

**Muslim Philanthropy and Social Security: Prospects, Practices, and Pitfalls**

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## 1. Introduction

Human security or “safety for people from both violent and non-violent threats” emphasizes freedom from fear, but includes freedom from want (human development), and may “comprehensively cover all the menaces that threaten human survival, daily life and dignity” (King and Murray, 2002)<sup>1</sup>. Human security thus closely relates to social security. Social security, in a broader sense, includes elimination of conditions detrimental to the survival, functioning, progress, and sustention of human being to enjoy a ‘full life’ or the ‘life’ ensuring “living conditions and amenities that are customary in the societies to which a person belongs” (Townsend, 1979). Deprivation of these or “any basic capabilities” (King and Murray, 2002) causes poverty. Achieving such living conditions and amenities of life thus become rights as opposed to just needs. Needs can be met out of charitable intentions, but rights are based on legal obligations. The fundamental aspects of survival, functioning, progress, and sustention needs refer to enough food, health, education and skills development, and not being discriminated against (due to color, creed, gender, social and political backgrounds), respectively.

The United Nations Universal Declaration of Human Rights 1948 emphasises negative rights (rights that need not be created- only to be protected- and does require only the will and codification) eg. freedom of thought, conscience and religion, of expression and opinion, and from torture or cruelty, inhumane treatment or punishment. Positive rights (rights to goods and services that are produced and distributed and have budget implications) like the rights to food, shelter, development, etc. received only passing remarks in the Declaration<sup>2</sup>. In order to rectify the situation the United Nations in 1986 enshrined the UN Declaration on the Right to Development to establish rights to development, entitlement to participate in, contribute to, and enjoy economic, social, cultural and political development, and self-determination (Article 1). 1986 UN Declaration on the Right to Development (a watered-down version of the redistributive measures sought by the NIEO) was not supported by most rich countries<sup>3</sup> because the underline assumptions of the Declaration is believed to have been that the exiting resources need to be shared equitably assisting the marginalized people to assert their rights to these resources, thus making the process explicitly political (Nyamu-Musembi and Cornwall, 2004).

The rich countries’ behaviour in protecting their economic ascendancy was revealed further when the detailed plan of actions, related to the ‘Declaration on the Right to Development’, calling for world food security, resolving the debt burden, eliminating trade barriers, promoting monetary stability, enhancing scientific and technical cooperation was favored by 133 countries and opposed by 11 OECD countries (including Canada, France, Italy, UK, US with one abstention- Australia) because the plan of action was deemed as an “imposition of one-sided obligation” (Nyamu-Musembi and Cornwall, 2004).

The UN took another initiative in 2000 to expedite achievement of goals of development, in the form of UN Millennium Development Goals (signed by all 189 member countries) to halve extreme poverty, end hunger, reduce child and maternal mortality, and reverse the spread of diseases like malaria by 2015. To meet these goals the donor nations have to increase their aid budgets, if not fulfil their promised 0.7% to ODA<sup>4</sup>. The richest and the largest donor, USA, contributed 0.1% of GNI in 2000 which increased to 0.16% in 2004 (or to \$18b). Estimates show that the amount of aid required by the poor countries to achieve the MDG targets is \$135 to \$195 billion per year for the period of 2005 to 2015 which is about .44 to .54 percent of the rich-world GNI (Sachs, 2005: 299).

The world is having difficulty mobilising resources to ensure social security for all. The process is going on for the last sixty odd years without much success. Many Muslims, however, believe though the secular world is struggling to create a ‘norm’, there are revealed directions for philanthropy and social security in Islam. In the Islamic code of property relations, a property owner’s right to property is limited by the good of the community- if the owner is incapable of understanding this limitation the control over property is liable for removal. God has made all that is in the earth subservient to human kind<sup>5</sup>, but human being is not allowed freehold title; they are the trustees- not the absolute owners (Naqvi, 1981:87).

The Islamic principle of property suggests that the needy people have a right in the wealth of a rich person because everything belongs to God and He gracefully has bestowed some property on some so that they can be grateful and help others in charity. Thus the “Righteous” who will be rewarded with the Heaven are those who “lived a good life” and among others remembered in “their wealth and possessions” the “right of the (needy)”<sup>6</sup>. This acknowledgement requires actions to establish that right of the needy by offering them their 'due' in Islam. Further, it adds a responsibility on the charity givers to remember those who, for being timid, or due to a lack of knowledge about the givers' ability or the charity's content and quality or for being physically or mentally challenged may not be in a position to ask for charity. In fact, charity in a wider sense includes all help, “from one better endowed to one less endowed”<sup>7</sup>. The provisions of distribution in Islam are made, so that property may not merely “make a circuit between the wealthy among you”<sup>8</sup>. Islam aims to elevate all its followers to the level of *ghina*— being free from want (Rizvi, 1992: 3), or, following on the concept discussed at the beginning, offering human/social security.

This paper aims to analyse, with examples, Muslim philanthropy in the delivery of social security in terms of survival, functioning, progress, and sustention of poor people. It examines the social security aspects of *zakat* and *waqf* funds, in particular its use for children and women- the two vulnerable groups in the society. The paper also looks at the extent of achievement of many Muslim communities and leadership in affecting the social security roles of Muslim philanthropy. At the time of worldwide insecurity, believed by some to be resulting from injustice, the paper explores how much can be done and are being done by Muslim communities to defuse the tensions between the ‘have lots’ and ‘have nots’.

The work is based on the author's book *Philanthropy and Social Justice in Islam: Principles, Prospects, and Practices*, with information and data collected from the texts of the Qur'an, *Hadith*, government documents, documents/reports of many philanthropy managing organisations, and interviewing individuals in Bangladesh, India, Indonesia, Malaysia, Pakistan, and Turkey.

The paper first deals with the concept of property relations followed by the aspects of Muslim philanthropy, and social security guidance of Muslim philanthropy. At the end the discussion endeavours to analyse the issues related to ensuring social security from Muslim philanthropy.

## 2. Muslim Philanthropy

The Qur'an gives specific guidelines about charity in verse 2:273. Other verses categorically illustrate the importance of charity in the Islamic doctrine of faith and its relationship to God suggesting that God's mercy and protection is available not only through prayer, but through the involvement in giving as well<sup>9</sup>. Two major reasons for giving in charity are to show gratitude to the Almighty and to purify the earnings<sup>10</sup>. The Believers are advised to be proactive in philanthropy by using their wisdom to ascertain needs and provide charity to the needy instead of waiting for them to ask for it. The Qur'an wants the people capable of giving in charity to think about the problems of the silent poor people, and compassionately offer them charity<sup>11</sup>. Purposeless act of charity is thus unacceptable (Ali, 1938, note 322) in Islam. In that sense philanthropy is more an Islamic concept than charity.

In neoclassical economics, the only binding constraint on the consumer is the consumer's budget. In the Islamic concepts of social relations, individuals are subject to two constraints. First, the individuals must sacrifice part of his income for charity to acquire virtue. Second, he must internalize community preferences as a responsible member of society, and avoid conspicuous consumption (eg. luxury and extravagance) through self-restraint checked by individual intelligence<sup>12</sup>. Similarly, producers and traders, as “individuals-in-community” are required to produce community approved goods and avoid profiteering and other unfair trade practices (Mehmet, 1997: 1206).

Two major forms of giving in Islam are: obligatory charitable wealth tax (*zakat-ul-mal*; ‘*zakat*’ afterwards), and permanent endowment or Islamic charitable foundation (*waqf*; pl. *awqaf*). *Zakat*, one of the five pillars of Islam<sup>13</sup>, is called regular charity (Ali, 1938: note 5353) or obligatory charitable wealth tax, and also legal alms by some (eg. Kamali, 1999). This spending of wealth<sup>14</sup> may also be for increase in “self-purification”<sup>15</sup>. *Zakat* became a formal and compulsory transfer system in the second decade of Islam (622AD). *Zakat* is ‘enrobed’ with religious sanctity and ensures redistribution of wealth, not by coercion, but through the acceptance of moral principles (Dean and Khan, 1997: 196-

7). The recipients, likewise, are purified from jealousy and hatred of the well-off thus it is a type of 'financial worship' and without its observance the efficacy of prayer is negated (Benthall, 1995: 2).

The amount of *zakat* to be paid varies from 2.5% for savings and wealth for Sunni Muslims, 5% for Shiite Muslims, and 5% or 10% (known as *ushr*) for primary produce<sup>16</sup>. For the Sunnis, *zakat* on business (production, mining, fishery, shipping, supply, agriculture, services or others, as long as it is for the purpose of profit) is obligatory. *Zakat*, according to Shi'ite *fiqh*, is obligatory on nine items only<sup>17</sup>. Funds available through *zakat* are not negligible. An estimate undertaken in 2003 showed that if *zakat* is properly distributed even in a poor county like Bangladesh, the amount of annual *zakat* distribution may be almost equivalent to the amount the government spends in the health sector every year<sup>18</sup>.

A *waqf* (Islamic charitable foundation) is formed through voluntary donation by the owner of a property dedicating the usufruct to some charitable ends for the duration of the property's existence. *Waqf* endowment is thus a process of anticipating and managing the future: a hereafter future for the person making the *waqf* endowment, and worldly future for the person benefiting from it (Raissouni, 2001).

### 3. Social Security Aspects of Muslim Philanthropy

Charity in Islam is meant to be a source of social security (Gambling and Karim, 1986). It has been 'the outstanding social pillar of Islam', enabling individuals' efforts to be steered towards a common goal (Benthall, 1995: 5). In this section social security aspects of *zakat* and *waqf* funds will be discussed. The section is divided to discuss how Muslim philanthropy addresses survival (food and nutrition), functioning (free from disease), progress (education and skills), and sustention (free from discrimination) needs of the poor.

#### *Survival Issues*

While *zakat* is meant to purify wealth it is also meant to be distributed to reduce distress of the poor. The Qur'an provides specific guidelines in the distribution of *zakat* to eight different groups of people and activities viz. the poor, the needy, those employed to administer the *zakat* fund, newly converts to Islam, those in bondage, those in debt; any thing in the cause of God; and the wayfarer<sup>19</sup>. Thus basically it is for the poor, the needy, and their survival. In most Muslim communities *zakat* payers undertake the distribution tasks privately, mainly due to the lack of an organised system or for the lack of trust in *zakat* collecting organisations. In many cases, for example Pakistan, accounts shows that 46% of the district level distribution for a year is used for maintenance allowance of the targeted people.

*Awqaf* have great social significance in the society concerned providing many social services not afforded by the government. Throughout the history, proceeds from *awqaf* have been dedicated to places of worship, learning, health and hygiene, soup kitchens, urban services etc. In modern times *awqaf* provides shelters, delivering water to a locality, defending a town, paying neighbourhood taxes, supplying foods to children, etc.

In the recent past cash *waqf* has become popular because people without much (immovable) property wish to get benefit of the *waqf* system, and the banking system prefers it because it is easier to handle than property or other endowments. There have been examples where cash *waqf* have been distributed as credit to the needy, and returns from these loans were spent to offer services to the needy including social services (Cizakca, 1995: 324).

#### *Functioning Issues*

The basic premises of *zakat* were framed in the seventh century when resources, peoples, needs, and poverty everything was less. People and authorities over the years, have tried to address the ever increasing needs of the community within the basic frame of Muslim philanthropy. Malaysia, for example, has done impressive work in improving the understanding of the purpose, use, and outcome of *zakat*. Based on the main guidance in the Qur'an, the Baitulmal Division of the Islamic Council of Malaysia, being responsible for *zakat* distribution, has expanded the 'eight groups' of *zakat* recipients to suit the purpose of the present world and modern needs of the concerned people ensuring an efficient *zakat* administration. For example, one of the 'eight groups' suggested in the Qur'an is "Those in bondage or to free slave". In order to suit modern needs Malaysia has included three items under this

group: To free Muslims from ignorance; to free a Muslim community from a very oppressive condition; and to free those trapped in prostitution. In Malaysia hospitals, Medical and cash aids to the destitute and poor, patient treatment fund, etc. are serviced by *zakat*. In Yemen public hot bath, water facilities, wells for irrigation and household water use arranged through *zakat* funds have been supporting hundreds of citizens for decades (Carapico, 1998).

*Waqf* has been known to have provided many services, which in other contemporary systems had been the principle or sole responsibility of the state (Lewis, 1990). As put by Hoexter (1998), prior to even the 20<sup>th</sup> century a broad spectrum of public or municipal services in many Muslim communities were set up, financed and maintained almost exclusively by endowments (cited in Baskan, 2002: 13). Such endowments had been regulated by *waqf* systems throughout the Ottoman Empire (Baskan, 2002: 13).

The health and hygiene sector has been an important beneficiary of Muslim *awqaf*. Public bath became one of the major beneficiaries of *awqaf* in the early days of Islam because cleanliness has been a major part of the Belief system. Charitable dispensaries, and *Hekimi dawakhana*<sup>20</sup> all over South Asia have been providing health service to thousands of poor people. In Pakistan, a major *waqf*, Hamdard Foundation, has been producing and distributing herbal medicines and tonics, since 1906. In many Muslim countries, including Bangladesh, Egypt, Jordan, Malaysia, Pakistan, and Yemen, public hospitals and health centres are established and supported by large *awqaf*.

### ***Progress Issues***

Caliph Umar bin Al-Khattab is often quoted as saying “If you give *zakat*, enrich the recipients”. Many *faqih* (authority in Islamic jurisprudence) thus suggest that it is better to give enough *zakat* to one person by pulling the person out of poverty instead of giving smaller portions of *zakat* to individuals that does not bring a long term economic benefit for the recipient<sup>21</sup>. Islamic doctrine and the Prophet’s tradition emphasise strategic philanthropy, because purposeless act of charity is unacceptable (Ali, 1938, note 322). Schools for general education, religious schools, orphanages, boarding houses, skill development programs, etc. in all Muslim communities for hundreds of years have been the major beneficiaries of *zakat*.

The above advice of giving *zakat* to “enrich the recipients” seems to be quite relevant in the present world where many governments and communities are struggling with poverty stricken people and *zakat* money is misused in unworthy causes. If a person wants to pay *zakat* to a craftsman the best approach would be to give the person enough money to establish a craft or buy tool(s) for the craft. Similarly, if farmers are the target people, *zakat* payers should supply the agricultural tools, fertiliser, seeds, etc. “to the farmers to the extent that they can cultivate and build up strong economic footing” (Jafree and Amin, 2003: 50). In Pakistan, provincial and local *zakat* committees use significant portion of *zakat* funds for human and spiritual, and skills development of orphans or poor meritorious children. For example, provincial *zakat* committees provide 50% and 20% of its share to general education institutions and religious schools (*deeni madaris*), respectively, as stipends and scholarships through educational institutions (Hasan, 2006).

Experiences from different communities show that *waqf* funds, in many countries, have been used for three main purposes related to social and human development, for example, urban services, education, and health and hygiene. Islam emphasises education. One of the oldest *awqaf* supporting a major seat of Islamic teaching and research and higher education is the Al Azhar University of Egypt. In different parts of South Asia, *awqaf* provide support for education. Some institutions (eg. *madrashas*<sup>22</sup> or orphanages) in Muslim communities, for generations, have been successful in receiving *waqf* funds. Almost all the *madrashas* operating in south Asia, like many other Muslim countries, are established, financed, and managed through the funding from many *awqaf*. In Malaysia, Islamic educational institutions, especially the *pondoks* (boarding schools), are established and operated by *awqaf* funds (Bakr, 2001). In Yemen educational counselling, private tutorials, publication of educational materials for religious, general, and technical schools are supported by *zakat* funds (Carapico, 1998). Educational aid for needy students, varied skills and professional training institutes, education fund for scholarships for higher, secondary, and primary education are recipients of *zakat* funds managed by the Islamic Council of Malaysia (PPZ, n.d.). Thus *zakat* funds over the years in many instances have been used efficiently in human progress.

## *Sustention Issues*

Three aspects of sustention are: free from any discrimination that promotes inequality among individuals for social and economic reasons, for gender, and for religious backgrounds. These three aspects are important because a society can sustain only when all its members receive similar supports and thus commit themselves to the protection and well being of the society. In this section the discussion revolves around philanthropy supported programs and activities aimed at eliminating discrimination in Muslim societies.

### Inequality among Individuals

*Zakat* funds, in many countries, are used for social development, social harmony and sustainability maintenance than anything else. For example, central *zakat* fund in Jordan supports educational and income generating projects, old people's homes, rehabilitation projects for handicapped people, soup kitchens and the like (Benthall, 1995: 2-4). Voluntary organisations undertake unique programs of modern needs, eg. collective weddings, soliciting individuals, traders, and merchants for *zakat* by obtaining *fatwa* (Islamic legal ruling) to receive *zakat* funds for previously unlisted causes (based on Quintan and Farouki, 2000). These activities aim at reducing inequality in the society.

Islamic dictum seeks to ensure equitable distribution of wealth through its social support system (*takaful*; mutual guarantee and solidarity) in four areas of cooperation. These four areas are: *takaful* within the family through the provision of maintenance including food, health, clothing, housing, education, marriage support for close relatives, and provisions relating to inheritance and bequest<sup>23</sup> 2) *Takaful* within the community through the distribution of *zakat*. 3) Cooperation among small groups and associations of neighbours and local residents. 4) Voluntary charities and atonements including charitable endowments (Kamali, 1999: 191).

Two major recipients of *zakat* funds, as dictated by the Qur'an, are the needy and the indigent poor. The *zakat* payers all over the world are mindful of this requirement. The problem is sometimes being too mindful (and rigid), the payers support unproductive and unnecessary activities (eg. clothes; instead of giving money for skills development or tools procuring). People target the poorest of the poor but not in a productive and proactive way to ensure a long term impact of the *zakat* funds.

### Gender Inequality

Two of the eight groups/activities eligible for receiving *zakat* funds are: the poor and the needy. In the recent past women and children (again girls) have been the poorest and most needy thus naturally most programs supported by *zakat* funds should benefit women and girls. Not only being beneficiaries of philanthropic activities, women have been involved in *waqf* creation and management for hundreds of years. *Waqf* creation and management are said to have been major areas in the traditional Muslim society in which women approach equality with men. Islamic property law guarantees women's right to own property, the system of *waqf* creation and management gives additional legal sanction and protection to women's property ownership and control because *awqaf* are regulated by Islamic law and comes under Islamic court authority. Women founded family *awqaf*, naming the self as the administrator (*nazira*), as a court-sanctioned trust from which they derived an income and over which they exerted control. By creating a *waqf*, women were able to safeguard their property from predatory relatives, benefit from its income during their lifetimes<sup>24</sup>, ensure their right to manage it, and pass it on to their designated heirs<sup>25</sup>.

Property ownership has not been limited to a small number of elite women. Studies from various regions and periods found that women from all walks of life (rich and poor, women of noble families, as well as women of simple origin) constituted between 20% and 50% of the endower population<sup>26</sup> (depending on the specific study). Moreover, Women owned and endowed all manners of income-producing property, and can be said to have been in a position to influence the major economic activities in urban as well as rural areas<sup>27</sup>. The very fact that women endowed and administered the property, offers a picture of women actively engaged in economic and financial matters (Hoexter, 1998: 481-2). Thus the *waqf* law allowed the women social emancipation and reasonable control over financial matters affecting themselves.

As mentioned earlier, educational institutions have been a major beneficiary of Muslim philanthropy without much gender bias. In fact, the fundamental tenets of Islam do not differentiate in educational

opportunities for boys and girls (proclaiming that acquiring knowledge is obligatory for all Muslim male and female). Religion is used only as an excuse in resource poor countries. In some countries, especially the petroleum rich Middle Eastern countries, adult literacy rates are higher than many other middle income countries, in three countries female literacy rates are higher than male literacy rates; for example, Bahrain (male 88%; female 93%), Qatar (male 81%; female 85%), and UAE (male 76%; female 92%). Considering the fact that all these countries follow strict Islamic rules, it is quite rational to claim that the religious dogma/dicta has no direct relationship with low adult, especially female, literacy rate. Adult literacy rates for female are much lower than the fellow male citizens in those countries where overall literacy rate is lower, for example, in Niger (22% for male and 7% of female). In some other countries, the differences in the male and female adult literacy rates are very high, for example, in Pakistan (29 percentage points) and Yemen (40). Gender differences in literacy rate are, in fact, much higher in countries with larger inequality index. For example, in Guinea Bissau, Nigeria, and Sierra Leone with 47, 50.6, and 62.9 Gini index of inequality, respectively the female adult literacy rates are 31, 18, and 17 percentage points lower than the respective male literacy rates of: 58%, 70%, and 45%.

The data also show that child mortality rate is comparatively much lower in countries with lower gender difference in adult literacy rate. For example, child mortality rate in Indonesia (per capita GDP of PPP\$2940) is 37 and in Morocco (PPP\$3,600) 60 because the difference between male (93%) and female (83%) adult literacy rates in the former is only ten percentage point, whereas in the latter the difference is 16 (60% for male and 44% for female). Again in Iran and Gabon (with PPP\$6,000 GDP per capita in both), infant mortality rate is 33 and 60, respectively because in Iran the difference is only fifteen percentage point (82% for male and 67% for female), whereas in Gabon it is twenty-one (74% for male and 53% for female). Thus through higher gender equality these countries can achieve higher literacy rate, lower infant mortality and thus higher human development.

The available data also show that some resource poor Muslim countries, for example Bangladesh, have done relatively better in achieving a lower infant mortality rate with a reasonably modest per capita income. These figures are achieved at a time when Bangladesh government has not done much in expending in education and health sectors. On the whole, like in other countries, there has been a direct co-relation between low income inequality and human development potential (low infant mortality rate and high literacy rate). Things are better in all countries where the difference between male and female literacy rates is very low.

No datum is available to support the contention, but it is highly likely that philanthropic activities in these countries are liable for better than expected results in gender equality in education sector (establishment of schools for boys and girls), in the health sector (health service delivery irrespective of gender and religion), and hygiene (for lactating women and infants).

#### Minority Benefits

Islamic pluralism extends to other religions because the Qur'an is ".....a confirmation of (revelations) that went before it, and a fuller explanation of the Book- wherein there is no doubt- from the Lord of the Worlds"<sup>28</sup>. The Qur'an suggests universality of law of justice, and application of justice even with the people of other religions as long as they do not harm Islam or out to destroy Muslims<sup>29</sup>. There should not be "any compulsion in religion"<sup>30</sup>, and thus Muslims need to deal with people of other religions kindly, justly, and equitably. Ali (1938) comments, in order to achieve the Muslim's purpose of being the true standard-bearers for God, the Muslims shall have to find true common grounds of belief and "also to show urbanity, kindness, sincerity, truth, and genuine anxiety for the good of others" to prove that the Muslims are not cranks or merely seeking selfish or questionable aims (note 3472). The problems of minority supposed not to exist in any Muslim countries should the people there follow the commands of the God.

Unlike other prophets or architects of religions, who have been only spiritual leaders, Prophet Muhammad took the responsibility of administering socio-economic and security issues of the people and framed the first written constitution of the world, Medina Charter, in the year 622AD. The Medina Charter rejected nepotism (Article 11), offering protection to the non-Muslims treating the local religious minority (Jews) as a 'community with the Believers' (Article 30-34), promising to help the signing parties in the event of outside attacks (38), mutual advice and consultation (Article 39), and no liability for misdeeds of any body's ally (Article 41). The Prophet further pledged security to

the non-Muslims, after conquering places (cited in Ali, 1964:274). The Second Caliph Omar at the capitulation of Jerusalem in 638 AD granted to all the non-Muslims, “....security for their lives, their possessions, their churches and crosses, and for all that concerns their religion” (cited in Ali, 1964:489). Thus in the early days of Islam tolerance and freedom of religious life was the norm. No extreme behaviour, against any religion, was encouraged or approved by the Qur’an or by the first Muslim leaders, including the Prophet.

Now the question is can Muslim philanthropy offer benefit to non-Muslims? The answer is yes because the dicta do not establish exclusive rights for Muslims. Many countries, for example Egypt, have endeavoured to practice philanthropy for public benefits. In Egypt, in the 1990s there were more than 2,000 *zakat* funded health clinics (including 300-350 in Cairo). In these health clinics, the best doctors are hired, irrespective of religion or gender, and service is offered to the local needy, again irrespective of religious background. According to a study<sup>31</sup>, on an average, almost 35% of the patients served by these clinics are Christians. Most striking facts about these clinics are, these are located often times within or beside the local mosques (see Clark, 1995). Thus some people’s presumptions that *zakat* fund cannot be used for non-Muslims does not have any valid basis in Islamic code that is why the above clinics are being run with local religious sanctions.

#### 4. The Discussion

Sayyid Qutb maintains that *zakat* is superior to the Western concept of charitable alms, and has nothing to do with charity, which is a non-Islamic concept (cited in Benthall, 1995 from Carre 1984: 151; Mitchell 1969: 253). *Zakat* has been ‘the outstanding social pillar of Islam’, enabling individuals’ efforts to be steered towards a common goal. The doctrine of *zakat* introduced the first system of social security, but in practice its institutions received a marginal position in Muslim countries (Benthall, 1995: 6). Since the early days of Islam, *awqaf* have provided urban and social services for public benefit. In the recent past *waqf* funds either have been misused by the managers or contemporary regulators or have offered services that are neither for social or human development nor for public benefit. Thus Muslim philanthropy’s performance in achieving goals has not been impressive.

The question is why? In this part of the discussion, we will endeavour to analyse the phenomenon in terms of structural, leadership (hegemonic), flexibility, interpretative, and protectionist issues.

##### A) Structural

i) Islam is a holistic religion and prescribes a regulatory framework encompassing all aspects of life: spiritual, social, economic, and political. In the Islamic system it is, thus, hard to separate religion from governance of people. It, however, need not be a theocracy due to the diversity of its contents and focus. Even some non-Muslim researchers of Islam, for example, Lewis (1990) opines that Islam was not and indeed could not be a theocracy because Islam has no priesthood, no prelates who might rule or even decisively influence those who did. Islam does not have any popes or any political cardinals. Some institutions resembling these were introduced in the Islamic world during the rules of the Umayyads and Abbasids around the 7<sup>th</sup> and 8<sup>th</sup> century when the Caliphs used to rule claiming divine rights to do so (Hasan, 2006). But still there is no world body, and only very limited national authority.

ii) Islam suggests and promotes a decentralised system of codification and practice within the fundamental framework based on the spirit of submission and praying to God, equality of human beings, justice, and peace. In the absence of a centralised system of regulatory control, many Muslims individually and collectively, over the years have tried to exploit the perceived ‘vacuum’ for personal, group, or community benefits.

iii) In most post-colonial societies, the rulers and governments play safe and leave most practices to individual’s own conscience and community decisions, as desired in the basic tenets of Islam any way.

iv) Philanthropy is one such individually defined activity that relates essentially to family responsibility (due to the absence of governmental social security program for the ill-fated) and often precludes provisions of support beyond the family. In most cases, however, it is not paid according to the fundamental guidance.



## Interpretative

The Qur'an, for the first thirteen years of revelation (encompassing around 18/30 parts known as the Mecca passage), established the moral and ethical foundation of the Muslim community (An-Naim, 2002). The Mecca passage highlighted the fundamentals that the God is the only creator, the Prophet is sent as a 'Warner', every body has to account on the Day of Judgement, summoning human beings to acknowledge God's power and goodness and worship, and to act uprightly in practising generosity and avoid niggardliness (Watt, 1961: 44). Since this peaceful and voluntary Mecca message of fundamental social and economic egalitarianism was violently rejected in Mecca and Arabia in general, the Mecca message was deemed not suitable for that stage of human development. Thus, the Prophet's migration to Medina signified a tactical move to seek a more receptive environment, and also a shift in the content of the message itself (An-Naim, 2002).

ii) The latter part of the Qur'an (the Medina passage) included advices to deal with the aggressors, commands for social and economic activities, guidance for establishing human relationships, and became codified in *Shari'ah* as the model for an Islamic state. It is worth noting, however, that even in Medina verses, the Qur'an warns the Believers to stay away, for example, from aggression and hatred against any body, including the perpetrators<sup>32</sup>.

iii) The problem is the implementers of Islamic laws often tend to ignore the non-aggression principles of the Qur'an as well as the existence of the Mecca passage. Due to a low popular support and a lack of interest in a holistic implementation of Islamic norms of justice and moderation, these implementers tend to use high impact short-cuts of introducing *hudud* laws (worst forms of crimes with harshest exemplary punishments) to divert people's attention from the major issues as well as neutralising the few extreme group's demands of introducing *shariah* laws. They ignore the fact that even in the early days of Islam *hudud* laws were not implemented in the case, for example, of stealing (because the government was ready to accept failure that forced people to the crime) (Ali, 1964). In any event, for some, these aggressive laws are actually defence mechanism of the regimes concerned.

iv) The guidance in the Qur'an, in most cases, is very broad. For example, the Qur'an advises to "Fulfil obligations"<sup>33</sup>, without defining them. The Prophet, Caliphs, later scholars, and the exegetes have elaborated on these obligations analysing the fundamentals of Islam. These are interconnected divine obligations guiding the individual, social, and public life of Muslims, mutual obligations of commercial and social contracts, treaty-based obligation as citizens of states, and tacit obligations living in a civil society (Ali, 1938, note 682). These guidance are open to varied (mis)interpretations, but not when based on the fundamentals of peace and justice.

v) During his life time the Prophet used to give guidance (about property relations, tax collection and use, minority rights, etc.) based on divine revelations, independent reasoning (*aql*) or analogical deductions (*qiyas*), and consultation/discussion with close companions including his wives. Early Caliphs followed these and also used precedence and consensus (*ijma*) allowing the *Umma* (the whole community made up of all citizens of Medina) to govern by consensus (*ijma*) in their traditional way i.e. 'direct democracy'<sup>34</sup>. During the Umayyads (661-750AD), the rulers became a separate creed from the religious leaders, and endeavoured to influence the latter to get religious rulings always favouring themselves (the rulers). They wanted to ensure control over the religious leaders through torture and intimidation<sup>35</sup>. Political instability of and increasing pressure from the Abbasid rulers forced the Islamic jurists toward "greater conservatism in their legal interpretation"<sup>36</sup>. As a result, in the 10th century CE (around 200 years after the compilation of the *Hadith*), the Sunnis closed *Ijtihad*<sup>37</sup>. in order just to frustrate the political rulers' efforts to destroy pluralism. For the same reasons, some Muslim religious leaders over the years have taken the establishment's lines, for example dealing with the Mughals and Ottomans (Eickelman, 2002). These and similar incidences over the years have shaped and reshaped the relationship between state and religion.

vi) The irony is while the early religious leaders strived and suffered to protect Islamic pluralism and highlight the 'Golden Mean'<sup>38</sup>, some recent self-proclaimed religious leaders are using the (authorisation) gap to destroy pluralism and promote extremism even in the practice of philanthropy (eg. charity must follow the rigid guide). God prefers middle path for all aspects of human activities related to society or administration, and says, the people who, among others, while spending "are not extravagant and not niggardly, but hold a just (balance) between those (extremes)" are the most gracious of the servants of God<sup>39</sup>. This is an example of how Qur'an discourages excess. Even in the

case of charity man should not be extravagant to show or impress others. There is no room in Islam to “rob Peter to pay Paul” (Ali, 1938, note 3127).

#### Leadership/Hegemony

i) The problem, due to its flexible structure, however, is- leadership. The experience from Malaysia shows that if a competent body, in this case the Islamic Council of Malaysia, explains and undertakes measures to expand the original ‘eight groups’ to meet the modern needs, people feel confident to follow. Thus Muslim communities need a strong and committed leadership to initiate a process to analyse and expand these original categories to suit each individual country/community situation or, better still, authorize adoption of works undertaken by *ulamas* in other countries and/or communities. But the leadership is still a major problem because the religious ‘leaders’ neither have appropriate education nor ‘power’, the politicians have power but not the knowledge or the will.

ii) Islam does not provide any role of mediators between individuals and God. “There is no intermediary in the form of power or matter between the Creator and His creation” (Nomani & Rahnema, 1995: 34). Islam rejects 'saviorship' and intercession; it also disallows any caste of priesthood, or monopoly of spiritual knowledge or special holiness to intervene between human being and God. Each soul rises to its Creator without the intervention of a priest or hierophant. Each human being is his own priest- in Islam no one is higher than the other (Ali, 1964: 165). Islam recognises no ordination, no sacraments, no priestly mediation between the Believers and God. The *imam* (so-called clergyman in Islam; essentially a prayer leader) "is perceived as a teacher, a guide, a scholar in theology and law, but not as a priest" (Lewis, 2002: 111). Problems occur when individuals begin to think of superiority and claim interventionist roles between other human beings and God.

iii) Since Islam offers guidance on politics, economics, society, state, government etc., rulers over the years have felt a need for authorisation of their work for general public consumption. Thus a position of a major Muslim leader, *mufti*<sup>40</sup>, was created during the Ottoman times, having "a hierarchy of *muftis* culminating in the Chief *Mufti* of Istanbul". After the fall of the Ottomans, the practice continued in the middle east, where governments appointed functionaries with the title ‘Chief *Mufti*’, to exercise religious and ecclesiastical jurisdiction over a city, a province, or a country and to play “a political role unknown to classical Islam” (Lewis, 2002: 121). Over the years states thus have played important roles in influencing the analyses of Islamic tenets and the religious leadership<sup>41</sup>.

iv) This system or any thing similar is not in practice in most part of Muslim communities where people in general are not knowledgeable or have been kept ignorant by religious dicta (eg. it is better not to read the classical texts in vernacular- just in case one does not understand or the translation is incorrect). The people face many issues in their everyday lives that they want to deal in an Islamic way. Thus the local *imams* (who are either *qari*, artful reciter of the Qur’an, or *Hafez*- who memorise the whole of the Qur’an) being not conversant in Islamic laws tend to serve edicts which are often not supported by the fundamental tenets (which never had been a part of their teachings, any way) but serve the purpose of the powerful local individuals (thereby securing their own positions of remaining *imam*<sup>42</sup>). Thus the possible strength of Islam, due to the absence of a standardised system and a quality control mechanism, raises questions about its flexibility.

#### Flexibility

i) Islam in the east of Arabia, instead of the sword, was brought in by Muslim traders, travellers, individual missionaries<sup>43</sup>, and Sufis offering the messages of peace, fraternity, and mutual support. For example, Muslim traders arrived at the southeast (Malabar Coast) of India in 636. The arrivals and contacts continued afterwards with Muslims marrying local women and helping the *rajars* (local rulers) in trade and in procuring Arab horses<sup>44</sup> (Sastri, 1975: 396). Thus the spread of Islam was greatly enhanced partly by social contact as a consequence of trade, but more importantly by marriages<sup>45</sup>. Islam expanded widely in the South and Southeast Asia for philosophical (positive), social (negative; emancipation from the traditional system promoting inequality among human beings), economic, and political reasons. Intermixing, a norm in its expansion, influenced Muslim behaviours and activities in Islam’s early years.

ii) In most part of South and Southeast Asia the common people were introduced to Islam before the area was occupied by Muslim rulers. Thus mutual help became more an economic necessity than a social desire. Further, people came from different parts of the region to settle in close-knit

communities offering mutual supports and social re-enforcement became the norm. Also there never had been a very strong and resource rich central government, thus the communities took over the responsibility for many aspects of social lives strengthening the societies. Governments neither were present nor showed any interests in regulating and/or guiding philanthropic activities of the individuals.

iii) Since the emphasis always had been the philosophical aspects, Islam allowed the continuation of indigenous cultural and administrative practices of every new community. Muslim conquerors retained the customs and institutions of the conquered, merely replacing the leaders and key officials (Gladden, 1972:214). There had been plurality of Islamic culture and management systems adhering to the basic principles of Islam- faith and submission to God, and the establishment of peace through the administration of justice. Thus different Muslim communities have adopted varied practices within the basic principles of Islam. Islam promotes this pluralism. In the recent past some individuals (purposively) ignorant about the philosophy behind pluralism (greater acceptability, growth, and sustainability), and being egoist (self-aggrandiser) as well as egotist (boaster) tend to believe that Islam can survive only with one form and become protectionist.

#### Protectionism

i) In the absence of a strong and popular political system, governments in many countries for a long time have been uncomfortable in taking a conclusive position about delicate religious issues including the improvement in the *zakat* and/or *waqf* administration. The governments, not having much support among the citizenry, fear repercussion for any religious reform measures. In fact government in many countries have shown keen interests in using religious elites' different edicts to protect themselves.

ii) To make things worse, in many countries, for example in a poor country like Bangladesh, the protectionist religious leaders, having a free hand on *zakat* funds collected by mosques and shrines, threat to label the government 'unIslamic' if the government move to improve the management of Muslim philanthropy to increase its impacts<sup>46</sup>.

### 5. Concluding Remarks

The impacts of Muslim philanthropy in ensuring social security can be increased by following recent reforms in countries like Malaysia. While many social and economic problems can be solved by the use of *waqf* earning in many Muslim communities, the use of *waqf* earning mainly for 'pious' cause is questionable, at least in the circumstances when there are so many poor people to deal with. Thus something must be done, but that will require governments with large public supports and strong will.

While a national or an international model is hard to come by, micro level measures should be much easier to implement. In the recent past business entities worldwide are becoming more and more interested in corporate social responsibility in the form of corporate philanthropy, often times creating alliance with nonprofit organisations. In the Muslim communities, business firms with a real commitment to social security might consider setting up their in-house *zakat* funds, or an equivalent, to cover those social costs not currently being met out of the State Funds (Gambling and Karim, 1986). A good example of mobilising corporate *zakat* is created by the Dompert Dhuafa Foundation (DD) in Indonesia. The DD annually receive around 100 million rupiah as corporate *zakat* for its social development programs (PIRAC, 2002).

The most important point is that in the absence of a unified and central body of Muslim clergies or jurists in most Muslim majority countries in the present world, the onus is on the respective government and legislative bodies to improve Islamic laws adapting to changes. Framing of laws to influence philanthropic behaviour and activities of the people, within the basic principles of Islam to make philanthropic activities easier and gratifying (due to its social security impacts) for everybody, has to be the first step. The question of state influence on philanthropy may arise but governmental laws affect philanthropic outcome any way. For example, if the tax laws provide tax incentives or benefits to the charity givers, the quantum of giving increases. Same thing happened in Malaysia after the introduction of a new system of *zakat* collection through private companies. Reform measures, within the basic principles and guidance of Islam, should be acceptable and enforceable like the family laws introduced and applied in many Muslim countries<sup>47</sup>. In fact, countries have done better in making and effecting changes in rules and regulations when not under external influence because changes influenced by external forces become the usual suspects and thus inoperative. With the

present advent of democratic forces and the resultant end of external pressure, we are likely to witness significant endeavours across the Muslim world to effectuate efficiency in strategic philanthropy to ensure social security.

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## NOTES

1 Garry King and C.J.L.Murray, 'Rethinking Human Security', *Political Science Quarterly* 116: 585- 610, 2002.

2 Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of

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livelihood in circumstances beyond his control. (Article 25); Right to education (free, at least in the elementary and fundamental stages, and compulsory). (UN Universal Declaration of Human Rights, Article 26).

3 146 countries (including only eight rich countries- Australia, Belgium, Canada, France, Italy, New Zealand, Netherlands, and Norway) supported the resolution at the United Nations General Assembly. Eight OECD countries abstained (including Japan, Germany, UK), while the US voted against, see Nyamu-Musembi and Cornwall, 2004.

4 Actually, the UN Commission on International Development argued for donors to provide .7% of their GNP (Gross National Product) by 1975 in aid. At the 1992 Earth Summit the donors renewed their pledge. But they cut their aid budget in the next five years dropping to an all time low of .22% of GNI (Gross National Income) in 1997 (UNDP, 2005: 84). Only five OECD countries, Norway, Luxemburg, Denmark, Sweden, and the Netherlands, ever achieved the UN target of .7% of GNI as ODA.

5 For more see Al Qur'an 22:65.

6 For more see Al Qur'an 51: 15-19.

7 For more see, Ali, 1938, note 5001; also notes 179, 322, and 323.

8 For more see Al Qur'an 59:7.

9 The three 'right and straight' commands given to the people of the Book are: to worship God, offering Him sincere devotion, being true (in faith); to establish regular prayer; and to practise regular charity (Al Qur'an, 98:4-6).

10 The Qur'an says, "Give of the good things which ye have earned, and of the fruits of the earth which We have produced for you....." (Al Qur'an, 2:267) because God does not love those who are "niggardly or enjoin niggardliness on others, or hide the bounties which God hath bestowed on them" (Al Qur'an, 4:36-7).

11 The Qur'an also warns the people that, "And whatever of good ye give, be assured God knoweth it well" (Al Qur'an, 2:273).

12 This suggestion is from Imam Al-Ghazali (1058-1111AD), especially in the *Nasihah al-Muluk* (Council of Kings- a book on political theory and governance).

13 The other four pillars are in order of importance: the five beliefs (God, messengers, the Books, Angels, and the 'Hereafter'), regular prayer, dawn to dusk fasting for a month every year, and the Hajj (visiting and praying around the Kaba- the first Mosque).

14 Apart from money, wealth must include advantage and opportunity which a person happens to enjoy, and which can be placed at the service to others (Ali, 1938, note 6171).

15 Ali (1938, note 6172) comments that even a good person's proper use of wealth increases the person's position and dignity, in the moral and spiritual world. For more see Al Qur'an 92:18.

16 The Prophet said, for the produce from a land irrigated by rain or by natural water channels one-tenth should be paid as *zakat* (also see Ali, 1938: no. 1319); and on the land irrigated by the well, one-twentieth is payable as *zakat* on the yield (Bukhari, 1971: 2:24:560).

17 On gold and silver coins; on camels, cows and sheep; on wheat, barley, dates and raisins.

18 For more see, Akkas and Islam, 2003: 390, and Hasan, 2006, Chapter 11.

19 For more see Al Qur'an 9:60.

20 Practitioners of traditional medicine with some Islamic fervour. Sometimes charging a nominal fee.

21 For a good discussion see Musa (2003). The discussion includes, among others, quotation from Caliph Umar bin Khattab.

22 'Madrashah' is an educational institution with emphasis on Islamic religious teaching.

23 There is some disagreement among the jurists but the Hanafis have held that the rules of maintenance apply to Muslim and non-Muslim relatives alike and that unity in religion is not a requirement for this (Kamali, 1999).

24 This should not undermine the fact that women were also members of their society and used to create *waqf* for reasons linked not only to their gender or class, but also in response to the social and economic conditions of the time, Fay, 1998.

25 This paragraph is based on Fay, 1998: 2.

26 That women founded approximately 25 percent of these *awqaf* is consistent with results other researchers obtained for both the Arab provinces and Anatolia during the Ottoman period (Fay, 1998: 3).

27 Women endowed urban commercial, residential, and agricultural properties including shops, workshops, warehouses, living units, mills, waterwheels, watering troughs, springs, courtyards, gardens, coffeehouses, a public bath, and productive agricultural land, as well as a funeral home (an enterprise where the bodies of dead Muslims were prepared for burial) (Fay, 1998: 3).

28 The Qur'an says, that any believer or follower of any of the Scriptures, the believers in God and the Last Day, and doers of righteous deeds should not fear or have any grieve (Al Qur'an, 2:62). Yousuf Ali (1938) in his explanation of this verse suggests, Islam does not teach an exclusive doctrine, and is not meant exclusively for one people (note 77). For more see Al Qur'an 10:37.

29 For more see Al Qur'an 60:8.

30 For more see Al Qur'an 2:256.

31 Reported in Al Ahram (4 April 1990).

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32 For more see Al Qur'an 5:3.

33 For more see Al Qur'an 5:1.

34 Hamza Alavi in <http://www.dawn.com/2001/07/20/op.htm>

35 For example, the first Abbasid Caliph al-Mansur, threatened Imam Sadik with death, imprisoned Imam Hanifa, and publicly flogged Imam Malik for not supporting or following the administrations' lines on religious issues and interpretations. Further, Imam Hanbali was chained, publicly flogged, paraded in the streets of Baghdad, and put in Jail for two years by the order of Caliph Mamun (809-33) for refusing to support the Mutazilite doctrine about the creation of the Qur'an (Zakaria, 1988). There are more examples (for more see, Cook, 2003, Esposito, 2002, Zakaria, 1988).

36 Hourani, 1985 cited in Hashmi, 2002.

37 For the Shiites, highly educated jurists still have *Ijtihad* authority

38 The believers are asked to "be moderate in thy pace, and lower thy voice" (Al Qu'ran, 31:19). Ali (1938) in his explanation of this verse writes, the pivot of the philosophy of Luqman as it is of the philosophy of Aristotle and indeed Islam. And it follows naturally from a true understanding of our relation to God and His universe and to our fellow-creatures, especially man. In all things be moderate" (see note 3604).

39 For more see Al Qur'an 25:63, 67.

40 A person authorised by the political legal authority to issue *fatwas*- religious verdicts on complicated issues or on issues not covered by the classic literature.

41 This is often reciprocal born of weak minds or at bad times. People even go to shrines to pray for intervention by the dead man (or may be the soul) to receive God's mercy.

42 This community assignment does not draw much pay but brings in perks. For example, free meals, fees for leading many rituals (religious as well as customs related to birth, marriage, and death).

43 For example, the spice route to the Malay-Indonesian archipelago, in the 9th and 10th centuries, was in use by Muslim missionaries in spreading Islam in the region.

44 For more see, N. Sastri, *A History of South India: From Prehistoric to the Fall of Vijaynagar*, Oxford University Press, New Delhi, 1975, p. 396.

45 'Khilafah al-'Alam al-Islami - Islamic Sultanates of Aceh and Malays' [http://www.islamic-world.net/islamic-state/islam\\_in\\_aceh.html](http://www.islamic-world.net/islamic-state/islam_in_aceh.html) p. 3.

46 I am indebted to Mr Shah Abdul Hannan, an ex-governor of Bangladesh Bank, and ex-chairman of National Board of Revenue, and author of related issues for drawing my attention to these major issues of reforming *zakat* administration in Bangladesh during a discussion at Dhaka on 1 November 2004.

47 For an excellent discussion and analysis of major "transition and transformation" in family law all over the world, readers may like to see An Naim, 2002.