The Role of the Islamic Pious foundations (Waqf) in Building the Old City of Jerusalem during the Islamic Periods (637–1917)

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This collection presents a state of international research in the history of construction, like a palace organized through 240 independently constituted elements. It defends a history of construction open to all cultures, desiring to balance the engineering sciences with the humanities and social sciences. It seeks to update existing axes of research by taking into account the profound changes sweeping across our planet through the framework of sustainable development and cohabitation. Building is thus excavated by archaeologists, led through by archivists and construed by historians and practitioners. They are all there, men and women, both famous and forgotten: masons, carpenters, locksmiths, roofers, draftsmen, architects, engineers, contractors, developers, experts, economists and lawyers. Equally present are the forces that have shaped the constructive field: institutions that direct, companies that innovate, work forces that produce and controversies that emerge.

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# Table of Contents

## Volume 2

[For the complete Table of Contents, see the end of volume 3]

### 3. PEOPLE & ORGANIZATIONS

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Craftsmanship &amp; Technical Tasks</strong></td>
<td></td>
</tr>
<tr>
<td>Metropolitan Vernacular: On the History of Informal Construction in a Brazilian City, Silke Kapp, Ana Paula Balsazar</td>
<td>3</td>
</tr>
<tr>
<td>A Case Study of Local Builders' Carpentry Tools: Traditional Constructions of Orontes, Turkey, Gülşah Çelik, Kemal Reha Kavas</td>
<td>11</td>
</tr>
<tr>
<td>Building Construction in Medieval Spain: The Female Perspective, Shelley E. Reiff</td>
<td>17</td>
</tr>
<tr>
<td>Building Culture and Competence: Demonstrating Knowledge on Construction Sites in 18th-Century Virginia, Elizabeth Cook</td>
<td>23</td>
</tr>
<tr>
<td>Building Trades in Catalonia during the Modern Era: The Case of Immigration to Girona City, Gemma Domènech Casiavall</td>
<td>31</td>
</tr>
<tr>
<td>From Mason Mason to Architect: James Smith's Construction Techniques at the End of 17th Century in Scotland, Cristina González-Longo, Dimitris Theodossopoulos</td>
<td>37</td>
</tr>
<tr>
<td>Barbetti Serafini: Builder of Vaulted Bridges in South-Western Colombia (c. XIX), Jorge Galindo Díaz</td>
<td>47</td>
</tr>
</tbody>
</table>

Who Paints the House? Scenewomen at Housepainters and Decorators from 1820, Nina Baler                        53


### Contractors & the Labor Market

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Archives of the 18th and 19th Centuries: Sources for the History of Marble-Working in Belgium, Joëlle Petit</td>
<td>73</td>
</tr>
<tr>
<td>The Development of Belgian Ironworks in the 19th Century: Case Studies and Reflections on Sources and Historiography, Koen Verwijzer, Inge Bertels, Ine Wouters, Quentin Collette</td>
<td>81</td>
</tr>
<tr>
<td>Architecture and Reinforced Concrete in Brazil: The Action of the Largest Construction Companies in Brazil, Christiani &amp; Nielsen and Ways &amp; Freytag, Maria Luiza de Freitas</td>
<td>91</td>
</tr>
</tbody>
</table>

Building Modern Spain: Some Notes on Huarte y Cla, Javier Martínez-Gonzalez, Marna García-Alonso                           99

---

Cover image: Lieven Cruyt, A view of the construction of the Pont-Royal [1685-1689], black chalk, pen and brown ink, brown and blue wash, 1687, collection Derailleurs © BnF.
Significance of Building Labour in Production of the Built Environment, 1800-1860

Jens Skoue

107

Three Key Aspects of the History of Brick Construction in Scotland, Moses Jenkins

383

Marneilles Tile, Miles Lewis

391

Against Replication: Carved Brick at the Dawn of the Terra Cotta Age, Sara Wermiel

401

Structural Morphology Preserved on Surface Cladding: From Structural Brick to Ornamental Tile in the Westernised East, Nan-Wei Wu

409

Load-Bearing Wall Structures in the Work of Luís Nodar, Gemma Muñoz Soria

417

Organization of the Construction Site: Methodologies and Techniques

125

Construction Material Testing at MPA Stuttgart during the Third Reich, Christiane Weber

297

Politics & Policies

Construction Financing in Late Medieval Portuguese Towns [14th-15th Centuries], Arnaldo Melo, Maria do Carmo Ribeiro

305

Research and Construction in the Late Colonial Setting: Institutions, Technology and Development Programs in Africa, 1948-1953, Helène Vacher

313

The Plan of a Castle in Portugal: A History of the Technology Diffusion of Reinforced Concrete, Roberto Eustaquio dos Santos

323


329

Concepting the Industrialisation of Construction in France in the 1930s, Christel Frapper

337

Construction of Railway Workshops in Colombia during the First Half of the 20th Century: A National Engineering Triumph, Ricardo Tolosa, Jorge Galindo Díaz

345

4. MATERIALS

Earth, Bricks & Tiles

Earthen Building Techniques in the Humid Tropics: The Archaeological Site of La Jaya, Veracruz, México, Annick Danels, Luis Fernando Guerrero-Baca

353

Pestance of the Perishable: Wattle-and-Daub Architecture in the Roman Period: A Census of the Archaeological Findings in Gallia Cisalpina and the Case of Mediolanum, Anna Antonini

361

Efficiency in Form: Thomas Jefferson’s Serpentine Wells at the University of Virginia, Jennifer Zissin, John Oehser

375

Reuse

For a History of Deconstruction, Philippe Bernardi, Daniela Esposito

433

The Use of the “Already There”: Reuse and Recycling for Monumental Building in the West in Late Antiquity and the Medieval Period, Séphane Bütter

461


469
3. People & Organizations

Craftsmanship & Technical Tasks

Contractors & the Labor Market

Organization of the Construction Site

Property & the Real Estate Market

Institutions

Politics & Policies

— Plaster & Mortar

Traditional Structures Made with Gypsum
Pillars: A Reasoned Hypothesis, Fernando Vegas, Camilla Miloto, María Diezcalo, José García Soriano, Carles Grau Giménez .................. 509
Geological Origin of the Reagents Constituting Roman Mortar, According to Vitruvius, Frédéric Daviovis .................................................. 517
The First Verifiable Application of Cast Mortar in Prefabricated Construction in the Caffered Ceiling of the Early Hellenistic Mausoleum of Belevit, Reinhard Heinz .................. 523
The Use of Mortar in Late Hellenistic Construction: The Case of the Octagon in Ephesus, Barbara Thewaldner .................. 531
The Knowledge and the Development of Mortars between the 18th and 19th Centuries: The Case Study of the Verona Amphitheatre Restoration, Marco Cofanti .................. 539
History and Technique of an Italian Wooden Floor System Based on Reeds and Gypsum Plaster Frames: The Case of Reggio Emilia, Luca Bolardi, Maria Regina Tedeschi, Riccardo Galli .................. 549

— Metal

The Role of Iron Armatures in Gothic Construction: Reinforcement, Consolidation or Commissioner's Choice, Maxime L'Héritier, Philippe Dillmann, Arnaud Timbert, Philippe Bernardi .................. 557
1 Victorian Ironworlds: Cast Iron, Ornaments and Brackets, Paul Dobrzanycz .... 565

— Reinforced Concrete

François Hennebique's Patents as Applied on the Building Site: The Mercato Orientale in Genoa [1896-1899] and the Creation of a Local Construction Network, Hermann Schlimme .................. 573
Concrete Piling: Major Developments in the Historical Practice of Pile Foundations, Arnaud Hellebois, Yves Rammer, Jean-Claude Verbrugge .................. 583
Béton Armé in a Sinking City: Mexico 1902-1914, Mónica Silva-Contreras .................. 593
Technological Innovation and Traditional Building Methods in the First Application of Reinforced Concrete in L'Aquila: The "New Provincial Insane Asylum" [1903-1916], Alessandra Ballico .................. 600
The Transformation of Construction by Concrete, Andrew Rabeneck .................. 627
The 'Scientification' of Reinforced Concrete in Belgium during the Interwar Period: Development and Dissemination of Scientific, Theoretical and Technical Knowledge, Stephanie Van de Voorde, Rikke Devos .................. 637
Manual Abilities and Modern Constructive Techniques in a Building by Arturo Hoerner: The S. A. Supersticie Plant and the System Baroni-Living, Rieti-Italy, 1925, Eduardo Carrà .................. 647
Air Raid Shelters in the United Kingdom 1939-1945: An Initial Investigation, John McGuinness .................. 657
The Role of the Islamic Pious Foundations [Waqf] in Building the Old City of Jerusalem during the Islamic Periods [637-1917]

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Muslim caliphs, sultans and princes paid special tribute to Jerusalem where many waqf establishments were erected. This charitable deed was not limited to the ruling class but it was also open to many other philanthropists. These waqf buildings, supported by waqf, had played a significant role in determining the design of the inner city of Jerusalem. Moreover, buildings belonging to waqf included entire markets as well as schools and hospitals. The extensive presence of such establishments inside Jerusalem's walls not only determined the religious features of Jerusalem but also affected its residential and commercial landmarks.

This research proposes that establishments supported by waqf and their affiliated real estate played a crucial role in the building of Jerusalem and developing its architecture. Through knowing the dates when the waqf buildings were constructed, one can identify the periods of building in Jerusalem and the architectural development of the city. It should be noted that these establishments were not restricted to Muslims but they also included Christian and Jewish waqf. This research paper will rely on judicial documents such as those from the court records [ṣijill] of the Islamic Ottoman court of Jerusalem [muḥākama sharīʿa] as well as from the Jerusalem waqf archive.

The urban organization of the city

Jerusalem’s Old City [intra-muros] is a small mountainous area that does not exceed one kilometer. It rises 525 meters above sea level and is surrounded by a wall dating back to 1800 B.C. (De Saulcy 1866, 424). Up until the second half of the 15th century, construction in Old Jerusalem was limited to the geographical space within the walls. (Cuneo 2000, 2: 219). The intra-muros area was not able to respond to the demographic and cultural developments witnessed by the city during that period. Thus, extra-muros buildings and neighborhoods began to appear which resulted in the emergence of a new city with its unique architectural features and cultural identity. This shift had come as a result of developments in the city during the 19th century including population growth, shortage in areas suitable for building extra-muros and high rental prices. All these factors combined, as well as other factors, led towards extra-muros building, i.e. in the New Jerusalem (Sroor 2010a, 55-56).

Jerusalem’s Old City is divided into four quarters according to religious and sectarian affiliation: Islamic, Christian, Armenian and Jewish. By studying the records [ṣijill] of the Islamic court of Jerusalem in the Ottoman period, one notes that the word “quarter” was not used to refer to the Islamic population in Jerusalem; instead, this sectarian and religious concept was used to refer to non-Muslim quarters [ṣijill 282, 1215/1800, 51]. This refers to the differences between the Muslim and the dhimmi [non-Muslim] who lived in an Islamic state. For Muslims, the records [ṣijill] of Jerusalem’s judge show that the sectarian concept of the quarter was not used. On the other hand, the quarter was characterized by a material aspect rather than religious implications, referring, for example, to a family such as the al-Shara‘i‘ quarter [ṣijill 288, 1221/1806, 89] or to a profession
such as al-Jawlaha quarter [dyinge leather] (sijill 287, 1220/1805, 86) to construction like Báb al-Ashārī [Damascus Gate], one of the Jerusalem's in-muros gates (sijill 281, 1214/1799, 12).

The Muslim quarter

The Muslim quarter constituted one of the largest quarters of Old Jerusalem where most of the demographic, architectural and economic activities pertaining to Muslims were concentrated. This quarter is located in the north-eastern and east-southern part of Old Jerusalem. This area is close to al-Aqsa Mosque where many religious and educational institutions were located as well as economic activities related to these institutions (Choucri 1996, 166).

The Christian quarter

The Christian quarter consisted of buildings, streets, markets and institutions operated by the Christians of Jerusalem, especially those centered around the Church of the Holy Sepulcher. That is why this area was called the Christian quarter as referred to in the Islamic court of Jerusalem (sijill 287, 1220/1805, 93). The participation of the Christians of Jerusalem in the campaign organized by the Fatimid rulers from 1033 to restore and fortify the walls of Jerusalem had given them the right to establish their own fortified quarter, which extends from Báb al-Khalil in the west to Báb al-Ashārī in the north. This area later became known as the "Christian Quarter." Proceeding to the year 1033, we do not have any documents which mentioned any existence of a private quarter for the Christians or a quarter which bore their name (Stoor 2010b, 151). Therefore, the middle of the 11th century could be considered the date of the beginning of the Christian quarter, which was officially recognized by the ruling Islamic authorities. At that time, it was known then as "Bait ar-Rum" (Bait al-Rum) or the market quarter. The material support of the Christians of Jerusalem which came from the Byzantine empire led to the signing of an agreement between the Fatimid Caliph and the Byzantine Emperor Constantine. The Emperor funded to build the section of the wall adjacent to the Christian churches which corresponded to the area surrounding the Christian Quarter - provided that this quarter would be limited to the Christians only. Non-Christians could not live with them. This quarter would be placed under the authority of the Patriarch. Before this agreement, Jerusalem residents of different religions lived in all quarters, side by side due to the absence of private quarters (Hijazi 1990, 133-134).

The Armenian quarter

The Armenian quarter was given this name in relation to the Armenians who lived in it. According to the records of the Islamic court of Jerusalem, the Armenians were Christians. This quarter is located in the southwestern part of the city (Ben-Arieh 1984, 243). Most of the Armenian properties are found in this quarter with other religious Armenian facilities outside this quarter, especially in the Christian quarter near the Church of the Holy Sepulcher such as the Church of St. John, which is located in the courtyard of the Church of the Holy Sepulcher. One should also note that other Christian communities had properties in the Armenian quarter. It should be also noted that some Islamic properties and waqf buildings existed in this quarter (Stoor 2010a, 78-79).

The Jewish Quarter

The Jewish Quarter is considered the smallest quarter in terms of area. According to Baedeker (1893, 22), this quarter is located in the southeast of the city, south of the al-Silsilat gate and to the east of the Porter's David road. It is surrounded by some of the Islamic quarters from the east such as the al-Assil, al-Qafrīn and al-Shafar quarters. From the south, it is surrounded by al-Maydan and al-Masalih quarters (Baedeker 1893, 22). According to Finbarr, this quarter was known by that name in the 13th century A.D. when the Jews settled in it. Up until the 15th century, their number did not exceed 500 persons (Finbarr 1955, 352).

Islamic pious foundations, construction space and power

From the moment of the Islamic conquest of Palestine in the time of Caliph 'Umar in 637, that is, five years after the death of the Prophet Muhammad, Jerusalem was the center of attention for the Muslim community. Control of Islamic Jerusalem passed through two ways. The first started with the Islamic conquest and went up until the Crusader occupation of the city in 1099. The second began with the Islamic reconquest of the city by Saladin in 1187 and ended when the Ottoman control came to an end in 1917 when the British occupied Jerusalem. During those periods, both Muslim and non-Muslim interest in the city was evident, which was represented by the establishment of waqf foundations. individuals from both communities. The large amount of waqf foundations were largely a result of the absence of an official state role in many aspects of civil society structures in areas such as health, education, social services and religious affairs. Moreover, waqf played an important role being a form of charity and a means to become close to God (Deguilem 1986, 53; al-'Arūnī 2011, 76-77).

Waqf played an important role in building the city culturally, which entailed all aspects related to the process of development and construction not only in relation to the physical aspects of economic development and construction such as buildings, markets, caravanserais, etc. (Leesuen 1999, 180-182; al-'Arūnī 2011, 75-76) but also included the human and intellectual development of Jerusalem's community (education, schools, libraries, Sufism movements). Waqf was also important in terms of supporting the poor and needy and providing food and housing for them, treating the sick, housing the travelers (Deguilem 2004, 396).

If we follow the historical development of the emergence of the waqf foundations in Jerusalem, we note that it coincided with the formation of the Muslim community there. Sources indicate that the Caliph 'Umar built the first mosque in Jerusalem and it is this mosque which constitutes the foundations of the present al-Aqsa mosque. Due to the fact that Jerusalem is a mountainous city where water is not available, the third Caliph 'Uthmān endowed the Silwan spring for the benefit of Jerusalemites between 644 and 656 A.D. to ensure that water was free and continually available to the inhabitants of Jerusalem. The Silwan spring was the first Islamic waqf in Jerusalem (Durut 1990, 108).

In the Ayyubid period, the Caliph 'Abd al-Malik [685-705] established waqf properties to support magnificent buildings considered to be the most important in the cities of the Muslim world, for example, the Dome of the Rock and al-Aqsa mosque [Gil 1996, 11-13; Rosen-Ayalon 1996, 389]. Caliph 'Abd al-Malik and his son al-Walad constructed these facilities in the same place where 'Umar ibn al-Khattab built the first mosque in Jerusalem. This place is known in Islamic history as al-Haram al-Sharif (Neuwirth 2000, 1-88). This term is used to denote the region which is located in the southeastern part of Jerusalem occupied by al-Aqsa mosque and the Dome of the Rock as well as everything in between and around these mosques, including the religious and cultural facilities. This area is considered to be the major function of the Jerusalem waqf, it became the nucleus of the Jerusalem Islamic waqf as most of the mosques and churches centered around it. In order to ensure the performance of these facilities for their services, many of the princes and the city elite endowed a large portion of the commercial real estate including markets, shops, caravanserais, baths, and agricultural land which supported the waqf facilities.

The large and rapid development in the waqf facilities in Jerusalem coincided with Saladin's conquest of Jerusalem in 1187 after the expulsion of the Crusaders. During that period, Jerusalem had witnessed radical changes in some aspects of its development and in the composition of its population as well as changes in its administration and social life. Despite these changes, the public features in Jerusalem, especially the topographical ones, continued as before (Hijazi 1990, 166-167; Mesheroh 1996, 413). After he had settled in Jerusalem, Saladin's work included not only establishing the foundations of its political and administrative rule but he also had erased the symbols of the Crusader presence in the city (Stoor 2010a, 153; Hillenbrand 2009, 7).

Culminating this policy, Saladin worked to establish waqf institutions to support mosques in this quarter through the establishment of buildings dedicated to waqf institutions at the level of the
Following the same strategy, the Mamlik sultans [1250-1516] competed in building waqf foundations in Jerusalem, especially educational ones. This not only contributed to the development of the scientific and cultural movement in Jerusalem, but it also participated in the architectural development represented in the buildings and markets which those sultans had constructed and which left us with an important architectural heritage. This development also included the economic sector through the construction of markets, caravanserais, public baths and other economic institutions, such as many villages, farms and agricultural lands scattered in all regions of Palestine where their waqf revenues were allocated to spend on the sultans’ waqf institutions in Jerusalem. The Mamlikus created more than 64 establishments, which were supported by waqf foundations concentrated mostly in the west and north of al-Haram al-Sharif. To ensure the functioning of these institutions, the waqf revenues of hundreds of shops, houses, farmland – whether inside or outside Jerusalem – were dedicated towards these institutions (Burgoine 1987, 103-244; Schaefer 1985, 282).

The Christian Quarter also experienced a boom thanks to an interest by the Mamlik sultans. This quarter was important for Jerusalem during that era: the Mamlikus stationed the police in this quarter near the Saladin hospital. In addition, many markets were created in this quarter, namely Sîq al-Hubûb [the grain market] for which much land was allocated on the south side of the Saladin’s bathrîsan [hospital]. The main markets in Jerusalem were found to the east of this bathrîsan where most of the economic activities were carried out (Soor 2015b, 157-158). The Mamlik Sultan Qâwûn built a mosque in the Christian quarter near the Church of the Holy Sepulcher. The records of the Islamic Court specify that the Muslim judge of Jerusalem had appointed the Custodian of the Noble Dome of the Rock with the help of the late Hajj Hayyân Effendi al-Khîlî in charge of managing the mosque and its endowment (Soûr 1982, 1215/1800, 120).

The Mamlik era is considered a golden one for the waqf institutions in Jerusalem, compared with other periods especially during the Ottoman period [1516-1917], which was marked by the establishment of limited waqf institutions except for the period of Sultan Suleiman the Magnificent [1520-1566]. Jerusalem had received much attention from this sultan who rebuilt the walls of Jerusalem in their current form, after it was in a state of destruction for more than 300 years after it was destroyed by King ʿIsâ al-Âyyûbî in 1219 (Asâl 1990, 201).

In 1557, Roxelane, the wife of Sultan Suleiman the Magnificent, established the greatest and most important waqf institution not only in Jerusalem but in all of Palestine (Heyd 1966, 139). This institution was known throughout all of Muslim Jerusalem as the imperial public kitchen located in the Islamic quarter near al-Aqsa Mosque. It is situated "on the southern side of a lane climbing up the hill, from the Bâb en-Nâzîr of the Haram Enclosure to the Street called after the Khân ez-Zei”. This lane is known by several names, such as ‘Aqabat al-wirîl. (Stephan 1944, 172-173). From the waqfyya [endowment deed] for this institution, which was registered in the sijill, it is clear that this establishment was founded not only in the coeval period and included a mosque, a caravanserail, a school and 55 rooms for a residence for Sufis. Moreover, it included a kitchen that provided daily meals to the poor and travelers who lived close to al-Aqsa Mosque. What is more, it contained an oven which produced 2000 fudâsîl [loaves of bread] daily. In order to allocate enough financial revenues, the waqf founder, Roxelane, endowed 34 villages and farms to cover the expenses of this endowment (Soûr 1997, 1557/1964, 18-27).

All the waqf institutions mentioned above are classified as charitable waqfs. In addition to these, there are also hundreds of family waqfs. A question arises here: What is the size and nature of the waqf properties in Jerusalem, whether family or charitable endowments? It is not easy to precisely answer this question for several reasons: The first is the difficulty of separating the waqf properties in the Old City of Jerusalem from those outside it due to the close interrelationship between the center and the outskirts since they were the main suppliers that channelled their revenues to the waqf institutions of the center, and the difficulty of determining these properties in the surrounding areas. The second reason is the absence of precise and official statistics dealing
with the waqf properties not only in Jerusalem but in Palestine in general. The available statistics in the published sources are not reliable and cannot be trusted because they depend on estimation and speculation. For example, Dumper provides statistics for the proportion of the family and waqf charitable properties in Jerusalem based on the estimates of the former officials in the Jordanian government and in the Waqf Administration in Jerusalem as well as on interviews conducted in 1986 with six muwatalli [waqf administrators] of the major family endowments in Jerusalem.

Based on these peoples' estimations, Dumper came to the following conclusion: waqf real estate in Old Jerusalem was estimated at 45-50% with the exception of the area of al-Haram al-Sharif. If we add the area of al-Haram al-Sharif, which is 17% of the Old City, the sum total of the waqf property in the Old City would become 67% (Dumper 1992, 190-191).

Through the analysis of the various documents and archives concerning the waqf, the following statistics may be cited: 27 mosques as well as al-Haram al-Sharif, 70 madrasas [religious schools], two khompous, 16 awliyan, seven ribats. It should be noted that the following waqf real estate were endowed in the following religious institutions: 11 bathrooms, 14 cisterns, all the shops in al-Qatariin, and in al-Husur markets, 580 shops and stores located in the rest of the markets of Jerusalem. This is in addition to all the houses located in al-Qatariin and in al-Husur markets as well as 330 houses scattered in different quarters of Jerusalem. Besides, this, the following should be added: dozens of olive oil presses and wheat mills, farms and gardens located within the walls of Jerusalem, furthermore, 150 villages and farms inside and outside Palestine were endowed either wholly or partially to spend on Jerusalem's waqf. It should be noted that there were more than 400 properties [shops, houses, mills, presses] were endowed to family waqf (Sloor 2010a, 377).

The presence of this important amount of waqf real estate in Jerusalem, in a small area which is less than one km², along with property and al estate with private ownership, as well as the waqf and institutions of non-Muslims indicate the essential role of these waqf institutions in determining the features of construction and property ownership in Jerusalem and in determining the functions and tasks of these waqf establishments. The Jerusalemite historian and the former mayor of Jerusalem 'Arif al-'Ariji (1892-1973) tells us that in 1876, Jerusalem had 1,520 shops which employed 1,520 people working in various crafts, trades and professions, representing many religious communities that lived in Jerusalem as following: 501 Jews, 807 Muslims, 357 Roman Catholics, 146 Latins, 40 Protestant, 69 Armenians ('Arif 1992, 248-350). Hence, we see that most of the shops in the Old City were waqf.

The radical changes caused by Muslims since the year 637 through the building of waqf institutions in the city included the eastern part of the city where there was no construction or building on the ruins of ancient buildings. Sources indicate that this part was neglected before the Islamic conquest of the city (Duri 1990, 108). The building of al-Haram al-Sharif, which occupies an important part of the city, contributed to a new overall urban planning for Jerusalem, especially after the construction of walls and tens of schools supported by waqf around the al-Haram al-Sharif area. The clearance of buildings in this part of the city allowed for the emergence of waqf markets of a new architectural design such as al-Qattanin market with a length of 94.5m, and a width of 5.5m. (Golvin 1967, 107). New waqf quarters appeared for the first time like al-Maghdarita Quarter, which occupies the southeastern part of the city. Houses and Islamic religious sites were set up in this quarter. At the end of the Ottoman period, the number of waqf real estate was about 140 properties (Waqf 3/5, 28/1272/13).

The large number of Islamic waqf in Jerusalem provided permanent sources of funding through the construction of shops, markets, baths and caravanserais in Jerusalem or through the reconstruction of existing buildings belonging to waqf. This explains the proliferation of hundreds of commercial waqf real estate in the various markets and quarters of Jerusalem. This research sheds light on the important role played by the waqf in building the Old City of Jerusalem in accordance with new architectural models that do not differ from those found in other Islamic cities such as Cairo, Damascus and Tunis.

REFERENCE LIST

Architectural Material

Register [Bijbl] of the Ottoman Court of Justice
- Sipil 270, 1577/1764; Sipil 281, 1214/1759; Sipil 282, 1215/1800; Sipil 287, 1220/1805; Sipil 288, 1221/1806; Sipil 291, 1222/1808; Sipil 292, 1224/1809.

Waqf
- Waqf 3/5, 28/1272/13; Waqf 13/1272/5, 28/131; Waqf 2/73, 29/2713.

REFERENCES

This research aims to provide some empirical evidence on mechanisms leading to real estate pricing in early modern Milan between the 16th and 18th centuries, with a special focus on the role played by the *stima* — in both senses of evaluation and reputation — of the engineers belonging to the College of Engineers, Architects and Land Surveyors in Milan [hereafter referred to as "the College"]. I will use here the term "engineer" — instead of the word "architect" — as it is the one that most frequently appears in sources. However, it should be kept in mind that in modern Italy this term is used to indicate a professional person with composite functions, who at the same time carries out engineering and architectural activities (Contardi and Curci 1991; Mazzi and Zaggia 2004; Bossi, Lange and Repishti 2007).

This research, in particular, deals with a quite neglected aspect of the multiple functions taken on by these professionals: their evaluation of houses, workshops and flats distributed in the urban space. To analyze this activity, I have collected several historical documents available in four main archives: the Archive of the Venerable Factory of the Duomo of Milan — one of the biggest property owners in Milan (Barbot 2008a, 22-80; Barbot and Mocarelli 2011) — the Archive of the State of Milan [ASM], the Archive of the Civic History of Milan [ASCM] and the Archive of the College of the Architects of Milan [ACAM]. From them I obtained several *statuti* [Regulations] of the Milanese College and altogether a set of 300 estimates and notarial deeds pertaining to 300 purchases made between 1565 to 1796 of 100 residential real estate units [called "houses" — *case* — or "apartments" — *appartamenti* — by the sources], 100 productive and commercial units ["workshops," i.e. *botteghe*] and 100 units with a mixed function [the so-called "houses with workshop," i.e. *case con botteghe*].

I chose 1565 for the beginning of this study because of its importance in the urban history of Milan: the walls circling Milan [the so-called "Spanish Walls"] were completed in that year (Leidy 1985), while two years previously the College of Milan was founded. The final date of the study [1796] coincides with the end of the Habsburg’s domination over Milan [begun in 1535] and — as we will see — with the closure of the College and the urban guilds.

My main research question can be expressed as follows: on what basis did Milanese engineers define the value of urban buildings in early modern Milan? This question is highly relevant for two major reasons. First, answering this question could help to clarify the logic and mechanisms at work in one of the most important economic sectors of pre-industrial societies. As in many other centres of the pre-industrial era, like in Milan, in fact, the urban building sector is one of great importance, coming third after the textile and food sectors (Cipolla 1974; Barbot 2008a; Mocarelli 2008b). Despite this relevance, the logic of the establishment of real estate prices remains a sort of "mystery" for historians. This hardly comes as a surprise: as many social scientists (Halbwachs 1909, 277-80; Bourdieu 2000a; Karpik 2007) have shown, such a mystery, in fact, is largely due to the characteristics of the house in so far