according to the main political changes. Thus, it went under four main categories. First, *Islamic Cairo* dated from the foundation by the Fatimid Dynasty in 969 until the French Expedition in 1798. Then, the *Imperial Cairo* started after Muhammad Ali Pasha took power in 1805 until the end of the monarchy of his family in 1952. Thirdly, *Socialist Cairo* started after the Free Officers Movement in 1952 led by General Naguib and Colonel Nasser that later

adopted severe Socialist policies. Finally, Stewart adds a last category about *Cairo under Capitalism*. It started by the mid-1970 after Sadat adopted the *Infitah* programme which, according to Stewart, was never a complete transition towards a real capitalist economic system.

On the other hand, Kamel at al. categorize the history of the city according to its urban morphology. So they define *Medieval Cairo* (969–1863) that covers the area built up during the different Dynasties of *Fatimid, Ayyubid , Mamluk, Ottoman* and a period of the Mohamed Ali's family rule. The organic urban fabric, according to which the city grew during that period, was the typical one in most of the Muslim cities. Secondly, *European Cairo* (1863- 1952) extended to the North and West of the medieval one, frequently on reclaimed land close to the Nile as in the case of Down Town and the Tahrir Square. It followed the Haussmanian model based on the radial patterns. This period was characterized by the increase of Western influences on the social, economic and political life that ended with the British colony in 1882. Finally, *Contemporary Cairo* grew after the Free Officers Movement of 1952 on the Western side of the Nile creating a new administrative city, Giza which mainly forms with Cairo the Cairo Mega Region. This urban expansion has left Medieval Cairo a very small portion of the sprawling metropolis that covers an area of about 450 sq km with a population more than 16 million. (Kamel et al. in Sutton et al. 2002)

This chapter followed Abu-Lughod and Stewart categorization for the first part which they called *Islamic Cairo*. It was preferred to start the second phase with the Napoleon Expedition because it represented the first contact with Western culture which shaped, however after a while, the future of Egypt through the following one and half century. While the last phase started after the fall of the monarchy until nowadays.

3.2 Muslim Rule in Egypt

Diplomatic relations took place between Egypt and Medina, the capital of the rising Muslim Empire, since the time of the Prophet Muhammad (570-632 A.D.). However, the Muslim army invaded to Egypt and defeated the Byzantines in 641 A.D., 10 years after the death of the Prophet. The 8000 soldiers' army was led by Amr Ibn Al-Aas during the rule of the second Caliph Umar Ibn Al-Khattab. (Abu Lughod 1971, Al-Awwa 2011) Since then, Egypt kept its loyalty to the Caliphate in Medina then Damascus, Baghdad and finally Istanbul till the British Colony in 1882 that kept Egypt as an Ottoman province only in theory. That situation lasted until the beginning of World War I. It was only then, in 1914, that the British Government declared its official Protectorate over Egypt which put an end to the Muslim political dominance over it. However, through its 13 centuries of history under the umbrella of Muslim Caliphate, Egypt had enjoyed a kind of autonomy under the rule of different Dynasties.

3.2.1 First Muslim Settlements

Cairo was not the first city to be built in Egypt after the arrival of the Muslims in 641. *Al-Fustat* was the first settlement to be founded by Amr Ibn Al-Aas during the seven months siege of the Byzantine fortress at Babylon. After the defeat of the Byzantine forces, *Al-Fustat* replaced Alexandria as the new capital of Egypt and it kept that function through the time of all the Caliphs and the entire Umayyad rule. It was in 750 that the first Abbasid governor founded the new city *Al-Askar* to the North of *Al-Fustat*, as a new camp for the army. Through the following century, both communities of *Al-Fustat* and *Al-Askar* merged so that the united settlements stretched smoothly along the Nile axis.

The appointment of Ahmad Ibn Tulun as a deputy for the governor for Egypt is a turning point in the history of Egypt from political and urban perspectives. Later, he founded the Tulunid Dynasty in Egypt as an autonomous one with only theoretical loyalty to the Abbasid Caliph in Bagdad. From this time forth and until the Ottoman invasion in 1517, Egypt was always autonomous except for short periods when Abbasids regained the Egyptian lands under their rule. Inspired by the big Persian cities, Ibn Tulun founded his own Capital, *Al-Qatai*, in 870. However, *Al-Fustat* kept its position as the economic hub. In 905, the Tulunid capital was recaptured and destroyed by the Abbasid after the death of Ibn Tulun. Then *Al-Fustat* became again the capital of the Egyptian province. It's only the huge mosque of Ibn Tulun that survived from the destroyed site of his capital, *Al-Qatai*. (Al-Maqrizi 1998, Vol. I; Abu-Lughod 1971; Behrens-Abouseif 1989)

Today, Cairo radically expanded to include the previous capitals of the different dynasties, *Al-Fustat*, *Al-Askar* and *Al-Qatai*. They cover only two administrative districts of Cairo Governorate.

3.2.2 Foundation of Cairo

By 909-910, few years after the fall of the Tulunid Dynasty in Egypt, a new autonomous one was established in Tunisia: the Fatimid. However, it was during the rule of *Al-Muez* in 969 that the commander Jawhar Al-Saqally[1] conquered Egypt. Immediately, Jawhar started the construction of the new capital "*Al-Qahira*", the victorious, which was declared as the seat of the Fatimid Empire in the Mediterranean as well as a significant rival to Baghdad, the Abbasid seat. (Fig. 9) Simultaneously, Jawhar founded Al-Azhar Mosque which, henceforth, became the most famous theological institute in the Muslim world.

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[1] Al-Saqally means the Sicilian which reflects Jawhar's origins.

From this day forward, Cairo has been the capital of Egypt. However, through most of the Fatimid era, *Al-Fustat* had been always considered the main city in Egypt. It was until the mid 11th century that some dramatic circumstances started to change that situation. A destructive earthquake in 1138, the Great Plague in 1163 followed by a seven years famine and a civil war between two ministers that increased the threat from the Crusades by 1169, had put an end to both, the Fatimid Rule and the domination of *Al-Fustat* in favor of Cairo.
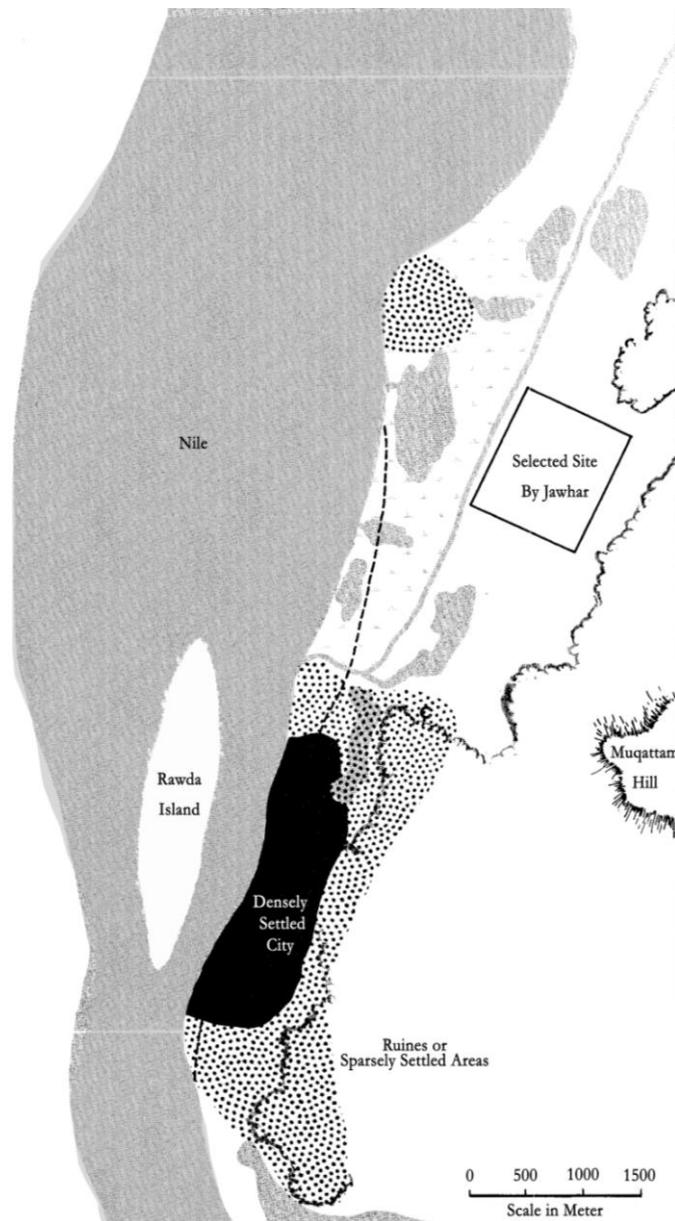
Fig. 9 Location of Cairo, the Newly Founded Capital in Egypt in Relation to the Old Settlements (After Abu-Lughod 1971)

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In 1171, Saladin established the *Ayyubid* Dynasty which he and his offspring ruled until 1250. Then, the *Mamluk* Dynasty[2] ruled until it was defeated by the Ottoman ruler Selim I in 1517. (Mubarak 1888, Vol. I ; Abu-Lughod 1971)

3.3 Awqaf in Egypt

The first Waqf established in Egypt was a piece of land endowed for the construction of the first Mosque, known as the Mosque of Amr Ibn Al-Aas, in *Al-Fustat*, in 641. Through its history, the Mosque was enlarged and remodeled several times through different endowments that sustained also the educational function of the Mosque. (Mubarak 1888, Vol. IV; Ghanem, 1998) Another famous Waqf in the pre-Cairo era is that of Ibn Tulun. Al-Maqrizi mentioned that the Mosque of Ahmad Ibn Tulun and the hospital attached to it were funded by its extensive properties endowed by the founder. (Al-Maqrizi 1998, Vol. III) Additionally, endowed Waqf properties for that complex increased through the history of the mosque especially during the rule of Bahri *Mamluk* Sultan Lachin (1297-99) who added extensive properties to the endowments in order to renew the Mosque, to add a *Kuttab*[3], to fund classes in the four rites of Islamic jurisprudence, interpretation of Quran, as well as medicine. (Fig. 10) (Mubarak 1888, Vol. IV)

Gradually, Awqaf started to spread all over Egypt by the different social classes since it was based on the abstract idea of the "lasting charity". After the Muslim invasion most of the agricultural lands had shifted to the ownership of the state which decreased the stock of the endowed agricultural land in comparison to real estate. However, this case didn't last for so long and by the Ottoman invasion in 1517, 40% of the agricultural lands in Egypt were under

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[2] The *Mamluk* dynasty was divided into two eras according the origins of the rulers: Bahri *Mamluk* and Burji *Mamluk*.
[3] Quranic school, usually for young boys or orphans; neighborhood elementary school

the management of one Waqf or another. As mentioned before, Awqaf were dedicated for varieties of public services, however, the mosques and educational activities grabbed the lion's share of Awqaf institutions then health care as well supporting the army which used to increase during in the times of external threats such as the Crusades. (Ghanem, 1998)

Fig. 10 Mosque of Ibn Tulun, Renewed 4 Centuries after Its Original Construction by New Awqaf during the Mamluk Rule
(The Author)

An important note is to be addressed here to shed light on the reason behind the dedication of a big share of Awqaf for mosques. The mosque in the Muslim history is not merely a place for spiritual worship similar to the Christian church. Till the fall of Muslim communities under the severe influence of movements of Westernization by the end of the 19th century that separated religion from the daily life affairs, the mosque worked as an educational institution in the fields of knowledge, culture and ideology. It was a place for worship, scientists' assembly, literary men and cultural specialists. Additionally, it was a house of common, a legal council and a treasury for community funds.

Al-Maqrizi and Mubarak described many events that took place in mosques that could not be understood without this comprehensive vision of the role of the mosque in the Muslim society, such as gatherings for celebrations, declaration of wars and even collection of taxes. The mosque was used to manage the public affairs independently of the power of the state. This understanding of the role of the mosque in the daily life of the Muslim community might explain why founders of Awqaf dedicated all those properties for the construction and maintenance of mosques. (Gouda 2007)

3.4 Waqf Institution and Urban Heritage Conservation in Cairo

It might be argued that the concept of national heritage itself is an imported one that emerged in Egypt after the French Expedition (1798-1801). However, historic Cairo should be grateful for the huge efforts spent by the French scholars in the documentation of every aspect of the city and publish it in the great document of "La Description de L'Egypte". However, Aboukorah (2005) refers the general interest of the Expedition in Ancient Egyptian Civilization more than the Muslim one to the fact that the religious and civil buildings erected since the foundation of Cairo were still in use and, thus, were not considered real antiquities. Within Muslim cities, there is nothing exceptional in itself without the function or the message it delivers. This understanding of exceptional buildings confirmed the difference between the consideration of exceptional within the traditional Waqf institutions and the modern ones.

It was until the end of the 19th century that the Western concept of heritage, or antiquities, started to invade and replace the traditional one after the foundation of "*La Comité de Conservation des Monuments de l'Art Arabe*" in 1881 as a central unit for the maintenance of the Muslim heritage in Egypt which will be

fairly discussed in the next chapter. However, within this section some examples of the Waqf established to maintain some of the masterpieces of Muslim architecture that were later considered monuments in historic Cairo are discussed.

3.4.1 Al-Azhar

Although there is no detailed inventory about the first Waqf endowed for Al-Azhar, it might be useful to start this section about the examples mentioning just the available resources. Al-Azhar was the first mosque built in Cairo by Jawhar in 972. Since its foundation, it continues to play an important role in the history of Egypt and it has been always present in the main events from the time of the Crusades until the 25th of January 2011 Revolution. Few years after its foundation, it was declared as a theological institute based on 35 scholars that were hosted in a hostel near the Mosque. (Behrens-Abouseif 1989) Today it's the biggest university in Egypt that includes 69 faculties in theological and natural sciences and about 300.000 students from different Arab-Muslim countries.

The first available *Waqfiya* described by Mubarak was that of the Fatimid ruler Al-Hakim 25 years after the foundation of the Mosque. Al-Maqrizi mentioned that Al-Hakim endowed some properties and caravansaries mainly in *Al-Fustat* for Al-Azhar. (Al-Maqrizi 1998 Vol. III) However, Mubarak presented mainly the detailed costs of overheads defined in that *Waqfiya*. For instance, detailed amounts were defined to buy carpets, perfumes, rags, brooms, lamps and oil. Later, especially during the *Mamluk* and Ottoman rule, it was an honor and a very common action that any ruler, high rank official and even normal people endow some properties for execution of some additions, maintenance of the existing building as well as its functions. (Fig. 11) (Mubarak 1888, Vol. IV; Williams 2002 A) Those several additions through its history created a mixture

of styles and periods which led some architecture historians to describe its contemporary setting as "an obscure plan" through which it's hard to introduce it as a prototype of single architectural trend.
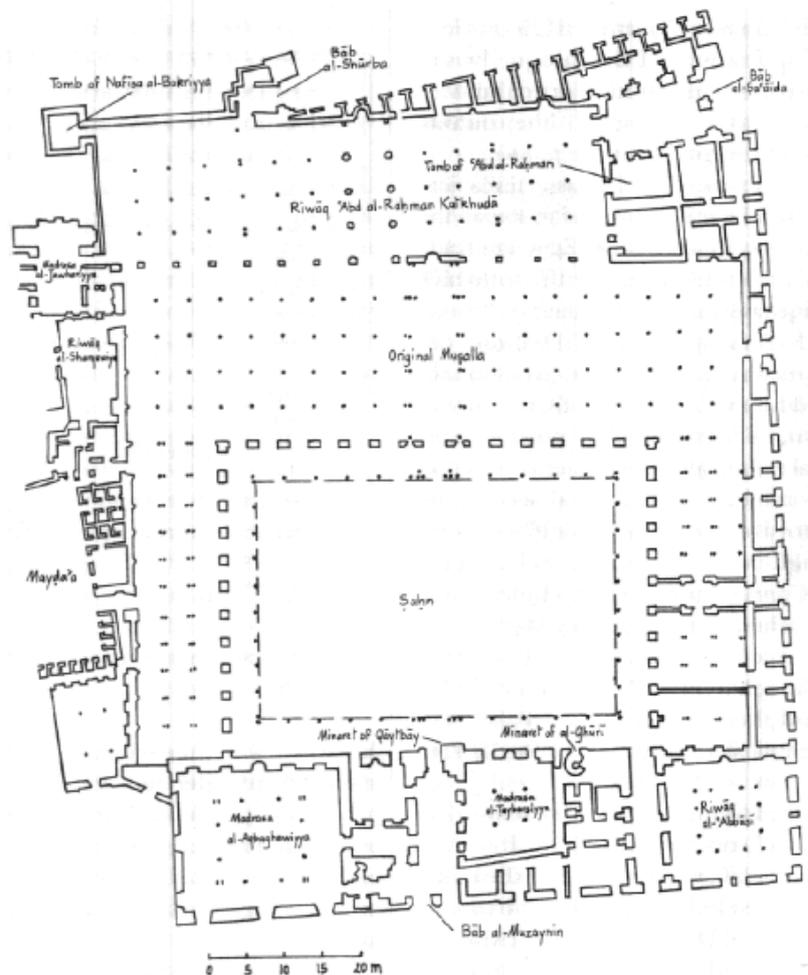
Fig. 11 Al-Azhar Plan with Several Additions Through its History, Each with its Own Waqf (Rabat 1996)

3.4.2 Waqf of Sultan Al-Mansour Qalawun

The Waqf of the Bahri *Mamluk* Sultan Al-Mansour Qalawun was established in 1285 to fund his Complex in Cairo that included s hospital, a *Madrasa*[4], a *Sabil*[5]-*Kuttab* and his Mausoleum. The revenue-producing properties included

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[4] School

[5] Public drinking fountain

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shops, rab'[6], warehouses, residential buildings in the area that closely surrounds the complex, as well as extensive agricultural lands. (Fig. 12) The revenues from the endowed properties that funded the different activities were estimated to be around million Dirhams per year. Stipends were defined for Sheikhs and students in the four rites, interpretation of Quran and a class for medicine which hosted the most famous physicians of the time. Later in 1290's, the son of Qalawun endowed other estates in Acre and Tyre, after he freed them from the Crusaders, to sustain the educational activities of the School. (Mubarak 1888, Vol. V)

Fig. 12 Complex of Al-Mansour Qalawun and Some Shops that remained from its Original Waqf on the Other Side of the Street
(The Author)

The hospital of that Waqf might be quite special because it was one of the wonders of the age although it was not the first to be established in Cairo.[7] It

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[6] Apartment building or tenement for middle- and lower-class tenants

[7] Each patient was entitled to a bed, pillows, covers and chamber pots as well as was provided with all services such as laundry and food and of course all kind of needed medicines free of charges. Even

was dedicated to serve everyone without any discrimination based on race, sex or social class. The only priority was given to those with urgent needs of care. The hospital continued its function in health services and medical studies until the 19th century when the modern schools of medicine were introduced in Egypt. (Behrens-Abouseif 1989; Williams 2002 A)

3.4.3 Waqf of Sultan Al-Nasser Hassan

Madrasa of Sultan Al-Nasser Hassan in Cairo is unquestionably the jewel of Muslim architecture in Egypt. It's a master piece in architectural composition, structural design and ornamentation. (Fig. 13) The rule of Sultan Hassan[8] took place on two phases (1347-51, 1355-61), however, he established one of the most extensive Waqf in Egypt in 1359. The most special part concerning the Waqf of Sultan Hassan is its transnational nature. On the one hand, revenue-producing properties expanded in many Egyptian and Syrian cities. On the other hand, revenues-receiving properties included many schools, mosques, public fountains and caravansaries in Syria, such as the Umayyad Mosque and the Noury School as well as his School in Cairo.

Mubarak (1888) defined only the agricultural lands endowed in Egypt without mentioning the type of real estate or commercial facilities. It included about 15000 Feddans of agricultural lands within four main provinces in the Nile Delta: Dakahliya, Gharbiya, Qalyubiya and Beheyra. The *Waqfiya* was extremely detailed concerning the function of the building and the expenditure

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stipends were defined for musicians and storytellers to entertain the patients. It was staffed and equipped to treat every known illness mainly fevers, eye diseases, surgery and dysentery. Doctors were present all the time or in shifts. In the case of the death of the patient, even after returning home from hospital, his funeral expenses were covered by the Waqf.

[8] The founder was not one of the glorious or impressive Sultans in the Egyptian history, compared for instance to his father Mohammad Ibn Qalawun. Furthermore, according to Williams (2002) he was a puppet in the hands of powerful and manipulative Emirs.

of the revenues. For Academia, the *Waqfiya*, defined for the main classes, stipends for 4 Sheikhs, 12 assistants and 400 students.

Fig. 13 Court of Sultan Hassan Madrasa
(http://dome.mit.edu/handle/1721.3/43393?show=full, 23-1-2012)

Students were divided equally between the four rites. Each group lived in a separate lodging that had its own courtyard with four or five stories of rooms. Students of each rite are divided in four groups, 25 each. The senior of each group got an extra amount for his good performance. Then, it afforded stipends for other two classes, one for interpretation of Quran and the other for interpretation of the sayings of the Prophet, *Hadith*, each with 30 students and a Sheikh. Then, it defined stipends for two teachers, two assistants and 100 orphan children to learn read and write with extra amount if one of the children knew the whole Quran by heart. After a child grew up he is substituted by another one. Every year, the cost of a full dress was paid to all students and employees. Additionally, a stipend was defined to a librarian, a doctor and ophthalmologist who had to visit the school every day to check the employees and students. On the other hand, *Waqfiya* defined a stipend for the position of Senior Judge in Damascus. For charity, on Friday's eve, all Ramadan nights and during Feasts cooked food and sweets were distributed for the poor.

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Waqfiya also defined the process to be followed if the revenues exceeded the needed expenditures. The manager had to keep the surplus in a kind of treasury for emergency till it reached hundred thousand Dirhams. After this emergency margin, the manager had to buy new properties to increase the Waqf. If the Waqf was not in need for money, the revenues could be distributed to pay debts, exchange prisoners, supporting pilgrims, affording health care and financial supports for the poor in general. Overheads were included also in the *Waqfiya* such as needed amounts of soap and sponges. (Mubarak 1888, Vol. IV) As mentioned above, this Waqf was established in 1359; however in 1888 Ali Mubarak wrote that the Sutan Hassan *Madrasa* was still functioning from its Waqf properties.

3.4.4 Waqf of Sultan Al-Zahir Barquq

The *Mamluk* Sultan Al-Zahir Barquq (1382-99) is the first Sultan in Burji *Mamluk* Dynasty. The Sultan endowed a complex that included a Friday Mosque/ *Madrasa* teaching the four rites, a Mausoleum and a Khanqah[9]. In this endowment, possibly for the first time, the Sultan provides stipends for Sufis which might reflect an increasing role of this religious class of popular nature that arouse by the dawn of the 15th century side by side to the traditional academic one. The capacity of the complex reached 125 students and 60 Sufis. Additionally, it includes some living units for teachers as well as stables for mounts. (Behrens-Abouseif 1989)

The provisions for the Sufis of the *Madrasa* were generous in addition to the sums they receive for services and varieties of jobs in the school. Sufis acted as imams, muezzins, wardens of prayer-rugs, experts on timekeeping, librarians, oculists, doormen and cooks. Unlike what might be thought about the

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[9] Residential institution specially endowed for Sufis, Muslim ascetics who were committed to a communal life of prayer and poverty.

organization of the educational process within this "medieval" environment, it was strictly organized. On the one hand, for the students, the selection and the monitoring were subjects to severe rules. For instance, for a student in the *Madrasa* to get married meant immediate eviction, since they had to be dedicated entirely to their studies. Additionally, they were well watched regarding their academic performances as well as their private lives. Additionally, beside the theological sciences, Arabic grammar was quite an important element of the syllabus which led the founder to define a stipend for the language teacher similar to the one of Sheikhs of different rites. On the other hand, it was not approved to accept any students who were in close relation with *Mamluk* Emirs or other political leaders.

Additionally, notaries and judges who witnessed the establishment of the Waqf were not allowed to join the *Madrasa* to teach in order to avoid conflicts of interest as long as they were not ready to leave their posts. For teachers, whoever left without excuse for more than ten days lost his stipend and another was substituted him and joined the *Madrasa*. In addition to this strictly organized educational institute, there was a *Kuttab*, in which orphans were taught receiving food and money needed for blackboard, ink and inkwells. (Haarmann 1980)

3.4.5 Waqf of Sultan A-Ashraf Qansuh Al-Ghuri

Al-Ashraf Qunsuh Al-Ghuri is the last but one of the Burji *Mamluk* Sultans in Egypt (1501-1516). He founded one of the most significant complexes in historic Cairo that dominates a strategic location which let the whole area to be called, after it, "Al-Ghuria". The complex included two main buildings on both sides of *Al-Muez* Street. On the one hand, he constructed a *Madrasa* that used to teach the four rites. On the other hand, a *Sabil-Kuttab*, a Khanqah and a Mausoleum lay on the other side of the street. Unlike the common construction

code of similar buildings, both buildings didn't follow street alignments which left the space between the two facades widening into a kind of square that was rented for market stalls as parts of the revenue-producing properties. (Behrens-Abouseif 1989) Mubarak adds that the Mausoleum was built also to put to display some objects from the time of the Prophet and his companions such as Uthman Quran after being restored. Thus, the Mausoleum might be also considered a kind of museum. To sustain the functions of those buildings and others, he endowed extensive properties. For instance in his 1505 *Waqfiya*, he endowed more than 200 shops around the Complex and in other districts including the textile market in front of the Complex that is still working till nowadays. Additionally, he endowed 2 Wikala, a Funduq[10], a rab', a grain mill and Hammam[11] as well as extensive agricultural lands in about four different provinces. (Fig. 14)
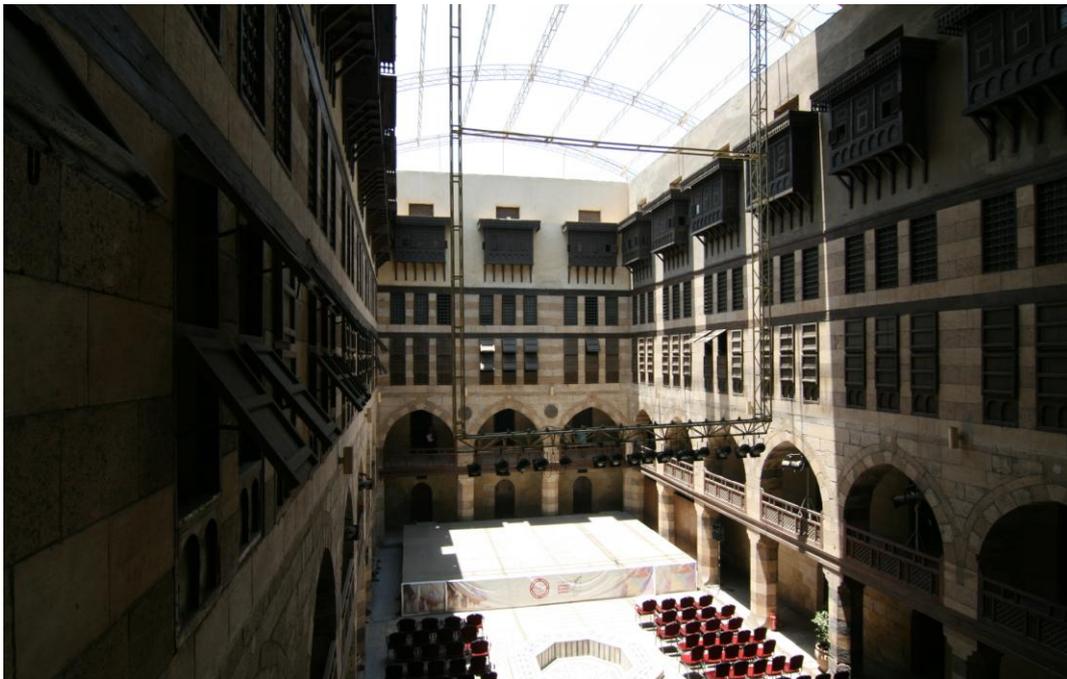
Fig. 14 Wikala Al-Ghuri, One of the Revenue Producing Properties within the Waqf of Sultan Al-Ghuri (http://dome.mit.edu/handle/1721.3/41659?show=full, 23-1-2012)

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[10] Inn

[11] Bathhouse

He also endowed some real estate and agricultural lands in Syria. Like previously presented in other *Waqfiya*, he defined stipends for teachers, students of *Madrasa* , poor orphans of the *Kuttab*, as well as for a doctor and a servant for women visiting the displays in the Mausoleum. Additionally, he defined stipends for servants that collect garbage and clean the area around the complex. (Mubarak 1888, Vol. V)

3.4.6 The Waqf of Yusuf Agha Dar Al-Saada

The founder of that Waqf was chief eunuch at the Ottoman Court. The Waqf of *Sabil-Kuttab* of Yusuf Agha Dar Al-Saada was established in 1677. This *Sabil-Kuttab* type was introduced as a free standing building during the Ottoman rule in response to the scarcity of lands for big Awqaf in the central area of the city. (Warner 2005; Denoix 2000) This *Sabil-Kuttab* covers an area of almost 900 sq m. It's mentioned that the *Sabil* was sponsored from the revenues of some real estate mainly, the Wikala next to it and the rents of some shops. Stipends were to be paid to the person in charge of the function of the *Sabil* who should be honest, with a clean body and clean dress. Additionally, the *Waqfiya* defined stipends for a teacher and an assistant as well as for ten orphans to attend the classes on daily basis. Additional overheads are provided such as lamps for the Wikala and *Sabil* as well as jars, ropes and sponges for cleaning. A last sum was dedicated to the Prophet's Mosque in Medina.[12] (Raymond 2000)

3.4.7 The Waqf of Abdul-Rahman Katkhuda

Abdul-Rahman Katkhuda was the chief officer of one of the powerful Mamluk *Emirs* in the late Ottoman era. The contribution of the Waqf of Katkhuda is quite different than the previously discussed ones. He erected some main buildings such as his famous *Sabil-Kuttab* in *Al-Muez* Street, (Fig. 15) however

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[12] The dedication of some amounts from the revenues of Awqaf for the Holy Mosques in Mecca, Medina and Jerusalem was common in Waqfiya from different eras.

his main contribution was in preserving old buildings and increasing their areas as well as their functions. He established many Waqf for different properties. For instance, in a 1760 *Waqfiya*, he endowed residential buildings around Al-Azhar Mosque, 15 shops, a coffee shop, knitting workshop and a palace with a garden in Boulaq district out of Cairo to be rented to ambassadors and high rank officials visiting Egypt mainly from Istanbul. Additionally he endowed some agricultural lands in Beheyra and Gharbiya provinces. In another *Waqfiya*, he endowed 3 houses, 2 Wikala, a coffee shop, a mill, 10 shops and 2 rab' in the area of historic Cairo and Boulaq.

Fig. 15 Sabil-Kuttab of Abdul-Rahman Katkhuda
(The Author)

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The revenues of all those endowments and others were to be spent in different purposes. However, his most significant contribution was in enlarging Al-Azhar Mosque through adding four new rows on 50 columns, a *Sabil-Kuttab*, and his own mausoleum. (Mubarak 1888, Vol. IV) Additionally, he renewed the hospital of Qalawun as well as the mosques of the Prophet's descendents in Cairo such as Al-Hussein, Sayeda Zaynab and Sayeda Nafeesa. . Stipends were also defined to teachers, students in Al-Azhar and other schools. Additionally, he defined stipends for the blind residents living close to Al-Azhar, psychiatric inmates as well as servants in the hospital of Qalawun.

In general, Katkhuda might be considered the most important developer in pre-Napoleon Cairo. He built and renewed 18 mosques in addition to a number of *Madrasa* , *Sabil-Kuttab*, *Hawds*[13] , bridges, and waterwheels not only in the city center but also in many other districts. (Mubarak 1888, Vol. V) Williams (2002 A) argued that of the 600 listed monuments of Cairo, Katkhuda's prints, either through restoration or construction, can be traced on around 33 of them.

3.4.8 Waqf of Muhammad Bey Abul-Dhahab

Finally, in 1774, Muhammad Bey[14] Abul-Dhahab, the ruler of Egypt under the Ottoman's (1773-1775), began the construction of his complex in one of Cairo's central location. This complex is considered the last great complex erected in the pre-Napoleon era, only 24 years before the French Expedition. The complex consisted of a large Mosque-*Madrasa* and Takiyya[15]. Additionally, Muhammad Bey included more than 2,000 individual volumes in the library in his Waqf and placed it at the disposal of the scholars and students of the *Madrasa*. He endowed extensive agricultural lands mainly in the two provinces of Gharbiya and Girga as well as the rents of some urban properties

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[13] Drinking trough for animals
[14] Title given to local Mamluk grandees in the Ottoman period
[15] Ottoman word for a khanqah, or Sufi hostel

such as a Wikala in Bulaq and the rents of 33 shops below the complex on the street level. (Fig. 16)

Fig. 16 Complex of Muhammad Abul-Dhahab and the Shops on the Ground Floor Level as Parts of its Waqf
(The Author)

All those revenues were to support the stipends of students and teachers, the Sheikh and students of the Takiyya, and the reciters of the Qur'an as well as to pay for the different activities managed by the terms of the Waqf, and for the

upkeep of the buildings. However, the functions of the *Madrasa* seemed to grab more attention than those of the mosque, which may be referred to the fact that the Complex is very close to Al-Azhar Mosque. Accordingly, in the *Waqfiya*, Muhammad Bey defined stipends for 16 sheikhs, 18 assistants, and 164 students. They were distributed among three rites. Each sheikh, assistant, and student, irrespective of rite, received a daily stipend and an annual allotment of grain. The selection of student was according to specific criteria set by the founder himself in the *Waqfiya* in which he clarifies that they: "*…shall be religious and upright, chaste and competent. They shall have no families to divert them from the quest for knowledge and worship or to divert them from the benefits of their study.*" (Crecelius 1991)

Furthermore, overheads for the whole complex were carefully allocated. For instance, oil for the lamps, candles, glass, floor mats, chains, ropes and boxes, brooms and dusters were to be purchased by the *Mubashir* of the Waqf. There were even allocations for annual flushing of the sewer of the mosque and for the rental of ships that used to bring the needed grains to Cairo through the Nile from Southern cities of Egypt. After all expenditures, Surplus remaining from the revenues was to return to the founder during his lifetime, then to his freed slaves after his death. After the death of his slaves, two thirds of the surplus was to go to the blind residents living around Al-Azhar Mosque while the remaining one third was to go to the *Nazir* of the Waqf. (Crecelius 1991)

3.5 Reflections

After the previous discussion of eight different examples of Waqf endowed to maintain different buildings through more than 8 centuries, it might be important to shed light on some points in order to emphasize the philosophy of Waqf in heritage conservation from an operational perspective.

3.5.1 Diversity

Diversity is a key word in interpreting the previous examples. Diversity in scale, functions and beneficiaries is clearly noticed. For instance, some Waqf were dedicated to fund, mosques schools, hospitals, libraries as well as museum displays. Other Waqf were mainly based on revenues from agricultural lands while others based on revenues from real estates. Additionally, the scale and location of the building and of the endowed properties varied from massive buildings and extensive transnational properties to small buildings and compact properties such as the Waqf of Sultan Al-Nasser Hassan and that of Yusuf Agha Dar Al-Saada. Also, the same Waqf may target different social classes. For instance, in the Waqf of Abdul-Rahman Katkhuda, he endowed a rab' that served low class tenants, houses that served middle and upper middle class ones as well as a palace that served high ranks officials. On the other hand, he defined stipends for marginalized communities such as blind residents and psychiatric inmates. Even animals were included in the beneficiaries of Waqf through the dedication of some amounts to maintain drinking troughs. A last note here, the dedication of a building to be mono-function especially as a mosque is quite a rare case. The understanding of that fact might be a key factor in reinterpreting the re-use of mosques in the contemporary era.

3.5.2 Adaptability to Changes

Types of properties, the revenue-producing and the revenues-receiving ones, witnessed different variations through time. In early established Waqf, shops, residential facilities and agricultural lands formed the main parts of revenues-producing properties. Latter, new functions joined the revenue producing properties that reflect some social, economic and political changes. On the one hand coffee shops, primary industrial facilities and hotels were parts of revenue producing properties in some Waqf. On the other hand, the introduction of

Sabil-Kuttab as a free-standing building, not within a complex, in the revenue-receiving properties was a reaction to the scarcity of vacant lands in city center. This adaptability confirms the self adjusting nature of Waqf and its ability to cope with social and economic changes and brings forth the shortcomings in some arguments about the rigidity of the whole system.

3.5.3 Economic Dimension and Quality of Services

Although the main purpose of establishing a Waqf was charity in its broadest meaning, the influence of the economic dimension in the decision making was always present. The most obvious example was presented in the Waqf of Al-Ashraf Qunsuh Al-Ghuri in which he decided to decrease the size of his revenue-receiving complex, which delivers the charitable service, in favor of a revenue-producing activity. That decision, which balanced between the economic potential of a specific location and the charitable purpose, was taken to assure the sustainability of the function. Another example was in the Waqf of Al-Nasser Hassan in which the surplus of the revenues was dedicated first to keep a minimum amount as emergency margin then to buy new revenue-producing properties to maintain the function. Both examples favored the qualitative dimension in maintaining the quality of the function than increasing the area or the number of beneficiaries.

3.5.4 Micro-Management

Though the different examples, it might be obvious that each Waqf was managed according to its own rules set by its founder. This diversity opened the door for different levels of details in the management of each Waqf. Some founders offered some autonomy for the *Nazir* in the decision making. However, in general, there was a tendency towards a micro-management approach. For instance, some *Waqfiya* discussed detailed criteria for the selection of students as well as their evaluation. Others discussed detailed job

description for employees especially teachers. Furthermore, detailed amount were defined for different kinds of overheads such as lighting and cleaning. That tendency towards the micro management approach might be considered a double sided weapon. On the one hand, it might make the role of the manager and the observer, which is the Local Judge, easier. On the other hand, it decreased the adaptability to the different social and economic changes due to the "quasi-sacred" nature of the will of the founder. Accordingly, any change that contradicted with the original will of the founder needed a confirmation from the Judge.

3.5.5 Accumulation

The different examples reflect another mechanism through which the Waqf institution promoted the idea of perpetuity. It was common to fund the same building from different Waqf established in different eras. For instance, the Mosque of Ahmad Ibn Tulun was funded from its own revenue-producing properties after its foundation then from other Awqaf established four centuries later. The hospital of Qalawun also was renewed from different Waqf. However, Al-Azhar Mosque is the most obvious case of that mechanism not only through the historic endowments such as those during the *Mamluk* Dynasty and of Abdul-Rahman Katkhuda but also though the modern ones. By the mid 20th century, Al-Azhar received revenues from almost 200 different Waqf. (Ghanem 1998) Such mechanism, on the one hand sustained the buildings as well as the function for centuries. On the other hand, it adopted some solutions that may not be accepted according to the modern conservation values' perspective such as adding parts to the original fabric of the building. However, it still offers a general framework for the whole idea.

3.6 Conclusion

This chapter tried to shed light on the implementation of the principles of the Waqf institution in the management of heritage on the real ground through 8 centuries of the history of Cairo. It presented how that institution integrated the maintenance and upkeep of historic buildings in a comprehensive process that played a major role in affording the main services to all the citizens. Additionally, in some Waqf, amounts were dedicated to maintain public spaces. However, in most of the cases it was left to the common process adopted through the city which delivered the whole responsibility collectively to all the residents. Thus, each building in a Waqf, by default, had a direct responsibility towards its surrounding.

Additionally, the chapter discussed how the decision concerning establishing a new Waqf was shaped by many factors especially economic ones. This overview might bring forth some shortcomings about that traditional institution which has been widely promoted through the last century. For instance, although it initiated to meet the religious value of "lasting charity", it was managed according to the secular rules of the market. Additionally, it's not rigid since it affords mechanisms to be self-adjusted according to the changing social and economic conditions. Last but not least, the experience of the Waqf institution in Cairo was based according to its own values which should be analyzed within its time and cultural frames not according to the contemporary one.

CHAPTER IV

ERA OF WESTERNIZATION

(1798-1952)

This chapter discusses a very crucial period of the Egyptian history, it's the era known in the historic literature as "Era of Westernization". It's the era when the impact of the foreign influences mainly from Europe surpassed the "safe zone" and the idea of reintroducing the imported concepts within the local framework was gradually disappearing, in favor of radical shifts towards the implementation of the imported models as it was. Accordingly, the aim of this chapter is to define to what extent the field of urban heritage conservation was influenced by this movement of Westernization. Within this framework, this chapter discusses the second phase of managing heritage through which the management of historic buildings shifted to a more centralized and bureaucratic institution. It discusses the framework for the works of the "Committee for Conservation of Monuments of Arab Arts" and its contributions in the historic city as well as the main changes occurred in the traditional Waqf institution.

4.1 Overview of the 19th and Early 20th Century

This section sheds light on the main changes that took place in Egypt through the 19th century until the mid 20th century. Abu Lughod (1971) argues that, physically, Cairo had little changed through the first half of the 19th Century. The area of the city and its two ports in Boulaq and *Al-Fustat* kept the same in 1848 by the death of Muhammad Ali as they had been in 1798 before the French Expedition. She adds that the movement toward "modernization" or

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"Westernization" in Egypt didn't truly take place before the second half of the 19th century during the rule of Muhammad Ali's successors and especially Ismail Pasha. However, she emphasized the *germinal effects* of both the French Expedition and later of Muhammad Ali's rule in preparing the stage for the radical changes that shaped not only the development of city but the whole political and cultural life.

4.2 Phase One (1798-1854)

The first phase discusses the period between the arrival of the French Expedition in 1798 and the raise of Muhammad Saiid Pasha to power in Egypt in 1854. This phase didn't witness great Western impacts; however, it is quite crucial in the understanding of the main changes that took place later.

4.2.1 The French Expedition (1798-1801)

Although the French Expedition, led by Napoleon Bonaparte in 1798, lasted for only three years, it is considered a turning point in the Egyptian history. It represented the first wave of East-West conflict after the medieval Crusades. The French army faced a very strong resistance from the local population led by Al-Azhar scholars. However, the impact of the French Expedition on the cultural level was extensive taking into consideration the significant decline of Ottoman Empire by the end of the 18th century. The Expedition brought new inventions, implemented new administrative structures to govern the country and made a number of documentation works. However, the most important document it produced was "La Description de l'Egypte" which offered a detailed scientific description of ancient and modern Egypt as well as its natural history. (Fig. 17) (Raymond 2001)

Fig. 17 Cairo and its Surrounding in 1800
(Description de L'Egypte, Digital Collection, Plates Volumes, Etat Moderne I, Planche 15)

4.2.2 Muhammad Ali Pasha and the Modernization of Egypt

After the defeat of the French Expedition in 1801, Egypt witnessed a period of instability. The French cultural shock increased the Egyptian resistance against the traditional Ottoman Rule. In 1805, a revolt against the Ottoman governor led, again, by Al-Azhar's scholars pushed the Sultan in Istanbul to appoint an Albanian officer in the Ottoman army as a new governor for Egypt.

It was Muhammad Ali Pasha (1769-1848) who is considered the founder of modern Egypt. His dream was to reestablish the whole Ottoman Empire, not only Egypt, on modern basis. During his rule, Egypt leapt into the modern world to take its place on the political and economic stages. Ali was impressed by the European model on which he started to reform the political and administrative systems, to establish a modern army and to develop a new economy. Additionally, he sent waves of educational missions to Europe in order to support his modernization dream.[1] However, his ambitious character pushed the Western powers to consider him a threat and, thus, to cease his dream in 1840 by London Treaty which in fact not only isolated Egypt from the Ottoman Empire but it also led to an era of Egyptian dependency on the West. (Al-Bishry 2006) On the urban level, the French divided Cairo into 8 districts which continued under Muhammad Ali's rule. The traditional day-to-day approach in solving urban problems remained the same keeping a key role of districts' leaders which didn't create major changes on the traditional fabric of the city. (Fig. 18)

However, some minor changes took place in order to increase the role of the state in the city's administration. For instance, departments of building and civil engineering were established in 1829 and 1837 respectively in order to control construction activities. Those departments represented the new version for the role of the traditional *Muhtasib.* Additionally, by 1845, Cairo's Council of *Tanzim*, organization, enjoyed a brief period of activity in opening new streets as well as widening some old ones. (Raymond 2001)

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[1] Mohammad Ali was quite clear about what he needed exactly from Europe. For instance, his educational missions were mostly dedicated to study military and natural sciences which helped him, with the support of the returning students, in establishing the first technical schools in Egypt and in executing major projects of infrastructure. On the other hand, he didn't care a lot about sending missions to study social sciences or establishing a new educational system different than the traditional inherited one. This vision might reflect his willingness in reintroducing the Muslim culture and in filling the technical gaps between Egypt and the modern world without losing the Egyptian Muslim identity. (Al-Bishry 2006)
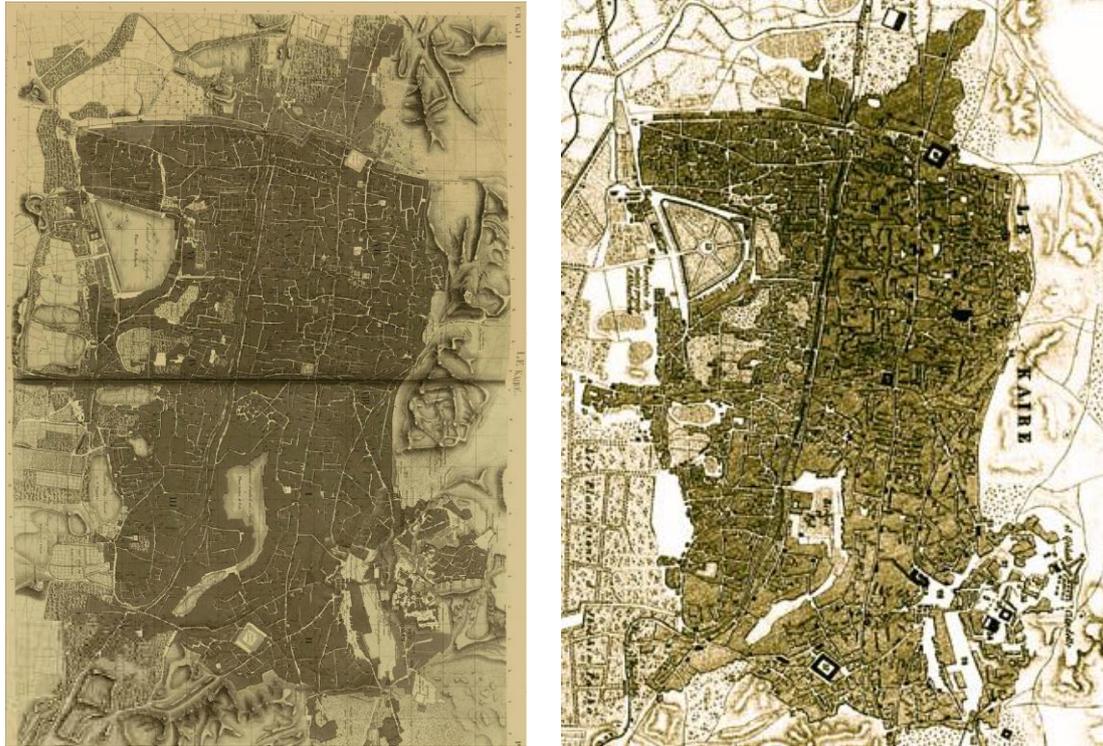
Fig. 18 Cairo in 1800 in "Description de L'Egypte" (Left). Cairo in 1846 by the End of Mohammad Ali's Rule (Right)
(Description de L'Egypte, Digital Collection, Plates Volumes, Etat Moderne I, Planche 26 - http://www.archcairo.org/icmcnet/images/MAPS/1847_cairo_down.jpg - 15-11-2011)

4.2.3 Waqf through Phase One (1798-1854)

The short stay of the French didn't have an impact on the Waqf institution. However, as a part of his will to establish a "modern state", Muhammad Ali sought to control all the resources the country. Waqf was a big challenge for him since 1/3 of agricultural lands were under the management of one Waqf or another. (Kadry 2006) Accordingly he adopted harsh policies in order to control as much as he could. For instance, he dedicated a lot of effort to trace legal shortcomings in old *Waqfiya* in order to confiscate the properties. Additionally, he created more taxes on Awqaf lands. He established in 1835 *Diwan Al-Awqaf,* Awqaf Assembly, with a main task of documentation and monitoring of all registered Awqaf in Egypt. Finally in 1846, he prohibited the establishment of new family Waqf. (Ghanem 1998) The last two actions didn't last for more than three years then they were abolished. However, it might be

important to shed light on two aspects. On the one hand, in order to implement those actions, Ali followed the traditional legal process defined according to the Islamic law which should be based on scholars' opinions, *fatwa*. Thus, he couldn't override the traditional legal framework. On the other hand, the establishment of the Awqaf Assembly, although dissolved three years later, left germinating seeds for the idea of centralizing the management of Awqaf under a public unit. The Assembly was reestablished in 1851 under Abbas I and kept evolving in an accumulative way until it was re-organized as a ministry in 1913 under the British rule.

4.2.4 Example: The Mosque of Muhammad Ali

The Mosque of Muhammad Ali might be considered the last "Muslim monument" built in Cairo. It was built in the Citadel quite isolated from the city. However, it's a Cairo landmark for its size, location and unique contribution to the city's skyline.[2] (Fig. 19) (Williams 2002 A)   The Mosque was completed during the time of Abbas I, Ali's grandson who made some endowments on the Mosque.[3] In *Waqfiya* of Abbas, it might be noticed the focus on keeping mainly the physical condition of the building, defining expenses of the overheads as well as keeping the main prayers and very little classes with small number of students. This might be referred to the remoteness of the Mosque from the city center and the special consideration of the whole Citadel as a royal seat that was not accessible to the public. Later, Saiid Pasha endowed some agricultural properties for almost the same purposes. (Mubarak 1888, Vol. V)

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[2] The Mosque might be considered a tangible representation of Mohammad Ali's philosophy in ruling Egypt. It followed the imperial Turkish style however with great Baroque influences and with no single trace of the previous *Mamluk* architectural vocabulary.

[3] Mubarak didn't mention if Mohammad Ali had made any endowments for the Mosque. However, the tradition was to make the endowment after the end of the construction. Since Ali died before it was completed, probably he didn't endow anything for the mosque.

Fig. 19 Mosque of Muhammad Ali in the Citadel
(http://archnet.org/library/images/one-image-large.jsp?location_id=3471&image_id=54169 – 15-11-2011)

4.3 Phase Two (1854-1952)

The second phase in the era of Westernization started when Muhammad Saiid Pasha took power till the Free Officers Movement in 1952. Through this period, both qualitative and quantitative changes took place in the relationship between Egypt and Europe. It witnessed an increasing phenomenon of imitation. Instead of filling the missing gaps by modern models, imitation of European styles spread through most of the aspects of life to reach the dress code and house design. Furthermore, educational missions in the second half of the 19th century were dedicated more to study social and humanistic sciences, instead of military and natural ones, which are based on secular ideas compared to the traditional inherited ones studied in the Egyptian schools.[4] (Al-Bishry 2006) This increasing domination of Western impact reached its peak during the British Colony that started in 1882.

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[4] Additionally, the travelling students were younger than those during Mohammad Ali's rule. Al-Bishry argues that the difference in age led to, after some historian, the "*foreigner disease*" in which students returning from Europe felt ashamed of their home culture and language. (Al-Bishry 2006)

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4.3.1 Cairo of Ismail Pasha: "Paris de l'Orient"

Ismail Pasha (1863-1879) was the first ruler to make an overall plan for the city's development. Impressed by the Haussmannian intervention in Paris, his idea was to create what he called *Paris de l'Orient* or Paris of the East. Accordingly, he established a Ministry of Public Works to manges his urban ambitions. Foreign companies, mainly French, were invited to participate in the new project. The target urban product was predefined according to a spatial organization in which the street network dominated the morphology based on a grid and knowledge of the structures to be built. (Fig. 20) This new approach for urban design favored perspective and spatial alignment and promoted a new type of architecture that follows the classic styles hosting standard apartments. (Raymond 2001)
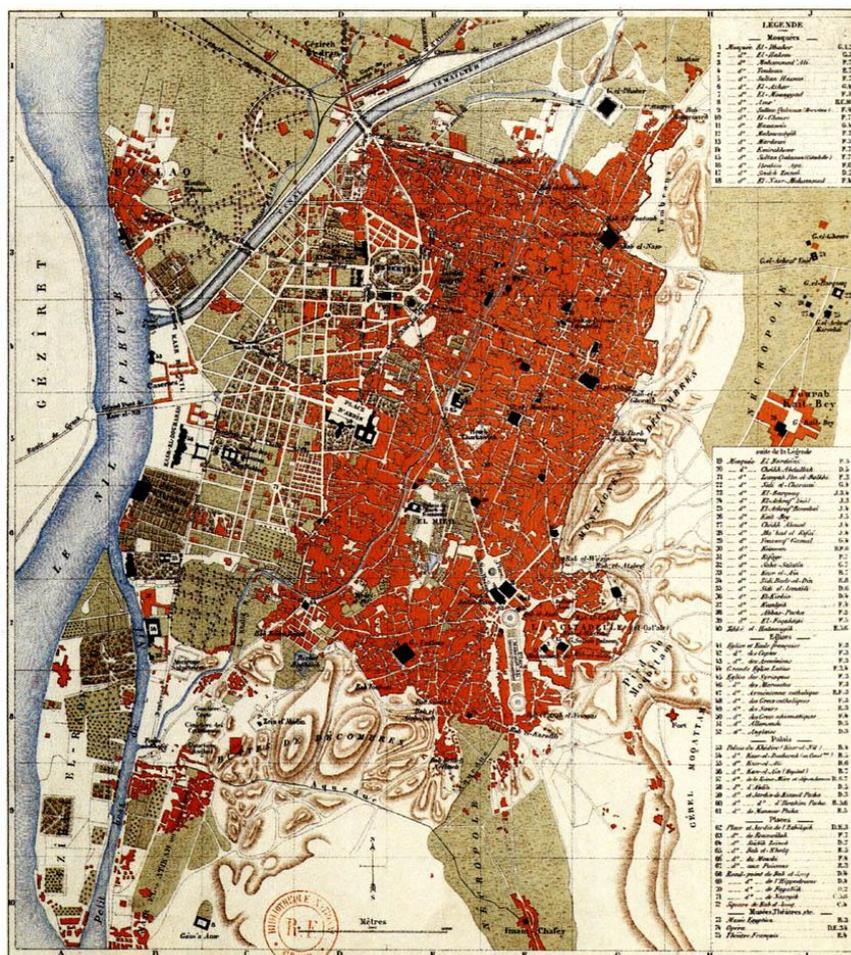
Fig. 20 Cairo in 1888 with the European District to the West of the Historic City
(http://www.archcairo.org/icmcnet/images/MAPS/1888_cairo_down.jpg - 15-11-2011)

It might be obvious that this model is radically different than the traditional model according to which the city grew since its foundation both physically in terms of urban morphology and institutionally in terms of responsibility of the decision making. Anyway, Ismail Pasha was very realistic about the location of the new city, so he didn't invest a lot in reforming the traditional one instead; he chose the Western edge of the old city but still on the Nile's Eastern bank. However, some new street penetrated within the traditional fabric to ease the access to some strategic locations such as the Citadel. Through the Colonial period, the old city was more or less abandoned with partial water supply, insufficient sewage system, neglected streets and disorganized waste management. Accordingly, the old city sacrificed population in favor of the European part. For instance, between 1897 an 1937, the old city lost 40% of its population. (Abu Lughod 1971; Raymond 2001)

4.3.2 Waqf through Phase Two (1854-1952)

The management of Waqf institution started to witness major changes after the establishment of Awqaf Assembly as a permanent central unit. However, until 1863, its main task was to document and to monitor individual Waqf. In 1863, Khedive Ismail, based on a *fatwa,* decided to deliver the management of the properties of abandoned Waqf, family Waqf without beneficiaries and Waqf without an appointed *Nazir* to Awqaf Assembly. Through time, extensive properties started to shift to the management of that Assembly especially those of previous rulers as well as new ones according to the will of the founders after their death.

That was the first time that Waqf was managed, not monitored, by a central governmental unit. Additionally, most of historic Waqf, which were later considered monuments, shifted to the management of the government instead of the independent managers. However, all those decisions were still respecting

the overall traditional legal framework based on Islamic law. Later, another major reform took place according to which all revenues are collected in one budget and then redistributed, however, according to the will of the founders. With some exceptions[5], through the second phase, the management of Waqf evolved and was integrated slowly in the bureaucratic structure either following the will of the ruler in establishing a "modern state" or in following the precise Colonial plan to control all the resources of the country. Waqf institution reached its final destination as a Ministry in 1913 under the full control of the government, however with an independent budget.[6] (Ghanem 1998)

Accordingly, by 1913, the management of Waqf lost its traditional decentralized and independent model, since the management shifted to the Assembly, later Ministry, and the revenues of the different Waqf were merged in one budget. However, there was still some of the essence of the old system since the establishment of new Waqf was allowed following the traditional way without control, except of documentation and monitoring, from the Ministry.

4.4 The Comité de Conservation des Monuments de l'Art Arabe

In 1858 Saiid Pasha approved the creation of the Antiquities Services to prevent the continuing illegal trade in ancient Egyptian artifacts, and appointed a French scholar as director. This new governmental unit was responsible for

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[5] In 1895, Khedive Abbas II, who was known as a nationalist, issued a decree stated that each Waqf should be managed by its own revenues which was considered a first step to re-establish the traditional philosophy of Waqf through independence and decentralization , however, this decree was cancelled a year later.

[6] Ghanem (1998) argues that it was the British will to take that step since the first days of their invasion to Egypt in 1882; however it was postponed for almost 30 years because of the direct relation between Waqf and religion. So they learned from the mistakes of Napoleon Expedition to try to avoid clashes with religious beliefs until they could take such step in the right moment.

carrying out excavations, approving and supervising archaeological missions. Thus, it was essentially concerned with ancient Egyptian monuments; however, it was the first official step towards dealing with heritage on a national level, the idea promoted in Europe during the same period.

However, in 1881, few months before the British invasion in Egypt, a new approach for the conservation of the legacy of the different Muslim Dynasties was being introduced in Egypt. This section goes deeply in studying this new institution: the *Comité*. It discusses its history, philosophy, a sample of its work as well as two main criticisms for its activities.

4.4.1 Establishment, Organization and Evolution

In December 1881, the Egyptian ruler, Khedive Muhammad Tawfik, issued a Khedival Decree, establishing a committee responsible for the conservation of Arab monuments in Egypt. The *Comité de Conservation des Monuments de l'Art Arabe* was established under the auspices of the Minister of Awqaf[7], as a consulting unit for the existing Technical Bureau of the Awqaf as well as other public and private bodies that owned and/or managed historic properties. Its main task was to advise those bodies on how to manage their conservation activities.

According to this Decree, the *Comité* had four main tasks. First, it had to produce a comprehensive survey for the old Arab monuments that represent aesthetic or historic value. Secondly, it had to monitor the conditions of the monuments and report to the Ministry of Awqaf the needed repairs according to their priority. Thirdly, it had to study and approve the projects and technical drawings for the needed repairs and to guarantee its strict execution. The last

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[7] A Ministry for Awqaf was first established in 1878. Then, in 1884 it returned to be "Awqaf Assembly" as a separate administration under the auspices of the Khedive's office. Finally, it was reestablished as a Ministry again in 1913.

task was to preserve all the documents of the executed works in the archives of Ministry of Awqaf after declaring the objects that needed to be transferred to the Islamic Museum. (Khedival Decree in *Comité* Bulletin 1882-3)

Based on that mission, two main commissions were established within the *Comité*, each with a clearly defined role. The First Commission was responsible of completing a detailed survey of all Arab monuments in Egypt, and to define the monuments in need of urgent intervention. It took the First Commission almost 15 years to accomplish its task. Hence, in 1897 its members were included in the main structure of the institution. The Second Commission, which was mainly a technical one, would then recommend particular sets of action. Within this Commission, decisions were based on the actual conditions of monuments and its architectural or artistic value. Additionally, this commission was responsible of the selection of objects that would be placed in the Museum of Islamic Art. (*Comité* Bulletin 1882-3)

However, in 1890, a Drawing Bureau was established within the *Comité* which started to take some tasks of the Awqaf Technical Bureau, which was responsible for producing the needed drawings and the execution of the needed works, especially in producing architectural drawings for the plans of the listed buildings. In 1915, the *Comité* was subdivided into two separate administrations: on the one hand an administration was dedicated for the management of the Arab Art Museum, later Islamic Art, and excavation activities. On the other hand, another administration was responsible for the conservation works. In 1936, with the increasing waves of nationalization, a law decreed that the state was not to employ foreigners if an Egyptian was available with equivalent skills. Since the Ministry of Awqaf's administration was all based on Islamic law, foreigners, including experts of the *Comité*, didn't have a reasonable role within its structure. Accordingly, both administrations were transferred from Ministry of Awqaf to the Ministry of

Education where the highest number of foreigners within the state officials was still permitted. Finally in 1953, the *Comité* was merged along with all units related to heritage such as the Egyptian Museum and the Coptic Museum and the Egyptian Antiquities Services under one big Institution: Antiquities Services. (El-Habashi 2001)

4.4.2 Framework of the *Comité'*s Activities

Through its lifetime from 1881 until 1953, it might be argued that The *Comité de Conservation des Monuments de l'Art Arabe* adopted the same mainstream for conservation of monuments. However, this mainstream was always accompanied by some, qualitatively; different approaches according to the philosophy and personnel preferences of the four foreign Heads of the Technical Commission in the *Comité*'s history.[8] In turn, an overview of the mainstream philosophy of the *Comité* is discussed as well as some of the qualitative contributions of the different Heads of Technical Commission and the overall legal framework that organized its interventions.

4.4.2.1   Mainstream Philosophy: Order   and Symmetry

The unsymmetrical plans and masses of the Muslim architecture in general as well as the setting of those buildings within their context of narrow alleys and streets had been major factors for the dissatisfaction of the *Comité* especially in its early days. Accordingly, the *Comité* adopted a philosophy of *order and symmetry* which was based on adjusting the context by eliminating unfamiliar environment. Accordingly, large scale expropriation took place of what was considered then "*parasite structures*" from within and from around the selected monuments. This activity of expropriation of those structures to create the

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[8] German: Julius Franz (1881-188), Austrian: Max Herz (1888-1914), Italian: Achille Patricolo (1914-1923) and French: Edmond Pauty (1929-1953). The position of the Head of the Technical Commission was filled by an Egyptian between 1923-1929. However, this situation didn't last for a long time and a French expert architect, Edmond Pauty, joined this position in 1929.

"ordered" setting was the mainstream and the common activity done by the *Comité* through its history in Egypt. Even though, in periods when the *Comité* suffered from scarcity of financial resources needed for conservation, the only activity that was executed was the removal of those structures. This approach had shown what was hidden behind the several layers added through the history of the building to focus on what the *Comité* considered "authentic". (Fig. 21)
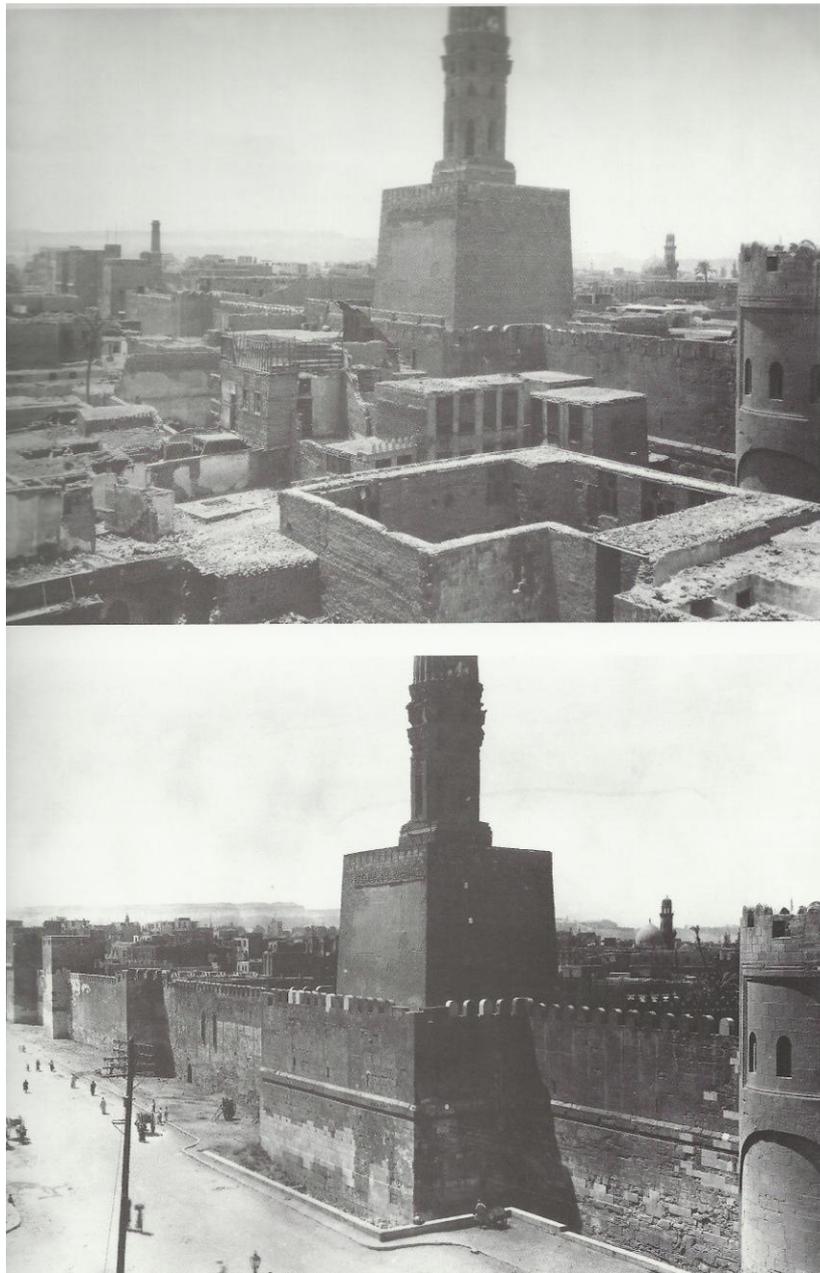
Fig. 21 Some Parasite Structures before and after Removals of the Comité in 1940's
(Warner 2005)

Accordingly, some monuments were restored according to some orders and within specific settings which had never been there before. However, that philosophy might be inspired by Le-Duc's Stylistic Restoration approach since it brings back the monument to a specific moment in its history and detaches some of the accumulative layers that might be evidences of some historic phases under the pretext of being "parasite". (El-Habashi 2001) [9]

4.4.2.2   Individual Contributions

Each of the Head's of the Technical Commission had, or tried to have, some prints on the works of the Comité. For instance, since its establishment, the *Comité* actions were limited to survey, advise, supervise, observe, study, approve, assure and to report. Thus, it didn't have any right for execution. However, it was Achille Patricolo, the third Head of the Technical Commission, who introduced the executive role for the *Comité* through establishing a special team of talented workers he selected personally based on his previous experience in the Awqaf Drawing Bureau. (El-Habashi 2001)

On the other hand, Edmund Pauty, the fourth Head of the Technical Commission, tried to introduce a new concept to the knowledge and practice of the *Comité*. In 1931, Pauty wrote in the "*Bulltin de l'Institut Français d'Archeologie Orientale du Caire*" that the main historic monument in Cairo that needed to be protected is the historic city in its entirety. (Pauty in Sanders 2008) This idea, on the one hand, might represent the first call for an approach that saves the whole historic city and its monuments fifty years before its inscription, as a city, in the World Heritage List and the first comprehensive conservation plan prepared by UNESCO in 1980. On the other hand, it should be considered within the international context of the time characterized by a growing interest in the reconstruction of cities, and accordingly preservation, after the massive destruction of the WWI. This interest produced the first

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[9] In 1888, the *Comité*'s scope was widened to include Coptic churches

international Charter on conservation in Athens in 1931, the same year Pauty called for his idea. Accordingly, it might be argued that although the philosophy of the *Comité* was obviously different than the traditional Waqf, it followed the latest updates concerning conservation issues in the West.

However, Pauty's idea didn't get enough attention and support and the *Comité* continued its mainstream philosophy in clearing the parasite structures from within and from around listed buildings that spread heavily through the 1940's.

4.4.2.3   Legal Framework: Law 8/ 1918 for the Protection of Arab Monuments

The activities of the Comité took place within a defined legal framework based on law that had been postponed for almost a decade due World War I. However, in 1918, the first Law for the protection of monuments of Arab era was issued.[10]. The first article of this law defines a monument of the Arab era as:

> *"Aux effet de l'application de la présente loi, est considéré monument de l'époque arabe tout immeuble ou objet mobilier remontant a la période comprise entre la conquête de l'Egypte par les arabe et la mort de Méhémet Ali, et qui présente une valeur artistique, historique ou archéologique, en tant que manifestation, soit de la civilisation musulmane, soit des différentes civilisations méditerranéennes ayant avec l'Egypte un rapport historique.*
> *Les dispositions de la présente loi s'étendent également aux couvents et église coptes datant origines du christianisme jusqu'à la mort de Méhémet Ali, qui presente une valeur artistique, historique ou archéologique et qui sont encore habites ou affectes au culte."[11]* (Comité Bulletin Comité Bulletin 1915-1919 Vol I: 244)

This Law had organized the responsibilities of the different stakeholders as well as penalties in case of abuse. It didn't go into details about the activities to

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[10] In 1912, another law was issued but was dedicated latter for ancient Egyptian monuments.

[11] French and Arabic were the official languages of the Comité's documents.

be done for the "*protection*" of monuments and left it to be defined, exclusively, by the *Comité*; however, the significance of this law might be defined in two main aspects.

On the one hand, it shows that Egypt was keen to have its own legal and administrative structures since the early days of establishment of the whole new discipline of conservation. Those structures tried to follow the "latest" achievements of the time through delivering the technical responsibility to foreign experts working for the *Comité*. On the other hand, the law didn't neglect the role of the Ministry of Awqaf as the main and only actor in conservation of "*Arab monuments*". Both aspects show that during this era, there had been a tendency towards creating a compromised model that integrates what was considered "modern" sciences and knowledge within the traditional framework.

4.4.3 Waqf and the *Comité*

Since its establishment in 1881, the *Comité* was founded under the auspices of the Ministry of Awqaf on which it was financially dependent. However, through time, conflicts started to rise between the *Comité* and the Awqaf administration because most of the funds allocated by Awqaf were dedicated to the expropriation of "*parasite structures*" which were mostly, designated as Waqf. This expropriation had a double negative impact on Awqaf. It had to compensate the owners on the one hand and it lost the annual revenues from those structures on the other.

In 1895, another Khedival Decree stated that each Waqf should be managed by its own revenues. On the one hand, that Decree was considered a first step to re-establish the traditional philosophy of Waqf through independence and decentralization. On the other hand, for the *Comité*, it was a step backward because it had to adjust the expenditure for the conservation of each monument

only out of its own revenues. However, a year later, due to the accumulated public debts, financial consultants proposed to re-unify all revenues of Awqaf in a centralized budget. This decision deactivated the former one which brought back some flexibility in directing its allocated money, however, only 15% of the total budget was reserved to maintain the functions of the buildings.

The transfer of the *Comité* from the auspices of Awqaf Ministry to the Ministry of Education in 1936 might be considered a turning point in the history of the *Comité* and the conservation of Arab monuments since for the first time in 13 centuries; the historic buildings were detached from the Waqf institution to another one. In consequence, the Ministry of Awqaf discontinued sponsoring the *Comité* and confirmed that it had all the rights to manage the buildings and afford their function. On the other hand, the *Comité* claimed authority over the buildings of which it was legally responsible to physically conserve. Until it was dissolved in 1953, the *Comité* suffered from a financial crisis that decreased its work just to maintenance, rather than conservation and restoration except some comprehensive works that took place based on special credits. (El-Habashi 2001)

4.4.4 The Works of the *Comité:* The Mosque of Al-Salih Tala'i

Through its history, the Comité has executed a lot of projects. Its prints can be traced in most of the "Arab Monuments" in Cairo. However, as previously discussed, it adopted almost the same approach based on creating the "order and symmetry" and brought the building to what was considered its original fabric. Accordingly, a single case might be enough to shed light on its implementation. However, in order to maximize the benefit of that case and to relate it to the previous chapter, the study of the example of the Mosque of Al-Salih Tala'i' followed two main steps. First, the philosophy and intervention of

the Waqf in maintaining the building is introduced. Then, the contribution of the *Comité* is discussed. That approach in discussing the work of the *Comité* is adopted to bring forth its main ideological differences with the Waqf institution.

4.4.4.1 Waqf and the Mosque of Al-Salih Tala'i'

The Mosque of Al-Salih Tala'i', is just few steps out of the Southern gate of Cairo, Bab Zuwayla. It's named after the *Wazir,* Minister, of the Fatimid Caliph *Al-Fa'iz* who built it in 1160. Architecturally, the Mosque got its importance for two main reasons. On the one hand, it was the last mosque built in Cairo during the Fatimid Dynasty. On the other hand it was the first of a type called hanging or suspended mosques. In this type, the mosque is built above rows of shops at the street level. There are no clear information about the endowments made for that mosque except the revenues of about 20 shops on the ground floor level. It had been subject to some modifications and beautifications during the *Mamluk* Dynasty by the end of the 13th century however; it suffered from several damages, especially due to an earthquake in 1303 due to which it lost its original minaret. (Williams 2002 A)

Since then the Mosque suffered neglect, however, its Waqf was re-instituted during the early Ottoman rule through selling and/or renting some parts of it in order to keep its functions. The new revenues' cycle permitted the reconstruction of the minaret in an Ottoman pencil shape one. However, due to the different phases of damages and repairs and the general decline of the socio-economic conditions in the late Ottoman rule in Egypt, the Mosque, by the late 19th century, lost most of its original look. For instance, the ground floor level was buried due to the constant rising street level. Additionally, the facades were demolished and replaced by encroaching buildings. (El-Habashi 2001) Although it lost its historic look, according to Mubarak, it succeeded in keeping its minimal function as a place of worship with very little educational

activities from the existing endowments by the late 19th century. (Mubarak 1888, Vol. V) In 1883, the Mosque was included in the *Comité's* first list of monuments.

4.4.4.2   Intervention of the *Comité*

After its inscription in the 1883 list, no real intervention took place except small repairs until Herz took the leadership of the Technical Section in 1888. He recognized the importance of the Mosque and according to his criteria in distinguishing between what to conserve and what to restore, Al-Salih Tala'i' was a candidate for conservation. However, excavations showed that very few historic remains would result from the removal of the "*parasite structures*" which shifted the nature of intervention to a complete restoration. Finally, the Mosque was left without major interventions except a plan prepared by the Technical Section of the existing ground floor showing all the encroachments around it. Under Patricolo's leadership, removal of the "*parasite structures*" took place. In 1925, the first radical decision concerning the mosque was taken. This decision was to demolish the Ottoman minaret because the *Comité* considered it unauthentic and out of style.

Later, a proposal for the construction of a "new" minaret on the "original" Fatimid style was proposed but it faced opposition of the *Comité*'s member. This decision kept Mosque up till now without a minaret. However, a full restoration project, which lasted for 20 years, was launched in order to reconstruct the missing *riwaq*[12] with the main goal to bring the Mosque to its original Fatimid look. Based on the availability of fragmented archeological information about the original look of the Mosque, the *Comité* followed the more conservative of two proposed schemes that followed the prototype of the Fatimid mosques which should include four *riwaqs* while the other scheme

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[12] An arcaded aisle hall that surrounds a open court. Aisles are usually equal in three sides and wider in the qibla direction.

argued the existence of only three in this mosque. Missing elements were usually selected from the relevant catalogue produced by the *Comité*, in this case is the Fatimid one, according to the consensus of its members. (Fig. 22) (El-Habashi 2001)
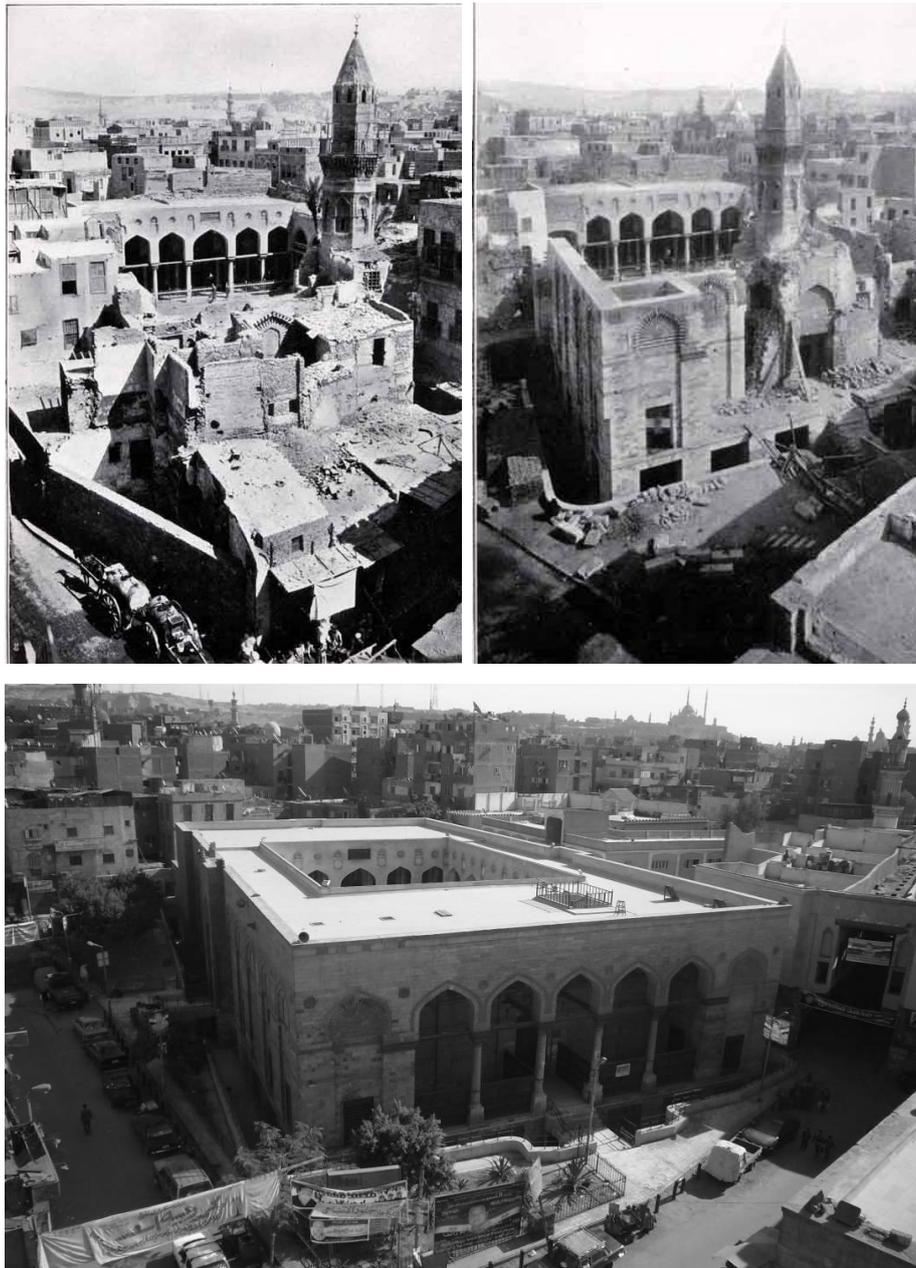
Fig. 22 Mosque of Al-Salih Talai'i before and through the Restoration Process in the Early 20th Century and the Contemporary Situation (Comité Bulletin 1915-1919 Vol. II Plates 23/28 - The Author)

4.4.5 Local Criticism for the Works of the *Comité*

Since the establishment of *Antiquities Services* in the 1850's and the *Comité* in 1881, the upper hand in the decision making concerning heritage conservation in Egypt was kept to Europeans; however, Egyptians had their own point of view. In this section, a brief overview of two main criticisms for the work of the *Comité* is discussed. Both critics are Egyptians who witnessed the works of the *Comité*; however, they represent different educational and professional backgrounds.

4.4.5.1   Criticism of Muhammad Abdu

Muhammad Abdu (1849-1905) is a very influential religious reformer in Egypt during the late 19th and early 20th century. He passed through all the traditional educational phases from the *Kuttab* of his little village to Al-Azhar in Cairo. His ideas and opinions had a great impact on the way Muslims recognize their religion in that period dominated by Western ideologies, that's why he was harshly criticized by his contemporary counterparts of Al-Azhar scholars. His main concern was about the crucial need for the reform of the traditional educational system through including other natural sciences beside theology. In 1900, he founded an association for the "*revitalization of Arab sciences*" which was his portal to the field cultural heritage through publishing several works.

In general, he was farsighted in shedding light on one of the everlasting problems of heritage conservation which is the relation between the historic buildings and the local community. Abdu recognized and appreciated the works of the *Comité* in protecting the physical look of the mosques; however, he criticized its orientation towards foreign audiences instead of the local residents. Muhammad Abdu's approach for conservation of historic mosques was contradicting with the *Comité's* one which, for him, didn't care enough for the function of the buildings. His approach was a part of his comprehensive

programme for social and religious reform that intended mainly to reform administrative and financial institutions and employees who were qualified to make mosques adequate places of religious and educational activities for the local community. (Sanders 2009) For Abdu, this should be achieved through building the capacity of the Imams who lead the prayers which would create a direct impact on the local community. He quoted:

> *"The Muslims' Awqaf are developing and their revenues are growing, whereas the Muslims' mosques are in physical and sentimental disrepair. Exceptions are those mosques whose walls are preserved and whose ceilings are decorated by the Comité so that foreign tourists, who like to learn about ancient buildings, would be pleased seeing them. Meanwhile, the salaries of the mosques; speakers and the prayers' leaders remain stagnant from a century or even centuries ago…, meanwhile helping and sponsoring scientists and religious leaders are the most preferable targets upon which charitable Waqf were founded"*
> (Abdu in El-Habashi 2001: 311)

He believed that the reform of traditional education was to be achieved through the reorganization of mosques and Awqaf. However, those goals are hardly achievable as long as the resources available in Awqaf are dedicated mainly to physical repairs.

4.4.5.2   Criticism of Ali Pasha Mubarak

Ali Pasha Mubarak (1823-1893) is another example of the most influential reformers in Egypt at the end of the 19th century. He is known for his contribution in the construction of Khedival Cairo and for the founding of Egypt's modern educational system. In 1882, being the Minister of Public Works, he was appointed as a member in the *Comité*. However, the case of Mubarak is very interesting from another perspective. Being a French-educated engineer and responsible for "modernizing" Cairo on the Parisian model, Mubarak might be considered a promoter of Westernization and European

ideologies. However, this consideration needs an in depth look. He was against the absolute concept of conservation although it was purely European.

He believed that there was no need for so many unused monuments, thus it would be enough to preserve only a sample of each type. He saw in the historic buildings moral lessons to inspire Egyptians to produce monuments for their own time. Accordingly, the real efforts should be dedicated to the documentation of the true history of all the buildings so that the morality beyond its foundation could be understood and could work as vehicle for actions in the present and the future. (Sanders 2009) On the other hand, the conservation of each single historic building, which is the *Comité*'s approach, was impeding his plans of modernizing the city for instance through enlarging streets to facilitate the traffic. As a member, he tried to convince the *Comité* with his ideas, but he was faced by total rejection which led him to resign after only three meetings. (El-Habashi 2001)

A superficial analysis of Ali Mubarak's vision might consider it a dogmatic one; however, his ideas might reflect an understanding of the meaning of the historic building for the local community, especially, because some of the buildings considered monuments by the *Comité* at that period were still in use.

In conclusion, the history of Muhammad Abdu and Ali Mubarak is full of disagreements concerning the way the reform should take place, even in the field of heritage conservation they didn't agree on the same tool. However, both adopted the same value in setting their criteria for heritage conservation. Both visions' saw what is beyond the physical look of the buildings. On the one hand, Muhammad Abdu's perspective was concerned with repairing the performance of the function of the buildings before the physical look. On the other hand, Ali Mubarak's perspective was concerned with the moral lessons to

be understood from the history of those buildings. Additionally, both perspectives reflected the deeply socially oriented doctrine of utility.

4.5 Reflections

After the previous presentation of the era of Westernization in Egypt and its impact of heritage conservation, it might be important to shed light on some main points. First, by the end of the 19th century, the traditional model of managing Waqf had evidently changed. The management then was centralized in the hands of Awqaf Assembly, and latter Ministry, with a unified budget. This new model, beside the centralization of management, placed the supervision and monitoring of the traditional Waqf in the hands of the government not the juridical system as it worked for centuries, thus it decreased the degree of independence.

Secondly, the new setting kept the comprehensive vision in dealing with the historic city, however, on a different scale. Most of historic Waqf shifted to the management of the Assembly, thus, historic buildings were managed and maintained from the revenues of properties within the historic city and elsewhere which kept the interdependence between listed and unlisted buildings as well as socio-economic activities. However, the management was more centralized since it took place by one big actor that collected the revenues and redistributed it. Additionally, the establishment of the Ministry of Public Works and the increasing role of municipalities decreased the direct responsibility towards the public spaces. Accordingly, comprehensiveness was not achieved any more by the collective impact of different Waqf spread all over the city; instead, it shifted to a more centralized top down approach.

Thirdly, the new institutional setting, after the establishment of the *Comité*, might be considered a model of reform of the traditional Waqf institution in order to cope with the changing situations. Through that period dominated with Western ideas, the historic and aesthetic values of "monuments" increased; accordingly the need to protect it got a priority on public agenda. This need resulted in creating an expert unit concerned with technical conservation, however, within the structure of the traditional institution, which was itself subject for major reforms. The aim of that unit was to fill what was lacking in the traditional model at least from the perspective of the decision makers.

Fourthly, the activities of the *Comité* were generally sponsored from the revenues of Waqf properties. However, the dedication of most of the funds to the restoration of the buildings instead of maintaining its function and the service it delivered for the community was totally different than the traditional approach of Waqf. This new "stylistic" approach adopted by the *Comité*, although is understood within its historic context in Europe, affected the bonds between the local community and their heritage.

Finally, the philosophy of the *Comité* in removing what it considered "*parasite structures*" created new alien settings to the morphology of the historic Muslim City. This philosophy, inspired by its contemporary European planning codes, led to the creation of European Piazzas in front of the monuments that replaced the traditional deep integration of the buildings within the urban fabric.

4.6 Conclusion

This chapter discusses the second phase of the evolution of heritage conservation in Cairo. This phase was clearly dominated by Western ideas brought to Egypt through the movements of Westernization that started by the

French Expedition in 1798 and reached its peak in the second half of the 19th century which later led to the British Colonial period. The chapter discusses two main phases the first from 1798 until 1854 while the second phase lasted until 1952. Within each phase an overview of political conditions is discussed with a focus on the situation of Waqf during that phase. The second section discusses heritage conservation during that era focusing on the *Comité de Conservation des Monuments de l'Art Arabe*: its establishment, evolution, philosophy, relation with Waqf and an example of its intervention. Last but not least, two local criticisms for the work of the *Comité* are discussed. In general, in might be argued that until the end of the second phase, Waqf was still the main player in heritage conservation; however, it was not representing any more the extremely decentralized model of management it had previously enjoyed.

CHAPER V

POST-COLONIAL ERA

(AFTER 1952)

This chapter represents the last phase of the evolution of the conservation of Muslim heritage in the Post-Colonial era. That period witnessed the most radical changes in the history of the Waqf institution since it was first established in Egypt in the 7th century. Additionally, this era witnessed the rise of other actors from cultural and planning backgrounds. It starts with an overview on the main political changes in Egypt after World War II. Then it traces the legal and institutional changes as well as some practices that reshaped the field of heritage conservation and its impact on the historic city through three main phases. Finally, it discusses some reflections about the overall changes.

5.1 Overview of Political Changes

By the end of the 1940's, when the political arena was being reshaped after the WWII, Egypt was also facing real challenges internally and externally. The establishment of the state of Israel on the Palestinian territory and the Egyptian military defeat in the war of 1948 created a very critical situation especially in the army. [1] Consequently, on the 23rd of July 1952, a military movement, called the Free Officers Movement, led by General Naguib and Colonel Nasser forced King Farouk I to step down putting an end to 150 years of the monarchy of Muhammad Ali's Family. Additionally, the Movement started the

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[1]Arabic literature about that defeat had always referred to corruption and conspiracy of the ruling class.

negotiations for the evacuation of the British forces from Egypt ending 72 years of British colonization. (Naguib 1984)

After an unstable couple of years, the situation ended in 1954 with Nasser in power.[2]   Nasser's rule (1954-1970) was one of the most controversial periods in the modern Egyptian history. On the national level, he established a highly bureaucratized system that dominates all the authorities and resources of the state following the Socialist model. Accordingly, municipal services were centralized; concessionary companies and public utilities such as water and transportation were nationalized, rents were freezed and the government played the major role in the execution of industrial and public housing projects. (Raymond 2001) On The international level, he supported liberation movements and activated the idea of Arab Nationalism especially against the Colonial powers which led to the Suez War in 1956, the sovereign union between Egypt and Syria in 1958, the contribution in North Yemen Civil War in 1962 and last but not least one of the worst defeats in the Egyptian history in 1967. (Heikal 1999)

After Nasser's death, Sadat, his successor who was alo a member in the Free Officers Movement, adopted extremely different policies that started with purging Nasser's men in 1971 through what he called "*The Corrective Revolution*". After the war in 1973, Sadat got more confidence and started a new political and economic era in Egypt adopting pro-US and liberal ideas instead of the pro-Soviet and Socialist ones. After Sadat assassination in 1981,

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[2] Until 1952, there had been three main political powers in Egypt: The King, the British, and the parties that were creating the government after the elections. Through 1952-1954, the Free Officers Movement put an end to three of them through the King's departure to exile and the declaration of the Republic, dissolving existing parties and the evacuation of the British forces. Those changes created a situation of instability and conflicts especially concerning the future of the state. On the one hand, internal conflicts between the members themselves started concerning the expected role of the army. On the other hand, conflicts started to come to the surface between the Movement and the different political powers especially after the dissolve of all existing parties. Those conflicts reached an end in 1954 with Nasser in power and Naguib and most of the opposition in house arrest. Although one of the main goals of the Movement was to establish democracy, it prepared the ground for six decades of authoritarian rule in Egypt. (Al-Bishry 1987)

Mubarak, another army leader, came to power. Through the previously discussed political changes in Egypt since 1952, the conservation of heritage has passed through three main phases that will be discussed in turn.

5.2 Phase One (1952-1971)

The general public policies and the different institutional structures after the Free Officers Movement and during Nasser's rule followed the same pattern in almost all the fields. It was a centralization project of the state to consolidate power and to control the whole society through centralizing all the bodies working in common fields together under the direct auspices of the state. It was in that period that the first real detachment[3] between Awqaf and historic buildings took place.

5.2.1 Awqaf and Socialist Regime

The period 1952-1971 witnessed the harshest decisions against Awqaf in its history which led to, almost, a total collapse. Pioppi (2004) defines two waves of public policies that led to the collapse of the Waqf institution in Egypt. First, as part of the policies of agrarian reform[4] in 1952, all family Waqf was abolished and the establishment of new ones was prohibited.[5] Then in 1953, all charitable Waqf, which were managed independently, were transferred to the

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[3] As mentioned in the previous chapter, in 1936 the Comité de Conservation des Monuments de L'Art Arabe shifted to the Ministry of Education which might be considered a detachment from Awqaf. However, the impact of that decision was mainly on the Comité because the Ministry of Awqaf kept all the properties in its hands and refused to fund the Comité's works after that which decreased its efforts and contributions. At that time the Comité was mainly responsible for the technical restoration.

[4] Through the 1950's and 60's, policies of agrarian reform were adopted by the government to fill the gaps of social justice through defining a limit for land ownership which was first 200 feddans then decreased to 100 and finally 50 feddans. Confiscated lands were then distributed on small farmers.

[5] In 1952, about half million feddans of agricultural lands belonged to family and joint Waqf. (Ghanem 1998)

auspices of the Ministry of Awqaf which put an end to any role of the independent management of the *Nazir*. Additionally, the Minister of Awqaf was granted the authority to allocate the revenues of any charitable Waqf or part of it to purposes that are believed to be "more useful" than the ones defined by the founders in the original *Waqfiya*. This optional authority has changed later to be mandatory for allocating all the revenues from all charitable Awqaf to, exclusively, two broad purposes which are spreading Islamic religion on local and international levels as well as charitable purposes in general. (Ghanem 1998)

The second wave was more radical following the Socialist regime model. On the one hand, by the end of the 1950's and through the 1960's, all the Awqaf agricultural lands, even of charitable ones, were transferred to the Agrarian Reform Organization in order to be distributed to small farmers using the *Istibdal* process exchanging them with government bonds that equaled the price of the lands. However, those bonds were to be paid to the public treasury on 30 years installments, not to the Ministry of Awqaf, who should invest them in "national economic development projects" and pay a yearly profit, of which the rate is defined by the President of the Republic each year, to the Ministry of Awqaf.

In other words, the agricultural lands of Awqaf were sold to the Agrarian Reform Organization and the price was paid to the public treasury which gave a yearly profit to Awqaf. Furthermore, all the lands were transferred to the Agrarian Reform Organization according to this *Istibdal* agreement by 1960, while the price of the lands was not defined and the bonds were not delivered until 1970. On the other hand, all schools, hospitals and other properties offering public services sponsored by charitable Awqaf, then under the administration of the Ministry of Awqaf, were transferred to other Ministries such as Education, Health and Social Affairs. Additionally, Waqf urban vacant

lands and estates, which covered whole districts, were transferred to the local councils and municipalities. (Ghanem 1998)

That extreme power of the state and its dominance over all public services continued through the Nasser regime till the military defeat in the "Six Days War" in 1967. It was only then that the idea of criticizing the authorities was accepted which led to the first parliament elections in 1968. Concerning Awqaf, the most significant contribution was a report submitted by a committee to the parliament asking the government to respect the will of original founders and the financial independence of Awqaf. However, this was never achieved.[6] (Ghanem 1998)

In conclusion, it might be argued that since the Free Officers Movement in 1952 until the end of Nasser rule in 1970, Awqaf reached an unprecedented situation in all the history of Egypt since the arrival of Muslims in the 7th century. He succeeded to reach what great Kings and Sultans failed to reach for centuries. The integration of all Awqaf under the centralized management of the Ministry of Awqaf, changing the field of expenditure according to the will of the state instead of the founder and the distribution of the main assets to different public bodies were key factors that led to the total state control over the traditional Waqf institution. While keeping its name, Ministry of Awqaf became actually a Ministry of Religious Affairs dependent on public finance. The loss of the autonomous nature of many historic institutions especially Awqaf and Al-Azhar was a main character of that period in the Egyptian history in which huge expansions of the states functions in every sector in social, economic and political life took place.

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[6] Paradoxically, that kind of severe actions against the autonomy of Waqf was accompanied by extremely tolerant actions concerning the non-Muslims Waqf. In 1960, the Coptic Awqaf Organization was established as an independent body to manage the properties endowed by non-Muslims and to assure the allocation of the revenues according to the will of the founders. This organization is still under the auspices of the Egyptian Coptic Church which is independent from the government. (Ghanem 1998)

5.2.2 Heritage and the Socialist Regime

In 1953, following the same model adopted in all public bodies, all institutions working in the field of heritage were merged under the auspices of one unit called "Antiquities Service" within the Ministry of Education. This unit included the Egyptian Antiquities Services, the Permanent Committee for Islamic and Coptic Monuments[7], Egyptian Museum, Museum of Islamic Art and Coptic Museum. In 1960, the Antiquities Service was transferred to the newly established Ministry of Culture. (Decree 22/1953, Al-Habashi 2001)

Accordingly, for historic Cairo, it was the Permanent Committee for Islamic and Coptic Monuments in charge of the protection of historic buildings. However, through the 1950's and 1960's, historic Cairo didn't get enough interest from the government. That situation was explained from two points of view. On the one hand, due to the construction of the High Dam in Aswan, the government focused mainly on individual monuments in Upper Egypt like Abu Simbel and the temple at Philae which also grabbed the interest of the international community to intervene to save those sites under the umbrella of the UNESCO.[8] Additionally, Rodenbeck argues that the Egyptian government was officially unaware of the meaning of urban conservation and accordingly it didn't have any agency responsible for this task.[9] (Rodenbeck in Sutton et al. 2002) On the other hand, Sanders (2010) refers the official neglect of historic Cairo to political factors. She argues that historic Cairo represented the legacy of mainly *Mamluk* and Ottoman Dynasties who were, according to Nasser's vision, invaders because they were not originally Egyptians. At that period

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[7] Permanent Committee for Islamic and Coptic Monuments is the new name of the Comité after the 1952 revolution and after the departure of most of foreign experts.

[8] The international cooperation for saving those temples in the 1960's is considered by some scholars the first step towards the World Heritage Convention in 1972 in which the idea of *heritage of humanity* and the *outstanding universal values* were promoted.

[9] Rodenbeck's comment might be somehow subjective, because at that period of the 1950's and early 60's the concept of area conservation itself was not yet clearly defined even on the international level. For instance, Ross (1991) argues that the first efforts to area conservation took place in the UK by the mid 60's. Thus it's normal not to have a dedicated agency for area conservation in Cairo.

dominated by nationalist ideas, Egyptian heritage should get more attention and interest and not that of invaders.

Whatever the motivation was, through the 1960's, huge infrastructure and constructions projects took place in historic Cairo; historic buildings and whole quarters were demolished for creating new squares, free standing housing projects, as well as setting new buildings regulations requiring large setbacks neglecting the compact fabric of the historic city. (Lewcok 1985) (Fig. 23-24)

Thus, it might be argued that the 1950's and 60's was the worst era in the history of historic Cairo as a district and Muslims monuments in general. The Egyptian government didn't only show no-interest in Muslim heritage but also seized the community's tool in saving its heritage represented in the Waqf institution.

Fig. 23 Al-Azhar Boulevard with Neo-Islamic Buildings Built in the 1960's at the Core of the Historic City
(The Author)

Fig. 23 Modular Islands and Large Set Backs within the Compact Traditional Fabric
(After Warner 2005)

5.3 Phase Two (1971-1992)

After the death of Nasser, which put an end to a severe Socialist regime, Sadat began a political transformation that aimed at redefining the relation between

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the state and the community. It reconsidered the regime's social basis and promoted more liberal ideas especially on the economic level since it was encouraging private sector and foreign investments while keeping a strong public sector. On the ideological level, those ideas were introduced within a general framework that promoted "return to Islamic traditions and morality". (Pioppi 2004) This combination took place in the attempt to justify the new political change and to establish a new and strong legitimacy during a very critical period after the death of one of the most charismatic leaders in the Egyptian history and due to the lack of real democratic and electoral processes.

5.3.1 Awqaf Reform in 1970's

The year 1971 is another turning point in the modern Egyptian history. First, Nasser's men were purged giving Sadat more freedom to act and the Permanent Constitution was declared. In the same year, a new organization was established called the Egyptian Awqaf Organization *"Hay'at Al-Awqaf Al-Masryia"*. This new organization has as a main task to manage Awqaf properties under the auspices of the Ministry of Awqaf. Additionally, in 1973, based on Law 42, Awqaf properties that were transferred to the Agrarian Reform Organization and city councils, , as well as all the projects funded by the revenues of those properties, returned back to Ministry of Awqaf to be managed by the Egyptian Awqaf Organization. Within this framework, the Egyptian Awqaf Organization was considered the first investment body outside state bureaucracy that aimed at maximizing the profit of the Ministry of Awqaf independently from the public treasury. Additionally, it's self sustained since its expenses are covered from its revenues.

However, through the course of the 1960's and until the establishment of the Egyptian Awqaf Organization and Sadat's reforms, huge violations took place on Awqaf properties which had decreased the expected efficiency of the Egyptian Awqaf Organization. For instance, instead of using the revenues from

the properties to fund projects, some municipalities executed housing projects on Awqaf lands itself. Other municipalities granted vacant lands and estates to public institutions without fixing renting rates. Those violations left the Egyptian Awqaf Organization in troubles since it has to spend a lot of efforts, and money[10], in order to get back its properties from the different public institutions. (Pioppi 2004; Ghanem 1998)

In conclusion, compared to the adopted policies during Nasser regime towards Awqaf in the 1950's and 60's, Sadat's reforms might be considered a crucial step for the reestablishment of the institution since it set some rules to bring the properties back to the Ministry of Awqaf and centralized the management of the properties in a quasi-independent body. However, it kept historic buildings in the hands of the Antiquities Service without any role for Awqaf. Additionally, it didn't reintroduce the full autonomy of the Waqf institution since the management was still in the hands of the government and accordingly, it didn't really empower the role of community in defining their needs. [11]

Additionally, Sadat's reforms might be considered another way of *politicizing* Awqaf through supporting the government orientations but this time to promote a liberal and market oriented approach through an attractive label of "returning to Islamic traditions and morals" and "establishing an Islamic welfare system" instead of the Socialist one which was reflecting the ruling authorities' deep relations with Communist powers in the 1960's.

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[10]The Egyptian Awqaf Organization offered 5 % of the value of the main asset for those who reported the missing Awqaf properties.

[11] For instance, most of the investments by Egyptian Awqaf Organization are in the field of middle and low income housing which served the governmental strategies through the last four decades. Furthermore, all the units within those projects are rented which decreases the profit of the Organization. Accordingly, the state doesn't only force special kinds of investment but it also forces the way it should be managed.

5.3.2 Cairo: The World Heritage Site

In 1971, the Antiquities Service was renamed the Egyptian Antiquities Organization which kept the lead in all operational interventions in historic Cairo. In general, the 1970's carried better public attitude towards historic Cairo which might be understood within the general context of Sadat's reforms covered by nostalgia to Islamic origins and traditions. That interest started with master plans for the whole city including historic Cairo in 1973. The need for upgrading the historical zone through pedestrianization and the restoration of monuments and their surroundings was stressed as well as the removal of polluting activities. However, the public interest reached its peak in 1979 with the inscription of historic Cairo in UNESCO World Heritage List with the direct support from the Egyptian First Lady. (Sutton et al. 2002)

Consequently, in 1980, UNESCO sent a team of experts to set a new plan for historic Cairo that aimed to reverse the flight of the population and to support fast interventions for its many deteriorating monuments. That plan advocated a multidimensional process to save the historic city such as defining conservation zones, establishing a conservation agency to manage the area, and carrying out social studies to better understand the population problems. However, the UNESCO plan remained a paper project and was never implemented. (Fig. 25) (Antoniou et al. 1985) Later in 1983, the government issued the Law 117 for the protection of Antiquities which is the only legislation that organizes the activities of excavations and restoration and it'll be discussed later.

Unfortunately, the Egyptian Authorities went again into a deep sleep and didn't take concrete actions on the ground of the historic city through the rest of the 1970's and 1980's. It was until the 12th of October 1992 that Cairo woke up on an earthquake that caused harsh damages in historic buildings and the loss of a big share of those buildings was a real threat. It was only then that

another wave of commitment took place towards the historic city through a number of projects some of which are still going on.

Fig. 20 Zone one and two
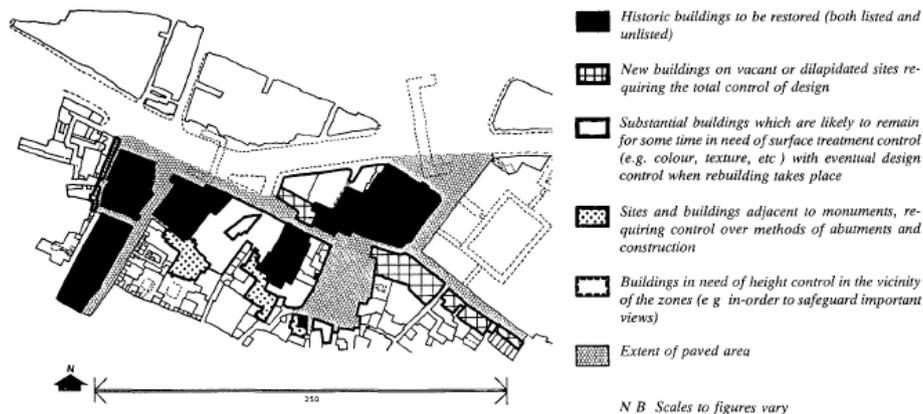
Fig. 21 Zone three

Fig. 24 Suggested Designs for Three Conservation Zones in the UNESCO Plan (Antoniou et al. 1985)

5.3.3 Intervention of Bohra in Historic Cairo

Through the 1970's and early 1980's, when the Egyptian government was not showing a real willingness to invest in historic Cairo, a religious community was willing to pay a lot to restore some specific monuments. The Bohra[12] got a kind of *wild card* from the Egyptian government to restore a number of Fatimid monuments but actually, they have worked on all the monuments of the

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[12] The Bohra is a community of Isma'ili Shi'is mainly from India. They trace the antecedents of their sect to the Fatimids.

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Fatimid period, except the gates, walls of the city as well as the Mosque of Salih Tala'i'. They freely borrow elements from one building to another which led the restored buildings to be considered "*…collages of Fatimid ornaments and motifs.*" (Sanders 2009: 126) Furthermore, some listed monuments were removed from their location to other areas in order to enlarge the entrance to the Fatimid building.[13] (Fig. 26) (Williams 2002 B)

The output of the Bohra's intervention might be considered a whole new creation and a loss of Fatimid historic buildings as an authentic architectural legacy as well as a historic research tool on the one hand. However, it might be also considered a good effort to bring some monuments alive again and prepare them for their old functions, which they actually succeeded to reach. (Fig. 27)
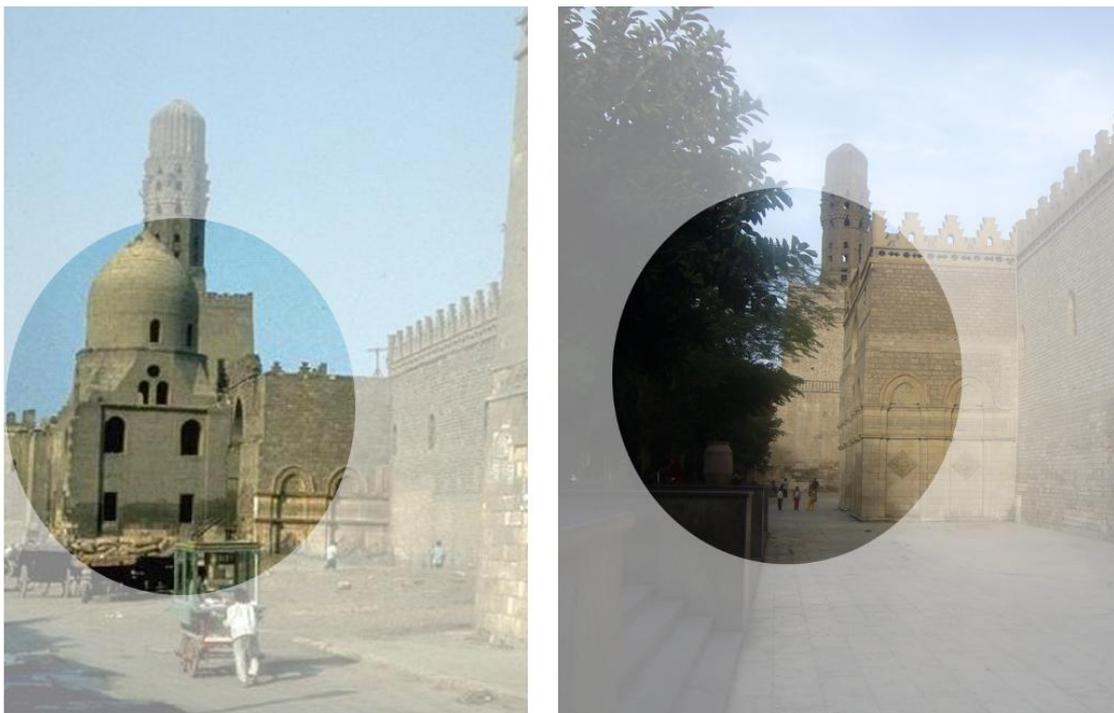
Fig. 25 Main Entrance Of Al-Hakim Mosque before and after The Removal of The Late Mamluk Mausoleum In The Early by The Bohra
(After: http://archnet.org/library/images/one-image-large.jsp?location_id=4862&image_id=15725 (left)– 16-11-2011 –The Author (right))

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[13] The most obvious example is the 500 years old late Mamluk tomb at the main entrance of Al-Hakim Mosque which was removed to the cemeteries.

Fig. 26 Al-Hakim Mosque before and after Bohra Intervention
(http://archnet.org/library/images/one-image-large.jsp?location_id=4862&image_id=62867

(upper) – 16-11-2011 –The Author (lower))

However, the aim of shedding light on the Bohra's intervention in historic Cairo is, first because it's the main intervention during that phase and secondly to show to what extent the Egyptian government till 1990's didn't really care about historic Cairo. Although the minimum technical competence for restoration was not guaranteed, the government didn't even spend some efforts in monitoring what was going on for almost a decade. For the government it seems that it made no difference what they do as long as it didn't bear the costs.

5.4 Phase III: 1992 Earthquake and the Status-Quo

Thanks to the sudden threatened loss of significant architecture and urban value due the 1992 earthquake, historic Cairo started to get more interest from the public authorities. Different Ministries and organizations started to establish especial departments in order to contribute in the growing interest in the historic city. Some studies were carried by different organizations and even some monuments were subject to restoration activities. However, most of those efforts were in a dispersed form focusing on specific buildings and areas. They had neither a comprehensive vision for the whole city nor organized listing priority. It was in 1998 that the government announced a scheduled plan for comprehensive intervention in order to save the historic city. However, it was, again, based on restoration activities in deteriorated buildings.[14] This section discusses the last phase, which represents the status-quo of the historic city, through studying the main players, legal frameworks and main projects.

5.4.1 Main Players

Generally, responsibilities concerning the intervention in historic Cairo are quite fragmented. A number of actors are involved directly or indirectly such as Ministries of Housing, Culture, Tourism, Industry, Local Development and Awqaf. Each actor is responsible for a specific sector without clear coordination with the others. Furthermore, responsibilities concerning a specific field might overlap and create conflicts due to the different power, scale or ideology that rule the actors.

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[14] Simultaneously, another important intervention started to draw the primary surveys in Al-Darb Al-Ahmar district by the Agha Khan Foundation. This project, which is still running till now, adopted a radically different approach based on community development instead of restoring some important buildings.

5.4.1.1 Supreme Council of Antiquities (SCA)

Following the European model, the Ministry of Culture is the main player in the field of cultural heritage in Egypt. For interventions in historic Cairo, many departments play important roles. The first and most influential player in the Ministry of Culture is the Supreme Council of Antiquities, SCA.[15] SCA is generally responsible for listing historic buildings, carrying excavations and conservation activities, approving and monitoring the foreign excavation missions. Thus it might be argued that SCA is responsible for everything within the walls of what it considers "*Antiquities*". Although SCA is the main player in historic Cairo, it deals with the historic city as a group of listed buildings without any special consideration for whole areas except within the beautification lines that will be discussed later. (Sedky 2009)

5.4.1.2 National Organization for Urban Harmony (NOUH)

The National Organization for Urban Harmony was established in 2001as the second player from the Ministry of Culture. The tasks of this organization include the preparation of value maps that includes listed and non listed buildings with special architectural and/or historic value. However, the main task is to produce guidelines and codes for urban design and street furniture in historic areas as well as the redesign of the main public spaces. (Decree 27/2001) Since its establishment, this organization didn't significantly work in historic Cairo. It mainly focuses in other areas with more European style such as Down Town. However, in 2011, it produced a very important document that defines exact boundaries and design code for historic Cairo that should be followed as a part of getting the construction license.

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[15] This council was first established in 1953 with the name of Antiquities Service under the auspices of the Ministry of Education including Egyptian Museum, Museum of Islamic Art, the Coptic Museum, the Egyptian Antiquities Services and the Permanent Committee for Islamic and Coptic Monuments . In 1960, it was transferred to the Ministry of Culture and in 1971 the name changed to the Egyptian Antiquities Organization. In 1994, the name changed again to the current Supreme Council of Antiquities.

5.4.1.3   Cultural Development Fund

The Cultural Development Fund is another department within the Ministry of Culture. Generally, its main tasks are to promote cultural activities in Egypt such as the establishment of new libraries in the country side and deprived areas as well as founding and renovating museums. In historic Cairo, the Fund is mainly responsible for the adaptive reuse of the non-religious historic buildings as well as the promotion of intangible heritage. For instance, it established a number of cultural centers in historic buildings such as Wikala Al-Ghuri that promotes cultural activities like traditional pottery, music and dancing. However, as mentioned above, its main activities are related to cultural issues. (Fig. 28)

Fig. 27 Traditional Dancing Performance Organized in Wikala Al-Ghuri by Cultural Development Fund
(http://194.79.103.179/concert/images/concert/210/14.jpg - 16-11-2011)

5.4.1.4   General   Organization   for   Physical Planning (GOPP)

On the planning level, the most influential arm in the Ministry of Housing is the General Organization for Physical Planning, GOPP. Generally, its tasks include the preparation of the strategic plans on central, regional and local

levels even for small cities and towns as well as the definition of the implementation tools of those plans. (Law 119/2008) In historic Cairo, several plans were prepared with a direct/indirect contribution from the GOPP. For instance, in the early 1990's three projects attempted to rehabilitate the Sayeda Zaynab Quarter, Gamaliya Quarter and Al-Darb Al-Asfar Quarter by a joint French-Egyptian planning and research body from the GOPP and the *Institut d'Amenagement et d'Urbanisme de la Région Ile de France IAURIF*. This collaborative research body produced general guidelines for the improvement of the area through the creation of new public spaces in order to set off the historic buildings to better effect. This objective was to be achieved through removing various encroaching buildings and through pedestrianization and measurements of traffic control. However, that project remained a research one that was not executed.[16] (Sutton et al. 2002)   The latest plan prepared by the Ministry, through GOPP for historic Cairo is Vision 2050 will be discussed in the section dedicated to projects.

5.4.1.5   Ministry of Awqaf

As discussed in the previous two phases, the role of the Ministry of Awqaf in the 1950's and 1960's had nothing to do with the original philosophy of Waqf. Instead it had transformed to a Ministry of Religious Affairs with a main task to spread religion in and out of Egypt which was serving political will at that time. Accordingly, the role of Awqaf and its relation with historic buildings has quite vanished through that period since listed buildings were transferred to the Antiquities Service and the Awqaf properties, which included big parts of historic Cairo, were transferred to municipalities, other ministries such as the Ministry of Education and the Agrarian Reform Organization. It means that for

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[16] In 1994, another project took place in one of those quarters, Al-Darb Al-Asfar. It was funded by the Arab Fund for Economic and Social Development, managed by an NGO. That project adopted a community oriented approach; however, the scale of the project was too small, only one alley, to create a significant impact. It might be important here to emphasize the behavior of decision makers. The project that was already planned for the area was cancelled when a different institution afforded the needed funding. It was exactly the same behavior with the Bohra in the 70's and 80's and it's the same behavior adopted latter with the Aga Khan Foundation in their project in the later 1990's.

almost 20 years, Awqaf had been out of any intervention in the historic city. In 1971, the establishment of the Egyptian Awqaf Organization within the Ministry, with the task of managing all Awqaf properties, should have brought it back as a main player at least as the owner of a big share of residential and commercial properties in historic Cairo and the owner of about 80% of listed buildings.[17] However, the Ministry of Awqaf was never invited to play a significant role in the different interventions in historic Cairo through the last 6 decades. This attitude towards Awqaf is adopted assuming that:

> *"The Ministry of Awqaf is not interested in the monuments as works of art or history. It provides no funds for their maintenance or upkeep. Its aim is to maximize the profit from the property in order to support its works and it pays little attention to heritage concerns. The Awqaf officials do not mind if a restoration is shiny rather than authentic. The "newness" is pleasing to them and to the religious communities they represent."* (Williams 2002 B)

That argument also refers to the lack of the technical competence to intervene in the restoration activities after dissolving the *Comité*. The Ministry has been considered a passive player that provokes problems with other involved actors and that impedes the interventions to "save" the historic city.

Not only passive, actually the absence of Awqaf representatives during the decision making process has led to the loss of some of Awqaf properties. For instance, during the restoration of an Ottoman house in Al-Darb Al-Asfar alley, an Awqaf property of six shops, which had been there since 1759, were removed in disregard of the Awqaf ownership rights. (Fig. 29) (Sedky 2009) However, the Ministry of Awqaf invests its revenues currently according to general public policies and mainly in mass housing projects. (Fig. 30)

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[17] There is no clear inventory about the properties owned by Awqaf in historic Cairo and none of the authors referred to a defined number or percentage. However, in most of the literature it's argued that Awqaf owns a big part of the real estate stock in historic Cairo. During an interview with the project manager of UNESCO unit for "Urban Regeneration of Historic Cairo" in 8-9-2011, he argues that almost 40% of non listed properties are owned by Awqaf.

**Fig. 28 Awqaf Shops Adjacent to Mostafa Gaaffar House before and after Removal**
(Sedky 2009 - The Author)

Fig. 29 Housing Projects Executed by the Ministry of Awqaf
(http://hyatelawqaf-eg.org/askan.htm - 16-11-2011)

5.4.1.6   Cairo Governorate

Theoretically, the governorate has unlimited powers within its administrative

borders and from the 1960's, decentralization has been always promoted as a

general goal of all the governments. However, the autonomy of governorates especially in Cairo has been always tightened.[18]

Geographically, Cairo Governorate is subdivided into 4 main sectors with 30 sub districts. Each district has an executive unit that gives licenses and monitors all civil works on the district level according to a specific code. Districts have its own management under the supervision of the head of each sector. The area designated by UNESCO as a World Heritage Site in historic Cairo is not included within one management unit on the local level, surprisingly, it fells in 3 different districts within the administrative divisions of Cairo Governorate.[19] (Fig. 31) (http://www.cairo.gov.eg)

There are two actual players on the local level in historic Cairo. On the one hand, the Housing Directorate, through its planning department, is responsible for reviewing the planning strategies to be implemented as coordinated with the Ministry of Housing represented by the GOPP. On the other hand, the Historic Cairo Executive Committee, which includes delegates from different Ministries, is concerned with technical problems in all ongoing projects. These two units work in a horizontal way to cover the different districts. However, it might be clear from their activities that their actual role doesn't exceed monitoring and supervision activities. Strategies and schemes are considered exclusive activities to be set, confirmed and accepted at a central level by the Ministry of Housing. (Sedky 2009)

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[18] For instance, according to Articles 19 and 41 in Law 50/1981 the elected public municipal council has the right to monitor the governor and the performance of the executive units. On the other hand, Article 20 in the same Law gives the prime minister, who is not elected, the right to dissolve this elected council. This situation opens the door for an exclusive role in the municipal management for non-elected officials. Accordingly, independence of the decision on the local level and the real participation of representatives of the community in decision making on the daily life matters through the democratic processes is hardly achieved. (Sedky 2009)

[19] This situation is hardly existent in most of Arab countries where they have established special units for the historic city. For instance in Syria and Libya there is the Directorate of the Old City within the municipalities. On the other hand, in other countries, there are special units that are recognized by the government and play a similar role on the local level such as the Association du Sauvegarde du Medina ASM in Tunis and ADER-Fes in Morocco.

Fig. 30 Historic Cairo and the Three Administrative Districts
(the Author based on data from the official website of Cairo Governorate
http://www.cairo.gov.eg/New_Folder/Maps/Areas2.html)

On the socio-economic level, the Governorate adopts insensitive strategies under the pretext of giving the historic area a "civilized look". Although they had been there for centuries, some vegetables and pottery traditional markets were removed and guilds distribution along Al-Muez Street was changed just

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to give this civilized look to the area. These insensitive decisions might be referred to many reasons. First, there is a lack of clear visions concerning social and economic dimensions in the development schemes. Secondly, intangible heritage in general as a main component of the national cultural heritage is not yet well defined and promoted in the Egyptian cultural policies. Finally, there is an inefficient community participation in the decision making which is due to the absence of a real monitoring authority for the elected Public Municipal Council. [20]

5.4.2 Legal Framework

The legal framework that organizes the intervention in the historic city consists mainly of two main laws. On the one hand, Law117/1983 is dedicated to the protection of antiquities. On the other hand, Law 119/2008 is the new construction law that includes a section about "urban harmony". This section is directly related to historic Cairo.

5.4.2.1 Law 177/ 1983 for the Protection of Antiquities (Amended in 2010)

Although it was issued during the second phase, it's discussed within the third one because it's still the only legislation concerning antiquities in Egypt on the one hand, and it was amended lately in 2010 on the other. It includes three main sections: the first deals with the definition of monuments and the responsibilities within the state. The second section discusses the listing process, maintenance and it organizes the excavation activities and the

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[20] This brief image of the role of Cairo Governorate, representing the exclusive local authority, in historic Cairo is an evidence of the centralized system that use to cease the authorities of the local powers generally in Egypt. However, in other cities such as Alexandria, local authorities might be more autonomous in the decision making. Being the historic, political and economic capital with the highest population in the Middle East created more political pressures on the local authorities that lead to a decrease in the level of autonomy.

procedures to be followed by foreign missions and its relation with the state. Finally, the third section discusses penalties.

According to Article I in this Law, any real estate or chattel is considered an "*antiquity*" whenever it meets the following criteria:

> *"To be the product of Egyptian civilization or the successive civilizations or the creation of art, sciences, literature or religions that took place on the Egyptian lands since the pre-historic ages and during the successive historic ages till before 100 years.*
>
> *To be of archeological or artistic value or of historical importance as an aspect of the different aspects of Egyptian civilization or any other civilization that took place on the Egyptian lands.*
>
> *To be produced or grown up on the Egyptian lands and of a historical relation thereto and also the mummies of human races and beings contemporary to them are considered like any antiquity which is being registered in accordance with this Law."*(Law 177/ 1983)

Article 19 gives the SCA the right to define "*beautifying lines*" which are defined as "*…the areas surrounding the antiquity and extends to a distance determined by the Council to ensure the aesthetic aspect of the antiquity. Said lands shall be treated as archeological lands.*"[21] The term: *Historical areas,* is mentioned once in Article 21 that suspended on the approval of the SCA the implementation of "*…modernized planning or expansion or amendment in archeological and historical areas*".

Finally, according to Article 30, the SCA is technically and financially responsible for maintenance and restoration activities for all the listed

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[21] The radius of the beautifying lines is not predefined; it's defined case by case. Mainly, it depends on the availability of lands around the listed buildings. For instance when a building adjacent to a monument fall into ruins, the authorities don't issue a new license for reconstruction, the building is expropriated in order to enlarge the area around the monument and so on.

buildings. The same article defines the role of the Ministry of Awqaf, Egyptian Awqaf Organization and Coptic Waqf Organization which is to "…*bear the expenses of restoration and conservation of archeological and historical real estate affiliated with and registered to such Ministry and Authorities.*"[22]

5.4.2.2   Construction Law 119/2008

This Law includes four main sections from which the first two have a direct relation with historic Cairo. The first section declares the establishment of the Supreme Council of Planning and Urban Development from the different Ministers and public organizations to coordinate between the different actors in the fields of urban and economic development headed by the Prime Minister. It includes a number of Ministers; however the backbones of this Council are Ministers of Housing, Economic Development and the head of GOPP.

For historic Cairo, this Council is offering the guidelines for regeneration strategies and defines the main paradigms that rule the process such as being community and/or tourism oriented, while the detailed strategies remained in the hands of the Ministry of Culture. The second section is about the *urban harmony* mainly within the areas of specific values. Accordingly it's the most directly related to historic Cairo. The significance of this law might be seen from different perspectives. First, it's the first legislation that clearly introduces historic Cairo, in its entirety, a conservation area, even if it didn't use the expression, and not only a set of historic buildings. However, it keeps the responsibility for the listed buildings in the hands of the SCA. Secondly, it defines clear boundaries for the area of historic Cairo which was vague since its inscription in the UNESCO's World Heritage List. Additionally, it divides historic Cairo into three categories according to the historic value of each. (Fig. 32)

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[22] This point in the Law is quite vague, because during different interviews with officials in the Ministry of Awqaf and SCA, both confirm that the conservation activities in Awqaf listed buildings are funded by the SCA. After the execution of all interventions, the buildings return to the management of Awqaf especially mosques.
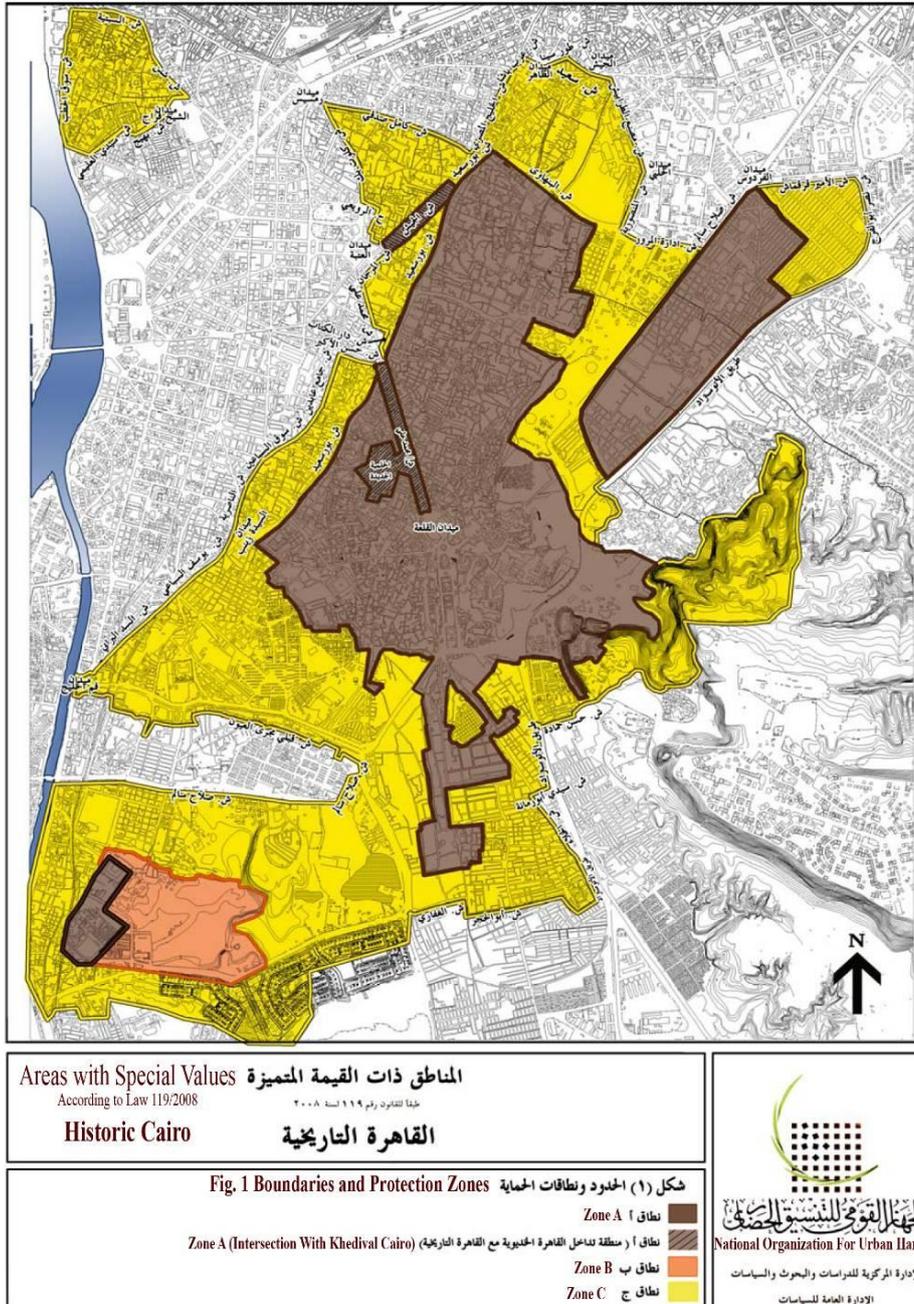
**Fig. 31 Boundaries of Historic Cairo and Different Value Zones Defined in Law 119/2008
(After Design Code for Historic Cairo, NOUH 2011)**

Finally, based on this Law, a specific code for the new constructions and rehabilitation works was produced for each category in historic Cairo. This code defines standards to preserve the traditional look of the area on urban and architectural levels. For instance, it prohibits the division of plots, having setbacks and exceeding specific heights in new constructions. Additionally, it controls land uses especially on the ground floor. On the details level, it defines

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the solid/void ratio in facades as well as proportions, materials and colors of the openings. (Design Code for Historic Cairo, NOUH 2011)

5.4.3 State Interventions

Through the third phase, a lot of interventions took place in historic Cairo, however, on a dispersed basis. Additionally, most of them were executed by foreign missions and funds such as the German and Polish ones. By the end of the 1990's the state started to pay more attention for the historic city. In turn, two main state interventions are discussed, the first is already taking place while the other is not approved yet however, and it's promoted by the government in national and international events

5.4.3.1   Historic   Cairo   Restoration   Project (HCRP)

The Historic Cairo Restoration Project was launched in 1998, however, it might be important to shed light on a plan designed one year before on which the whole idea of the project was based. In 1997, the UNDP, in cooperation with SCA, drew a comprehensive plan for the whole historic city over an area of 4 km^2. (Fig. 33) The plan works on two dimensions. On the one hand, it introduces a tourism-based rehabilitation through attracting investment to restore significant buildings and then reuse them for commercial and housing uses. This approach would guarantee the protection of monuments with close supervision of the state. However, with the expected gentrification, the active community atmosphere of historic Cairo is threatened of being partially lost. On the other hand, it advocates a community-based approach that targets the local residents through social, educational and cultural programs. Other buildings would be restored and reused for social and community functions. (Sutton et al. 2002)
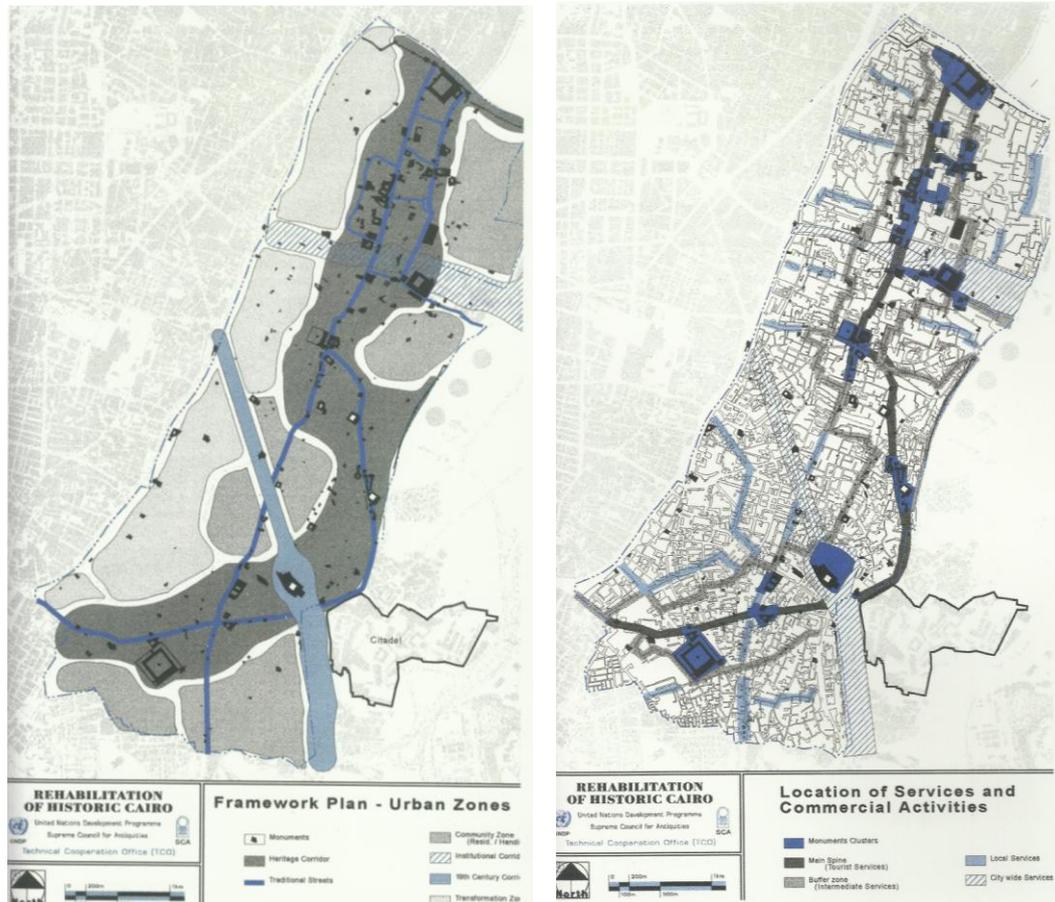
Fig. 32 Study Sheets in UNDP Plan in 1997 for Historic Cairo
(UNDP 1997 in Al-Murri et al. 2010)

This strategy isn't the one adopted in the HCRP project; however, it was used to get the political support which led to the declaration of the restoration of historic Cairo a *national project* in 1998. Additionally some of its recommendations have been considered especially concerning the managerial structure.

The intervention in the project of HCRP didn't target the area defined by UNDP, instead it targeted a smaller part. Additionally, the title offers an impression of an urban conservation project; however, it deals only with monuments. The area of the project includes 174 listed monuments, of which 137 are owned by the Ministry of Awqaf, 30 monuments are owned by the SCA and only 7 are privately owned. 25 buildings had been restored or under restoration by local and foreign missions before the initiation of the project. A

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plan was set to restore 147 listed and 48 unlisted historic buildings on three phases. However, due to the lack of essential expertise and knowledge in restoration in most of the large contractors and until they were able to verify that appropriate documentation of all interventions were carried out according to a set of standard requirements, all construction works were suspended some time.

In 2002, an idea was promoted during the UNESCO conference in Cairo to execute a project for rehabilitation of Al-Muez Street[23] which has initiated later in 2005. Within the context of the new project, three main tasks were conducted. First, all infrastructures networks in the street were completely renovated. That included electricity, telephone, water and sewage networks. However, the most significant and promoted contribution of that dimension is the new lighting system for both the street and the monuments. (Fig. 34)

Fig. 33 New Lighting System of Al-Muez Street Executed by Historic Cairo Restoration Project (Al-Murri et. al 2010)

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23 It's the main street crossing the walled city from North to South through the organic urban fabric along a distance of 2km that is crisscrossed by a large number of narrow streets and alleys. The main valuable character of that street is that it coherently integrates buildings of different periods and architectural styles that, without having individual images of their own, represent a homogeneous image of this part of the city. However, the street, like the entire historic city, suffered from deterioration of the public spaces along it, abandoned landscaped areas, damaged pavements, almost inexistent street furniture and poor lighting.

Secondly, a main public space was redesigned. Finally, facades of some commercial and residential buildings were redesigned in order to match with the "historic environment". (Fig. 35)

Fig. 34 Redesigned Facades of Residential Buildings
(The Author)

On the social and economic levels, studies showed that the area is very active and has good potentials for improvements. However, there was no single word about socio-economic development programmes. Instead, some economic activities were removed from that central location to Cairo periphery in order to keep the civilized look for the area. (Fig. 36)

On the managerial level, due to the lack of any especial urban management unit working for the historic city, an inter-ministerial committee[24] was created involving seven Ministries and the Cairo Governorate with the Minister of Culture as its coordinator. Those Ministries are: Culture, Housing, Awqaf, Tourism, Social Affairs, Environment and Communications. Paradoxically, this

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[24] The idea of inter-ministerial committee is one of the UNDP recommendations.

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committee which was responsible for the production of upgraded strategies, legislations and national guidelines met only once. However, its executive committee, established to ensure the implementation of the strategies and to enforce the legislation produced by the ministerial committee, continued its work with the Cairo Governor as its head and delegates of the different Ministries. (Sedky 2009)

Fig. 35 Onion Market Before and After Removal by Historic Cairo Restoration Project (Al-Murri et al. 2010 (upper) - The Author (lower))

For the management of the restoration activities which is the task of the SCA, an ad-hoc unit that reports directly to the Minister of Culture was established. Historic Cairo Unit currently is the most active unit in that project; however, its main task is to manage and monitor the restoration of the 147 monuments.

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5.4.3.2 Cairo Vision 2050

Vision 2050 is the latest strategic plan for the Cairo mega region. It has been going through a phase of preparation and modification for the last few years which has not yet allowed the Egyptian government to proceed with official publication of the plan except a presentation prepared by the GOPP presented in some national and international conferences.[25] Within its general framework, some projects were promoted as example of what will be realized. For instance, it promotes the removal of an informal area on the Nile's waterfront to transform the area to a business district with high rise buildings. Additionally, another mega project will take place designed by the *archistar* Zaha Hadid for Cairo Expo City that will replace the old one.

For historic Cairo, this plan is being promoted as a turning point in the consideration of the built heritage as a main character and potential of the city. For the first time, an official plan seeks to integrate main historic sites within the whole future development strategy. The aim of intervention was clearly mentioned: "*…it is to transform the historic city into an open museum*". This *Museification* would be achieved through mainly pedestrianization and traffic control. Additionally, it promotes the creation of a huge recreational green public space that replaces about 6 km^2 of historic cemeteries at the edge of the historic city while preserving the historic ones and the ones for famous people for tourism. (GOPP 2009) Paradoxically, the Northern part of those historic cemeteries is listed in the Code of Law 119/2008 in the highly protected zone A. (Fig. 37)

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[25] The vision statement is to transform Cairo into a Global, Green and Connected city. A global city means being regional and international center on political, cultural, touristic, and economic levels. Additionally, it includes high standards touristic and commercial facilities. Being green means a city that affords a high standard of quality of life, is one of the pioneer cities on the environmental level, has decreased the number of informal areas and realizes the international standards of per capita green space. Finally, being connected has three fronts: socially through increasing equality, the culture of partnership between public, private sectors and local communities, physically connected through networks of highways and underground and virtually through networks between all governmental entities.
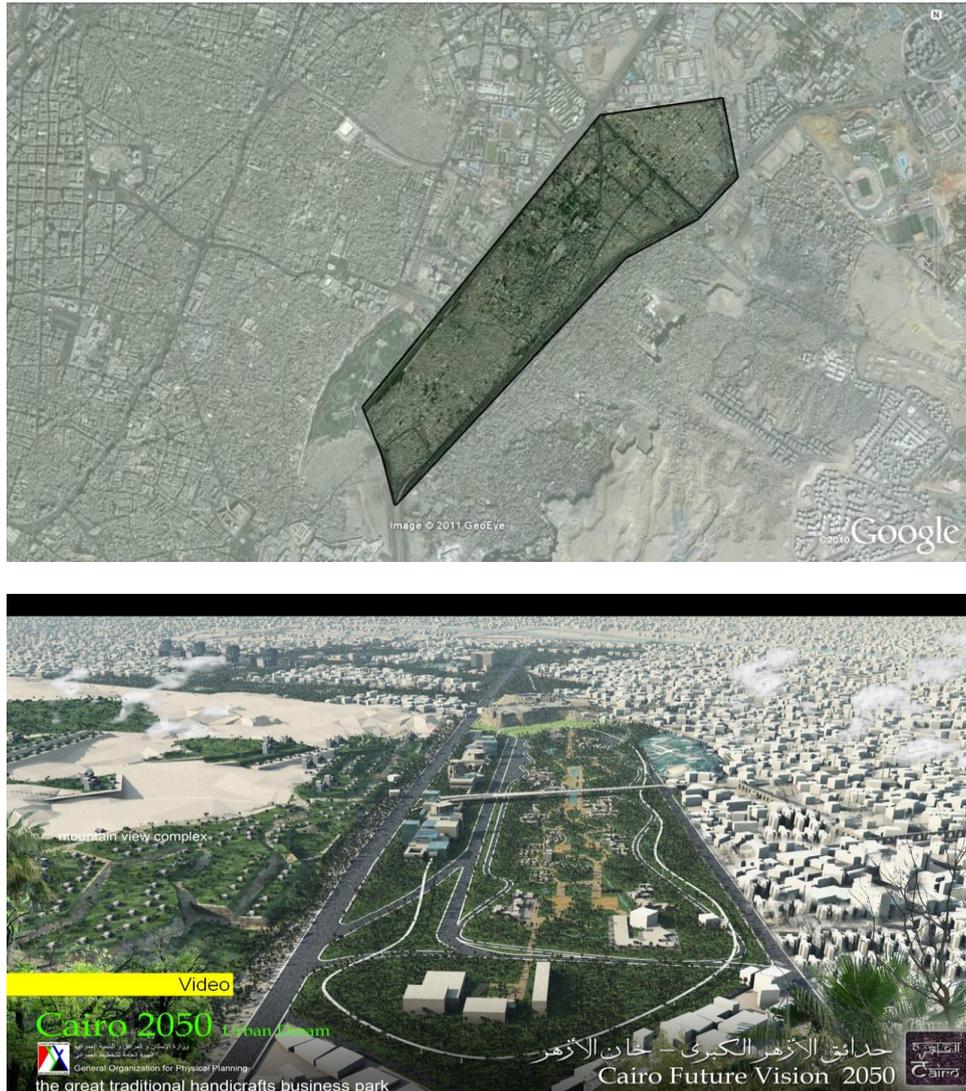
Fig. 36 Historic Cemeteries "City of the Dead" at the Edge of Historic Cairo and the Proposal of Vision 2050
(After: GOPP 2009)

Although, it's not finally approved yet, it might be important to shed light on Vision 2050 in order to offer an idea about the latest updates of the orientation of the public policies at the beginning of the 2nd decade of the 21st century. In this new orientation, the main player is the GOPP not the SCA. Accordingly, the SCA, which lacked the competence in considering the complex nature of the historic city, was substituted by the GOPP that also lacked the same competence since it cares about master plans, zoning regulations and land uses.

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5.5 Reflections

Although the Post-Colonial era is the shortest compared to the first two phases, it included the most radical changes in the history of heritage conservation in Egypt. Reflections in turn are discussed according to each phase with a focus on the last one.

5.5.1 Phase I and II (1952-1992)

It might be argued that the Post-Colonial era in Egypt witnessed the total collapse of the traditional Waqf institution and accordingly its role in managing historic buildings and the full dependence on an imported model. This fact disproves the common idea that refers all changes in the local culture, usually negative ones, to the Colonial era. It's not to say that Colonialism had no role in what happened to Awqaf, but the Colonial power in Egypt after 72 years couldn't take decisions as radical as did the rulers in the Post-Colonial era especially during Nasser's rule.

Additionally, the new institutional structure established since 1953, totally based on the Western model and fully dependent on the state, didn't get enough support in terms of organizing legislations and funds, except the campaign for the inscription in the World Heritage List in 1979. Furthermore, governments, though the 50's and 60's, adopted severe policies of clearing parts of the historic fabric for new constructions. Accordingly, that behavior of the state led not only the historic city to reach one of its worst conditions in its history, but also it opened the door for interventions that didn't guarantee the minimum technical competence as long as the costs are covered by the donors.

5.5.2 Phase III (Status-Quo)

There are three main aspects that can help in drawing the overall picture of the third phase.

5.5.2.1   Fragmentation

It might be clear from the section concerning the main actors that there is a high level of *fragmentation of responsibilities* concerning the intervention in the historic city. On the one hand, for listed buildings, from which almost 80% are owned by the Ministry of Awqaf, decisions concerning physical restoration are taken by the SCA, while the decisions concerning the reuse, in the case of non religious buildings are taken by the Cultural Development Fund. Furthermore, decisions concerning unlisted buildings, infrastructures and public spaces are taken by of GOPP in the Ministry of Housing, the different executive bodies within Cairo Governorate and recently the National Organization for Urban Harmony in the Ministry of Culture. However, a big share of those unlisted buildings is also owned by the Ministry of Awqaf.

This fragmentation is only concerning decisions for the physical intervention in the historic city. It will increase if other social and economic aspects are considered. For instance, the Ministries of Industry, Social Affairs, Education and Local Development have other responsibilities concerning non-physical issues.

5.5.2.2   Sectoral Approach

The role of the different actors and the legal framework that organizes the interventions reflect an exclusive commitment towards a double sided kind of sectoral approaches. On the one hand, a sectoral approach that is selective in nature towards *listed buildings* instead of *whole areas* that should cover both listed and unlisted ones. This approach is enforced by the legal framework represented in Law 117/1983 that doesn't recognize the whole historic area as a target for conservation activities; instead it deals only with listed buildings

while delivering the responsibility for unlisted ones to the executive bodies in the Governorate. Additionally, the administrative fragmentation of the historic area into several districts within the Cairo Governorate means that the wider is the intervention the more are the bureaucratic requirements which encourages inconsistent interventions. This sectoral side, that lacks a comprehensive vision covering the historic city as a whole, creates separated islands, which vary in size, within the historic fabric according to the density of historic buildings.

On the other hand, the other side of the sectoral approach is the *lack of the social and economic dimensions* such as supporting the local economy and building the capacity of the local community, as parts of an integrated urban development approach. For instance, the project of Al-Muez Street didn't include any program for the improvement of the economic activities such as the traditional carpentry, or the skills of the local community to cope with the expected increase in the number of visitors in the area. Instead, some traders were removed while others were forced to change their activities. Even the future plan for the whole city, didn't hesitate to mention clearly that its main goal is to *Museify* the historic city.

5.5.2.3   Community Participation

On the political level, the Public Municipal Council is consisted of elected members; however, as discussed in the section about Cairo Governorate, the Prime Minister has the right to dissolve it which weakened its role on the local level. Accordingly, the participation of the local community in the decision making process through their elected representatives, who should reflect their needs from any intervention, is also weak. This situation led to a more complicated problem. The local community is not a main target in the public policies for heritage conservation in general. In addition to the nature of laws that deals only with the listed buildings, there is a clear dominance of physical dimension in the different projects in terms of restoration of historic buildings and improvements of infrastructures without clear strategies for the social and

economic development. Furthermore, after the execution of this physical intervention, the restored buildings usually face one of two scenarios. On the one hand, the Cultural Development Fund might decide to introduce another function for the building, which is mostly a cultural center. On the other hand, listed buildings might find the needed funds for restoration but remain closed and empty after the end of the project.

Actually, in both scenarios, the local community is the main looser. For instance, the cultural centers established in historic buildings are very well organized and they succeeded in attracting audience from the entire city especially in performances organized in cooperation with Cairo Opera House. However, most of those centers are not related to the needs of the local community. That's an extremely different approach than the one adopted by the Waqf institution.

5.6 Conclusion

This chapter discussed a very crucial period in the history of heritage conservation in Egypt after the Free Officers Movement in 1952. It was then that the 13 century old Waqf institution was totally substituted with a new one based mainly on the Western model. On the one hand, the idea of Waqf, even if it had faced some decline and stagnation during the Colonial period, was well defined, articulated and practiced since it evolved through a very long history and thousands of cases based on the interaction of different aspects of the local culture. On the other hand, through the 1950's and 1960's the international consideration of urban heritage was still being shaped in a different context and according to different values on a very general level. Within this framework, the historic city lost its old protector and was not afforded a new "mature" one.

Then 40 years later, the international model started to be more articulated and, by some means, clearly defined on the international level thanks to the efforts of many international institutions. However, it was not efficiently adopted in Egypt, through the SCA which got stuck with the recognition of historic Cairo as a set of listed buildings. So the new imported model was not able to cope with the changing international consideration of heritage that included the whole surrounding of monuments in terms of buildings and community.

Accordingly, it might be argued that the main political changes in the Post-Colonial era led to an extremely locked situation and created a whole new approach for heritage conservation in which the values of the traditional model are destroyed and the "expected" rational efficiency of the modern one was not achieved.

CHAPTER VI

FUTURE SCENARIOS

After the discussion of the historic evolution of the urban heritage conservation in historic Cairo through the last three chapters, this chapter discusses the possible future scenarios. It's divided into three main parts. First, an overview of the historic evolution is discussed in order bring forth some main points. Secondly, a light is shed on some previous efforts of institutional and legal reforms. Finally, two sets of scenarios are discussed.

6.1 Historic Review

From the historical study through the last three chapters about the conservation of Muslim heritage in Cairo, some points might need to be emphasized. First, since the erection of the first "exceptional" building in Cairo in the 10th century, or even earlier in *Al-Fustat* in the 7th century, urban conservation took place as an integral part of the management of Waqf. That process continued adopting the same traditional way till the mid 19th century when some "modernization" reforms started to take place by Muhammad Ali. Those reforms mainly decreased the self organizational pattern concerning the built environment through the establishment of some local public units; however, it kept the management of Waqf following the traditional pattern.

Secondly, the establishment of the *Comité de Conservation des Monuments de l'Art Arabe* in 1881 introduced the most significant Western wave to the field of conservation in Cairo. However, through most of its history it worked under the auspices of Awqaf which was centralized in one organization. Accordingly, the *Comité* might represent an evolved version in which the Waqf institution, in

some way, absorbed the new values developed in Europe and reintroduced it within the traditional framework that kept some of its comprehensive vision in dealing with heritage. However, it shouldn't be neglected that this period witnessed continuous conflicts between the *Comité* officials and Awqaf organization due to the different references concerning the decisions. In 1936, the transfer of the *Comité* to the Ministry of Education created two institutions dealing with Muslim heritage. However, due to the difference in power and resources, Awqaf kept the upper hand until the Coup d'état of the Free Officers Movement in 1952. Thus, it might be concluded that since the foundation of Cairo until 1952, Awqaf was "the" main player concerning Muslim heritage in Egypt.

Finally, the new regime has radically changed the rules of the whole game concerning heritage. Awqaf was dissolved and all its properties were transferred to other public institutions. Additionally, a new institution, Antiquities Service, was created to manage all Egyptian heritage institutions including the *Comité* which was dissolved later and all its foreign experts left Egypt. Thus, the upper hand was delivered to the Antiquities Service which is by definition keen for physical intervention in single buildings while the traditional model was left to decay and some partial reforms that kept it under the full control of the state.

In conclusion, this short review of the evolution of the institutional framework sheds light on two main facts. On the one hand, for almost 10 centuries, Muslim heritage was managed in Egypt by the traditional Waqf institution. It adopted a comprehensive vision that evolved according to the local and cultural experience. This institution witnessed some changes especially since the mid 19th century, due to waves of Westernization; still, it kept its role as the main player in that field. However, through the last 6 decades, a new institutional and legal framework, totally based on Western models, was forced to substitute

the traditional one. This change shifted the meaning of heritage from being strictly related to and managed by the local community to a bureaucratic issue managed by public institutions.

On the other hand, the newly established institutional and legal framework didn't evolve, since its establishment, following the international trends according to which it was originally established. This delay is referred either to the lack of the needed political commitment or to internal problems that didn't enable it to be self sustained and updated. Accordingly, it followed the same early 20th century's heritage policies based on the restoration of single buildings without any consideration paid for urban or socio-economic aspects. Later, in order to fill those gaps, new institutions were established, such as the Cultural Development Fund and the National Organization for Urban Harmony, to afford the needed support which increased the fragmentation of responsibilities.

6.2 Previous Efforts

The inscription of historic Cairo in the World Heritage List in 1979 and the 1992 earthquake pushed some local and international experts and institutions to support the Egyptian government in saving the historic city through preparing some plans, executing some projects and organizing international events. However, there might be four main proposals, two prepared by international institutions and the others were prepared by local experts, which focused on the institutional dimension beside the comprehensive vision. (Antoniou et al. 1985) (UNDP 1997) (Abdel-Fattah et al. 1985) (Ibrahim 1999)

Those proposals suggested different ideas; however, they shared two main aspects. On the one hand, they tried to improve the efficiency of existing legal

and institutional frameworks established after the Free Officers coup d'état. This improvement is achieved either through introducing the comprehensive vision of urban conservation to the knowledge of Supreme Council of Antiquities and increase coordination between actors or through establishing new units that takes this responsibility. On the other hand, they dealt with the Waqf according to its contemporary status as a Ministry that owns a lot in the historic city while considering its 10 centuries of experience only a historic fact. Thus, Awqaf was considered a passive player that needs either to be excluded from the whole area through exchange mechanisms or to be encouraged to play more active role, however, according to its position as a Ministry without real reforms.

Thus it might be argued that no real efforts were dedicated to study the traditional Waqf and its philosophy in urban heritage conservation and the possibility to reinvent it or at least learn from it.

6.3 Scenarios

It might be premature to define one detailed model and to introduce it as "the" outcome of the research. Thus the idea of possible future scenarios was more compatible, taking into consideration the very unique moment though which Egypt is passing after he 25th of January Revolution. Those scenarios vary from very conservative and pragmatic ones to extremely provocative ones. They are represented within two main sets. On the one hand, a set discusses future state-led scenarios. On the other hand, a set is more oriented to increase the role of partnerships. Each scenario is considered from four main perspectives. First, governance in terms of needed institutional and legal reforms is discussed. Secondly, the consequences of adopting the scenario on the economic level are presented. Thirdly, the position of the local community in each scenario is

discussed. Finally, the consequences on the religious dimension are discussed. The role of religion in such context might be a particularity of Cairo and most of Muslim cities where religion still plays a major role in the legal frameworks.

Actually, each of those four dimensions according to which each scenario is discussed raises more questions and brings forth new insights that call for more in depth analyses.

6.4 Set One

This first set of scenarios tries to work as much as possible on the existing bureaucratic structure without radical changes. It works on introducing the concept of comprehensiveness through either increasing the efficiency of existing units or establishing new ones. However, it emphasized the role of state as the main player and the driving force.

6.4.1 Scenario I: Inter-Ministerial Committee

This scenario is the most pragmatic. It deals with the central and top-down organization within the Egyptian bureaucratic structure as it is. However, it tries to introduce the comprehensive dimension through increasing coordination between existing public bodies. This is achieved through the improving the effectiveness of existing inter-ministerial committee that includes Ministries of Culture, Housing, Awqaf, Tourism, Social Affairs, Environment and Communications.

6.4.1.1   Governance

Since the main idea is to promote the comprehensive dimension in urban conservation, three main aspects might be needed for this scenario. First, there might be a need to involve more players that are not represented in the existing

committee that are concerned mainly with social and economic dimensions. For instance, historic Cairo is the main hub for some industries such as jewelry and textile, thus the Ministry of Industry should be involved. Ministries of Education and Economic Development should be also included to design special programs for building capacity, for instance. Secondly, some existing members should be invited to play more effective roles. For instance, the Ministry of Awqaf owns a lot of properties and vacant lands in the historic city; however, it's satisfied with the role of the landlord that collects monthly rents from poor tenants. This role can be changed through dedicating some of its investments, which are a lot, towards the historic city. Additionally, the Ministry of Social Affairs might have a more effective role through social development programs. Finally, some of the main players in the committee need to adjust their role in order to fit to the comprehensive needed approach as well as its own capabilities. For instance, the role of Supreme Council of Antiquities might need to be seized to technical issues concerning physical interventions in historic buildings while delivering more responsibilities on the urban level towards the National Organization for Urban Harmony.

6.4.1.2 Economy

On the economic level, this scenario offers two main opportunities. On the one hand, it might be based on the existing strong local and productive economic base such as crafts and textiles industries. On the other hand, it might work on the touristic potentials of the area. However, according to the contemporary situation and the promoted strategies for almost the last two decades[1], this scenario might keep a kind of balance between both economic patterns on the short term. However, it seems that on the long term the tourism oriented economic activities will dominate and replace the traditional local economic ones. For instance, the Cairo governorate force some shop owners and tenants to change their activities in order to cope with the civilized look of the historic

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[1] See previous chapter

area otherwise it'll be removed to other areas in the suburbs. Additionally, the contemporary philosophy of the Ministry of Awqaf, which owns a big share of commercial stock, works on substituting the old tenants with new ones with extremely higher rents. Thus it opens the door to different levels of gentrification which didn't clearly take place yet.

6.4.1.3　　Community

The local authorities in Egypt play mainly an executive role. Since, this scenario is an extension of the contemporary situation and it doesn't introduce radical changes on the local level, the role of the local community will continue its absence especially in the decision making process. Additionally, like the economic aspect, according to this scenario the area wouldn't witness dramatic social changes on the short term, but on the long term, changes will take place. For instance, this scenario calls for investments from the Ministry of Awqaf. However, for the high land value, the Ministry would seek special kinds of projects that produce the highest profit while dedicating socially oriented projects to other areas. The accumulation of this process will lead to social changes on the long term.

6.4.1.4　　Religion

This scenario wouldn't create any conflict with the religious dimension of the locked situation. Awqaf will keep managing its properties; even it would create more profits. Additionally, religious buildings will keep delivering their original functions.

6.4.1.5　　Reflections

This scenario is the most pragmatic, thus it might get the largest support from the public authorities. However, its success faces two main constraints. On the one hand, the experience of the public institutions in team work doesn't have successful memories. Thus, designing a scenario that built its success on coordination after inviting more actors than the current participants is a main

constraint. On the other hand, this scenario actually didn't solve the "cultural" problem based on the different references of involved actors especially Ministry of Awqaf. Accordingly, at a certain time a conflict is going to take place.

6.4.2 Scenario II: Directorate of the Historic City

On the local level, historic Cairo is not recognized as a single unit. It fells in about three different administrative districts which might be a unique case in most of the Arab-Muslim countries. For instance, in Syria, Algeria and Libya, there are special directorates for the historic cities within municipalities. This scenario keeps the main authority in the hands of the public sector, however, on the local level. It promotes the idea of having a special unit, "directorate" on the local level to deal with the historic city from a comprehensive perspective.

6.4.2.1   Governance

This scenario is based on two dimensions. On the one hand, a special unit on the local level is established to deal with the whole area defined as historic Cairo. On the other hand, this unit receives more authorities concerning the interventions in the historic city. Thus, this unit will be responsible to plan conservation activities as well as social and economic development programmes.   This scenario solves the problem of fragmentation of responsibilities saving the huge efforts needed for coordination between ministries. Additionally, it strengthens the role of the local authorities in the decision making process beside its executive role.

6.4.2.2   Economy

This scenario would give more support to the existing local economy which would increase the resistance against the Museification intentions. However, this resistance depends on the ceiling of the authorities this unit may have. Accordingly, it might either keep the balanced situation between traditional

local economy and tourism oriented one or just impedes the Museification process.

6.4.2.3   Community

This scenario increases the possibility for community participation in the decision making process through the delivery of the main responsibilities to a local authority. Thus, it might lead to the improvement of the different community services within the comprehensive strategy. However, like the economy, everything depends on the authorities delivered to the unit.

6.4.2.4   Religion

Exactly like the previous scenario, it wouldn't create conflicts with the religious dimension; Awqaf will keep managing its properties; while religious buildings will keep delivering their original functions.

6.4.2.5   Reflections

This scenario is less pragmatic than the previous one; however, it kept the position of the state, represented in the local unit, as the main player in the field of urban heritage conservation. It needs strong legislative reforms in order to help the local unit to receive the comprehensive responsibilities and getting the needed technical competence. However, the existing distribution of powers on the local level in the Egyptian political structure between the elected Public Municipal Council on the one hand and the executive units and the Governor on the other, might decrease the efficiency of that scenario, especially concerning impacts on local community, since the upper hand will be always kept to non elected officials. Additionally, like the previous scenario, it didn't solve the cultural problem based on the difference references.

6.5 Set Two

The second set of scenarios adopts "more liberal" lines of thoughts. It decreases the role of the state in favor of other models of partnerships. It includes two extremely controversial scenarios however; both need radical changes in the contemporary legal and institutional structures.

6.5.1 Scenario III: Urban Conservation Agency

This idea was promoted through the last 30 years immediately after the inscription of Cairo in the World Heritage List. However, it was always based on the strong participation of the public authorities. This scenario calls for the establishment of an independent agency that has extensive authorities on the historic city.

6.5.1.1 Governance

This agency is a private one established to execute and manage all the activities within a comprehensive program for the historic city designed in cooperation with the relevant public authorities. In exchange for executing on behalf of government the restoration activities, infrastructures, social and economic development programs and management cost, the agency is granted a share of the Awqaf properties through *Istibdal* process and the re-use rights of some historic buildings after restoration.

Since, this model of government sponsored enterprises in the field of urban development is not common in Egypt; it will need some special legislation in order to work effectively. For instance there will be a need to delegate some authorities to a newly established unit in the municipality to decrease the impact of the current centralized bureaucratic processes. Additionally, the extensive technical power of the Supreme Council of Antiquities in the area based on the existing law might need some changes as well as the role of the

Cultural Development Fund in the reuse of historic buildings. However, the most problematic legislative reforms will be those concerned with laws of Awqaf. On the one hand, this new institutional structure might lead to the total exclusion of Awqaf from the whole area through the *Istibdal* process. On the other hand, Awqaf might lose its control over some of the historic buildings, including mosques, in order to be reused in different non-religious purposes. However, this scenario doesn't contradict with all the public authorities. For instance, it matches with the contemporary plans of the GOPP, which are extremely market oriented, previously discussed in Vision 2050. In general, the role of the public authorities in this scenario after setting the comprehensive plan is mainly to monitor and intervene on behalf of the state in the cases of inadequate or inappropriate execution.

6.5.1.2   Economy

This scenario offers unprecedented opportunities for private investors, who would probably work on promoting the touristic character of the historic city. Excluding Awqaf through ceding its properties, which are a lot, to the newly established urban conservation agency would led it to dedicate big and fast commercial and real estate investments in the area in order to maximize its revenues and cover the costs of the execution activities. Additionally, it might encourage other private investors to invest in the area through purchasing properties from the existing private owners. On the short term, the new economic activities will replace most of the traditional ones except some of the well established industries such as jewelry.

6.5.1.3   Community

The worst impacts of this scenario of the urban conservation agency are on the local community. The fast increase in private investments would lead to an increase in rents and land value which will exclude the local community from the area. However, there is a key stone in defining the consequences of this scenario on the local community. It totally depends on the details of the deal

between the government and the urban conservation agency. For instance, the deal might include different levels of regulations to protect the local community from the market forces such as rent control and land uses. Additionally, property rights holders might receive stock shares, if the agency is a joint-stock one, against their properties contributions. However, in general, this scenario carried the most expensive social cost for the local community.

6.5.1.4   Religion

This scenario creates the largest conflict with the existing religious aspects. For instance, the *Istibdal* process, although will exclude the Awqaf from the historic city, is one of the historic tools used through history to exchange Awqaf properties. Thus it might not create a significant problem. Nevertheless, the main conflict rises from the idea of the reuse of religious historic buildings in different purposes, not only from a legislative and institutional perspective, but more importantly from cultural and social ones. Mosques, that form more than 2/3 of listed buildings, have never been reused in other purposes except educational ones, thus converting a mosque to a restaurant, for instance, wouldn't be easily acceptable.

6.5.1.5   Reflections

This scenario might be the most provocative. It put an end to the historic role of Waqf in the historic city through total exclusion. Most of Awqaf properties are transferred to the agency, few religious buildings kept their functions while the remaining ones are reused in different purposes. Theoretically, this scenario solves most of the problems since it affords a comprehensive impact on the whole area from physical social and economic perspectives. Additionally, it solves the problem of fragmentation of responsibilities as well as the "problem" of Waqf and the religious reference. It's a typical secular scenario that might be adopted in any European city and it even worked successfully in other Arab cities like Beirut.

However, based on the historic study of the case of Cairo, Egypt had never adopted such aggressive secular trends even when the cultural/psychological problem reached its peak during the era of Westernization and the Post-Colonial era. The harshest policies against Waqf, through 1950's and 1960's, used the religious law itself to seize Awqaf. Thus, the acceptance of those secular ideas in the contemporary situation is really uncertain which raise more questions about its context-consciousness.

6.5.2 Scenario IV: Historic Cairo Awqaf Agency

This scenario is based on the reinvention of the traditional philosophy of Waqf institution in a modern way. It deals with the idea of Waqf and the constraints it sets as an opportunity to create a unique and culture conscious model not as a problem to be solved. It calls for the establishment of independent agency that manages Awqaf properties in historic Cairo as well as listed buildings owned by Awqaf. The main philosophy beyond the intervention of that agency is to dedicate the revenues of investments towards social services.

6.5.2.1   Governance

This agency would sponsor the maintenance and the functions of the historic buildings, which mainly affords main services for the surrounding community, from the revenue producing properties. However, there might be some main constraints that need to be discussed. For instance, the establishment of such agency requires special legislation to guarantee the full independence that was seized since the 1950's. Additionally, some of the listed buildings were originally revenue producing, however, due to the change of philosophy they are used now to afford some services or rented out of the market price. For instance, the Wikala is a revenue producing property, but due to the scarcity of listed buildings that can be reused in different purposes, most of Wikala in historic Cairo are reused as cultural centers that are not able to sustain themselves thus it's sponsored mainly from public funds.

Additionally, contracts of most of the shops owned by Awqaf have been converted from flexibility according to market forces to permanent ones with very low rents. Accordingly, historic listed buildings as well as non-listed ones need another layer of classification according to its original status, whether revenue receiving or revenue producing and not only listed and non-listed. This classification would affect the decision concerning the reuse. For instance, in the same case of Wikala, it would be converted to a hotel or shopping mall not a cultural center.

In conclusion, this agency would work as a social entrepreneur that uses the market forces to afford social services for the local community. However, this philosophy puts a lot of constraints on the choice of the functions.

6.5.2.2   Economy

This scenario encourages market oriented economic strategies while dealing with revenue producing properties. Additionally, most of the new investments will be revenue producing thus it would serve upper social classes. Accordingly, old tenants, residents and traditional economic activities might be harshly sacrificed in favor of new users and economic activities, including touristic ones and international chains. This means strong waves of economic gentrification that would even affect the local economy which itself is considered part of the historic character of the city. However, this situation might be limited through dedicating some of the revenues to support the local economy itself. For instance, some of the non-religious revenue receiving properties might be reused to host traditional economic activities in order to avoid the total exclusion from the area.

6.5.2.3   Community

Since the main philosophy beyond the Waqf is charity, thus the lowest social classes within the local community might receive the highest profits. For instance, the revenues from the revenue producing properties will be dedicated

to support educational, health and cultural services in the area. However, new investments either private or those made by the agency itself, would attract higher social classes which would create waves of gentrification.

6.5.2.4   Religion

This scenario might be considered the most tolerant with religious aspects. Actually, religion plays a major role in this scenario since Waqf is based originally on a religious concept. However, there might be a lot of needed efforts from scholars in Islamic law and jurisprudence. For instance, some Acts of Foundations for historic buildings were lost especially during the 1950's and 1960's. Thus, efforts are needed to decide about the possible functions of those buildings according to the original principles of Waqf and Islamic jurisprudence that considers *Al-Masaleh Al-Mursala*[2] as a main source of legislation. Additionally, some functions are not relevant anymore to the contemporary way of life, such as Takiyya, accordingly, this situation needs legal efforts to define new uses. Finally, this scenario doesn't follow the traditional Waqf model that manages each Waqf independently. It considers historic Cairo as a single Waqf; however it tries to respect the diversity in the functions of each building according to its original Act of Foundation. In general, through the last century stagnation has characterized the efforts of the religious scholars concerning Waqf institution which calls for huge efforts for reform.

6.5.2.5   Reflections

This scenario is not less provocative than the previous one. It also decreases the role of the state in the field of urban heritage conservation. It respects the rich legacy of the traditional Waqf institution in historic Cairo and tries to represent a unique model that extremely fits with the context. However, it faces a lot of constraints. First, huge efforts should be dedicated for different inventories

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[2] Those problems which primary sources have not addressed before, and which require solutions due to the special circumstances of time and place (see chapter 2)

especially in the archives of the Egyptian Awqaf Organization and the National Library and Archives. Secondly, scholars in Islamic law have a major role in updating the stagnated rules of Waqf for the last century in order to meet the contemporary needs. Thirdly, innovative solutions and programs are extremely needed in order to reintroduce the philosophy of the Waqf while respecting as much as possible the international standards. Finally, the idea of reinventing a traditional model based mainly on religion, in a world filled with *Islamophobia*, might reveal some doubts about political orientation of the regime in Egypt. Furthermore, it also needs strong paradigm shifts concerning the idea of the Waqf itself and political commitment that should be based on a belief in that traditional model.

Yet, the success of such scenario might introduce for the whole international community a new context conscious model that affords a lot of answers for the international debates concerning urban conservation.

6.6 Conclusion

This chapter discusses the possible future scenarios for the management of urban heritage conservation in historic Cairo. However, it started with shedding light on the whole evolution discussed in the previous three chapters as well as some previous efforts of reform. It discusses four different scenarios that represent two main trends according to the nature of the main driving force, whether state or private sector.

The first scenario might be the most pragmatic. It builds on improving the contemporary situation through involving more actors and increasing coordination among them to reach an effective comprehensive vision. The second scenario which is less pragmatic, delivers the main responsibilities of

planning and management to a local public unit. Both scenarios keep the role of state as the main actor in any intervention in the historic city. However, they didn't create a real solution for the different references of the different actors.

The third scenario might be considered the most provocative. It delivers all the responsibilities to a government sponsored enterprise. Thus it excludes all the roles of public actors, including the Ministry of Awqaf, from the area except the monitoring role. Theoretically, this scenario might solve most of the problems concerning fragmentation and sectoral approach; however, it might face strong resistance from social and cultural perspective. The last model tries to reinvent the values of the traditional Waqf institution. It's based on a kind of not-for-profit community development cooperation that invests the revenues of Waqf properties in social services within the historic city. However this scenario isn't less provocative than the previous one since it needs radical paradigm shifts and confidence in that traditional model.

It seems that the four scenarios don't afford clear answers, instead they raise more question about the future of historic Cairo. However, this situation matches with the contemporary settings in Egypt after the 25th of January revolution in which everything is debatable.

CHAPTER VII

CONCLUSION

This research discusses the concept of urban conservation in the specific context of historic Muslim cities. Like all historic cities all over the world and especially in developing countries, historic Muslim cities have faced different levels of deterioration. Additionally, those cities had been subject to severe waves of Westernization through the Colonial and Post-Colonial eras. This research adds another layer to the discourse about the deterioration of historic Muslim cities through a perspective that focuses on the conflict between traditional/local approaches and modern/imported ones. Accordingly, this chapter is divided into two main parts. On the one hand, it discusses the basic findings concerning the special context of historic Muslim cities and especially Cairo. On the other hand, based on the case study, it underscores some reflections concerning the whole field of urban heritage conservation.

7.1 Basic Findings

The aim of that research, in reconsidering the conflict between local and imported approaches in heritage conservation, is hardly achievable in that specific context without an understanding of the philosophy and role of one of the main players in that field which is the Waqf institution. This research area hasn't receive enough attention by scholars and needed to be explored for the purpose of that research. International literature about Waqf institution are quite scarce either because this institution is limited to the context of Arab-Muslim countries or because it lost a lot of its original essence during the Colonial and Post-Colonial era. On the other hand, most of the efforts in studying the Waqf focus mainly on the social, economic and even political

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dimensions of that institution. (Haarmann1980, Ghanem 1998, Kuran 2001) Furthermore, researches about its role and impact on the built environment are quite generic. (Akbar 1988, Denoix 2000, Fernandes 2000, Ben Hamouche 2007) However, some little works tried to go in depth especially concerning its role in conservation and to define the precise principles adopted by the Waqf in architectural conservation and heritage management based on primary sources. (El-Habashi 200, Gouda 2007)

Accordingly, the first contribution of that research to the discussion about Waqf, and certainly conservation, is its interpretation of the role of Waqf and its philosophy on the urban scale. This interpretation is based on two main aspects: on the one hand, the guiding principles, patterns of decision making and the role of different actors concerning the whole urban context in Muslim cities. On the other hand, it's also based on a detailed discussion about the Waqf institution itself: its origin, characters and role in urban development. The outcome is four guiding principles that played major roles in shaping the philosophy of Waqf in the conservation of urban heritage which are: comprehensiveness, quality of the common, functional value and autonomy.

For instance, conservation according to the Waqf had never been an aim in itself; instead it was always practiced within a comprehensive urban and community development programme funded by the revenues of different agricultural, industrial and commercial economic activities. Additionally, the scope of work of a Waqf is not limited to the intimate context of the historic buildings. Actually, the different activities within the historic buildings as well as its conservation costs was covered by the revenues of real estates or lands in other districts within the same city or even properties in other cities which increases the integration between different parts of the cities and avoids the creation of protected islands within the urban context. In conclusion, comprehensiveness in urban conservation according to the philosophy of Waqf

is not achieved through the definition of clear borders for the historic areas and then the implementation of multidimensional programmes. Instead it's achieved through the collective impact of the good management of all Awqaf within the city without clear cut borders. In general, more details about the four guiding principles are discussed in the detailed analyses in chapter two.

Another contribution of that research is to set the core differences between the philosophy of the traditional Waqf institution in urban conservation of Muslim cities and the modern movements that started to rise in Europe since the 19th century. It demonstrates that the differences between both approaches are much fundamental than it has been always considered.

First, the motivation for heritage conservation itself was different. On the one hand, the modern conservation movements of the 19th century were based on the abstract idea of national heritage filled with the romantic nostalgia for the legacy of the ancestors. It kept evolving through the last century based on the same idea, while increasing its scope from single buildings to whole cities. (Jokilehto 1986, 1999, Larkham 1996, Rodwell 2007) On the other hand, the philosophy of the Waqf institution in heritage conservation is actually based on the pure social/religious value of the "lasting charity". It also kept evolving and articulated according to the same value.

Secondly, the references that shaped the philosophy and its evolution through its history are quite different. For instance, through its history, the modern movements evolved according to pure secular values based on the accumulation of the particular experiences that took place mainly in Europe, such as the French Revolution, Industrial Revolution and World Wars. Accordingly, conservation philosophy was mainly shaped by experts either individuals in the early stages, such as Violet-Le-Duc, or institutions at the later stages, such as UNESCO. On the other hand, the philosophy of the Waqf

institution was shaped and evolved purely according to the principles of Islamic law which vary according to each individual case and context. In general, the philosophy was shaped according to the interpretation of religious texts and efforts of scholars in Islamic law, after consulting experts, according to each case. Additionally, this difference in the references brings forth the radically different experience that Muslim societies have had with religion.

Thirdly, the position of the community in the conservation process is another core difference. On the one hand, the experience of the modern movements reveals that the whole field of heritage conservation was established and practiced for decades as an elitist concern without direct commitment to the community. It took decades to consider the role of the community, as a stakeholder and as a beneficiary, in order to improve the whole outcome of conservation. (Washington Charter 1987, Burra Charter 1999) Thus, the consideration of the local community was a mean to reach a successful outcome not an aim in itself. On the other hand, the Waqf is in principal a community oriented institution that affords basic services for community. Accordingly, conservation of historic buildings was a part of improving the social and economic conditions of the local community.

Last but not least, the difference in the original motivations, the references and the position of the community created a forth core difference which is priorities. The classification of priorities is extremely different. For instance, concerning the function of the historic buildings, modern movements call for the introduction of new uses in order to preserve historic buildings and areas. (Nairobi Recommendations 1976, Washington Charter 1987) Accordingly, one of the main criteria in choosing the new function is its impact on the building and/or area and the harm that may occur as well as the excepted revenues. On the other hand, according to the Waqf philosophy, the function is primarily defined according to the will of the founder documented in the original Act of

Foundation even centuries after his death. However, any change in the function, in the case of disappearance of the original one for instance, should be approved by the juridical authority on individual basis.

Another priority is, for instance, the consideration of non-listed buildings within the Waqf. According to the Waqf philosophy, the maintenance and upkeep of revenue-producing properties, which generally are not listed according to the modern classification criteria, have priority in maintenance in order to keep its nature as revenue-producing. This may create a situation in which a non-listed building within a Waqf is maintained while a "listed" building lacks the needed maintenance because of the reduction of the revenues.

The definition of the guiding principles and the core differences with the modern conservation movements demonstrate that the creation of a compromised model is quite a difficult task. However, an investigation in a specific context is quite useful to check this thesis. Accordingly, a major contribution of that research was to investigate the implication of such differences and conflicts in historic Cairo through the analysis of the transitional process from the traditional model to the modern one, if it took place. This historic approach of analysis demonstrates that the interpretation of the contemporary stagnated situation in historic Cairo, as an example of historic Muslim cities, concerning urban conservation from the point of view of conflict between traditional/ modern or local/imported approaches might be quite valid. It's argued that the efforts dedicated through the Colonial and Post-Colonial era to seize the traditional institution and to substitute its philosophy in heritage conservation with a "modern" one didn't fully succeed. On the one hand, the traditional Waqf lost most of its basic characters especially after the Free Officers Movement in 1952. On the other hand, the "new" institution, the Comité and latter the SCA, although enjoyed some political support during the

Colonial period, couldn't create a sustainable model afterwards. For instance, it was mostly managed by foreign experts whom didn't care much about improving the performance of the local calibers from a technical perspective. Financially, it kept depending on the Ministry of Awqaf and some special funds which dramatically decreased during the late Colonial era. Politically, it depended on the support of the ruling authority especially in conflicts against the Ministry of Awqaf. Accordingly, after the departure of the foreign experts and the lack of the political and financial support, the "modern" institution couldn't neither sustain itself nor evolve and adopt the new ideas introduced in the West. However, in order to avoid the loss of Muslim heritage, the new political powers afforded the "minimum" political and financial commitments which meant keeping the same ideas and values of the early 20th century.

However, the historic analysis demonstrates that the contemporary situation in historic Cairo might be considered even worse than the one that may result from such conflicts between traditional and modern approaches. Today, on the one hand, historic Cairo has lost the values of the traditional model of the Waqf institution which didn't evolve for the last century. However, the remains of the traditional institution represented in the Ministry of Awqaf kept its ownership of historic buildings and a fair share of properties in the historic city. Additionally, this institution, the Ministry of Awqaf, is legally based on the principles of Islamic law. On the other hand, the "expected" rational efficiency of the modern approach got stuck in the "romantic restoration" ideas and also didn't evolve. Furthermore, other players on local and central levels, such as the GOPP and the National Organization for Urban Harmony, have lately joined the same field in order to create the missing balance. However, it created a different problem of an extreme fragmentation of responsibilities.

In general, the aim of the research is not to define a "roadmap" for urban conservation in historic Muslim cities and especially in Cairo. However,

forecasting some future scenarios each with some of its costs and benefits based on the historic analyses was considered a constructive end for the historic review and the whole work. It actually introduces conservative as well as provocative ideas from four different perspectives: governance, economy, community and religion. Each scenario doesn't afford clear answers; instead it raises more questions and may offer guidelines for future researches.

A last remark, the analysis of the Waqf institution from a modern perspective might bring forth some doubts about possible negative impacts on the economy since it "blocks" the transfer of properties and accordingly it might break any economic evolution. Additionally, the extreme autonomous pattern of decision making might contradict with the modern approaches for regional developments. Those doubts are quite relevant; however, the study of Waqf shouldn't be detached from its historic context. The Waqf was a system that had matched with the common political, economic and social patterns of its time. It might be premature, and quite nostalgic, to call for a revival of the whole system as it was 2 centuries ago. For instance, according to the modern economic patterns, real estates and agricultural lands might not be the best revenue producing assets to be endowed. Thus, the aim of studying the Waqf is to shed light on another way and value for which conservation was successfully practiced. Yet, the reintroduction of that system needs a lot of work to be done since, as mentioned before, it has witnessed more than a century of stagnation on both the theoretical and the operational levels.

7.2 Overall Realization: Towards a Context-Conscious Approach

At the end of the research, it might be important to get back from the narrow scope of the detailed situation of the case study to the general topic of urban

conservation again. Through the last few decades, the international community started to recognize the importance of the contextual dimension in the conservation and protection of heritage in order to reach sustainable results.

For instance, the Nairobi Recommendations on Protection of Historical and Traditional Wholes and their Role in the Modern World in 1976, the Washington Charter for the Conservation of Historic Towns and Urban Areas in 1987 and the Burra Charter for Places of Cultural Significance revised in 1999 brought forth two main reforms in the way heritage is considered. On the one hand, the integration of the historic areas into the life pattern of the modern society is considered of the fundamental importance for the planning and spatial organization of the whole cities. On the other hand, it emphasized the importance of the involvement of residents of those areas as well as *people whom the place has special associations and meanings or who have social, spiritual or other cultural responsibilities for the place* in both the decision making and the management of conservation plans. Accordingly, it widened the consideration of the conservation process from being an aim in itself to be an integral part of more comprehensive and coherent policies of socio-economic development and of urban and regional planning at every level as well.

However, this recognition of the contextual dimension is still accompanied by the obsession for "labeling" and "listing" based on the main criteria of representing an "*outstanding universal value*". For instance, *Cultural Landscapes* are the legacy of a very particular, long and interactive link between local communities and their intimate natural context. Thus, it's extremely context-conscious. Additionally, this territorial system is comprehensive since it includes a mix of tangible and intangibles values that has shaped and kept those landscapes as symbols of living heritage. However, the recognition of the value of those landscapes was mainly through the

addition of a specific category in the World Heritage List in the early 1990's. Those sites that "merit inscription" are assessed according to the criteria of representing an "*outstanding universal values*" by UNESCO and other international institutions instead of going deep in those extremely particular interactive links.

Additionally, an important qualitative change took place in the consideration of the immaterial dimension of cultural heritage that considered the different particularities of the local communities valuable "objects" that should be protected and promoted. For instance, in 2003, the Convention for the Safeguarding of the Intangible Cultural Heritage emphasized the role of local communities in enriching cultural diversity and human creativity through the production and recreation of practices, representations, expressions, knowledge and skills known as "Intangible Cultural Heritage". Furthermore, one of the main objectives of the Convention on the Protection and Promotion of the Diversity of Cultural Expression in 2005 was to promote respect for the diversity of cultural expressions in different societies since this diversity is "*a defining characteristic of humanity.*" However, this qualitative change was accompanied by the creation of the "Representative List of the Intangible Cultural Heritage of Humanity" and the "List of Intangible Cultural Heritage in Need of Urgent Safeguarding" which are equivalent to the World Heritage List and the List of World Heritage in Danger.

In an interview with the American Society for Landscape Architects in 2011, the head of the UNESCO World Heritage Programme argued: "*We're trying at UNESCO to change our approach a little bit to create a vision of how heritage can be seen in a transitional world.*"[1] In that interview, he was discussing Cultural Landscapes; however, his quote might be valid concerning the

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[1] Available on: http://www.asla.org/ContentDetail.aspx?id=25842 (13-1-2012)

conservation of urban heritage as well. It might be argued that, although there is a tendency towards the consideration of the contextual aspects and the particularities of local communities, the vision for such consideration is not clear enough.

Accordingly, this research might contribute to the discourse about the need for a context-conscious approach through three main reflections. First, as mentioned in the first chapter under the title "why to conserve?" conservation in general is referred to the different values an "object" may have. (Lichfield 1988, Tiesdell et al. 1996) However, the term "value" itself is a relative one which varies according to time and place. Therefore, the idea of "universal values" might need to be revised, may be not in its good intention of protecting the heritage of the whole world but in its implications of standardizing and benchmarking the values.

Understanding the context should surpass the limited surveys for number of inhabitants, average income and types of economic activities to the deep meanings of heritage and conservation for the local community. Additionally, the concept of community participation should surpass the narrow managerial and consultancy field to the definition of the philosophy beyond any intervention.

For instance, a common article in most of the international documents emphasizes the importance of educational and information programmes concerning the value of heritage in order "*… to strengthen appreciation and respect by their people of…*", "*…to keep the public broadly informed…*" (World Heritage Convention 1972), "*…to encourage their participation*" (Washington Charter 1987), "*…to ensure recognition of, respect for and enhancement of…*", "*awareness-raising*" (Convention for the Safeguarding of the Intangible Cultural Heritage 2003) and "*…to encourage and promote*

understanding of the importance of the protection and promotion of..."
(Convention on the Protection and Promotion of the Diversity of Cultural
Expression 2005)

Accordingly, the used "vocabulary" reflects that either the already existing
values in the community are not taken into account or an assumption that the
local community is not aware of the value of its own heritage. The context, and
the local community, according to that framework are considered "recipients"
to be prepared and adapted in order to receive an approach defined on a
"universal" level. On the other hand, the previously mentioned interview with
the head of World Heritage Center reveals that this approach itself is still
questioned. Accordingly, it might be ironic to call for the adaptation of the
context to receive alien approaches that are not well defined yet and may
change within a short period. Instead, the values of the local community, and
not only the conditions, which are more "stable" and well defined should be
well understood, respected and used as driving forces for the conservation
process.

The case studied in that research might represent a perfect example of that
situation. Since its foundation in the 10th century and until the early 1950's, the
value of the "lasting charity" shaped the whole philosophy of the Waqf
institution in Cairo which besides its role in the conservation of heritage
*"...was a driving force behind the urban development and the satisfactory
functioning of the city.*" (Denoix 2000:196) Establishing a Waqf was a dynamic
that not only rehabilitate decayed areas but also affords social and economic
opportunities for the local community.

Instead of improving the well established and context-conscious approach,
based on the collective agreement on the value of "lasing charity", with some
lacking technical aspects in restoration for instance, a whole new and alien

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value and institutional framework were imposed since the late 19th century that considered the old buildings, which were mostly in their original use, monuments and parts of the national heritage. When the political/ financial support decreased, this imported approach couldn't evolve while the traditional one was already abolished. Later, the inscription of Cairo in the UNESCO World Heritage List in 1979 carried some plans for the conservation of the area by UNESCO itself and other international institutions. (Antoniou et al. 1985, UNDP 1997) However, all those plans were based on the same idea of conserving the national heritage which is of an *outstanding universal value*. Additionally, in their preliminary studies about "the context", those plans share the consideration of the remains of the Waqf properties in the area and the role of the Ministry of Awqaf as constraints and problems that need solutions. The result of 30 years of that kind of plans is inconsistent interventions spread all over the city and a real threat for the loss of urban character of one of the richest historic cities in Arab-Muslim world.

In conclusion, it might be argued that existing values of the community, that are already well defined, should be the main reference in defining the approach for urban conservation in order to guarantee the continuous social commitment and to reach sustainable results. In that framework, the role of international institutions, such as UNESCO, may be specified in affording some technical assistance but never in defining the value.

Secondly, in order to have a clear picture of the "context", it might be important not only to study the contemporary situation but also its origins. Within the review of the main literature of local and international experts (Williams 2002 B, Pioppi 2004, Abokorah 2005, Sedky 2009) as well as the published reports about the situation of historic Cairo (Antoniou et al. 1985, UNDP 1997, Aalund 2005) and through different personnel interviews, negative judgments have been the common impression about the Ministry of

Awqaf and its role in the historic area. Those judgments are quite objective however, they are based on the contemporary situation of that Ministry which has a bad reputation among Egyptians concerning inefficiency, bureaucracy and corruption. Accordingly, most of the discourses and proposals through the last three decades about the future of the historic city didn't consider a main role for this actor; instead some of those proposals adopted a vision that totally excluded Awqaf from the whole area.

However, the study of the origins of the institutional problem brings forth other dimensions for the big picture. Reorganizing the traditional Waqf institution in a modern structure might offer answers for some open questions that are still debatable even on the international level such as development without Museification. It might also replace the continuous trials to solve the institutional problem through improving coordination or establishing new specialized units. A little example of this approach in dealing with problems took place in the regeneration project of the historic city of Fes in Morocco funded by the World Bank in which the modern techniques in garbage collection didn't work. However, the only effective and efficient way to collect garbage was the traditional carriage that used to do the same job for centuries; but it needed to be organized according to a fixed schedule.

Finally, understanding the context might need an understanding of the process that created the urban setting instead of the focus on the final outcome. For instance, the physical character of historic Muslim cities, as discussed in chapter two, is referred to the interaction between different guiding principles that included physical, social and economic aspects and not a predefined code. Thus, the consideration of the fabric today as an "artifact" and producing legal frameworks based on that consideration while ignoring the process that shaped it would lead to an alien new setting. For instance, fixing the heights, colors and materials of the buildings in historic Cairo have nothing to do with the

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extreme diversity of each plot in the traditional city. Instead, such legal frameworks refer the character of Muslim cities to Western references based on fixed proportions and standards. This approach in considering the process that shaped the traditional city would lead to innovative building codes that respect the character on the one hand and enable change and development on the other. Thus, it may afford an answer for another open question about the regeneration of the traditional urban tissue that fits the contemporary uses.

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