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ENGAGING POLITICS WITH ZAKAT¹

Mohammed Abdul Aziz
Muslim Communities Development Trust

One of the eight categories of zakat recipients mentioned in the Qur'an is the mu'allafa qulūbuhum, or "those whose hearts are brought close." Many classical jurists interpreted this category as one that allows strategic spending to win allies and protect the Muslim community. This paper studies this interpretation as found in classical works of Islamic law and attempts to map the key features of this classical interpretation onto the context of Muslim minorities in the West—assessing the parallels and the differences between the two contexts and their implications if the overall objective of the classical interpretation, that of allowing strategic spending to win allies to protect the Muslim community, is to be maintained. It concludes by considering how the issues raised by the differences in context in relation to the key features of the classical interpretation may be addressed from within Islamic textual sources and Muslim historical practices and opening a discussion, in light of this paper, on whether zakat funds may be used to support activities such as advocacy, campaigning, and lobbying on behalf of minority Muslim communities in the West. This is an interesting new chapter for Muslim philanthropy in minority settings.

Keywords: Zakat, mu'allafa qulūbuhum, Islamophobia, advocacy, Muslim minorities

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Introduction

Muslim jurists agree that zakat may be paid to one of eight categories of recipients mentioned in the Holy Qur'an. It is on the details of interpreting these categories that disagreements arise. One subject of debate is the category of *mu'allafa qulūbuhum*—"those whose hearts are brought close." The current paper presents a classically dominant interpretation of this category and possible applications of this to the situation of Muslim minorities in the West.

This paper has three sections and a conclusion. The first section presents a brief overview of zakat categories before addressing the category of *mu'allafa qulūbuhum*. It lays out a brief overview of the classical positions on this, dividing them into two main concerns: the individual/salvific and the group/political. It then broadly provide details of the political approach. The conclusion will highlight four key features of this political approach: first, the assumption of group identity and benefit (i.e., it is seeking the betterment of a Muslim community as a whole, not of particular individuals within that group); second, the condition of group need/vulnerability (i.e., that the group's ability to be secure and to thrive is under the threat of some external factors); third, the requirement of group organization (i.e., there is a central representative body that will pool funds together and decide strategically on behalf of the group as a whole); and fourth, the belief that the needs of the group can be met by making strategic links with/exerting influence over the various groups surrounding the Muslim group.

In the second section, I will map these old discussions onto the context of Muslim minorities in Western liberal democracies—noting in particular the parallels and differences in the contexts and their implications for the interpretations of the key features if the overall objective of the classical interpretation, that of allowing strategic spending to win allies to protect the Muslim community, is to be maintained. Then, in the third and final section, I will consider how the issues raised by the differences in context in relation to the key features of the classical interpretation may be addressed from within Islamic textual sources and Muslim historical practices and open a discussion, in light of this paper, on whether zakat funds may be used to support activities such as advocacy, campaigning, and lobbying on behalf of minority Muslim communities in the West. I will, therefore, discuss how feasible it is to actually map discussions from classical *fiqh* onto practices in contemporary liberal democracies for Muslim minorities.

Section 1: The Classical Position

The main source text quoted by Muslim jurists to delineate worthy recipients of zakat from unworthy recipients is verse 60 of the ninth chapter of the Holy Qur'an, which states, "Alms are meant only for the poor, the needy, those who administer them, those whose hearts need winning over, to free slaves and help those in debt, for God's cause, and for travelers in need. This is ordained by God; God has the knowledge to decide." In this translation, "those whose hearts need winning over" is how M. A. S Abdel Haleem renders the Arabic phrase *wa-l-mu'allafa qulūbuhum*. The word *mu'allaf* is the passive participle of the verbal noun *ta'līf*, meaning to bring disparate things together in a way that produces harmony and closeness (*ilf*, *ulfah*). The term *mu'allafa qulūbuhum* translates literally as "those whose hearts are brought close." The two main questions Muslim jurists needed to tackle in understanding this topic of zakat were (1) whose hearts are referred to by this verse and (2) in which circumstances would bringing these hearts close be deemed a valid expenditure of zakat.

To understand the interpretations of this category in Islamic jurisprudence, a survey of classical juristic literature was undertaken, specifically the literature of the four Sunni schools of Islamic jurisprudence. The survey revealed two clear trends in how this category of zakat recipient has been interpreted. We can call these a salvific trend and a political trend. The salvific trend interprets these hearts as hearts of those who have a weak inclination to the faith and the circumstances in which the zakat may be paid to them as circumstances in which the payment is likely to strengthen their connection to the faith and the community of the faithful. The purpose of the payment is to secure the faith and, therefore, the salvation of the recipient. The remaining juristic debate in this salvific interpretation is whether such a person must be a Muslim—typically a new Muslim—as is stipulated by scholars of the Shāfi'ī school (Ibn Ḥajar al-Haytami, n.d., p. 7:155), or may be a non-Muslim interested in Islam, as found in texts of the Mālikī school (al-Khurashī, n.d., p. 2:217). This salvific trend appears to be a minority trend that gained prominence in these two legal schools after the fifth Islamic century.² The more dominant interpretation of this zakat

² Leading early Shāfi'ī texts do not incorporate the use of zakat for the newly converted and discuss only the case of tribal chieftains, as in the political interpretation explained below. See, for example, al-Māwardī (1999, pp. 8:497–502); al-Shīrāzī (n.d., p. 1:315). Spending on the newly converted who are weak in their faith is suggested by al-Ghazālī (d. 505/1111) as an addendum to political expenditure (al-Ghazālī, 1996–

category, which was championed by early writers in all schools and remained a dominant interpretation in the Ḥanafī, Ḥanbalī and Shāfiʿī schools, is what can be termed a political interpretation.

According to the political interpretation, the hearts in question are those of people possessing power and influence. And the circumstances that allowed for such payments are circumstances where these people are able to provide security or secure an important advantage for the Muslim community as a whole. The intent of such payments is therefore not to attain salvation for the hearts in question, but rather to utilize their influence to secure a worldly benefit or advantage for the Muslim community. The influence of such hearts is measured in purely political terms: these must be people who are leaders and obeyed among their people. These people must be strategic allies that the Muslim community seeks to win over, or enemies whose harm the community seeks to ward off. As the expenditure on such people is an extension of political strategizing on behalf of the Muslim community, it is understood that the Muslim leader is the one making the decision of whether to pay and how much. Thus, this topic is presented in a simple, tribal model of politics, where each community is gathered by a charismatic leader and winning over that leader guarantees the support of that community.

An excellent representative text that presents the range of possibilities offered by this political interpretation and the arguments presented to justify it is the celebrated *al-Mughnī* of the 7th/14th-century Ḥanbalī scholar Ibn Qudāma al-Maqdisī. Here is a translation of his treatment of the topic, interspersed with relevant commentary. Ibn Qudāma states:

This is the fourth category of the categories of worthy zakat recipients. Abū Ḥanīfa said that their share [of the zakat] is discontinued, and this is also one of the positions of al-Shāfiʿī, due to its being narrated that an idolater came to ʿUmar [ibn al-Khaṭṭāb, the second Caliph] seeking money, but he did not give it to him, and recited “Let those who wish to believe do so; and let those who wish to disbelieve do so” (Qurʾan, 18:30). And it has not been related from ʿUmar, ʿUthmān or ʿAlī [the second, third

1997, pp. 4:557–558) and presented as an independent category by al-Nawawī (d. 676/1277), whose presentation appears to have influenced the discussion in the school thereafter (al-Nawawī, 2005, p. 201). Similarly, early Mālikī authors mentioned only the political interpretation of the term. See, for example, Ibn ʿAbd al-Barr (2000, pp. 3:211–212); al-Bājī (1913–1914, p. 2:153). The most influential text of the late Mālikī school, the *Mukhtaṣar* of Khalīl b. Ishāq al-Jundī (d. 776/1374), made the meaning of the *muʿallafa* exclusively for encouraging the non-Muslim to convert (Khalīl al-Jundī, 2005, p. 59).

and fourth Caliphs] that they gave any such [payment]. Furthermore, God, Most High, has manifested Islam and humiliated the idolaters, so we don't have any more need to win over hearts [in such a way]. And it has been narrated by Ḥanbal from Aḥmad [ibn Ḥanbal] that he said, "The rule pertaining to the mu'allafa is not applicable today."

[However] the dominant position of the [Ḥanbalī] school is the opposite of this narration from Ḥanbal. Perhaps the meaning of Aḥmad's saying, "the rule is not applicable today," is that they are not usually needed, or perhaps that leaders no longer give anything to them today. However, if they are needed, then it is permissible to pay to them. So [his statement should be understood to mean that] payments are not made to them without need. Evidence in our favour, to support the permissibility of paying them, is the saying of God, Most High, "and those whose hearts need winning over" (Qur'an, 9:60), and this verse is in sūrat [al-Tawba], which is from the last of the Qur'an to be revealed to the Messenger of God (God bless him and give him peace). And it has been established that the Messenger of God gave to the mu'allafa from among the Muslims and the Idolaters. And Abū Bakr [the first Caliph] gave 'Adī ibn Ḥātim thirty camels when [the latter] brought him three-hundred camels as zakat payment [on behalf of his tribe]. (Ibn Qudāma, 1968, p. 6:475)

This passage presents an important debate about the topic among those who theorize it as a political form of expenditure: was it allowed only at the time of the Prophet, or is it a rule that continues till the end of time? A strong early position was that it was only allowed at the time of the Prophet because Islam was weak, and he used such forms of payment to build strategic alliances at a time when Muslims were endangered and few in number. But after the Prophet, when Islam grew strong, such payments were no longer needed and thus discontinued. While this position has been ascribed to each of Abū Ḥanīfa, Mālik, al-Shāfi'ī, and Aḥmad—the eponyms of the four Sunni schools—the legal traditions that developed around the latter three all grew to reject such a position, arguing, as does Ibn Qudāma above, that a category stated in the Qur'an and practiced by the Prophet cannot be deemed abrogated by later practice. The Ḥanafī school is the only one to have maintained the doctrine of the cancellation of this category, though even they have debated whether this should be considered an absolute abrogation of the

rule or whether the rule may return in particular circumstances.³ We can conclude that, while the possible discontinuation of this category was a central early debate, as the legal schools matured, this position became a minority position in Sunni Islam. Thus, its possible application today deserves attention. Ibn Qudāma continues:

The mu'allafa qulūbuhum are of two types: Unbelievers and Muslims, and each must be leaders, obeyed amongst their peoples and tribes. The Unbelievers are of two types. [The first] are those whose Islam is hoped for, so they are given to strengthen their intention for [converting to] Islam Indeed the Prophet (God bless him and give him peace), on the day of the conquest of Makkah, gave Ṣafwān b. Umayya [an enemy of Islam] safety, and [in return] Ṣafwān requested four months to consider his situation [and consider becoming Muslim]. He went out with [the Prophet] to the battle of Ḥunayn. [After the battle] when the Prophet gave out the payments [from the booty], Ṣafwān said, "And what's for me?" The Prophet indicated to a valley full of loaded camels and said, "This is for you." Ṣafwān replied, "This is the giving of someone who does not fear poverty!" [and subsequently entered the faith].⁴ The second type are those whose evil is feared, so it is hoped that by giving to them their evil will be withheld along with the evil of others with them. It has been narrated from Ibn 'Abbās that a group used to come to the Prophet, and if he gave to them, they praised Islam and said, "This is a good religion" and if he denied them, they would criticise and find fault.

As for the Muslims, they are of four types. [The first is] a group from the leaders of the Muslims who have peers from the Unbelievers and [peers] from the Muslims. This group have good intentions towards Islam. If they are given to, it is hoped that their peers will also become Muslim and have good intentions [towards the faith]; thus it is permissible to give to them, because Abū Bakr gave to 'Adī ibn Ḥātim and al-Zibriqān ibn Badr despite their having good intentions and being Muslim. The

³ Al-Bābartī (d. 786/1384) is quoted in Ḥanafī texts for arguing that this is not a case of abrogation, but simply a change in applying the rule due to a change in circumstances (al-Bābartī, n.d., pp. 2:259–261).

⁴ Ṣafwān's subsequent conversion is implied in this passage and mentioned explicitly in other texts. For the explicit mention of conversion see, for example, al-Māwardī (1999, p. 8:499.)

second type are leaders [of weak faith] who are obeyed amongst their people, and it is hoped that by giving to them, their faith and sincerity to help in the jihad is strengthened. These can be given to, for the Prophet gave to 'Uyayna ibn Ḥiṣn, al-Aqra' ibn Ḥābis, 'Alqama ibn 'Ulātha and the people of Makkah whom he gave amnesty. He said to his Medinan followers, "O group of the Anṣār, why do you despair over the trinkets of this world with which I brought close the hearts of people who have no faith, while I entrusted you to your faith?" And al-Bukhārī narrates with his chain from 'Umar ibn Taghlib that the Messenger of God gave to some people and left out others. It reached him that those whom he left out criticised this, so he climbed his pulpit, praised and extolled God, and then said, "I give to some people, and I leave out other people. The one I leave out is more beloved to me than the one to whom I give. I give to people who have despair in their hearts, while I entrust other people to the goodness and richness of their hearts." ... The third type are a people at the edge of the lands of Islam. If they are given to, they will defend the Muslims who are near. The fourth type are a people whom, if they are given to, they will collect the zakat from those who only pay for fear [of force]. Each of these types may be given to from the zakat because they are the mu'allafa qulūbuhum, so they enter into the generality of the verse. (Ibn Qudāma, 1968, pp. 6:476–747)

In this passage, Ibn Qudāma offers six categories of recipients of this type of zakat payment, all of whom are presented as tribal leaders. I use the word “tribal” to describe a form of social organization where a community’s allegiances are tied to the commitments of their charismatic leader. The whole political theory in which the discourse of the *mu'allafa qulūbuhum* is embedded, across all legal schools, is this simple tribal organization of society. No other form of social organization is addressed in these texts. The six categories above represent an inclusive overview of the juristic discourse on the topic, with some scholars (the Shāfi'īs) restricting their description to the four categories of Muslim recipients (see, for example, Ibn Ḥajar al-Haytamī, n.d., pp. 7:155–156) and others (early Ḥanafīs) describing the two categories of non-Muslim recipients (see, for example, al-Sarakhsī, 1906–1907, p. 3:9).

We can note, then, that for the majority of Muslim jurists the *mu'allafa qulūbuhum* is a zakat category of continuing relevance that should be applied whenever and wherever it is needed. The nature of the

need in question is not directly addressed in the above passage. We can discern that the need in question is one of safety. There is an air of threat to the community as a whole that this form of payment is seeking to diminish by (1) encouraging Muslim chieftains to be loyal and supportive of the efforts of the central Muslim community, or (2) encouraging non-Muslim chieftains to establish strong links with the Muslim community and even enter the fold of the faith, or (3) discouraging hostile non-Muslim chieftains from hurting the community. At times the Muslim chieftain is encouraged by this payment to respond favorably to a call to arms or the collection of alms. All of these activities appear to be aimed at warding away existential threats from the Muslim community by strengthening internal ties among influential tribal leaders and neutralizing external threats.

When we consider the climate in which this category of zakat was previously practiced, we see the obvious parallels to the situations many Muslim minorities might find themselves in today. Many Muslim-minority communities today find themselves under threat, at times clear existential threat, and desperately need strategic alliances to ensure their safety and continuation. However, the classical juristic exposition is embedded in a political theory from the bygone age of tribal politics. What should the Qur'anic injunction underlying this classical exposition look like in the context of the modern world? The remaining part of this paper seeks to explore this question—specifically in relation to Muslims living as minorities in modern Western liberal democracies, borrowing in particular from the experiences of Muslims in Britain. Though this paper is written from a British Muslim perspective, I hope it will be useful as a starting point for discussions for Muslim minorities in other parts of the Anglosphere, in other Western liberal democracies and other parts of the world more generally.

Section 2: Application of the Classical Position to the Contemporary Context

To maintain continuity with the classical treatment of the topic, this section will address the main features of the classical discourse and seek to relate them to the current context. The classical discourse has four key features. The first is an assumption of a group identity and benefit: Muslims are a group whose faith and safety have to be secured. The second is the presence of vulnerability: the Muslim group is assumed to be vulnerable and under threat. The third is a requirement for the Muslim group to be organized under an identifiable leadership: jurists speak of an imam or leader, a representative of the interests of the Muslim group,

who must make the difficult decision of which groups to create alliances with through such zakat payments; it is clear that this topic is outside of the remit of individual members of the Muslim community. The fourth is the presence of other groups and leaders that the Muslim community needs to create strategic alliances with or exert influence over to ensure the safety and continuation of this Muslim community. This section will discuss the possible correspondence of these four features to the situation of Muslim minorities in the West today—with particular reference to the experiences of Muslims in Britain.

It is not difficult to see that the first feature—Muslims as a distinct group whose faith and safety have to be secured—is as relevant today as in the first decades of Islam. With regard to group identity, there are two aspects of this—internal ascription and external description. In terms of internal ascription, while Muslims today may not appear as a homogenous group, there is no denying that there remains a core to the religion (creed, rituals and spirituality, religious stipulations and practices, etc.), and poll after poll, from the Pew Research Center's into global attitudes of Muslims, to the Ipsos poll of polls in the UK, finds that this core of the religion is a significant factor in individual Muslims' sense of identity (Pew Research Center, 2006; Kaur-Ballagan, 2018).

In terms of external description, it is true that Muslims as a distinct minority group, and their faith and safety, are not recognized by the constitution or historical practice in many non-Muslim-majority countries, including in Western liberal democracies, as it was in Nejashi's Ethiopia, for example, in the time of the Prophet—though there are honorable exceptions, for example, in Austria (Sezgin, 2019, pp. 869–886). However, the external description of Muslims as a separate group for policy purposes started in many Western countries long before the turn of this century. Ansari (2018) suggests that it became a relevant and separate category for policy purposes in the UK when Muslims started campaigning in the 1980s for their specific needs, starting with issues such as halal meat, to which the Honeyford Affair was a response. British Muslim consciousness as a separate group was certainly well-formed during the Rushdie Affair in the late 80s, which forced the national authorities to recognize and respond to Muslims as a group (Ansari, 2018). However, Muslims were not adopted as an administrative category by the UK until the 2001 Census (Sherif, 2011, pp. 1–18), not protected from aggravated offenses on grounds of religion until 2001, and had little protection from discrimination in law across the EU until 2003 (Aziz, 2003, 2006.).

The external recognition of Muslims as a group by the national authorities in most Western countries, however, was in many cases a

response to the negative experiences of Muslims in their daily lives in these contexts. This has come to be known as Islamophobia (Runnymede, 1997), which as a concept, including its definition, remains contentious and an area for further discussions and development (note the discourse around the publication of the report *The APPG on British Muslims*, 2018). The group identity of Muslims qua Muslims in these minority contexts, however, has been reinforced, both as an external description and internal ascription, through state policies, laws, and practices around security and counterterrorism over the last two decades in the aftermath of the atrocities of 9/11 in the US in 2001 and how these have been covered in the media. Borrowing from the work of the African American thinker W. E. B. Du Bois, Nasar Meer (2010) very eloquently describes how the “War on Terror” played into the concept of “double consciousness” to crystalize Muslims as a group in these contexts. Thus, while most of the 20th century saw group politics and policy in terms of class, race, and gender, the start of the 21st century has made it more plain that Muslims today are considered a group in and of themselves due to their faith, despite the fact that in most Western countries Muslims belong to many different ethnicities and all of the different socioeconomic classes or groupings traditionally referred to by government. Therefore, I can suggest that Muslims are as distinct a group today, both by internal ascription and external description, as they were in the early decades of Islam for the purposes of this discussion.

I might also add here that governments in modern Western liberal democracies have in recent times mostly sought and engaged with gatekeepers to Muslim communities as liaisons and interlocutors, thus treating the community as one defined group. Though this may be a hang-up from a more colonial way of dealing with minorities—its effect is to bring a clear and certain definition of the group, whether one exists internally or not. The upshot of this is that, even if Muslims living in liberal democracies do not self-identify as a distinct group and organize themselves politically as such, that is how they may be seen and treated externally and should therefore organize themselves in such a way so as to effectively influence the narrative and policies that concern them, at least until the presence of Muslims becomes normalized to the degree that they are no longer subject to such exceptionalism. This can of course be problematic for minorities within Muslim-minority communities—and both Muslim majorities in those Muslim-minority communities, as well as external agencies, must try harder to understand and respond to those minority-within-minority concerns and needs.

In relation to the second feature of the classical discourse—the condition that the Muslim group is vulnerable and under threat—again,

it is not difficult to see how we may acknowledge this as relevant today just from the collective anecdotal experiences of Muslim minorities, not least Muslims in Britain. But what does the vulnerability and the protecting and promoting of the welfare of the Muslim minority community mean? Does it extend all the way from the protection of basic rights to life, limb, and property to the flourishing of the community in the higher forms of cultural expression? The answer, as ever, may lie somewhere in-between and may be hard to define in abstract from the outset, but rather its application may need to be considered in the wider context of any given space and time. From a more contemporary objective and theoretical perspective, how might we define and measure the vulnerability of a modern Muslim-minority community? Iris Marion Young (1990), an American sociologist, political theorist, policy analyst, and feminist, developed a theory on the need to recognize vulnerable “social groups” to redress the structural inequalities and injustices faced by them in modern democracies. Among Young’s most widely disseminated ideas is her model of the “five faces of oppression”—arguing that vulnerable social groups may experience at least five distinct types of oppression *as groups* that could not be collapsed into causes and reduced to dimensions of distributive justice addressed solely through the equal treatment of individuals. These five faces of oppression are:

(1) Exploitation—the use of a group’s toil and labor to produce a great profit, gain, or benefit without compensating them adequately and fairly;

(2) Marginalization—the exclusion or relegation and confinement of a group away from useful participation in the mainstream of society to a lower social standing on the outer limit or edge of society, in some ways worse than exploitation because society has decided that it cannot or will not use these people even for their talent and labor in certain sectors, resulting in much disadvantage and deprivation in that group;

(3) Powerlessness—the normalization of oppression toward a group to the extent that society becomes unconscious of and immune/complacent to it, the power holders and oppressors in society do not feel challenged for their oppression toward this group through a culture of silence, and the oppressed group is unaware of or accepts, and may even be indoctrinated to believe, that this is the norm/acceptable even if it is unfortunate

for them or is afraid to challenge the status quo and, therefore, is inhibited from or apathetic to developing its own capacity to seek to take back power (for example, through education/career progression or the democratic process) and fight for its dignity and rights and better treatment, and, thus, the oppressed group is dehumanized in the eyes of the oppressor and the oppressed and insidiously oppresses itself (see the works of Freire, 1985, 1993, on this point about “cultures of silence”);

(4) Cultural domination/imperialism—the enforcement of the language, culture, and mannerisms of the majority or the most powerful group[s] as the norm through control of how people in that society think, speak, and act in relation to their beliefs, values [and the manifestations of these values], and aspirations, such that groups whose culture is at odds with the dominant culture is marked by stereotypes and “othered” and is, therefore, game for the other faces of oppression; and

(5) Violence—the most obvious and visible form of oppression, described as the knowledge held by members of oppressed groups that they must live with the fear of random attacks on their persons or property, which do not necessarily need a provocation and are intended to humiliate, damage, or destroy the person based on societal narratives that ultimately lead to an irrational but intense fear and hatred of a group and its beliefs, values, and practices). These five faces of oppression have been widely used in the Anglosphere to address structural inequalities and injustices faced by women, the disabled, and racial and sexual minorities.

Young's (1990) work has considerably influenced the development of equality movements in the UK based on gender, race, disability, sexual orientation, and age. In encountering and fighting the different faces of oppression as outlined by Young, these oppressed groups developed a common approach and pattern, as subsequently reflected in government policy, legislation, and anti-discrimination and equality work. The obvious starting point was hatred, hostility, and violence (against person, property, and community spaces) faced by these groups on the grounds of their specific characteristics. The state's response to this has been the introduction and strengthening of criminal law provisions on hate crimes, in the form of both aggravated offences (i.e., where a sentence is increased if the crime was on the basis of one of these grounds) and

incitement to such offences (Malik, 1999, 2010). Equally seminal were the developments in civil law to address the direct discrimination (where there is clear intention to discriminate against a particular group, ultimately resulting in exploitation of that group) and indirect discrimination (where there is no clear intention to discriminate against a particular group, but a specific policy, rule, or practice nonetheless significantly disadvantages and marginalizes that group) faced by these groups in employment and the delivery of goods, facilities, and services (Choudhury, 2005). Young's work on powerlessness and cultural domination contributed enormously, at the turn of the century, to the idea of institutional discrimination based on these grounds, the use of the public sector's equality duty to address this, and the idea of meta-narratives and stereotypes resulting in unconscious bias against these groups—which are difficult to address through law, but should be addressed through education and public awareness campaigns (note, in particular, Macpherson, 1999—and the subsequent legal and implementation ramifications of this report and work on both institutional discrimination and unconscious bias).

Young's (1990) work, as understood and used by the equality movements in the UK, was employed by British Muslims, particularly the Forum Against Islamophobia & Racism (FAIR), in the early noughties (i.e., 2000–2010), to articulate their experience of being a vulnerable minority in the UK. This experience consisted of the five manifestations of Islamophobia: Islamophobic violence, direct Islamophobic discrimination, indirect Islamophobic discrimination, institutional Islamophobic discrimination, and Islamophobic meta-narratives, stereotypes, and unconscious bias. FAIR undertook considerable work in the early to mid-noughties to address each of these manifestations of Islamophobia, and many others have contributed since. The result is that much theoretical, legislative, and practical work has been put in place to address Islamophobia in the UK and similarly in the rest of Europe and the Anglosphere (Aziz, 2018). However, much work still remains to be done to address these manifestations in practice, as we have seen an exponential growth in each of these manifestations of Islamophobia in recent years (Ameli & Merali, 2015)—illustrated not least by the recent massacre of Muslims in Christchurch, New Zealand. We could safely say, therefore, that measured by contemporary objective standards, Muslim minorities in the UK, large parts of the Anglosphere, many parts of the West, and internationally could be regarded as vulnerable and under threat.

The third feature was the expectation of the Muslim group's being organized under an imam or leader, who was also a representative

of the interests of the Muslim group and would make the difficult decisions of which groups to create alliances with through zakat payments. It is perhaps more difficult to see the parallel between this feature in the earliest period of Islam and the contemporary position of Muslim minorities in the West. Internal ascription to a common faith and religion as a significant part of one's identity in a minority context, as discussed earlier, does not naturally translate to Muslims organizing themselves into a group with a centralized leadership. In terms of unity of voice and representation in the UK, a number of polls have shown how organizations like the Muslim Council of Britain (MCB) command the support of more than half of British Muslims when it comes to political and other forms of representation (see, in particular, Savanta ComRes, 2015; ICM, 2015). However, the diversity within Muslim-minority communities in the West means that they are less unified as compared to early Muslim communities and far less likely to be organized around a single all-powerful leader. The greater likelihood is that those communities are divided by their ethnicity and language, particular interpretations of Islam, and mosques and other institutions. This does not mean, of course, that there are no leaders in these communities, or that there is no organized leadership or that Muslims in these groups are not led in organizing the religious aspects of their lives in their minority contexts; nor does it mean that they do not have representatives to present and protect their interests to and from outside forces, be it through self, internal, or external appointment. Often there is a plethora of leaders—frequently competing with each other, but sometimes also organized in some form or other—e.g., a local/regional council of mosques or national umbrella organization.

The context of Muslim minorities in the West and the models of community organizing and leadership that have organically emerged therein, in some ways similar to and in other ways far removed from the tribal forms of living, organizing, and leadership in the early days of Islam, raise questions of the desirability and achievability of a single central leadership and figurehead in Muslim-minority communities in the West and how Muslims in these contexts should practice Islam until this type of leadership arrangement is achieved. Centralized leadership in minority contexts would, of course, have many advantages—for example, pooling of the community's resources, reduction of duplication of efforts and wastage of resources, and avoidance of different parts of the community being played off each other by other sections of society. However, it could also have many disadvantages—for example, the manipulation, exploitation, and eventual devastation, or even destruction, of a community through the cooption, corruption, and

elimination of its leaders—where “all the eggs have been placed in one basket.” The experience of Muslim minorities in the West is also testament to how difficult it is to achieve that centralized leadership and how quickly it might fall apart or lose credibility. As a result of this experience, some may even conclude that it is almost impossible to form the office of a central figure or authority for British Muslims, not least due to reasons of being able to find the one individual or institution that can command the respect and have authority over all or most denominations/sects/schools of Muslims. Nor can the office of such an individual or institution come into existence without considerable time and money being put into an endeavor that has borne little fruit from past attempts—and, therefore, the great weariness to go down that route again. In the meantime, of course, despite the absence of such centralized leadership, as in the early days of Islam, Muslims in minority contexts need to feel secure, be able to live their religion freely, and thrive as a community—and so the question of community leadership will need a resolution that responds to the current configuration of scattered points of leadership in Muslim-minority communities. I will reflect further on this point in section three below.

The final feature, the presence of other groups, and leadership within them, that the Muslim community needs to create strategic alliances with or exert influence over to ensure its own safety and continuation, is again similar to the first two features—in that it is not difficult to see that if a defined Muslim-minority community is vulnerable and under threat, then there must be people within and outside that community that can help allay that threat. However, a consideration of this feature raises important questions not dissimilar to those raised by the third feature—and may also influence and shape our response to those questions: has the organization of groups in society and the role of leadership within them changed over time, and, if so, what implications does this have for the protection of vulnerable Muslim groups living as minorities? Clearly, for the most part, societies are no longer organized along clan and tribal lines, where the head of the clan or tribe holds all the authority and power. In the case of Muslims living in Western liberal and democratic nation-states, authority is ultimately vested by its citizens and there is usually a constitutional separation of powers. Thus, authority and power are diffused among many institutional and individual actors based on the choice of citizens. The power of political leaders in this context is no longer an absolute monopoly through their positions but dependent on various checks and balances (e.g., the legislature and judiciary at the national level) and the power and influence of other leaders and power brokers in society—for example, opposition leaders,

sectoral leaders, community leaders, and opinion leaders through mass communications.

This diffusion of authority and power in Western liberal democracies is not restricted to leadership at the national level. Even among communities (ethnic, religious, or otherwise) and sectoral interest groups that run across communities (based on professions, needs and demands, or particular viewpoints), we find a shift away from individual leadership to multi-institutional leadership—where the institution is not run by one individual superhero leader, but is a “ship full of leaders” whose authority and powers are held together by rules and practices in the institution that help them to work together to *serve* (rather than dictate to) their community and interest groups. The diffusion of authority and power in these contexts means that they operate in a different way to how they did in the earliest period of Islam, and, therefore, influencing them for a particular purpose also requires a different approach. Joseph Nye, the celebrated American political scientist at Harvard, popular with the Clinton and Obama Administrations, made a distinction between hard power and soft power and pioneered a new theory for soft power. Nye (2004) explains that whereas hard power is based on legal, economic, and physical force and coercion, soft power relies more on the ability to attract and persuade through ideals, culture, and policies. Nye suggests that in the modern world of diffused power, what is required to achieve certain objectives is “smart power,” the ability to combine hard and soft power into a successful strategy (Nye, 2004, 2011). The development of Nye’s theory was in relation to international politics and relations (i.e., balancing military and economic coercion with international aid, promotion of democracy and human rights ideals, teaching of language and exposure to culture, encouragement of public diplomacy, etc.), but the distinction could equally be applied to the domestic contexts of Muslims living as minorities in Western liberal democracies, where the agents of hard and soft power can be separately identified and a strategy for smart power could be developed for the security and welfare of these Muslims.

Mapping the fourth key feature of the classical interpretation onto the current context, however, raises another problem. Payments to leaders in the classical juristic era were mostly gifts for personal use, done very openly and in very tangible forms—e.g., gold, silver, land, livestock, merchandise goods, etc. Such payments today in Western liberal democracies would be frowned on and could even be counterproductive. In such a changed context, where gifts to those in public life and positions of power have to be registered to prevent bribery and unfair influence, how should leaders and influencers be influenced,

how can zakat money be spent on them, and what means of influencing them can be paid from zakat? Aside from payments in cash or kind, where this is still possible, influencing leaders in Western liberal democracies today usually consists of several other prongs of work. In the context of the security and welfare of Muslim minority groups, this would include, first, research on concerns and thought leadership on how these may be addressed; second, awareness and mobilization in the community; third, alliance building among groups with similar interests; fourth, advocacy work (including both campaigning and lobbying work) in the corridors of power; and, fifth, communications work (in terms of both public relations and media work—including both hard and soft messaging). In undertaking this work, building bridges and alliances with some key groups of power holders and influencers (and strategically supporting their endeavors) becomes critical to the success of this work, particularly academics and think tank practitioners; politicians and policy makers/implementers; media and public discourse practitioners; and arts and culture institutions, leaders, and icons. The important question here is whether zakat can be used to fund this work if such work would influence leaders and influencers in these contexts to protect and promote the interests of Muslims or whether zakat must be reserved only for those formally in positions of power. If the latter, where will the money for the former work come from and how will poor spending on the former be avoided? I will reflect on this point further in the next section.

Section 3: Challenges to the Application of the Classical Position to Contemporary Contexts

In this third section, I will raise pertinent questions and consider answers to how the issues raised in mapping the old *fiqh* onto contemporary settings, particularly as a result of the contextual differences between the earliest years of Islam and the current Western liberal democracies with Muslim minorities, may be addressed from within classical Islamic sources and open a discussion on whether zakat funds may be used to support activities such as political advocacy work on behalf of minority Muslim communities in the West.

The first issue raised is around the definition of vulnerability. Is it only about security from existential threat or can it be for more—e.g., socioeconomic and cultural prosperity of the Muslim community? Is reading the classical position only in terms of dire existential threats just one narrow discernment of the literature, and can that literature be discerned in a wider way? What about preventative work before it

becomes a threat? When does it become an existential threat—who decides and how in the absence of a central leadership? If preventative work is allowed, with what level of telltale signs is funding for that work from zakat to start? Are threats to and the growth/thriving of communities not linked in some ways, in that a community that is not growing and thriving will ultimately die a slow death—as has been the case for so many communities in the past? The classical texts, however, leave the response to these questions fairly vague and up to the discretion of representative Muslim leaders, and, therefore, they are tied to the Muslim leadership problem discussed above and below, and further research and reflection is required to answer them. In the current climate, however, with the rise of right-wing politics, both fueled by old tropes of Islamophobia (not least in the context of the War on Terror) and fueling new manifestations of this xenophobia, it is apparent that Muslim-minority communities in the West, not least in Britain, have passed the stage of preventative work and must deal with real security and welfare troubles that have come to their doorsteps.

The second set of issues raised is around the organization of the Muslim community under a central figurehead and/or one unifying structure. The classical position emphasized leadership and representation of the Muslim community by this single figurehead. However, what if in Muslim-minority contexts today, with the diversity present, it is not possible to agree on *the* Muslim leader? What if a different leadership model has developed organically based on a different form of social and political organizing? Can each Muslim group in such contexts, with their own leaders, undertake strategic zakat collection and distribution separately—which is how Muslim leadership is operating in such contexts at the moment. If the centralized model of leadership is Islamically critical in all contexts, and particularly with regard to such distribution of zakat, the question of how Muslim minorities should live Islam until this type of leadership arrangement is achieved becomes very important to address—for the work of protecting and promoting the welfare of the community itself cannot stop until the right leadership model is in place. In this regard, it may be argued that securing the safety of the Muslim community is a communal obligation, or *farḍ kifāya*, and that if it is not satisfied, it becomes an individual obligation, or *farḍ ‘ayn*, on those who have the ability and capacity to carry it out.

It may, furthermore, be argued that the absence of a central authority, structure, or figurehead has not been a hindrance to the performance of certain other types of worship, as observed by Muslim minorities in the West, which have traditionally also required the

presence, authority, and command of a central leader. A prime example is that of the Friday prayer, which many traditional works of Islamic Law set as a condition for its establishment, the presence, authority, and command of a central leader who institutes the prayer (see, for example, al-Marghīnānī, 2000, 1:82). Yet, in the context of many Muslim-minority communities in Western liberal democracies, Friday prayers have been established for well over a 100 years without such centralized leadership. Instead, disparate Muslim communities of very different descriptions have taken it on themselves to act “in place” of that central authority and organized themselves in various ways, either as masjids, community centers, or workplace groups, to hold their own Friday prayers (and the community’s coming together to appoint their own Friday prayer leader in place of an absent Muslim ruler has been justified by classical authors: see, for example, Ibn ‘Ābidīn, 1992, pp. 2:143–144). The Friday prayers at each of these different set-ups, be they formal or informal, after meeting the minimal requirements for validity, slightly vary in their delivery and quality, but are generally accepted across Muslim communities as a religious requirement suitably and validly delivered. Furthermore, while it is known that classical *fiqh* works debated the validity and desirability of Muslims settling in non-Muslim territories (Abou El Fadl, 1994), we find among those that did countenance such a residence the insistence that Muslim minorities appoint their own leadership, at least in the form of a shari’a judge (*qāḍī*) to adjudicate between them based on the Shari’a (Abou El Fadl, 1994, p. 158; Ibn ‘Ābidīn, 1992, pp. 2:143–144). Indeed, Shari’a councils in minority settings operate on exactly this logic: they establish and annul marriages through a power vested in them by the Muslim community, not through the head of a state, which is how judges must be appointed in Muslim territories. Declaring the entry of Ramadan is also tied to the office of a state-appointed shari’a judge in classical *fiqh* (Hanif, 2016), yet Muslims in minority settings have organized themselves based on mosques and organizations to declare the entry of the holy month, though all would agree that a move to further centralize this declaration is desirable.

In short, we can see that the classical *fiqh* provides a strong impetus for Muslim minorities to organize themselves by appointing their own leadership and that this is essential for the injunctions of the sacred law to be realized; and indeed, in their rudimentary way, Muslim minorities have commenced this self-organization for as long as they have been in the West. And in each of the aforementioned examples, Muslim minorities have established Friday prayers, Shari’a councils, and declared Ramadan despite being under a scattered disunited faith

leadership. Classical *fiqh*'s encouragement of Muslim minorities to appoint their own leadership for the objectives of Islamic law to be realized sets a helpful precedent for considering the topic at hand, but we must contend with the scattered nature of the current leadership.

This leads to the third set of issues that relate to the fact that the organization of societies, communities, and groups around the world and the role of leadership within them, particularly in Western liberal democracies, has changed over time. Clearly, for the most part across the world, societies are no longer organized along clan, tribal, or imperial lines, where the head of the clan, tribe, or empire holds all the power. Authority and power in Western liberal democracies is far more diffused between different layers of the state and sectors of society. How do we then now transfer the application of the classical position from the tribal context to the nation-state context and then to the context of Muslim minorities in a non-Muslim nation-state context? Must we restrict ourselves to the "leaders and obeyed" or can we also include key influencers that influence sectors, communities, and mass opinion—as the security and safety of Muslims lies as much in their hands? What if these influencers are not the representatives of the interests of the "other," but they influence those others too and this has a bearing on the security and welfare of Muslims? What if these influencers—e.g., social media influencers—are found to have more power to influence than tribal, faith, or political leaders? This is important depending on the political system Muslim minorities find themselves in: if in a tribal system, pure monarchy, or dictatorship, it is a few that hold power and influence; however, if in a liberal democracy, power is more diffused among the citizens, and key influencers of the opinions of those citizens can hold great power. The point about leaders versus influencers was, of course, not absent at time of the Prophet Muḥammad. In the early Makkan phase of Prophet's mission, he prayed for Islam to be strengthened by the conversion of either 'Amr ibn Hishām (Abū Jahl), who was a leader of his tribe, or 'Umar ibn al-Khaṭṭāb, who was not a leader of his tribe, though, nonetheless, very influential in his tribe and Makkah generally (al-Ḥākim, 1990, p. 3:574). If we are to consider beyond leaders and also include influencers, might we add to the list given by Ibn Qudama, above, of the six categories of leaders who can receive zakat money under *mu'allafa qulūbuhum*, if the additions fulfill the spirit of the category and its objectives—of winning hearts for an advantage to Islam and/or Muslims? We may then also ask what would be the equivalent of these six categories today and who else may be added to this list?

A final set of issues relates to the forms of payments and expenditure that might be made from zakat to influence leaders and influencers that could be considered as consistent with those accepted in the classical *fiqh*. As already noted above, payments to leaders described in classical juristic literature were those made openly and consisted mostly of tangible gifts for personal benefit—i.e., in ways that in modern Western liberal democracies would be hugely frowned on and could even be very counterproductive. In current contexts, where such gifts to those in positions of power and influence in public life have to be registered and may be construed as bribery for unfair influence and gain, how should leaders and influencers be influenced? Where influencing work in Western liberal democracies today cannot be reliant on tangible payments to leaders and influencers, but may be more effectively achieved through research and thought leadership, awareness and mobilization in the community, alliance building among groups with similar interests, advocacy work (including both campaigning and lobbying work) in the corridors of power, and communications work (in terms of both public relations and media work—including both hard and soft messaging), the most important question here is whether zakat can be used to identify and influence leaders and influencers in these contexts if such influencing would serve to protect and promote the interests of Muslims.

When considering this last set of questions, it is helpful to consider how the classical *fiqh* theorised the validity of zakat payments for political advantage. The strictest school, in insisting that zakat must go only to the poor and needy across the categories of zakat recipients, is the Hanafī school, which only excludes the zakat collector (*‘amil*)—one of the eight categories of zakat recipient named in the Qur’an—from the condition of poverty (*faqr*) (the other schools allowed the rich to receive zakat if they served several of the eight zakat categories). So how do they explain payments to non-Muslim leaders from zakat? The leading Hanafī jurist al-Sarakhsī justified this as follows:

If it is said, “How is it valid to hold that [zakat] can be paid to them, considering that they are Unbelievers?” We answer: jihad is incumbent on poor and rich Muslims to ward off the harm of the Idolators, so a portion of the wealth of the poor is spent on them to ward off their harm; and this takes the place of jihad. (Al-Sarakhsī, 1906–1907, p. 3:9)

In al-Sarakhsī’s formulation, the payment for *mu’allafa qulūbuhum* is part of the jihad effort, an effort whose purpose is “warding off the harm”

of the hostile other. While well-to-do Muslims are expected to be using their wealth for the effort of protecting other Muslims, the poor are unable to directly pay to support this cause. Instead, their contribution is that a portion of the zakat, collected for the sake of poor Muslims, is spent on the effort of defending and securing the Muslim community. This legal argument is relevant here as it highlights that unlike the other forms of spending from zakat, where the recipient must be a Muslim and must be either poor (according to the Ḥanafīs) or fit neatly into one of the zakat categories (according to the other legal schools), the payment for the *mu'allafa* is not to poor Muslims but *on behalf* of poor Muslims; what is important is not the faith or need of the recipient, but that the payment results in a benefit or advantage for Muslims, the poor and rich among them. And where neither faith nor need of the recipient is a condition, then the modality of the payment is much less important than its effect. Thus, were this topic reviewed for possible application in the aforementioned modern context, valid forms of zakat payment would need to be determined by evidence-based research on what constitutes successful spending to positively influence public opinion and public policy.

Conclusion

The purpose of this paper was not to provide comprehensive and conclusive answers but primarily to identify the issues raised in applying classical jurisprudence on *mu'allafa qulūbuhum* in contemporary contexts, particularly the contexts of Muslim minorities living in the West, and to create a space for discussions on whether and how that category of zakat expenditure may be revived and practiced in these contexts. The central point of the classical *fiqh* position was simply to provide an avenue for securing the protection and welfare of Muslims as a group, beyond the protection and welfare of individual members of that group. This is, therefore, in the context of rising Islamophobia in the West, a very timely discussion.

In the wider space of Islamic philanthropy in the West, some Muslim charities, pushed by necessity, are already more locally focused and showing an interest in spending on this form of political engagement. Muslim individuals and charities treading this path are seeking greater support for their work from Islamic sources and Muslim historical practices—so that Muslims in minority contexts have a better understanding of the jurisprudence around *mu'allafa qulūbuhum* and its implementations in their settings. Others in the same philanthropic space find challenges in approaching the classical sources to start thinking

about funding political engagement in this way. My hope in writing this paper is that through these discussions a more consensus-based position will emerge—where the former move closer to the Islamic scriptures and the latter are better able to contextualize those same scriptures to our current contexts. And we can note that discussing the *zakat-worthiness* of projects that defend Muslims in minority settings elevates such projects to the very heart of how Muslims should understand their duty to God, regardless of whether the emerging consensus will encourage the use of zakat funds for such projects or not.

What is also clear about the category of *mu'allafa qulūbuhum* is that it is not some dubious Islamic practice, specific to Muslims, but a part of most systems of politics and statecraft. The idea of “winning hearts and minds” through “critical voices” and “key influencers” for a benefit or advantage, both internationally and domestically, runs very strongly through US and UK politics—and, hence, the emphasis on international aid, public diplomacy, and support for institutions such as the British Council. The idea has been just as prevalent in other parts of the world and in Islamic jurisprudence and Muslim history.

Mohammed Abdul Aziz has worked as a teacher, policy officer and lawyer. He was the founding CEO/Director of the Forum Against Islamophobia & Racism (2000-3), the British Muslim Research Centre (2003-5) and the Aziz Foundation (2015-18). He served as a Commissioner at the Commission for Racial Equality (2003-7) and the Equal Opportunities Commission (2005-7). He was elected Chair of the European Network Against Racism (2007-10) and Vice-Chair of the Equality and Diversity Forum (2010-14). He was the Director of FaithWise Ltd and a Consultant Senior Advisor to the UK Government on Race, Faith & Integration (2004-11). Dr. Aziz was a Visiting Fellow at Cambridge University (2010-12), Director of the Centre for Policy and Public Education at the Woolf Institute, Cambridge (2012-15), an Associate Member of St Edmund's College, Cambridge (2013-15); and sat on two national Honours Committees at the request of the UK's Cabinet Office (2005-11). Between 2013-16, he set up and led the Commission on Religion and Belief in British Public Life in the UK. Currently, he is a Trustee of Muslim Aid (an international humanitarian/development charity) and Demos (a UK think tank), and a Panel Member of REF 2021 (the research assessment framework for UK universities).

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ZAKAT PRACTICE IN NORTHERN NIGERIA: EVOLUTION, RELIGIOUS ACTORS, AND CHALLENGES FOR MUSLIM ORGANIZATIONS

Dauda Abubakar
University of Jos, Nigeria

This paper contributes to discourse on religious and social relationships in Nigeria with a focus on contemporary institutions involved in zakat administration. It highlights how zakat practices evolved, including the principles of its collection and distribution among Muslims, which has historically varied. The paper explores the involvement of two Muslim institutions in northern Nigeria that engage in zakat collection and distribution, i.e., Izala and Jamā'at Nasril Islam. The paper argues that zakat, being a religious obligation, is contested by these institutions, among others, including shari'a states, which has increased competition for its control. It concludes by looking at the challenges of public zakat disbursement. Within this context, this article examines the perspectives of zakat beneficiaries and the impact of the various zakat bodies in society in northern Nigeria.

Keywords: zakat, shari'a states, Muslim institutions, social relationships, beneficiaries

Introduction

Muslim preachers in northern Nigeria constantly encourage a culture of giving among Muslims as a pious act. *Sadaqa* is emphasized as a voluntary good deed, the amount of which is determined by the giver. Muslim scholars in Nigeria preach to and admonish their followers by quoting the virtues of giving from many verses of the Qur'an and Prophetic Hadiths. This includes small collections of *sadaqa* after the five daily prayers, which is popular in mosques in northern Nigeria; giving *sadaqa* to street beggars; donations for building a mosque or for a religious event; assisting a needy Muslim; or donations toward organizing a *da'wa*. The Izala¹ for example, frequently conduct *Wa'azin Kasa* (national *da'wa* to Muslims), which requires members to provide *sadaqa* for transportation, feeding and accommodations for participating preachers, and other expenses. Another means of obtaining *sadaqa* is the organization of local Qur'anic competitions (*musābaqāt al-Qur'an*). Then of course, there is the practice of *zakat*.

Theological scholars define *zakat* in religious terms as the spiritual purification of the wealth of the giver. In legal terms, "*zakat* means transfer of ownership of specific property to specific individuals under specific conditions" (Abd. Wahab & Abdul Rahman, 2012, p. 122). *Zakat* can also mean a tax levied by the *shari'a* on crops (*al-thamar*) or property/wealth (Bashear, 1993, p. 86). The beneficiaries of *zakat* are categorized into eight major groups by the Qur'an (9:60): the poor and needy, those persons who administer *zakat*, those whose hearts are reconciled to Islam, those who are in captivity, those who are in debt, those who fight (or struggle) for the sake of Islam, and wayfarers (al-Qaradāwī, 1999, p. 7). Although Muslim scholars have provided extensive analysis of these categories, *zakat* today constitutes a major issue in different Muslim communities that requires the intervention of other financial experts. In northern Nigeria, for instance, the givers of

¹ *Jamā'at 'Izālat al-Bid'a wa-Iqāmat al-Sunna* (Association for the removal of innovation and the establishment of the Prophetic Sunna) is a reform movement firmly established in Nigeria especially the northern part by Shaykh Ismaila Idris b. Zakariyya (1937 - 2000). It is often refer to as Izala. The movement is an anti-Sufi Muslim group that challenges Sufi practices such as *salātul fātih* (special Sufi litany), visiting the tomb of Sufi saints, conducting *maulud* celebrations (birthday of the Prophet and Sufi saints) and many other social practices such as naming ceremony etc. According to Ramzi Ben Amara (2012, p. 75), Izala in its own effort to rid Islam of *bid'a* (or harmful innovations) as they interpreted Sufi practices in the contemporary practice of Islam in northern Nigeria. One of Izala's effort to promote the practice of Islam in the region is the establishment of a *zakat* unit, which collect and disburses it among Muslims.

zakat use their own personal discretion to select beneficiaries, while others have what the researcher calls traditional beneficiaries, i.e., those who benefit annually from the *zakat* of a single person who is their neighbor, friend, or relative (Abubakar, 2013, p. 123). Muslim scholars in the North have little influence in this regard.

The changing views of *zakat* throughout history gave Muslims the liberty to interpret the practice from multiple viewpoints, which continues today. Individual Muslims either deduct their own *zakat* and either handed it over to the state, distribute it on their own to people they identified as beneficiaries, or, in some circumstances, hand it over to an imam or local Muslim community leader to distribute. Public administration of *zakat* started in Nigeria in the 1980s with Kano State in northern Nigeria, and with the implementation of *shari'a* in 2000; Zamfara State established a *zakat* board to administer its collection and distribution. The practice later spread to 11 other states in northern Nigeria. Izala was the first religious institution to establish a unit for the collection and distribution of *zakat* following after the *shari'a* states. Seeing its relevance and success, *Jamā'at Nasril Islam* (society for the support of Islam) has also made an effort to collect and disburse *zakat*. This article examines the intertwining approach to *zakat* by both institutions, with special interest on Izala because of the well administered system it has achieved.

An important argument presented in this paper is that *zakat* practices in northern Nigeria promote the building of social relationships between givers and receivers. This study utilized qualitative methods of data collection and analysis by conducting interviews with individuals who either give or receive *zakat* in northern Nigeria to better reflect the reality of the situation on the ground. Interviewees were carefully selected from among those with experiences of distributing *zakat* annually and those that have benefitted from it at least once in their lifetime. The study was conducted during three months of fieldwork at the end of 2017 and early 2018 in Jos, the capital of Plateau State, and throughout Kano State. Jos was selected because it is the headquarters of Izala and Kano is one of the states that has implemented the *shari'a* legal system and has an established board that administers the collection and distribution of *zakat*. Interviews were also conducted at the headquarters of both Izala and *Jamā'at Nasril Islam* in Jos and at the *zakat* board in Kano in 2018. These interviews served as a follow-up to an earlier visit in 2010 and 2011 during fieldwork for the author's doctoral dissertation. Other data collected in Kano included the list of *zakat* applicants, distributors, and the application forms for both those who submit their *zakat* and the beneficiaries.

This study shows that the fluctuating nature of *zakat* makes its practice suitable for Muslims in whatever situation they find themselves, whether in a state with established Muslim institutions or where *zakat* is practiced by individual Muslims voluntarily. Furthermore, this article demonstrates that the emergence of institutions in northern Nigeria to collect *zakat* has complicated the practice and increased competition within this overwhelmingly poor community. The contestation over who receives what, from whom, and how reflects the intertwining of politics and society in northern Nigeria (Singer, 2018, p. 2). All stages of *zakat* have been politicized, from individual to state and religious institutions.

Apart from being a show of public devotion, individuals who distribute *zakat* acquire power and recognition in society in northern Nigeria; making choices about who receives what and when (Singer, 2018, p. 3). The state and institutions struggle to convince wealthy givers of *zakat* to submit it to them. The competition is tenser in *shari'a* states, where Izala, *Jamā'at Nasril Islam*, and the *ṭuruq* (Tijāniyya and Qādiriyya Sufis) all seek *zakat* from the wealthy. For example, Izala sends *sa'is* (*zakat* collectors) to preach to certain identified wealthy persons about the importance of *zakat* and why they should consider giving it to the group; the state, on the other hand, sends out letters and forms to the wealthy, admonishing them to provide an estimate of their wealth. The state further requests that they pay 60% of their entire *zakat* to the state while 40% is left to other beneficiaries in their neighborhood. However, beneficiaries prefer to receive *zakat* directly from individuals because as neighbors, friends, and relatives, they will be given consideration above others. Furthermore, they will receive a larger share than from either the state or religious institutions. In consideration of the politics involved, as Singer concludes, “new and instructive ways of deciphering the significance and impact of philanthropy emerge if a politics of philanthropy is acknowledged and traced” (2018, p. 14).

This article begins with an introduction of *zakat* practice in northern Nigeria and how the practice has changed throughout the history of Islam in Nigeria. Within this context, the article looks at the emergence of new *zakat* actors, i.e., Muslim institutions that compete in the collection and distribution of *zakat* in the region, and the challenges they face, as well as their reception by the Muslim public.

Changing Practice of *Zakat* Collection and Administration in Northern Nigeria

Islam arrived in Nigeria through two major routes from the north: in the 11th century from Borno² and again in the 14th century through Kano (Hausa states). Since then, *zakat* has continued to be identified with piety, including after Usman dan Fodio's reforms in the nineteenth century that led to the establishment of the Sokoto Caliphate through colonization by the British. *Zakat* became a major aspect of the Caliphate, and a *Sa'i's* office was established by Dan Fodio at the headquarters of the Caliphate in Sokoto to constantly collect *zakat* from the wealthy for distribution to needy persons (Bunza, 2004, p. 12). This is not new in sub-Saharan Africa; for instance, during the 19th century, many reform movements led by Muslim jurists and scholars used *zakat* as part of the Islamic state (Weiss, 2003, p. 121). The colonization by the British brought about the introduction of colonial tax reform in 1908, which was later enforced in 1916, compelling individual Muslims to distribute their *zakat* without the interference of the state, thus relegating its practice to the private sector (Bunza, 2004, p. 13).

Northern Nigeria is an area dominated by mostly Muslims, and the practice of *zakat* is widespread among the wealthy, business people, and farmers. Wealthy Muslims, especially, and those who are in business frequently deduct and distribute *zakat* annually to beneficiaries of their choice, who are mostly among the poor and needy within their own community. Usually, at the start of Ramadan,³ the wealthy estimate their wealth and compile a list of possible beneficiaries, which is usually a duplication of the previous year's, although other beneficiaries could be added or removed. The reasons for removing a person's name from the list include death, increased wealth, and leaving the neighborhood. The amount of money given differs considerably depending on the position of the beneficiary to the wealthy.

The secretary to the late Alhaji Abdulhamid Yelwa, for example, used to give between 5,000 naira (i.e., \$11–\$14) and 150,000

² Borno has historically been a stronghold of Islam, known as Kanem-Bornu Empire (c. 700–1380) and later the Borno Empire (1380s–1893), extending its influence to Chad, Cameroon, and parts of Niger. Today, it is the stronghold of Boko Haram activity, which was also extended to Chad, Niger, and Cameroon through Borno. Abdurrahman Doi (1997, p. 23) is of the view that Islam came to the Kanem-Empire even before the 11th century.

³ Most people find it suitable to distribute their *zakāt* during Ramadan in order to increase their chances of more blessings.

naira (i.e., \$429) as *zakat*.⁴ Usually, beneficiaries receive a lower amount unless they occupy an important position in relationship to the distributor, such as a friend, Shaykh, or in-law. The highest beneficiary of *zakat* the author encountered in Jos in 2011 received 500,000 naira (i.e., \$1,428) from a friend. The situation remained the same in 2018; there seemed to be no increase in the amount given. Most beneficiaries, however, receive only an insignificant amount of money as *zakat*, as little as a few thousand naira (e.g., \$11–\$14, depending on the exchange rate). Alhaji Sabiu, a *zakat* distributor, confirmed in an interview that the people he usually considers for a larger amount are his in-laws or close friends, who he gives to every year.⁵

The principles of *zakat* do not allow immediate family members (e.g., wife, children, or parents) to benefit, since taking care of such family members is the responsibility of the distributor. This is reflected in the fact that most *zakat* is given to acquaintances of wealthy people in Nigeria. There are various kinds of compulsory giving in Islam. A person is obligated to be responsible for his/her *usul* (origin and progeny), that is, one's parents and children, which excludes *furu* (i.e., other relatives). Having enough beyond the responsibility to one's parents and children, it is encouraged but optional to give to one's relatives (Senturk, 2007, p. 141). This kind of obligation is what the author refers to as an internal social obligation, which is required regardless of an individual's economic station. External social obligations, on the other hand, include *zakat*, which must be distributed beyond one's immediate family (i.e., parents, wife, and children).

Another form of *zakat* in Nigeria comes from Muslim farmers. Every farmer estimates his/her production for the year and deducts a certain percentage as *zakat*, which is distributed among needy neighbors, friends, local Muslim scholars, distant family members, and acquaintances. This is more difficult for farmers who must rely on mother nature to provide rain for their crops. Those farmers who use machinery to irrigate their land can produce multiple harvests during the year and are obligated to give a certain portion as *zakat*. This is also applicable to poultry farmers, for instance, who are obligated to pay *zakat* every time they sell chickens or eggs in *zakatable* quantity.

⁴ Interview with Alhaji Isa Abdullahi, Secretary to the late Alhaji Abdulhamid, October 2015.

⁵ Interview with Alhaji Sabiu, November 2018.

Since 2000 in *shari'a* states in northern Nigeria,⁶ for instance, state institutions have collected and disbursed *zakat* to beneficiaries. These institutions are located in each state as boards and committees with branches in local government areas. For example, the Kano State *Zakat* and *Hubusi* Commission has branches in all 44 local government areas, which submit annual reports of their *zakat* collection and distribution to the headquarters in Kano. Documents from the Wudil local government area indicate the names and addresses of beneficiaries that were submitted by different district heads to the branch office of the *zakat* commission. The district heads are mandated to verify the names of beneficiaries and their needs before submitting the information to headquarters. Usually, every beneficiary on the list is required to fill out a form, after which the person is invited through the local board to collect a certain amount of money. The amount of money varies depending on the need of the person as specified on the form. Some request food, furniture for their daughter's wedding,⁷ help with medical bills, etc. The amount beneficiaries receive is usually lower than directly from individual distributors probably because the state level handles large number of beneficiaries.

Other active *zakat* administrators in northern Nigeria include imams of local mosques, shaykhs or Malams that are influential, and leaders of Muslim groups. For example, during the life of Shaykh Abubakar Mahmud Gumi (1922–1992), many wealthy Muslims took their *zakat* to him for distribution on their behalf. Shaykh Abdurrahman Lawal (the former *Murshid* of *Jamā'at Nasril Islam* in Jos) confirmed that from the 1950s to the early 1970s, many wealthy Muslims in Jos used to also hand over their *zakat* to the late Shaykh Ahmad Arabi (1909–1973), a respected Muslim Shaykh, to distribute to the needy on the assumption that he knew the principles of *shari'a* and could do better than they could themselves. This is not unique to the Muslim community in Jos or Nigeria as a whole; Abdulaziz Muhammad (1993) noted that before the establishment of *zakat* institutions in Malaysia, wealthy Muslims used to give their *zakat* to respected religious leaders and imams for distribution to the needy (p. 45). It was only recently in

⁶ There are at the initial stage 12 *shari'a* states in northern Nigeria: Zamfara, Sokoto, Kebbi, Borno, Niger, Kano, Kaduna, Bauchi, Gombe, Katsina, Yobe, and Jigawa. Almost all established a board that administers *zakat*.

⁷ The culture in northern Nigeria requires parents to purchase furniture for their daughter during her wedding, such as a bed, chairs, kitchen utensils, etc., to be conveyed alongside with her to her husband's house. Men in most cases only rent or provide empty rooms or a house.

northern Nigeria that Muslim groups became involved in the affairs of *zakat* collection and distribution.

Emergence of *Zakat* Actors in Northern Nigeria

The implementation of *shari'a* in 12 states in northern Nigeria between 1999 and 2001, the establishment of committees to administer *zakat*, and the emergence of *zakat* institutions brought an important development to the region. This has given way to the emergence of Muslim groups that have established units/offices for administering *zakat* in many towns and villages in northern Nigeria, imitating what occurs in *shari'a* states. The *zakat* boards and committees in *shari'a* states are government bodies that answer to the state and are financed by public funds. The government provides them with offices, personnel, and facilities and also appoints a tenured chairman with other staff. This system presently exists in 11 out of the initial 12 states that implemented *shari'a* in northern Nigeria. A good example is the Kano State *Zakat* and *Hubusi* Commission, which was revived in 2003 after its implementation by the state. Its responsibility is to collect *zakat* from the wealthy people in the state and distribute it to needy persons. The wealthy submit up to 60% of their estimated *zakat* to the board and distribute the remaining 40% to their neighbors, distant relatives, and friends.⁸ By allowing the wealthy to distribute 40% of their *zakat* within their own neighborhood, it reduces possible tension and grievances (Abubakar, 2013, p. 67).⁹ This system is also problematic because many wealthy people prefer to distribute their entire *zakat* to those around them as a source of prestige and power, which was the case before the implementation of *shari'a*. Giving *zakat* to the state board or commission automatically takes away that power, especially given that governmental institutions in Nigeria are seen as

⁸ Understanding the politics behind this is simple. Before the implementation of *shari'a*, many wealthy people had what I refer to as traditional beneficiaries of their *zakat*, who were usually their neighbors, friends, and relatives. The *shari'a* states realized that cutting off these people from benefiting from such *zakat* might likely lead to revolt. Therefore, they initiated the system of collecting 60% and leaving the owners of the wealth to distribute the remaining 40%. Malam Umar Wudil, an interlocutor narrated how some poor neighbors in Wudil chased away staff of the Wudil *Zakat* Commission who visited a wealthy *zakat* distributor in their neighborhood because to them, handing over his *zakat* to the commission will mean reducing the amount to be allocated to them.

⁹ For more information on the public administration of *zakat* in northern Nigeria, refer to my work on the "Public Administration of *zakat* in Kano State" to be published soon.

corrupt and that the officials might misappropriate the funds before they reach the needy.

This study examines two Muslim institutions in northern Nigeria that were inspired by the implementation of *shari'a* to begin collection and distribution of *zakat*: *Izalat al-bid'a wa Iqāmat al-Sunna* (Association for the Elimination of Innovation and Restoration of Prophetic Sunna; popularly known as Izala) and *Jamā'at Nasril Islam* (Association for the Support of Islam; JNI). Izala has become successful in its efforts while JNI has been less so. Today, collection and distribution of *zakat* has also become a popular practice among Muslim Yoruba groups in northern Nigeria. In addition, different shaykhs of two popular Sufi Orders (Tijāniyya and Qādiriyya) collect *zakat* in the region in their capacity as individual/private religious authorities. It is therefore likely that more groups are likely to emerge in the near future.

Izala was established in 1978 in Jos, the capital of Plateau State, under the leadership of Shaykh Ismail Idris Zakariyya (1934–2000). It later formed branches in different parts of Nigeria and in parts of Niger and the Republic of Benin, but had little success in Ghana (Loimeier, 1997, p. 209). During the early 1990s, Izala split into two factions: Izala A and Izala B, or the Jos and Kaduna factions. They both maintained the same name, structure, and constitution, but some minor differences set them apart, and there is bitter tension between them (Ben Amara, 2012, p. 257). This article's interest is on Izala A, which established a *zakat* unit, while Izala B has yet to do so.

Izala A first established a *zakat* unit in 2005 and restructured it in 2008 and called it *Cibiyar Zakka da Waqafi* (Hausa lang., Department of *zakat* and Endowment), with its headquarters in Jos, and formed sub-units in every place that Izala A has a branch. The unit was first headed by a national *Sa'i* (collector), while local *Sa'is* were responsible for the branches (in states, local governments, and wards). The first national *Sa'i* was Major Bala, a retired army officer, and when he left Jos following the Jos crisis and relocated to Kaduna, the leadership of the unit was shifted to Shaykh Sa'id Hassan Jingir, deputy head of Izala A. Jingir insisted that all other *Sa'is* at the state or local levels were under him and had to submit an annual report of *zakat* collection from their states or local governments.¹⁰ Whatever *zakat* they collected would be divided into percentages: 35% would be allocated to the national body, 30% to the state, while 20% would go to the local government. Districts were the last level to benefit, with only 15% (Abubakar, 2020, p. 207).

¹⁰ Interview with Shaykh Sa'id Hassan Jingir, September 2010.

According to Jingir, although this division is top heavy, it is justified because the national body has many responsibilities, including for the group's national scholars in the country. He emphasized that usually, the Izala A state council of 'ulama' submits the names of annual *zakat* beneficiaries to headquarters, which takes this into consideration judiciously. Another group of Izala *zakat* beneficiaries, according to Jingir, were orphans and widows of prominent members of the group who died in its service. The implication is that as the collection is top heavy, so also is the distribution. Most poor and needy members in local areas do not benefit from *zakat* and neither do their families, sometimes even after their death. During an interview, a widow of a poor committed member from Anguwan Rogo confirmed that for six years (after the death of her husband) she had not received any *zakat* or assistance from Izala A despite consistent pleas.¹¹

Izala's collection of *zakat* is done primarily among wealthy members and infrequently from non-members. Usually, collectors identify rich and wealthy people in both urban and rural areas, and as Ramadan nears, they go around to admonish and request that they voluntarily submit part of their *zakat* to the group. In non-*shari'a* states, for instance, Izala has little competition, unlike in *shari'a* states where the government is also involved. However, individuals living in a *shari'a* state might prefer to submit their *zakat* to members of their own group as a mark of solidarity, despite constant pressure from the government. In Jos, for instance, the Izala *zakat* unit conducts its activity without a state competitor, except from Muslim institutions such as *Jamā'at Nasril Islam* and the *ṭuruq*. Other competing partners include the Sufi shaykhs, whose followers will never submit their *zakat* to Izala due to internal disputes on *aqīda* (creed), among other things. An interlocutor and member of the Tijāniyya Sufi Order was astonished as to why Izala *zakat* collectors would approach him, considering that they view all followers of Sufi Orders as *mushriks* (infidels), while he is one. He denied them his *zakat* because of that.¹² Izala's activity of *zakat* collection and distribution is organized into four levels: *Mataki na Kasa* (national level), *Mataki na Jiha* (state level), *Mataki na Karamar Hukuma* (local government level), and *Mataki na Reshe* (district level) (Abubakar, 2020, p. 196).

The amount of money the Izala *zakat* unit distributes annually to individual beneficiaries is between 3,000 naira (\$9) and 30,000 naira (\$86), depending on the amount collected. In 2018, there were about 160

¹¹ Interview with Maimunat Sa'id, a widow in Jos, June 2017.

¹² Interview with Alhaji Muhammad Sani, July 2017.

beneficiaries. According to the national *Sa'i*, the distribution begins with families of scholars that died serving the group, then families of deceased selected members who are considered poor and in need. Jingir stressed that there are two reasons why the *zakat* money collected is always not enough to go around: first, contributions come from mainly its wealthy affiliates, very little comes from non-members. Therefore, every financial contribution revolves around the same wealthy members. Jingir is of the view that the involvement of other wealthy people in society would help Izala's *zakat* unit. Second, there are fewer contributors than those in need due to high level of poverty. This has always been the case. For these and other reasons, Jingir lamented that the *zakat* activity of the group is seriously restricted. Izala's distribution of *zakat* is done only once a year. Although contributors could submit their *zakat* at any time, most is collected during Ramadan. Therefore, distribution is always scheduled around that period too. Another issue that the leaders of the group did not want to comment on is the challenges of possible misappropriation of *zakat* funds. Many people, even the members of Izala whom the researcher contacted, discuss how the possible misappropriation of funds within the group bothers them. An imam gave an example that happened to him personally: the head of Izala, Shaykh Sani Yahya, sent money to him, but some of it was skimmed in the process of reaching him.

However, despite these challenges, Izala is the only Muslim organization in northern Nigeria that has established a successful and operational *zakat* unit in both *shari'a* and non-*shari'a* states. This was possible because of Izala's strong leadership structure, which many Muslim organizations in northern Nigeria seem to lack. Another reason is its infiltration into the social circles of the ruling class, especially politicians, who operate in a system of cash and carry. Izala always provides enormous numbers of votes to politicians due to their committed membership in urban and rural areas. Therefore, politicians have always supported and cooperated with the group at all levels. This gives them an advantage over other Muslim groups in northern Nigeria. Ramzi ben Amara described Izala as an organization that was always aware of its popularity and was eager to gain religious capital within Muslim society in northern Nigeria. Therefore, their involvement with politicians seems to provide them with easy access to a certain stratum of society. For instance, the implementation of *shari'a*, as discussed earlier, presented the group with an opportunity to increase its influence, which it did by getting involved with different governors of the *shari'a* states (Ben Amara, 2011, p. 196).

Jamā'at Nasril Islam (JNI; society for the support of Islam) is a Muslim umbrella group that was also influenced by the implementation of *shari'a* as well as by Izala's effort to administer *zakat*. *Jamā'at Nasril Islam* was established in northern Nigeria with the aim of uniting all the Muslim groups in Nigeria. It was established in 1962 by Ahmadu Bello (the Sardauna of Sokoto and premier of northern Nigeria). JNI soon became influential and incorporated Muslim government officials and traditional rulers either as patrons or chairpersons of its branches in state and local governments. The JNI's advisory committee is made up of over 46 influential Muslim scholars and community leaders (Paden, 2005, p. 184). According to Roman Loimeier, Ahmadu Bello was able to attract funding for the activities of *Jamā'at Nasril Islam* at its formation stage from wealthy Gulf states, especially Kuwait and Saudi Arabia. Roman Loimeier emphasized that Egypt also contributed a large sum of money to JNI in 1960, 1961, and 1962 (1997, p. 136). With the implementation of *shari'a* in northern Nigeria, *Jamā'at Nasril Islam* acquired a fundamental advisory role in the process. It also initiated and monitored the National Ulama Council for the implementation of *shari'a*, a body that observes the conduct of its implementation for the entire northern region.

Before the implementation of *shari'a* in northern Nigeria, the headquarters in Kaduna had received unorganized *zakat* contributions for distribution to the needy. This was mostly due to the influence of Shaykh Abubakar Gumi (1922–1992), the brains behind the establishment of JNI, a respected Muslim scholar who collected and distributed *zakat* to the needy, including students and scholars around him or those involved with *Jamā'at Nasril Islam* in other places. This culture is obtainable in almost all the branches of JNI in northern Nigeria, depending on the influence of the most senior scholar in town. For example, Shaykh Abdurrahman Lawal, the former *murshid* (spiritual guide) of the JNI Youth Ying in Plateau State, recounted that many Muslim wealthy persons in Jos used to submit their *zakat* directly to Shaykh Ahmadu Arabi (1909–1973), a well-respected scholar under the JNI in Jos, trusting that he was in the best position to distribute it to the rightful beneficiaries. Shaykh Lawal, however, lamented that very few people today bring their *zakat* to the JNI branch in Jos for distribution, despite the fact that someone has officially been assigned to administer the affairs of *zakat* submitted to the branch.¹³ Distribution of *zakat*

¹³ Interview with Shaykh Abdurrahman Lawal Adam, October 2010. The person assigned by Abdurrahman to administer *zakat* at JNI Jos Branch was Shaykh Aminu Sadi.

within JNl is disorganized, even though in most large branches there are personnel assigned to that responsibility.

In the distribution of *zakat* by these institutions, they freely choose who will benefit and are often biased, allocating it to people that are affiliated with them in one way or another. This signifies some form of politics within the context of *zakat*, which gives religious institutions a form of power, as they influence the wealthy to give them their *zakat* and then choose from among the needy who benefit from it.

Challenges and Public Perception

Most Muslims in northern Nigeria do not feel the impact of the distributions of *zakat* by Muslim groups for many reasons, apart from the insufficiency of the annual *zakat* funds at the disposal of the institutions. For many decades, needy persons in northern Nigeria benefited from the private distribution of *zakat* from their wealthy neighbors, friends, and relatives, which has become an established part of the culture. Usually, the wealthy keep a list of their annual beneficiaries handy, with the allocation of a certain amount indicated for each name depending on its importance. Such distribution is ordinarily restrictive and on short notice. Alhaji Mukhtari Nayaya, for instance, has for many years allocated his *zakat* to the same people on a particular list with only slight changes every year.¹⁴ This culture has been challenging, wealthy people have to give the same amount over and over to the same beneficiaries every year. As for the institution of *zakat* in *shari'a* states, they encourage the wealthy to submit only 60% of their annual *zakat* to the board and 40% to their traditional beneficiaries, which reduces the annual amount. Both the wealthy and beneficiaries are uncomfortable with this development. For the wealthy, it means they have to give *zakat* twice in a year, once to the state or Muslim institutions and a second time to their neighbors, while the needy, on the other hand, complain of receiving limited *zakat* from the state and Muslim groups and if the wealthy comply with the state, limited from their wealthy neighbor. According to an interlocutor in Wudil Local Government in Kano State, the local *zakat* committee told them to contact a certain wealthy person and request *zakat*.¹⁵ Noticing their presence, his needy neighbors became alert and confronted them, despite the fact that they represent a government agency. They had to leave to avoid confrontation.¹⁶

¹⁴ Interview with Alhaji Mukhtari Nayaya, November 2010.

¹⁵ Interview with Malam Umar Wudil, July 2018.

¹⁶ Interview with Mallam Umar Wudil, June 2017.

Another problem associated with the administration of *zakat* by Muslim institutions such as Izala is ideological disputes between them and other Muslim groups. Since its establishment, Izala emerged with strong anti-Sufi tendencies, branding them as *mushriks* (those ascribing partners beside Allah), therefore, considering them as unbelievers. Izala created a sharp religious identity and drew an ideological line between themselves and other Muslim individuals and groups. Abubakar Gumi initiated this debate in his preaching, which was later radicalized by Shaykh Ismail Idris. Members of Izala often do not pray behind an imam affiliated with other Muslim groups or organizations, especially the Sufi, nor do they eat meat of animals slaughtered by the “other.” They also do not return *salām* greetings from Sufis and other Muslims because they do not believe in their Muslimness (Ben Amara, 2012, p. 77). An interviewee and *zakat* distributor, Alhaji Sani, stressed that the Izala *zakat sa'is* visited him and requested *zakat*. He refused to give it to them, emphasizing that they branded him (meaning Sufis) an infidel in the past and now demanded their *zakat*. He said: “it is impossible to comply with such a demand. If I am not considered Muslim, how can my money be beneficial them?”¹⁷ Therefore, most people who contribute *zakat* to Izala are their members, although the *Sa'is* (*zakat* collectors) continue to make desperate and unsuccessful efforts to influence non-members to submit their *zakat* to them.

Zakat is one of the tools that connects the wealthy and needy as neighbors, friends, and relatives, etc. It is for this reason that neighbors look forward to the time of *zakat*; some even send their requests ahead of time. The wealthy, on the other hand, mostly earn respect from society because of the *zakat* they give annually, either at home or the market. This has created a bond of social relations and interaction between the wealthy and needy. For some wealthy individuals, giving *zakat* is a form of prestige; allowing a third party to distribute their *zakat* for them will diminish how people might perceive them. Alhaji Bello, a wealthy person was of the opinion that if he hands over his *zakat* to Izala, for instance, they won't give it to his neighbors, who will still expect him to give them their annual share of his *zakat* as he has in the past.¹⁸

The rate of poverty in Nigeria is very high compared to many countries in the world. According to the United Nations Economic Commission for Africa (UNECA, 2020, p. 25), more than 60% of Nigerians live below the poverty line, with higher rates in the rural areas than the urban areas, especially in northern Nigeria (p. ix). *Zakat* is only

¹⁷ Interview with Alhaji Sani, June 2017.

¹⁸ Interview with Alhaji Bello, July 2017.

paid once annually by the limited number of wealthy Muslims in the country, particularly those in business circles. Many wealthy individuals do not deduct their 2.5% annual *zakat* as a voluntary act of piety, according to Islamic injunctions, while others avoid it completely since there is no strict monitoring system even in *shari'a* states in the North. This 2.5% is an insignificant amount that does not make a meaningful impact in a society overwhelmed by poverty. Also, having so many interest groups has made *zakat* a contested commodity even prior to the efforts of the Muslim organizations that now collect and disburse it. The presence of a wealthy person among large numbers of needy persons raises their hope of benefiting. For example, a poor female interlocutor was hopeful and excited when she heard that a new neighbor was a benevolent wealthy person, even before he relocated. This gives her hope that her family is likely going to benefit from his benevolent act of *zakat*.

Muslim organizations like Izala are interested in accumulating large numbers of beneficiaries of their *zakat* so as to increase their popularity and become important players in society. Therefore, they usually distribute a negligible amount of money as *zakat*, whereas beneficiaries could receive a substantial amount from a wealthy neighbor who knows them and is aware of some of their needs. This is the same in *shari'a* states where government institutions are interested in displaying large numbers of beneficiaries in order to gain popularity. I received many complaints from the desperate families of late Izala members during an interview that did not receive any assistance from the group. While on the other hand, I found that the families of an influential late Izala shaykh used to receive a huge sum of money annually as *zakat* in addition to other benefits, not to mention the huge inheritance they received at the time of his death. This discrepancy is causing more harm than good to Izala's efforts to popularize its *zakat* unit.

Conclusion

The position of the person who controls *zakat* has always been contested, whether the Muslim state or Muslim institutions. The evolving nature of *zakat* shows that it can flourish in any context, whether within a Muslim state or by Muslims living in a secular society, as it is today in many countries of the world. This paper analyzes the situation in Nigeria, where *zakat* used to be a private affair, before Usman dan Fodio. But after dan Fodio's reforms, it became a public matter, administered by the Sokoto Caliphate under the office of a *Sa'i* (collector). With colonization by the British, *zakat* became private again, for individual owners of wealth. During this period, imams and Muslim religious figures took

over the collection of *zakat* from the wealthy in their area and distributed it to the needy people around them. *Shari'a* states emerged in 2000 in northern Nigeria and established an institution to administer *zakat*. Recently, Muslim groups in northern Nigeria have also initiated an effort to collect and distribute *zakat*. The problem is that there are too many contenders for *zakat*, which led to the argument of this paper, that is, the contestation over the limited *zakat* in society in northern Nigeria, resulting in the politics of *zakat* administration. The beneficiaries of *zakat* have always been a single, monolithic group of needy individuals who struggle to make ends meet. The problem is that there is only so much *zakat* to go around.

This study has shown that the emergence of Muslim institutions in northern Nigeria in *zakat* collection and distribution has increased competition for the limited *zakat* in circulation every year, which reduces the amount given to needy beneficiaries, meaning its impact and increases their suffering. *Zakat* has, thus, become a rare item that attracts many individuals. Those who give *zakat* do not increase at the same rate as those who need it, given the high rate of poverty in Nigeria. This paper, therefore, also argues that the many contenders for *zakat* have decreased its quantity for each and is the reason why its impact is not felt in northern Nigerian society today. As for the Muslim scholars in the various groups, the collection of *zakat* provides them with additional income and pride.

The new *zakat* actors (i.e., Muslim institutions) have seized the opportunity for the position that society puts them in as guardians of the religion, and *zakat*, being a religious practice that has many social and economic benefits, provides them with a good opportunity to increase their popularity and prestige. By collecting *zakat*, Muslim institutions advance their societal role by becoming economic managers of religious wealth. This is important for acquiring membership, especially where there is a high level of poverty and sycophancy in society. The circle becomes complete for religious figures when the collection and distribution of *zakat* link them up with politicians and other powerful individuals in society. Here, the circle of the politics of philanthropy is fully represented.

Dauda Abubakar is a senior lecturer with the Department of Religion and Philosophy, University of Jos, Nigeria. He holds a PhD from the Freie Universität Berlin, Germany after obtaining an MA and BA in Religious Studies from the University of Jos. He teaches undergraduate and postgraduate courses in Comparative Religion, African Traditional Religion, Islam, and Social Anthropology of Religion. Abubakar has published many articles in local and international journals and contributed chapters in books as well as review books. His recent book is titled: “They love us because we give them *zakat*”: the distribution of wealth and the making of social relations in Jos Nigeria, published by Brill in October 2020. Another upcoming book is titled: Stateless Citizens in Nigeria: Entanglement of Ethnicity, Politics and Religion, Tertiary Education Trust Fund (Tetfund) is in the process of funding the publication of the manuscript in Nigeria. Abubakar has participated in many local and international research collaborations with scholars within and outside Nigeria on numerous topics and has presented research findings at many local and international conferences, workshops, seminars and symposiums. His current research is titled: “The Rise and Fall of the Islamic Movement of Nigeria: Challenges within and without. Abubakar is presently supervising undergraduate and postgraduate (MA and PhD) students at the University of Jos, a federal university in Nigeria. His areas of specialization include: Muslim-Christian relations and anthropology of Islam with interest in West Africa.

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FINANCING KINDNESS AS A SOCIETY: THE RISE AND FALL OF THE WAQF AS A CENTRAL ISLAMIC PHILANTHROPIC INSTITUTION (AWQĀF)

Khalil Abdur-Rashid
Harvard University

A sine qua non in any basic understanding of the history of Islamic philanthropy is a familiarity with the story of the charitable foundation/endowment in Islam known as the waqf. Using necessarily broad but accurate brushstrokes, this paper tells the story of the waqf. In addition to the introduction and conclusion, it is divided into six major sections. Following a section on the background for the emergence of the institution of the waqf are five sections, each of which treats one of what I propose to be the five different phases of the history of this institution. The first focuses on the formative period and discusses the central concepts and themes that were critical for the foundation and establishment of the waqf as one of the premier institutions of Islamic philanthropy. The second deals with the post-formative period and explores the emergence of jurisprudence regarding the normative beneficiaries of the waqf, as well as the evolving multiplicity of various genres of and terminologies for the waqf across a panoply of local cultural contexts. The third and fourth sections review the maturation and transformational periods, respectively. Finally, the fifth section explores the salient features of the deterioration period.

Keywords: waqf, philanthropy, cash-awqāf, ṣadaqa

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Introduction

From approximately the ninth century, roughly 200 years after the death of the Prophet Muhammad (pbuh), charitable foundations and endowments or “awqāf” began to emerge and spread across the Muslim world. Over the next millennium, awqāf would become fundamental to the conceptualization and manifestation of an Islamic society to such an extent that it would become nearly impossible to envision the Muslim world without them. By the early 1800s, according to one conservative estimate, more than half of the real estate in the Ottoman Empire was classified as a waqf (Hallaq, 2012, p. 402). According to another reliable source, awqāf comprised “an estimated 75 percent of arable land in the area of today’s Turkey, one-fifth in Egypt, one-seventh in Iran, one-half in Algeria, one-third in Tunisia, and one-third in Greece. At the end of the eighteenth century, an estimated 20,000 waqfs [sic] in the Ottoman Empire had a total annual income equal to one-third of annual government revenues, and perhaps including as much as one-half to two-thirds of arable land” (Singer, 2008, p. 186). As the premier institutional mechanism for philanthropic activity in Islam, the waqf became a defining factor that would exert a dominating influence on everything from urban planning and the development of cities and towns, to a wide variety of social welfare projects, religious habits and practice, including the production of art and the development of aesthetics. As such, it is nearly impossible to overestimate the role played by the waqf in shaping the structure and stability of markets and economic forces and even political stability itself. In short, the waqf was more than just a philanthropic institution—it was a generator of Muslim material and spiritual culture. As a famous historian remarked, “from about the tenth century, private waqfs [sic] replaced zakat as the vehicle for financing Islam as a society...they offered the material foundation for most specifically Islamic concerns, supporting religious, social, cultural, and economic activities, while equally serving political functions.... Through the waqfs [sic] the various civic essentials and even amenities were provided for on a private yet dependable basis without need or fear of the intervention of political power” (Hodgson, 1974, p. 124; also see Singer, 2008, p. 91).

Using necessarily broad but accurate brushstrokes, this paper tells the story of the waqf. Following a section on the background for the emergence of the institution of the waqf, are five sections, each of which treats one of what I propose to be the five different phases of the history of this institution. The first section focuses on the *formative period* and discusses the central concepts and themes that were critical for the

foundation and establishment of the waqf as one of the premier institutions of Islamic philanthropy. The second section deals with the *post-formative period* and explores the emergence of jurisprudence regarding the normative beneficiaries of the waqf, as well as the evolving multiplicity of various genres of, and terminologies for, the waqf across a panoply of local cultural contexts. The third section covers the *maturity* period, outlining various examples of awqāf in a more mature form and how they operated. Here I provide examples of how awqāf affected the places and beneficiaries in various regions of the Muslim-majority world. Of significant importance in this section are the details about the founding of awqāf for animals as well as endowments and foundations established by Muslim women solely for the benefit of single women. This section provides special insight into how premodern Islamic societies developed creative mechanisms to cultivate an atmosphere of inclusion and belonging by devoting certain awqāf to the cause of providing space for those on the margins of society. The fourth section traces the contours of the *transformational period* by describing how the issue of concreteness (as opposed to abstractness) and perpetuity of awqāf becomes applied to cash, something more mobile and practically useful in preparation for a new world. Finally, the fifth section explores the salient features of the *deterioration period* and discusses the causes and consequences of the decline of the institution of the waqf.

In chronicling an epic institution such as the waqf in Islam, it is important to acknowledge that this topic is widely researched. What I am attempting to accomplish in this paper is a general synopsis and synthesis of major source materials regarding the institution of awqāf in order to provide the non-specialist with a reference source that both maps the landscape of the history and development of the institution of the waqf within an analytical framework that attempts to address some of the common questions that have arisen in the research into this history. Because it is virtually impossible to understand the history of Islamic philanthropy without a basic understanding of the history of the waqf, this paper is written for general readers in philanthropic studies who may be seeking to enhance their understanding of Islamic philanthropy but who may yet be unfamiliar with the waqf as one of its core elements.

Background: Conditions Leading to the Emergence of the Waqf

Islamic philanthropy as a social institution (the waqf) emerged from the backdrop of two distinct and ubiquitous practices in Muslim society. The first backdrop was an overall pervasive, theological, and ontological

framework of the centrality of charity to life itself that gives momentum to giving in the first place. In Islam, from birth throughout a person's lifespan, charitable giving fashions a persons' daily, nightly, and monthly routine. Even the body itself is included in the expectation of charitable giving, for the Islamic tradition encourages a person to engage all their bodily limbs in charitable acts. The Prophet Muhammad (pbuh) stated that:

Each joint of every person must perform a charity every day the sun comes up: to act justly between two people is a charity; to help a man with his mount, lifting him onto it is a charity; a good word is a charity; every step you take to prayers is a charity; and removing a harmful thing from the road is charity. (Related by Al-Bukhari & Muslim; see Hadith number 26 in An-Nawawi's Forty Hadith)

Kind words, helping another across the road, removing litter from the street, showing affection toward one's spouse, feeding the poor, and even remembering God are among the numerous actions that are considered charitable in Islam. Islam encourages charitable actions on a daily basis through a myriad of practices that can be done, ranging from very easy and simple to grand and socially transformational, such as speaking out against injustice. Furthermore, charity was codified in the Islamic calendar during various days, nights, weeks, and even months. Fridays, the occasion of the Muslim congregational prayer, are designated the most advantageous day of the week for charitable giving. Giving before and especially after the Friday Prayer is a practice enshrined in Islamic norms throughout Islamic history. The feeding of the poor especially is encouraged after the Friday Prayer and a practice found in Muslim sources everyone.

The last 10 nights of Ramadan are considered the most virtuous nights for giving and for charitable actions. The first month of the Islamic calendar, Muharram, is known as the first month for charity in the year. The tenth of Muharram, known as Ashura, whose significance is shared between both Sunnis and Shi'is, is known for its being an occasion for charitable giving and virtuous actions. During the third month of the Islamic calendar, the month of Rabi' al-Awwal, the Prophet's birth is usually commemorated by Muslims globally. The celebration, although originating in the Mamluk era from Muzaffar al-Deen (d. 682/1283), brother-in-law of Salahuddin Ayyubi, would become part of both Sunni and Shi'i social norms. The practice of commemorating the Prophet's birth would always involve feeding people and the distribution of gifts

as an act of charity. The sacred months of Rajab (the seventh lunar month), Sha'ban (the eighth lunar month), and Ramadan (the ninth lunar month) are also designated as months for charity, even voluntary fasting, as is the case for Sha'ban. Rajab, historically, was designated as a month for gift-giving to the descendants of the Prophet Muhammad (pbuh). The middle night of the month of Sha'ban, called *Laylat al-Bara*, is considered a night of prayer and penitence. On that night Muslims are highly encouraged to ask forgiveness and to perform acts of charity in hopes of their sins becoming absolved. Ramadan, as a month for fasting and charitable giving, is widely known by Muslims and non-Muslims alike.

The first day of Shawwal, the tenth month in the Islamic calendar, is considered a grand festival day, *Eid al-Fitr*, marking the completion of Ramadan and is the first of the two grand festivals for giving. Finally, Dhul-Hijjah, the 12th and final month in the Islamic calendar, contains the Pilgrimage as well as the second grand festival, Eid al-Adha. This festival is a three-day holiday devoted to feeding others, gift-giving, and other forms of charity lasting for a three-day consecutive period. Days, nights, and months punctuate the Muslims' lifespan with an overall climate of charitable giving that Muslims are literally born into, for seven days after the birth of every child, the charitable act of the distribution of food to the poor and non-poor alike is a religious practice called *Aqiqa* for the purpose of giving thanks to God for the gift of a child. Charitable giving was even considered central in the early childhood education of children. Ibn Nujaym quotes the famous Sunni theologian Imam Abu Mansur al-Maturidi (d. 944) as saying:

The believer is obligated to instruct their child in generosity and charity just as they are obliged to instruct them in monotheistic doctrine and belief, for the love of this world is the source of all sin. (as cited in Singer, 2008, p. 85)

The second framework that forms the backdrop to the emergence of the waqf was death itself and the preparation for transition to the afterlife. Death and dying in Islam ushered in two extremely significant Islamic legal mechanisms: the bequeath (*wasiyyah*) and inheritance (*mirath*). The relationship between these two legal actions in Islam, coupled with terminal illness (*marad al-mawt*), brought to the forefront of Muslim families and jurists the problem of protecting heirs and creditors in the event of a dying persons' last testament. In Islamic law, bequeaths are restricted to one-third of a person's property. This restriction to one-

third, along with the strict rules of Islamic inheritance shares, posed a problem for Muslims on their death bed wishing to donate a significant portion of their wealth to the poor in perpetuity. The challenge of distinguishing normal, regular charitable giving in the form of a bequeath, subject to Islamic inheritance laws, from the creation of an institution for ongoing charity that would benefit the donor in the afterlife on an ongoing basis would contribute to the creation of *awqāf* as a separate and uniquely developed Islamic institution. The impetus for ongoing charitable giving was given by the Prophet (pbuh), who explained that: “When a human being dies, their work comes to an end, except for three things: ongoing charity, knowledge benefitted from, or a pious child who prays for them” (Related by Muslim).

Muslim scholars have interpreted “ongoing charity” as a reference to Islamic philanthropic institutions (*awqāf*). But early on in Islamic history, this distinction was not overtly clear, for both the practice of charitable giving and term itself for giving (“*sadaqa*”) would confuse matters, leading to a need to distinguish charitable giving (*sadaqa*) from ongoing or perpetual charitable institutions (*waqf*). This would lead to the rise of the *waqf* as both a legal and social phenomenon that produced an entirely new layer of meaning for Muslims and Muslim societies for well over a thousand years. Financing kindness would transcend individual and personal boundaries to become spiritual, familial, communal, social, political, cultural, philosophical, regional, international, and even global. In the modern era, it would become a colonial priority to dismantle the *awqāf*, thereby leading to their falling into significant disruption and decline as a result of pressures from colonial forces abroad and pressures internally from Muslim reformers seeking to replicate European Enlightenment at home. With this backdrop in mind, I will now turn to the five phases of historical development of the *waqf* as the premier Islamic philanthropic institution.

The Formative Period (from 622 CE to 750 CE)

The formative period for Islamic philanthropy began in the Medinan period after the Prophet’s migration to Medina and ended around the early Abbasid era. During this period, the essence and contours of Islamic philanthropy were established by Quranic and Prophetic decree and philanthropic giving emerged in various forms. As ubiquitous as the *waqf* is in Islamic history, it is quite interesting that the term “*waqf*” does not appear in the Quran itself nor in the hadith literature. The term *waqf* is believed to have emerged around the middle of the third century in Islam, during the post-formative period of Islamic law. Although the

term itself does not exist in the Quran, scholars of Quranic exegesis explain the following Quranic passage as providing the basis for Islamic philanthropic giving: “None of you (believers) will attain true piety unless you give out of what you cherish: whatever you give, God knows about it very well” (Quran 3:92). Upon hearing this verse of Quran after its revelation, Abu Talha, a notable Companion of the Prophet Muhammad (pbuh), donated his most cherished possession, a large date-palm grove with over 600 date palm trees to the service of the poor in the city of Medina. He explained the reasons behind his gift to the Prophet Muhammad (pbuh) by saying that the date-palm grove was his most cherished possession and that he hoped that by gifting it to the service of the poor that he would attain the status of true piety in the next life. Upon declaring his gift to those in need, in the presence of the Prophet Muhammad, Abu Talha returned home to find his wife and child relaxing in the grove. Abu Talha immediately informed his wife that he had gifted and endowed the grove to serve the poor of Medina in service of Islam. His wife asked him, “Did you do this in your name only or in our name collectively?” Abu Talha replied that he had done so in both of their names. His wife replied, “May God be pleased with you Abu Talha! I was considering the exact same thing after having thought deeply about what to do for the poor in our midst. But I did not have the courage yet to do something about it. May God accept our offering and let us now leave the grove together” (Topbas, 2006, pp. 24–25). This dedication of their most valuable real estate for the good of the poor of Medina, in the service of Islam, was known as the first act of endowment (waqf) in Islam.

From the perspective of the Sunna of the Prophet Muhammad (pbuh), we have more specific details for the establishment of the waqf. First, the Prophet (pbuh) died leaving only three items: a mule, his weapons, and some land that he designated as being reserved for charitable purposes (*sadaqa*) (Bukhari, *Sahih*). Second, the Prophet Muhammad instructed his Companion Umar as to how to endow property for Islamic philanthropic purposes and this became the model for the awqāf of many prominent Companions of the Prophet (pbuh). Imam Malik mentioned this advice from the Prophet (pbuh) as having established the precedent for awqāf—which were called *ahbas* by Imam Malik.

According to Islamic history, Umar b. Khattab had acquired property in Khaybar and consulted the Prophet (pbuh) on what to do with it. The event is reported as follows:

Umar said: "I have acquired land in Khaybar, and I have never acquired property more precious to me than it. What do you command me to do with it?" The Prophet (pbuh) replied, "If you want, sequester its principal and dedicate (the profits) for charitable purposes." Ibn Umar said, "Umar gave away the yields as alms on the condition that it (the principal) not be sold, given away as a gift, or inherited. Umar gave the yields away as alms for the poor, kin relations, freeing of slaves, (the funding of) military expenditures, travelers, and guests. It will not be held against the one who administers it if they eat from it in an appropriate manner or gives something to a friend so long as they do not appropriate any of the property." (Hennigan, 2004, p.160)

From this tradition, we learn the basic operational parameters, functions, and conditions of Islamic philanthropy of the Companions of the Prophet (pbuh). Umar's statement about his property as being the most precious of his land is significant, as it conforms with the import of the Quranic verse above, namely that a person gives from what they cherish most. The Prophets' instruction to Umar to sequester the principal and devote the proceeds for charitable causes is also important because it explains the Quran's statement instructing the person about how to "give out of what you cherish." This does not mean to give away what you cherish but instead to restrict the most cherished aspect of our wealth to the service of yielding proceeds for charitable purposes. The property itself is to be sequestered from being bought, sold, gifted, or inherited. In short, it is removed from the marketplace and protected from being a commodity. However, as Ibn Umar articulated in describing his fathers' actions in following the Prophet's instructions, the property is still put to work in order to produce gains for alms for the poor, kin relations, the freeing of slaves, (the funding of) military expenditures, and the needs of travelers and guests. This is also remarkably consistent with the zakat recipient categories outlined in chapter 9, verse 60 of the Quran.

Two significant aspects of Islamic philanthropy are outlined here from this narration. The first is the advice from the Prophet (pbuh) on establishing a philanthropic institution (as opposed to a singular act of charity): sequester the principal and devote the proceeds to charitable uses. The second involves the parameters of the waqf institution itself: 1) that it be explicitly and legally removed from being a commodity, 2) that it be used solely for charitable purposes, and 3) general guidelines for the trustee outlining personal benefit from the endowment. Regarding this latter point, Umar had a waqf deed drawn up by a scribe in the

presence of several Companions and Abdullah b. al-Arqam served as the witness for the document. Umar named his daughter, Hafsa, as trustee, administrator, and manager of the property he endowed, in his words, “for as long as she lives.” He then stipulated that after her, it may be administered by a person of sound judgment from her family.... The yields are to be spent, as the administrator sees fit, for beggars, the destitute, and kin relations. It is not objectionable if the administrator eats, feeds or purchases servants in order to work the property (Hennigan, 2004, p. 160).

Imam Shafi explained that “knowledge of *sadaqat* (= *awqāf*) has been preserved by a considerable number of the Emigrants (*Muhajiroon*) and Helpers (*Ansar*). Indeed, a great number of (the early Muslim’s) descendants and relatives continued to administer their *sadaqat* until they died. The majority of them transmitted this on the authority of the majority, so there is no dispute in this matter” (Hennigan, 2004, p. 107). Al-Waqidi (d. 207/823) reported that the Companions had transformed their dirhams and date trees into endowments (*sadaqas*), while al-Tabari (d. 310/923) related the conversion of conquered lands into endowments (*habis*) during the first century (Hennigan, 2004, p. 107). Among the prominent Companions that established Islamic philanthropical endowments (*awqāf*) are Umar, Uthman b. Affan, Ali b. Abi Talib, Sawda bt. Zam’a (the Prophet’s wife), Aisha bt. Abi Bakr (the Prophet’s wife), Al-Zubayr b. Awwam, Mua’dh b. Jabal, Zayd b. Thabit, Asma bt. Abi Bakr, Umm Salma (the Prophet’s wife), Umm Habiba (The Prophet’s wife), Safiyya bt. Huyayy (the Prophet’s wife), Sa’d b. Abi Waqqas, Khalid b. Walid, Abu Arwa al-Dawsi, Hafsa (the Prophet’s wife), Jabir b. Abdullah, Sa’d b. Ubada, Uqba b. Amir, and Abdullah b. Zubayr—may Allah be pleased with all of them (see *Ahkam al-Awqaf* by Al-Khassaf).

The Post-Formative Period (from 864 CE to 1250 CE)

The post-formative period began in the early Abbasid era (around 250/864) and ended around the beginning of the Mamluk rule in Egypt (648/1250). During this period, the term *waqf* became codified within Islamic legal parlance across legal schools and *awqāf* adopted the concrete forms of mosques and madrasa colleges. Early on in this period, a terminological problem emerged. Scholars and jurists of this period employed the following terms to refer to what we know now as *awqāf*: *hubs*, *hubs*, *ahbas*, *sadaqa*, *sadaqat muharramat*, and *sadaqat al-*

mawqufat. The Malikis, early Shafis¹, and scholars of the Zahiri School employed the terms *habs* or *hubs* (to retain or detain) and variants of this term, such as the plural *ahbaas*, and other derivatives like, *tahbees*, *habais*, *habisa*, and *ihbaas*.

Imam Shafi and other scholars would prefer the term *sadaqat muharramat*, or inviolable charity. Others would prefer to employ different qualifiers to the term *sadaqat* (charity) such as, *sadaqa muabbada* (eternal charity) and *sadaqah jariyah* (ongoing charity). Imam Shafi explained that *hubs* was a term that meant *sadaqat muharramat* and that *sadaqat muharamat* was a term for waqf. Later Shafi scholars followed that view and eventually in this period universally employed the term waqf. Early Hanafi scholars also employed the same differing terms and only later in this period settled on “waqf” as the preferred signifier. The same with Hanbali scholars. The Maliki scholars, however, preferred to retain the term *hubs* over the term waqf and therefore *hubs* (or *habous*) became normative for the Muslims of North Africa (the Maghrib) and the Iberian Peninsula (Al-Andalus).

For Shia Muslims, the scholars of the Ja’fari School distinguished between the meaning of *hubs* and waqf, and they employed both. For them, *hubs* referred to Islamic philanthropic entities whose existence was not intended to extend into perpetuity. Waqf however refers to all endowments that were stipulated to exist in perpetuity. This was not the case for Ismaili and Zaydi scholars, most of whom employed the term waqf (Akgündüz, 1996, pp. 78-81).

Consequently, both the terms waqf and *habs/hubs* became standard nomenclature for Islamic philanthropic endowment institutions. While waqf was used by the majority of Muslim scholars, *habs/hubs* was retained by a minority of them. By the end of this period, Muslim jurists had finally settled on what endowments were to be called. Now what was left was for what structure they were to adopt in light of the presence of Islam in many foreign lands, mixing with local customs and norms about giving.

The post-formative era in Islamic history was further characterized by tremendous urban and rural development on account of waqf institutions. Beginning initially with the patronage of learning, Islamic arts and sciences began to flourish in this period on account of Islamic philanthropy and royal patronage. Science, literature, philosophy, architecture, glass and crystal making, painting and pottery, writing and calligraphy, textiles, and technology all were among the

¹ Including Imam Shafi himself, although he did use the term waqf.

earliest Islamic philanthropic dependents during this period, particularly in major urban areas. Education, research, and invention became extensions to and part of ritual worship and for this reason, Islamic colleges (madrasas) were constructed adjacent to major houses of worship (mosques). In rural areas, however, agricultural materials such as farming tools, work animals, and agricultural real estate continued to take the form of endowments (awqāf).

The development of major mosques and madrasa colleges together as awqāf characterizes this period. Salient examples of this heritage that emerged after the pioneering House of Wisdom (*Bayt al-Hikma*) are Al-Azhar Mosque and Madrasa College in Cairo, Egypt, built in 969/1562 by the Fatimid Caliph Al-Muizz; The Qarawiyyin Mosque and Madrasa College in Fez, Morocco, founded in 859/1455 by Fatima al-Fihri, a descendant from the Quraish tribe of the Prophet (pbuh); Fatima's sister, Maryam al-Fihri established the Al-Andalus Mosque in Fez around the same year; and the Nizamiyah Madrasa College that was established in 1065/1654 as a waqf in Baghdad by Nizam al-Mulk and employed the famous Imam al-Ghazali as lead professor. These institutions produced a learned society throughout the Muslim world and helped foster the cross-pollination of ideas and inspirations that helped enhance Muslim society further. The establishment of such grand awqāf enabled the development of smaller, more influential communal awqāf to emerge in a variety of ways, which paved the way for a new era of waqf creation that transformed Muslim society in general. This also ushered in a transformation in Muslim women's leadership and education and aided in the dispensing of Muslim social services in a post-Crusades/post-Mongol invasion Muslim world.

The Maturation Period (from 1250 CE to 1592 CE)

From the start of Mamluk rule in Egypt (around 648/1250) to roughly the first half of Ottoman Imperial rule (around 1000/1592), awqāf entered into a more mature and diverse period in Islamic history. This period marked the expansion of awqāf from their previous mosque-madrasa college form to multiple other forms of Islamic philanthropy that met the diverse needs of an ever-changing Muslim community. Awqāf during this era emerged in various forms as a result of war, famine, an increase in women entrepreneurs and female scholars, increased human migration and travel, the spread of Sufism, and the significant growth of international commerce. Of further significance during this period, was that awqāf began to surpass *sadaqa* as well as

zakat as the primary form charitable giving by Muslims. Among the many new forms of waqf that emerged during this period were Sufi lodges (*zawiyah/tekke/khanqa*); travelers' inns; soup kitchens; public baths; famine relief centers; the construction and maintenance of tombs of scholars; hospitals; veterinary services; animal fountains; prayer rooms along travel routes; libraries; public water fountains; orphanages; public bath houses; cemeteries, kindergarten/primary schools founded independently adjacent to many mosques for the primary purpose of teaching the Quran; and institutions devoted to charitable causes such as freeing slaves, feeding the poor, paying debts, the distribution of gifts on the two Eids, and the burial and preparation of the deceased.

Among the many examples of flourishing awqāf that went beyond the mosque-madrasa college form that are worth highlighting are the single-women housing awqāf called *ribats* established in the Mamluk era (1250–1517). Ribats were exclusively known to be female-only Sufi institutions that originated in the 6th/12th century during the Fatimid era, developed highly in the Mamluk period, and fell into decline in the early Ottoman era (Rapoport, 2005, pp. 39–40). Ribats housed single women exclusively. Often times, elite women, poor women, recent divorcees, and widows would share spaces together in a ribat. In addition to providing rooms for the single women, strict devotional activities were required in exchange for paying rent. Personnel was on hand to take care of the basic needs of the residents of the ribat. Residents were expected to attend the dhikr ceremonies, the five daily prayers, and the Friday Prayer service, which was led by the resident scholar shaykha. In addition to its charitable function for single women, ribats functioned as a space for the cultivation of female piety as well as a solution to female homelessness. Ibn Taymiyyah's family used to provide cleaning items for a ribat for elderly women that was adjacent to his family's home. Ribats were ubiquitous during this period, and as Rapoport explains:

The establishment of ribats in all Mamluk urban centers reached a peak in the latter half of the thirteenth century and the first half of the fourteenth. The Ribat al-Baghdadiyya, established in Cairo in 684/1285, was the most famous ribat devoted exclusively to women. The daughter of the Sultan Baybars, Tidhkarbay Khatun, endowed the institution for the benefit of a female mystic called Zaynab al-Baghdadiyya, after whom it was named. Shaykha Zaynab had already acquired a large following among the women of Damascus when Tidhkarbay invited her to come to Cairo. The ribat was located next to Baybars' khanqah and was probably intended as a sister

institution. In 694/1295, the amir Ala al-Din al-Barabah established a ribat for the use of Sitt Kalla, the widow of another senior amir. In 715/1315, the amir Sunqur al-Sa'd attached a women's ribat to the madrasa he endowed in the city. Al-Maqrizi and Ibn Hajar agree that the primary function of these ribats was to provide shelter for widows, divorcees and abandoned women. At least six additional ribats for widows and old women operated in the Qarafa cemetery during the fourteenth century... Syrian cities had an even larger number of women's religious houses. In Damascus, the term ribat had come to mean a specifically female place of worship. A Damascene author, Ibn Zufar al-Irbili (d. 726/1326), remarks that a ribat is a khanqah devoted exclusively to women (al-rubut hiya al-khawaniq allat takhtassu bi'l-nisa). He then enumerates twenty such institutions, fifteen within the city itself and an additional five in its suburbs. (Rapoport, 2005, pp. 39–40)

Related to the function of the ribat is the fact that many of them served as female hospice centers in Cairo during the Mamluk period. It was so common that many jurists wrote about their family's involvement in this form of waqf establishment. Imam al-Sakhawi, for instance, mentioned how his own mother opened her house up to divorcees and widows, turning it into a ribat that some view as having a hospice-like function. Many women of the 15th-century Mamluk period are recorded as having established ribats for this purpose. The flourishing of ribats in this time is one of the little-known, nearly lost examples of how awqāf addressed pressing individual needs in society. Muslims did not wait for governments to solve their problems but resorted to establishing awqāf to meet public needs. Established mostly by women, exclusively for women, ribats were awqāf that specifically met the spiritual, social, and psychological needs of Muslim women in urban and rural areas, carving out spaces of inclusion for them in this life in preparation for the afterlife.

The Ottoman Empire is known to have pioneered the term “waqf society” for itself. According to official records of the General Directorate of Waqf Archives of the Ottoman Empire, now located in Ankara, Turkey, there are a total of 26,300 awqāf that were officially recorded as having existed in the empire, 1,400 of which were established by Ottoman Muslim women (Topbas, 2006, p. 34). During this period, the integral pillars required for the creation of a waqf were refined on account of the prevalence of waqf-making among the masses, as opposed to just from rulers and governors. Scholars of Islam stipulated

that the establishment of a waqf required four elements: 1) a declaration in writing must be made, which must be authorized by the court and recorded as an official document (this condition also meant that the term “waqf” or “habs” must be used for the validity of the endowment in Islam); 2) wealth or property endowed must be designated (recalling the hadith from above, property or wealth must be sequestered for the use of generating proceeds to be used for charitable purposes); 3) a beneficiary must be named, meaning person or persons, category of people like orphans, the poor, or the public in general; and 4) the benefactor of the waqf must be named and the benefactor must be alive during the time of this action, as this action must stem from their free will. Once these four elements have been established, then the waqf is formally established in Islam and may not be revoked, sold, gifted, or inherited. Waqf deeds were considered bound by Islamic contract law, and therefore waqf-making was viewed as a transaction on account of the fact that ownership of property changed hands.

Exactly who owned the property was a matter of unresolved contention among Muslim jurists. The Hanafis and most of the Shafis, and an opinion narrated from Imam Ahmad, affirm that ownership of property was transferred from the benefactor to God and took the form of a public trust. The Malikis, some Ja'faris, some Shafis and Hanbalis, and Ibn Humam of the Hanafis affirmed that it transferred to the endowment itself. Stated differently, it was retained from all other forms of ownership and reserved exclusively for the waqf to disburse to others in order to create ownership. According to the preferred opinion of the Hanbali School and other Shafi and Ja'fari scholars, ownership transfers to the beneficiaries and is only managed by the administrator or trustee (*mutawalli*).

Possession of the property² was relative to what the item for waqf was in the first place. Possession occurred when the property was either used (in the case of real estate or tools), or when the property was received in hand (in the case of food or money), or even as early as the moment the waqf-deed was approved by the court. The endowment deed must be a legal document. The courts approval of the waqf deed as an official legal document was itself deemed “possession” and this was an opinion attributed to Abu Hanifa himself. Further necessary as part of the drafting of the endowment deed was the required stipulation of the phrase “in perpetuity” (*'ala ta'bid*). The Hanafis, most of the Shafis, the Hanbalis, the Ja'faris, and Zahir Schools all required the declaration of the phrase “in perpetuity” as a conditional element of the validity and

² Termed *'abd* in Islamic law.

binding, irrevocability of a waqf. Stipulating an endowment to last 99 years, for instance, would be invalid. Other Muslim jurists, such as the Maliki School and some Shafi and Ja'fari scholars, disagree with the aforementioned view and collectively they affirm two opinions: one opinion affirms the position that upon mentioning a time limit (i.e., 99 years) that when the time reaches its limit, the property reverts back to its original state of ownership. The second camp affirms that the endowment act itself is valid, but the stipulation of the time limit is invalid (Akgündüz, 1996, pp. 140–141). Regardless of whether perpetuity was declared in the legal document establishing a waqf, the only Muslim jurist on record who affirmed that waqf property was revocable, even after being a legal document, was Abu Hanifa. All other scholars, even in the Hanafī school itself, consider legal awqāf irrevocable.

Regarding the beneficiaries, awqāf during this period were divided into two categories: public endowments and private endowments. Public endowments were awqāf that were established for the benefit of the public—for the welfare of the public. These awqāf stipulated in the endowment deed (*waqfiyyah* or *vakifname*) that the beneficiaries were “the public.” Private endowments were awqāf whose endowment deed specified the beneficiary by name or characteristic, such as by saying, “the poor,” “my family,” “single women,” “orphans,” “travelers,” and the like. Private endowments therefore restricted the waqf's proceeds to a particular category of people, while public ones did not. Furthermore, awqāf, while historically employed in the service of the poor, are not in Islam exclusive to the poor. Both the wealthy and those impoverished may be recipients of a waqf's proceeds. Therefore, a traveler who is wealthy and a traveler who is poor would both be entitled to stay at a travelers' inn that was a waqf whose endowment deed stipulated that it was for the benefit of a “traveler.”

As to the benefactor, he/she/they must have reached the age of maturity, which was considered 18 for females and 21 for males in the Ottoman period; in possession of their mental capacities, meaning neither insane nor intoxicated; and freely able to discharge their wealth. Abstract persons or legal entities like corporations and governments may also establish awqāf. As a “waqf society,” rarely did people exist during this period in extreme poverty or remain extremely wealthy. All people were both donors and recipients of awqāf at all levels of society. To emphasize this in Islamic art, the letter “wow” was designed in writing to encapsulate this lived reality: the fact that we all are givers and receivers, donors and beneficiaries of awqāf. The famous circular design of the letter *wow* reminds us of the three components inherent in the waqf

system—not from a legal vantage point but from a social-spiritual one. The first letter *wow* symbolized the sacred oath, “I swear to Allah” or in Arabic, *wallahi*—indicating that the waqf action is done in the name of God and that the waqf action is binding to God. The second letter *wow* indicates the trustee of the waqf, entrusted with the administration of the endowment—the *waali*, also known as the mutawalli; the third letter *wow* is a reference to the *waqf* itself. The fact that each letter *wow* attaches and connect to the next one reminded the observer that each one is connected to the other through the waqf. Furthermore, the letter *wow* is written in two ways, one with the tail going out, away from the letter, and the other with the tail curved back toward the letter. The former indicates that what leaves from your possession exits your ownership and is no longer yours; the latter indicating that what goes around comes around and that we are all recipients of giving.



The Transformative Period (from 1592–1850)

As was mentioned before, awqāf in urban areas were varied but in general were all real estate-based. They all took the form of what we would call today commercial or residential buildings that were designated as waqf-property whose sole purpose was to generate rental revenue that would be used for a plethora of charitable causes. In rural areas, awqāf tended to be land and fields whose sole purpose was to generate fruits, grains, and vegetables to be donated. There were awqāf that were gardens, trees, farm equipment, and the like. These items would either be given to the waqf beneficiaries directly for use or the crops would be harvested and sold in the market for cash, which would then be distributed to the beneficiaries of the awqāf. In the case of urban settings, the building was the investment for the waqf and the rent was

the yield for distribution. In rural settings, the field and equipment were the investments and the cash procured from the produce/crops sold in the marketplace was the yield for distribution.

The latter half of the Ottoman Empire, from the 16th century to the middle of the 19th century, may be considered the era of transformation for awqāf. As Islamic philanthropic institutions reached their pinnacle in the late 16th and 17th centuries, two noteworthy transformations occurred that contributed to this time period as being transformational. The first transformational component of awqāf was their becoming common practice among Jews and Christians residing in Muslim lands. Although medieval Islamic law did not allow for the establishment of awqāf exclusively for the benefit of churches and synagogues, Islamic law did allow Jews and Christians living in Muslim lands to establish their own awqāf and allowed for the management of such awqāf by Jewish and Christian trustees. This practice existed all over Muslim lands and was common in Morocco, Jerusalem, Lebanon, the Balkans, Istanbul, and Cairo. A notable case in point was the Jewish woman Bannita bint Barakat, a resident of Jerusalem, who established her house as a waqf and stipulated that her son, followed by his heirs, serve as the beneficiaries. As Amy Singer (2008) explains about this case:

If the line of descendants ended, the poor of the Jewish community would become the beneficiaries, a purpose accepted in Islamic Law. If, for some reason, the revenues could not be spent on the poor, then the money should be used for the Dome of the Rock in Jerusalem. Thus in her waqf, Bannita articulated the seemingly remote possibility that there might one day be either no poor people among the Jews in Jerusalem or no Jews left in the city... That some Jews and Christians saw fit to make endowments according to Muslim law, recorded before Muslim legal authorities, suggests that they acknowledged the strength of Muslim legal institutions in safeguarding their own interests. (pp. 99–100)

The second transformation was in the nature of what was endowed—the waqf itself. More and more common during this period, particularly in the Ottoman Empire, cash was beginning to take the place of real estate, a phenomenon known as cash awqāf. Cash awqāf essentially involved the use of interest-based lending of the proceeds earned from an investment. This new transformation created lines of credit that were endemic in the Empire, long before modern banking emerged. Although

not considered legal by many scholars in Islamic law of the period, the famous Ottoman Shaykh ul-Islam for 30 years, Ebus Su'ud Efendi (d. 1574) legitimized the practice of cash awqāf in a legal epistle he wrote in 1545. In it he stipulated that cash awqāf were valid and permissible with two conditions: 1) by ensuring through certain Islamic legal devices that the contract took on the formal requirements of a sale and 2) that the interest not exceed 15%. In the Ottoman Empire, it should be noted that the maximum allowance for profit at the time was 11% (see Akgündüz, 1996, p. 227; Singer, 2008, p. 99). Cash awqāf, although common in the Anatolian regions of the Ottoman Empire, were mostly nonexistent in majority Arabic-speaking regions controlled by the Ottomans, such as Egypt, Syria, Jordan, Yemen, and the Arabian Peninsula.

The Deterioration Period (from the 1850s to 1918)

From the middle of the 19th century until World War I, awqāf in the Ottoman Empire and the Muslim world in general would fall into deterioration due to the direct involvement of colonial powers. Much has been published about the details of this period. In summary, awqāf gradually became nationalized as the Muslim world proceeded closer to nationalism. This left all awqāf over time bankrupted and without any operational funding. The government proved unable to meet the needs of the public and incapable of providing the same level of social services as the awqāf, and this led to increasing impoverishment and general neglect. The words of Charles McFarlane (d. 1858), the British consul to the island of Rhodes, who visited parts of the Ottoman Empire during this period and noticed the collapse of social service delivery and the rise in neglect in the Muslim lands, are revealing in this regard and worth quoting at length:

Education morally and physically is set aside. Notwithstanding...a soup kitchen at Rhodes from which soup is distributed thrice a week to the indigent muslimans, no other pious or benevolent institutions exist on the island. There is no hospital, no infirmary, no asylum; the lame, the blind, the mad, and the old are all left to their fate... (the reformers) have laid their greedy hands on nearly all vakoufs (= waqfs [sic]) of the empire...Hence, with very few exceptions, we see the heads of mosques and the medressehs in abject poverty, the rabble of religious students in rags, the most beautiful of temples and minarets shamefully neglected and hurrying into decay...It is notorious that since the vakoufs have been administered by the

government nothing has been done to maintain the works of public utility. (Hallaq, 2012, p. 403n18)

In the Ottoman Empire, an Imperial Ministry of Endowments was established that gradually took over the administration of all awqāf, including what we call water works. We know that at least one-half to two-thirds of real property in the Ottoman Empire was designated as waqf. All the revenue from the properties as well as the properties themselves became property of the Ministry. The budget allocations plummeted to less than 50% of what it was before the Ministry's application of imminent domain to all awqāf. In the case of North Africa, the French settlers, "by hook or by crook ... managed to amass a good deal of property coming from the waqf domain.... During the first year of conquest, France had already declared the entire colony, including habous or waqf lands, to belong to the public domain. In 1844, the habous were confiscated and the administration was charged with the tasks of funding the religious and educational endowments and their employees" (Hallaq, 2012, p. 434). This wholesale confiscation of waqf lands by British, French, and Dutch colonial power decimated the waqf/habous as institutions and led to the loss of historical memory of the significance and scale of impact that Islamic philanthropy has had in developing society in Muslim history, for Muslims, Jews, and Christians.

Conclusion

The twentieth century has been marked by a series of global catastrophes. Referred to as the age of extremes (Hobsbawm, 1994), this century was notorious for the kind of human suffering never witnessed before in human history, beginning with World War I (1914–1918), the Great Depression (1929–1934), World War II (1939–1944), the Cold War period (1947–1991), the Gulf War (1990–1991), and the century's closure with the Bosnian Genocide (1992–1995). This century has decimated not only human lives but more importantly produced trauma in the psyche of many people, Muslims in particular. The legacy of Islamic philanthropy must be revived if we are to begin the work of healing hearts, minds, and communities. If nothing else, the legacy of Islamic philanthropic institutions (awqāf/habous) tells us that more often than not, the solutions to social, economic, moral, and even political problems lay in our willingness to take the initiative to do something for others and to leave behind a world that is a little better than when we found it. And by systematically (and systemically) deleting and not remembering positive, lasting contributions to our conditions, we cease

to build on greatness and instead abdicate our moral and spiritual cultivation in favor of the degenerative nature of materialism in the name of progress. Financing kindness as a society was what made the Islamic civilization a just, beautiful, lasting, and great civilization. Perhaps the institution of the waqf teaches us that, in sequestering our most cherished property, we are indeed preserving the best of who we are and what makes us great, thereby reserving it for others to benefit from and to enhance their lives and well-being with. Perhaps this, in the end, is the communal goal of Islam.

Khalil Abdur-Rashid is the Chair of the Board of Religious, Spiritual, and Ethical Life at Harvard and the University Muslim Chaplain at Harvard University. He is also Instructor of Muslim Studies at Harvard Divinity School and Public Policy Lecturer at the Harvard Kennedy School. He was born and raised in Atlanta, Georgia. Dr. Khalil completed his Doctorate in Liberal Studies in American Islam from Southern Methodist University and holds both a Master of Arts in Islamic law and Middle East Studies as well as a Master of Philosophy in Islamic Law and Middle East Studies from Columbia University. He served as an Imam, a special adviser to city leaders, and has years' experience leading diverse teams of professionals and community leaders in solving community problems. He has over 15 years' experience working in higher education as a teacher, an administrator, and a chaplain. He is often consulted on a wide range of topics related to Islam in America, strategic diversity leadership, public service, Halal dining, and Islamic law. He currently lives in Massachusetts with his wife and children.

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MORALLY REIMAGINING THE WAQF: USING A CLASSICAL ISLAMIC INSTITUTION TO DISMANTLE STRUCTURAL INJUSTICE

Zara Khan

Yaqeen Institute for Islamic Research

This paper builds on the insights found in Abdur-Rashid (2021) and reimagines how the Islamic civilizational heritage of awqāf (charitable endowments) might look today. Throughout Islamic history, waqf institution changed in form as the community's material and historical circumstances changed but retained the substance of its spiritual imperative. What are some of the root causes of poverty in today's world, and how might the waqf be resuscitated to acknowledge and remedy those causes?

Keywords: charitable endowments, waqf, racial wealth divide, agribusiness, permaculture

Introduction

This paper builds on the insights found in the preceding article in this issue, Khalil Abdur-Rashid's historical review of the history of the Islamic institution of the charitable endowment known as the "waqf."¹ Taking as its starting point where Abdur-Rashid left off, it asks how the Islamic civilizational heritage of *awqāf* (Ar. pl. for *waqf*) might be

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¹ "Financing Kindness as a Society: The Rise and Fall of the *Waqf*."

revitalized after a long period of what Abdur-Rashid refers to as “deterioration” and “decline.” As Abdur-Rashid notes, like most classical Muslim institutions, the waqf has its origins in the Sunna (i.e., normative living example) of the Prophet Muhammad, may God’s peace and blessings be upon him, and is rooted in Quranic teaching that material support for the economically deprived and, by extension, charitable giving in general falls on a spectrum ranging from absolutely obligatory to strongly encouraged. Parting with a certain percentage of one’s accumulated wealth does not only fulfill the religious obligation of zakat, but also resounds at the deeper level of the soul and ultimate reward in the afterlife by enabling the purification of the heart and the beautification of one’s character. Kind words, helping another across the road, removing litter from the street, showing affection toward one’s spouse, feeding the poor, and even remembering God are among the numerous actions that are considered charitable in Islam.

According to God’s promise, the interchange of material blessings increases the flow of spiritual blessings. The companions of the Prophet, may God’s peace and blessings be upon him, took this very seriously. After consultation and guidance from the Prophet, they established practices that later scholars would identify as the charitable endowment or “waqf,” one of the earliest examples being Abu Talha and his wife’s perpetual donation of the usufruct of their 600-palm date grove to the support of Medina’s poor. The spiritual worldview at the heart of charitable endowments in Islam, and thus their ontological ground, centers around cultivating a person’s desire to seek God’s pleasure through service to His creatures and to purify one’s inner self from greed and other moral and spiritual vices.

While *awqāf* have historically served the nutritional, educational, health, and other immediate needs of individuals who lack the financial means to meet these needs for themselves, this paper focuses specifically on the potential for reenvisioning the waqf for the purposes of remedying the structural causes of poverty and other forms of marginalization and oppression such as climate change and systemic racism. The two examples I will offer in this regard are (a) the plight of global farmworkers in light of the global agricultural production line and (b) the racialized wealth gap in the United States in its social and historical dimensions.

I propose that certain institutional solutions to the poverty caused by these problems can be financed through a creative moral reimagination of the waqf for the early 21st/late 15th century. In this way, Muslims can revive the institution of the waqf as an effective means of addressing the specific needs of today. Even where structural causes of

poverty are caused by complex networks of global capital, local foundations can have transformative effects with far-reaching impacts.

Historical Background

Abdur-Rashid argues convincingly that the history of the waqf can be understood in terms of five basic evolutionary stages. These are what he refers to as the “formative,” the “post-formative,” the “maturation,” the “transformative,” and finally the “deterioration” periods. His genealogy reveals the ontological ground of charitable endowments in Islam, how central the waqf institution became to Islamic civilization, how vastly diversified the services offered were, and how the colonization of Muslim lands along with postcolonial nationalization projects came to decimate, if not obliterate, the institution.

At its height, the waqf presented a “credible commitment device to give property owners economic security in return for social services” (Kuran, 2001, p. 841) and was thus an integral tool for providing public goods through local trusts. A waqf is a charitable endowment that must fulfill the following requirements: 1) that the person endowing it, or the subsequent maintainer, sequester the principal and devote the proceeds to charity; 2) that the endowment be specifically and legally removed from commodification (i.e., is no longer “on the market”); and 3) that its sole purpose be charitable, with the beneficiary group explicitly named. During the time of the Prophet Muhammad, may God’s peace and blessings be upon him, the first waqf consisted of a grove of 600 date palms, the proceeds of which fed Medina’s poor. During the Crusades, awqāf dealt with the ravages of war, such as feeding, housing, and nursing the poor, injured, and displaced (Abdur-Rashid, 2021). In 16th-century Jerusalem, the Haseki Sultan charitable complex founded by the wife of Suleyman the Magnificent serviced 26 villages and included shops, a covered bazaar, two soap plants, 11 flour mills, and two bathhouses (in Palestine and Lebanon). For hundreds of years, income generated in these provided for the maintenance of a mosque, a sizable soup kitchen, and two traveler and pilgrim inns (Kuran, 2011). In Aleppo during the 18th century, a waqf established by Hajj Musa Amiri included 10 houses, 67 shops, four traveler inns, two storerooms, several dyeing plants and baths, three bakeries, eight orchards, three gardens, and agricultural land (Kuran, 2001).

However, from the paragon of a morally accountable social ethos, in which property- and asset-owners felt spiritually and financially invested in uplifting the less fortunate, the waqf took a dismal turn during what Abdur-Rashid (2021) terms the institution’s *deterioration period*

(from the middle of the 19th century until World War I) notably immediately following the normalization of interest-based lending. Indeed, this deterioration was due to the direct involvement of colonial powers. European colonizer states generally failed to comprehend the waqf system and through economic restructuring disrupted the practice of the endowments beyond recognition. For example, in Zanzibar, awqāf traditionally helped to foster bonds of interdependence between wealthy patron families and their less well-to-do clientele. The local elite families were the ones who endowed the public trusts, maintained mosques (and were socially esteemed for doing so), and provided for clients and enslaved persons who had no means of their own. By contrast, British economic norms pertaining to social welfare and order meant different patterns of rights, responsibilities, and the distribution of political power and economic resources. The British colonial administration insisted that wealth instead function as a private business resource (as opposed to a publicly endowed charitable fund), while mosque upkeep was to become governmentalized. The former waqf clientele became a “working class entirely dependent on wage labor” (Oberauer, 2008, p. 315).

In their mission to codify and fix interpretations, colonial administrators often undermined traditional female trusteeship in favor of exclusively male trusteeship of the waqf. Although colonial outposts farther removed from the metropolises, such as Tanganyika (later Tanzania), saw relative longevity for awqāf and female trusteeship, centers of colonial rule experienced an interrupted and uprooted history of the traditional institution (Kelly, 2014).

The other cause of deterioration was the waqf’s becoming nationalized and, over time, bankrupted by being stripped of their operational funding sources. Postcolonial Muslim governments were unable to meet social service needs at levels previously handled by the awqāf, leading to increasing impoverishment and general neglect. For example, at the end of the 18th century, the estimated “combined income of the roughly 20,000 Ottoman waqfs [sic] in operation equaled one-third of the Ottoman state’s total revenue, including the yield from tax farms in the Balkans, Turkey, and the Arab world” (Kuran, 2001, p. 849). Both in geographic terms, when accounting for the Ottoman territory, and fiscally in terms of the total percentage of revenue, such income represents a gargantuan quantity. When we look at the figures in the late 19th and early 20th centuries for Turkey, Egypt, Iran, Algeria, Tunisia, and Greece, we see that *significant percentages* of all arable land, cultivated soil, and total land area were awqāf (see Table 1).

Table 1

Waqf-Controlled Land in the Twentieth Century (Kuran, 2001)

Country	Year	%Waqf
Turkey	1923	75% all arable land
Egypt	1920s	12.5% all cultivated soil
Iran	1920s	14.29% all cultivated soil
Algeria	1850s	50% agricultural land
Tunisia	1883	335 agricultural land
Greece	1829 ^a	30% total land area ^b

^a After breaking from Ottoman Empire.^b Confiscated by new government.

Muslim Charitable Giving Today

In the 21st/late 15th century, we find that globally, there is no single paradigm of *Islamic economics* that Muslim-majority states employ. Islamic principles pertaining to wealth, property, labor, etc., are contextualized and appropriated in a variety of ways given the specific material conditions and cultural histories of the various locales (Wilson, 2015). Political scrutiny, institutional frameworks, and policy choices all shape Islamic financial legal application today without necessarily upsetting the sacred textual decrees. As such, the channeling and administration of the Muslim requirement of charity, zakat, is administered in numerous different ways. Based on the major factors of resource endowments, demography, economic history, and politics, Muslim-majority countries developed a unique national infrastructure for distribution of the wealth tax. As for philanthropic giving in Muslim communities, the magnitude is unclear, but a 2004 report by the Center for Strategic and International Studies estimates it to fall between \$250 billion and \$1 trillion annually (Alterman & Hunter, 2004).

In the North American context, this charitable giving mostly takes the form of relief efforts and remittances sent “back home.” After September 11th, 2001, American Muslim giving has seen a shift to domestic causes, guided by the scrutinizing of our assets during the so-called War on Terror (Baron, 2005). This period has also witnessed the opening of new nonprofit spaces such as the Pillars Fund and the American Muslim Fund. The 2019 report jointly issued by the Institute for Social Policy and Understanding and the Lake Institute on Faith and Giving titled “American Muslim Philanthropy: A Data-Driven

Comparative Profile” sheds light on the specific trends in our charitable giving today (Mahmood, 2019). Nearly 89% of respondents reported that they contributed to their house of worship. Another important cause was overseas relief (54%). One issue that Muslims invested in more than our counterparts of other faiths is civil rights protection for community members (48%). Additionally, “for Muslims, among the issues facing those outside their faith community, domestic poverty is the most important charitable cause (81%), followed by overseas relief (58%) and educational causes (54%)” (Mahmood, 2019, p. 8).

What have not yet emerged are efforts to centralize the giving at a national level along the lines of the United Way, the Salvation Army, Catholic Charities, or the Jewish Federation, for example. Arguably our classically trained scholars of Islamic sciences, in collaboration with our political economists, sociologists, and historians of the American context, ought to determine if such centralization is a desirable goal and, if so, how and why.

We know that Muslim history provides innumerable examples of a robust charitable endowment institution in the waqf. We also know that in the 19th and 20th centuries CE, colonial and postcolonial national forces motivated by political and economic interests systematically and structurally dismantled the waqf to the point that it is no longer part of the living history of Muslim civilization, but is a deracination. Looking ahead to a possible future I ask: how can the waqf be revitalized today in a way that is relevant to our society’s structural poverty and authentic to the ethical impetus of Islamic giving? I provide two concrete examples of pressing need and propose these as sites for establishing modern-day awqāf.

The Waqf as a Means of Dismantling Structural Injustice: Two Examples

It is imperative to understand poverty in relational terms, or multidimensionally as a set of experiences (Spicker, 2020). Poverty is best understood through the patterns of human relationships that undergird it and the social institutions that organize these (Piven, 2018). This is where the waqf institution can be instrumental insofar as it defines a specific socially organized set of relations. Globally, at the beginning of the 21st century, half of the human population (3 billion people) live in poverty, on less than \$2 USD/day. Two billion around the world suffer a mineral deficiency, 1 billion have no access to potable water, and 840 million are undernourished and hungry. Poverty and food insecurity seasonally lead to incidents like drought, war, inclement weather, and

famine. Ironically enough, *three-fourths* of the world's undernourished people live in rural areas and are the producers and sellers of the food we all eat (Mazoyer & Roudart, 2006).

In our own nation, poverty refracts along racial lines. White households' average wealth is in the amount of \$656,000, Latino households average \$98,000, and Black households average just \$85,000. Average Black and Latino households don't even *combine* to equal *half* of average White wealth. Compounding this stark reality, it would "take the average black family 228 years to accrue the same amount of wealth that white families have today" (Asante-Muhammad & Collins, 2016). Median wealth provides a more representational picture of typical households than average wealth, since it prevents the highest incomes at the top (small in number that they are) from skewing the midpoint. But whether you look at median or mean wealth, White households are significantly wealthier than Black and Latino households. *Average* White wealth is three to four times greater than Black, Latino, and other minority wealth, while *median* White wealth is five to seven times greater than median minority wealth (O'Flaherty, 2015).

But what are the root causes of poverty today, as in the two examples provided? This question can be approached in at least three ways: 1) spiritual impoverishment, 2) structural exploitation, and 3) cultural norms (e.g., consumerism or wastefulness). Focusing on the relation between spiritual impoverishment and structural exploitation, I propose two pathways by which Muslims can revitalize the waqf and address the structural causes of poverty identified above.

Ameliorating the Plight of Migrant Farmworkers and Global Climate Change

Permaculture design can provide a way to address the global plight of farmworkers. Permaculture design, theorized by Bill Mollison (1988), is the conscious design and maintenance of agriculturally productive ecosystems that have the diversity, stability, and resilience of natural ecosystems. It involves the harmonious integration of the landscape and people providing their food, energy, shelter, and other material and non-material needs in a sustainable way. There are several successful ecosystem restoration camps worldwide where permaculture design principles have been instituted to produce improved agricultural and biodiversity outcomes. For example, Camp Contour Lines in the Tatin Village of the Guatemalan rainforest has pushed back against the ravages of slash-and-burn deforestation and corn monoculture to produce diverse, locally owned agroforestry. Similarly, Camp Via Organica in

San Miguel de Allende, Mexico, is leading the regional effort to educate and form interventionist and regenerative ways of producing food to challenge the desertification Mexico is experiencing. Camp Paradise in Butte County, California, was set up as a direct result of the 2018 wildfires that destroyed over 110,000 acres of forest. It is successfully mobilizing local community residents and schools to join the restoration project. Camp Uthai in Thailand, Camp Habiba in Sinai, Egypt and Camp Virsoleil in Ajat, France, are other successful examples of the implementation of permaculture design principles into restorative projects that are good for the Earth and good for local economic sustainability.²

One of the assumptions behind permaculture design is that local ecosystems are capable of providing for the needs of the living things comprising them and relying on them. But that is far from how the current global agricultural system operates. The process that brings food from farm to table proceeds as follows: wilderness is biologically cleansed; most arable land is converted to subsistence agriculture farms that specialize in only specific species of a small number of crops or animals; these species are selected based on their resistance to diseases and toxic pesticides; and postcolonial states in Latin America, the Caribbean, and Africa were assigned their crops based on the Europeans' vision of a single global supply chain (what are called *cash crop economies*, or the various *banana republics* in Latin America). Countries that survive through cash crop economies are extremely vulnerable to devastation and even starvation, as they are susceptible to fluctuations in global supply and demand as well as bad harvest seasons. The species that are exclusively selected—i.e., of preferred or favored varieties of livestock—become extremely immune-deficient over time, as there is no more of the crossbreeding found in nature to keep genetic pools robust. They are also vulnerable to plague, which would wipe out the supply of millions, and for this reason, farmers over-medicate their domesticated animals—all of which enters our own bodies and even those of our babies through breastmilk.

In addition to the physiological and ecological costs, the global food production system carries subsistence and livelihood costs. Internationally, farmworkers get paid pennies per hour of labor producing the world's food supply. For example, certain groups of Mexican farmers, while earning two or three times more than the minimum wage, make \$9/day (Escobar Latapí et al., 2019). American farms don't fare significantly better than their international counterparts and are disappearing at an ever-increasing rate. The current global

² See <https://ecosystemrestorationcamps.org/>.

agribusiness arrangement is *directly* forcing vast majorities of the world's agricultural population into extreme poverty and hunger, often to the brink of death (Mazoyer & Roudart, 2006). According to the Centers for Disease Control and Prevention, the suicide rate is higher among farmers as a group than any other occupation (Smith, 2018).

In addition to rising suicide rates among American dairy farmers, farmer suicides have significantly increased across the globe. Research findings released by France's public health institute in 2016 indicate that "985 farmers killed themselves from 2007 to 2011—a suicide rate 22 percent higher than that of the general population" (Rougerie, 2017). In India, where 49% of the population works in agricultural food production, over 290,000 farmers have committed suicide between 1995 and 2014 (Barry, 2014). Even the globalization model case and international breadbasket Australia suffers this phenomenon. Studies find that, in Queensland, "farmers are more than twice as likely as the general population to take their own lives. In remote parts of the state, the suicide rate for farmers was up to five times that of nonfarmers" (Williams, 2018). The racist politics of agribusiness also lead to food deserts in urban centers, in which fresh healthy produce becomes utterly unavailable to working-class city-dwellers (Pevac, 2016; Whelan et al., 2002).

This dismal trajectory follows the broader logic of capitalist accumulation and monopolization that governs international trade. Transportation costs are lowered (thanks to war against oil-rich countries followed by what David Harvey [2004] calls *accumulation by dispossession*) and agricultural trade is *liberalized*, meaning forcibly opened up into more global "free markets." In reality, supposedly "free trade" involves one set of exchangers enjoying full protection by the State's military power and market regulatory mechanisms and the other set of exchangers having no security or say in the terms of trade whatsoever. For example, upon dissolution of the political colonial administrations, colonized countries were lent money (with conditions) by the same powers who had been colonizing them. Referring to the fiscal revenue enjoyed by colonial powers in their *honorable exit* toward *welfare colonialism*, Crawford Young (1994, p. 217) states: "The essence of terminal colonial politics was the implanting of fragile graftings of a constitutional polity onto the robust trunk of colonial autocracy." This is why much literature on colonialism prefers the term *neocolonialism* over *postcolonialism*, the former implying a mere change in form of exploitation and plunder while the latter implies its end. Much like the infamous Structural Adjustment Programs (SAPs) required by International Monetary Fund (IMF) loans, loans from former colonial

powers create situations of unpayable debt: punitive and vindictive financial situations that some call *revenge capitalism* (Haiven, 2020). The “free market” does not involve contracts among equals but, in essence, slave contracts (Black, 2001; Ross, 1998).

While some think of new and improved technology and the globalization of the world as necessarily good things, on the ground these devices benefit the wealthy at the expense of the poor. Motorization and mechanization of farm equipment are too costly and can never be universally accomplished; they also produce widespread unemployment, destroying people’s ability to sustain themselves and their families, communities, and nations (Mazoyer & Roudart, 2006). The underequipped peasantry has to “compete” with overseas commodities—like bananas, lettuce, carrots, meat, or milk—that come from those 10% of fully mechanized, successful factory farms that can afford to offer their produce at very low prices. The farmworkers fall, one by one.

Recall that during the maturation period of the waqf in Islamic history, as the community’s needs changed so did the services offered by the awqāf. Today our needs are deeply entangled in the global economic system. This capitalist system is a life-sucking force for global farmworkers in a manner akin to what Thom Hartmann (2004) calls *cannibalism* (from the Algonquian *wetiko*, meaning a sickness of complete lack of concern for others). Hartmann uses this term to describe our modern warmongering and consumerist way of life. Given this reality, the question becomes: How can Islam inspire Muslims to challenge and block the ravages of global capitalism? Specifically, how can we revive awqāf to redress the deadly ravages inflicted on global farmworkers?

Investing in permaculture design would produce several concrete solutions to the crisis of global agriculture. The permaculture *statement of ethics* includes the following provisions:

- *No further disturbance of natural forests*
- *Vigorous rehabilitation of wasted systems*
- *Minimal land use for cultivation of plant systems*
- *Creation of refuge sanctuaries for endangered species of plants and animals*
- *Creation of our own noninvasive systems based on these ethical principles.*

Designing local agricultural systems based on these principles would localize food production and farm labor; wrestle control over the food

supply away from big business and invest communities with greater accountability for how we live and what we eat; rewild tracts of agricultural land (meaning the return of land back to the wilderness) to increase biodiversity, healthy ecosystem function, and soil resilience; and interrupt the global supply chain that thrives on the pauperization of most of the world's farmworkers. The success of ecosystem restoration camps (mentioned above) and smaller-scale community garden and local food co-op projects provide evidence as well as hope for thinking outside the global supply chain box. They also provide concrete sites for tethering local waqf infrastructure that spiritually washes our wealth while addressing a real historical problem. As Mollison (1988) and others acknowledge, it is not the lack of creative alternatives to the current agricultural production system that is the problem: it is the lack of political goodwill to put those alternatives into action.

The Waqf as a Means of Transforming the Wealth Chasm and Systemic Racism

The other example of structural poverty in our world, which I propose can be a space for revitalizing awqāf today, is the racial wealth divide in the United States. Over the past three decades, racial wealth discrepancies have only grown. After adjusting for inflation, we find that between 1983 and 2016, the median wealth of White families increased from \$110,000 to \$147,000, the median wealth of Black families has decreased by half from \$7,000 to \$3,500, and the median wealth of Latino families has increased slightly from \$4,000 to \$6,500 (Collins et al., 2019). The wealth gap also creates and exacerbates other gaps: the achievement gap—the difference between the educational attainment levels of two groups, including standardized test performance across the groups—the gap in economic mobility, standard of living gap, and racial health disparities.

The Muslim Anti-Racism Collaborative (MuslimARC) is a beautiful example of Muslims working in research, curriculum, and community partnerships to combat institutionalized racism. Islah LA is another organization working to provide quality social services that restore and renew faith, education, unity, family, civic engagement, and economic empowerment in Southern Los Angeles, California. The vehicle of the waqf can specifically target the racial wealth gap by financing community centers, artist collectives, think tanks, media outlets, and advocacy institutions that work specifically toward bridging the racial wealth gap. In addition, Muslims can find concrete recommendations for creating target-specific waqf endowments in the

National Community Reinvestment Coalition, The Ohio State University, Institute for Policy Studies and Inequality.org, who in 2019 issued a joint report titled “Ten Solutions to Bridge the Racial Wealth Divide” (Collins et al., 2019). The report makes policy recommendations at the federal level, but several of these can be blueprints for private waqf programs. For example, we can create baby bonds, which are managed accounts set up at birth for children endowed at a level based on the financial position of that child’s family. Each year thereafter, money is added to the account, again, inversely proportional to the child’s poverty level. When the child reaches adulthood, the bond can be used toward education, purchasing a home, or opening up a business. The hope is to begin to redress the ravages of unfair race-based inherited advantage that systematically limits opportunities for the majority of Black and Latino families. Recent research at Columbia University’s Center on Poverty and Social Policy has shown that, properly instated, baby bonds could reduce the racial wealth divide by more than tenfold.

Guaranteed employment is another potential waqf site. Research shows that simply increasing workforce participation is not sufficient to lift families out of poverty. Most working-class families—what the Bureau of Labor Statistics calls the “working poor”—work several jobs simultaneously all their lives and still pass zero wealth on to their children. More *good* jobs that pay *living* wages are needed for all those able to work. Guaranteed employment would take a certain form at the federal level but in the private sector at the waqf level, Muslims can create job banks in their locales—a register of necessary tasks—and employ low-income adult workers at minimum wage, which is an annual \$24,600 for full-time work and includes a standard benefits package. After adjusting for inflation, the minimum wage has not only failed to keep up, it has actually *gone down* since 1968 (Collins et al., 2019). It is impossible to survive on today’s minimum wage. Building toward guaranteed employment would begin to redress this.

Another potential waqf site involves investment in affordable housing. One can scarcely find locales in the United States today where a worker earning the federal minimum wage (\$7.25/hr) can afford to rent a two-bedroom apartment. For this reason, several states set minimum wage rates higher than the federal minimum, in order to better approximate living wage requirements. Muslims can endow trusts, like the Housing Trust Fund proposed by Senator Elizabeth Warren. The trust would provide homes for low-income families and down-payment assistance to first-time homebuyers. The trust can specifically assist families at risk of losing their homes due to gentrification. It would also

be a site to advocate for shifting the present tax incentives that privilege wealthy homeowners over renters and first-time buyers.

Another potential waqf site for redressing the racial wealth divide is free medical clinics, such as the University Muslim Medical Association Community Clinic in Los Angeles. The American Muslim community is blessed with an abundance of medical doctors. If wealth- and property-owning Muslims collectively endow the establishment and staffing of clinics in neighboring low-income areas, and if each Muslim doctor volunteers one day weekly or monthly to provide medical check-ups and treatment free of charge, it would immensely impact the overall health, well-being, and economic stability of Muslims and non-Muslims across low-income communities. Scores of Americans go into poverty each year due to medical bills; *awqāf* establishing free medical clinics could alleviate this phenomenon. Other potential and easy-to-implement *waqf* programs include interest-free lending and fee-less check cashing, both of which would help to rectify the unequal and unfair race-based distribution of inherited advantage in the United States.

Conclusion

The Prophet Muhammad, may God's peace and blessings be upon him, said: "The hand above is better than the hand below," meaning the hand that gives is better than the hand that receives. In elaborating on this *hadith*, Ubaydullah Evans (2019) suggests that African American Muslim communities and their allies ought to have collaborative sessions to map out mechanisms by which certain African American Muslim communities can become hands that give, thereby partaking in the blessing promised in the *hadith*. In addition to revitalizing the *waqf* as the central mechanism in Muslim society uniting the spiritual ground of giving with the concrete imperatives of social welfarism, such measures would also renew a lost *sunnah*. Economic partnerships across American Muslim communities through *waqf* funds could potentially resuscitate that beautiful and necessary "Helper-Migrant" (Ar., *ansār-muhājirūn*) kinship set up by the Prophet Muhammad, may God's peace and blessings be upon him, when he saw his community in Medina divided in their stability and resource base. In our ethnically and racially diverse Muslim community here in the United States, we are notably missing these types of relationships. What would happen to the racial wealth divide in America if each migrant family was tied to an indigenous family among African American, Latino American, or Native American communities, with an added layer of mutual rights and concern? *Awqāf* are not limited to exclusively benefitting Muslims, so it stands to reason

that such potential waqf sites for redressing the racial wealth divide would help dignify and advance non-Muslim people of color in the United States as well.

There are countless points of intervention where Muslims can identify structural causes of poverty and develop waqf institutes to redress them. For example, animal sanctuaries have been secured through waqf endowments in Muslim history. How can awqāf be revitalized today to address the ecological devastation that includes depletion of freshwater sources and species extinction? The possibilities are endless if we employ what John Paul Lederach calls the *moral imagination*, “the one thing uniquely gifted to our species, but which we have only on rare occasions understood or mobilized” that alone can orient us toward a more human horizon “to constructively impact the fundamental well-being of the human community” (2005, p. 23).³ Despite the time that has passed since the deterioration of the waqf, erasing it from the living practice of Muslims, we can revitalize its use through our moral imagination for solving the specific structural causes of poverty in our world. That is, after all, the legacy of the Muslim waqf institution.

Zara Khan holds a doctorate with distinction in comparative political theory from the City University of New York Graduate Center. She is an educator, researcher and social justice advocate, currently serving as Director of Research in Contemporary Thought and Politics at Yaqeen Institute for Islamic Research.

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ISLAM, CIVIL SOCIETY, AND PLURALISM: LITERATURE REVIEW

Afshan Paarlberg
Indiana University

The majority of the 1.8 billion Muslims that comprise almost a quarter of the world's population live in the Asia-Pacific region (DeSilver & Masci, 2017). Islam is the second largest religion in the world, increasing as the "fastest-growing major religion," and may become the largest religion by the end of the century (Pew, 2015; Lipka, 2017). Muslim Americans are "multi-racial, multi-lingual, and multi-cultural," although a common misconception is that most Muslims are Arabs (Hill et al., 2015, p. 5). Despite its large global presence and diversity, Islam is often at the center of heated debates over its compatibility with democracy and the West. These contentions often steer the conversation away from understanding the deeper dimensions of Muslim civil society.

The unifying belief of most Muslims is the belief in one God and acknowledgement of Prophet Muhammad as his final messenger, also known as the declaration of faith. It is important to note that some self-identifying Muslims do not know if they believe in God (Pew, 2014). Beyond this declaration, Muslims engage to varying degrees in voluntary practices motivated by one's heart and mind, an idea stemming from the Quranic verse "There is no compulsion in religion" (2:256). It may come as no surprise that Muslims are a diverse theological, cultural, racial, linguistic, political, and socioeconomic group.

The United States represents one of the most pluralistic Muslim communities in the world (Khan & Siddiqui, 2017). Between 2.6 and 7 million people in the United States identify as Muslim (Bagby, 2011; Siddiqui, 2010; el-Aswad, 2013). Studies indicate that the majority of Muslim-Americans make space for multiple religious interpretations (Sciupac, 2017). Muslim-Americans come from diverse cultural and

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racial backgrounds, including over a third of whom are Black Americans (Mogahed et al., 2019). Muslims are split by gender, age, or race on whether and how to build coalitions with other groups, depending on the issue at hand (Mogahed & Ikramullah, 2020). And although 64% of Muslim-Americans primarily voted Democratic in the 2020 election, 35% of Muslim-Americans voted Republican (NPR, 2020). The takeaway here is that Muslims do not constitute a monolith.

As we examine the intersection of civil society and Islam, it is worth noting that religious institutions, the polity, and civil society are separate and sometimes overlapping spheres of religious expression. Much public-facing discussion has been directed toward examining the role of Islam within a binary “religious vs. secular” framework without differentiation between religion, state, and society. Major discussions have orbited around Islam’s compatibility with the West (Huntington, 1996; Kramer, 1999). These debates are often viewed from an orientalist lens in which Islam is a static and one-dimensional religion that has not evolved in practice and cannot be compatible with Western values. This simplistic narrative distorts the broader realities of how Muslims live and think. It feeds into Islamophobia, a long-standing system of discrimination against Muslims preserved in law and policy (Islam, 2018) and a sizable industry funded by at least \$205 million dollars between 2008 and 2013 (CAIR, 2015). This framework portrays Muslims as separate and “other” compared to Western societies, making them an unsympathetic out-group (Ross & Mahmoud, 2018), and ultimately incompatible with the West. Islamophobia is the framework by which Muslims are systematically marginalized (Islam, 2018) and ultimately racialized. Scholars that discuss the racialization of groups perceive it to be an adaptable concept that may look different based on the circumstances (Selod & Embrick, 2013; Lajevardi & Oskooi, 2018). Thus, social and political dynamics can expand the discussion beyond Black and White. For Muslim Americans who have faced discriminatory treatment by the government and public, they can be seen as distinctive from the dominant White race, which sets them up to be targets of hate crimes and discrimination. Ultimately, the racialization of Muslims can be seen as a byproduct of Islamophobia—a systematic dismissal of collective and individual contributions by Muslims within civil society.

Such orientalist perspectives have paved the way for anti-Islamic rhetoric, alleging that Muslims are incompatible with US values, regardless of Constitutional protections of religious freedom. A few recent examples include President Trump’s public smearing of US Muslim Congresswoman Ilhan Omar as a “horrible woman who hates our country” (Stracqualursi, 2020), Indiana State Senator Jacob’s

comments that “Muslims are traitors who should be deported” (Sikich, 2020), and a proposed religious test for Republican Shahid Shafi to serve as Vice Chair of the Republican Party of Tarrant County in Texas (Hassan, 2019). These highlight just a few examples of Islamophobia that demonstrate how Muslims are outwardly perceived as a monolithic, racialized minority.

Others have certainly argued to the contrary—that religious pluralism, consensus, and democratic decision-making are not only accepted in Islam but also practiced by even the earliest Muslims (Esposito & Voll, 1996; Said, 1999). Sociologist Craig Considine (2016) goes back to the time of Prophet Muhammad to argue how the Covenant between Muhammad and Christians demonstrated a commitment to religious pluralism. Among the four traditional Sunni schools of Islamic law, Hanafi jurists have well demonstrated the concept of faith-based pluralism in lands governed by a Muslim leader by applying Islamic law to Muslims and deferring jurisdiction for non-Muslim citizens to other courts (Warren, 2013).

Under this polarized framework, does civil society for Muslims mean something different than civil society in the West, as Samuel Huntington suggests, must religion and state be separated in a secularized way as a pretext for moving the conversation forward, and is there a need to reconcile the pluralistic voices and tensions that arise (Sajoo, 2002)? These questions help move the conversation deeper. As Arkoun (2002) states, “modern civic culture” falls somewhere between the two extremes of religious vs. secular. If we look beyond the confines of these labels, we will begin to understand a fuller story about civil society. Because “philanthropy is encouraged in Islam as an important part of living” (Siddiqui, 2013, p. 204), an examination of philanthropic practices is one way to gain a fuller, social history beyond the label of secular and religious.

While philanthropy is generally defined by Payton and Moody (2008) as “voluntary action for the public good,” it is important to understand that philanthropy adopts a specialized meaning in Islam. Concepts like sadaqa, zakat, awqaf, advocacy, smiling, abstaining from harmful action, informal giving, and secret giving can all be included within the definition of Muslim philanthropy. Zakat is a one of five pillars of the Islamic faith and is generally considered an alms-tax for one of eight specified categories (Curtis, 2001; Abraham, 2018; Mattson, 2010). Sadaqa can be any action or inaction for the public good (Siddiqui, 2010). Zakat and sadaqa overlap with each other and are referenced numerous times in the Quran (Al-Qardawi, 1999), although

the extent to how they overlap is debatable (Singer, 2018; Al-Qardawi, 1999; Mattson, 2010; Diouff, 1999).

During the time of Prophet Muhammad, a tax was imposed, and this practice continued under the first caliphate, Abu Bakr (Kuran, 2003). This practice has evolved over time. As a mandatory form of philanthropy, zakat remains a high priority for Muslim institutions, Muslim individuals, and Islamic banks (Rashid et al., 2017). Muslims today live under varied forms of governance—Islamic governances in Gulf states, secular governance among a Muslim majority population such as in Bangladesh, and diaspora populations in secular societies where zakat participation is individually or voluntarily centralized. Zakat and sadaqa practices are often influenced by power structures. For example, prior to enslavement, West Africans blessed children with weekly saraka cakes—sweetened rice balls gifted to children as a form of sadaqa. After forced migration to the Americas and under enslavement, this tradition of giving continued, however in a much-abbreviated capacity given the constraints on freedom and resources (Ghaneabassiri, 2017; Diouf, 1997). This reinforces the notion that charitable giving is important among Muslim civil society but has been practiced differently under varying conditions.

The waqf is not mentioned by name in the Quran or Hadith but remains grounded in Quranic teachings. Creative and critical thought helped breathe life into this charitable tool. The waqf was first associated with real and tangible personal property during the time of the Prophet, originating with a gift by Abu-Talhah and his wife of their beloved date-palm grove for the benefit of the community (Abdur-Rashid, 2019). Among varying cultures and customs, the practice of waqf adopted local characteristics; it became a source of funding for healthcare, education, arts and sciences, mosques, and libraries (Abdur-Rashid, 2019; Singer, 2018). At its peak, awqaf (plural for waqf) served as an antidote to extremes of both wealth and poverty. This definition later expanded to include cash-based property, albeit not without controversy. We see this trend continue today in places like Indonesia where the concept of waqf is being considered in its application to intellectual property. These examples of philanthropy over time and space showcase that at the very least, Islam in practice is adaptable and produces pluralistic ideas. By philanthropic measures, Islam is less one-dimensional than outwardly perceived (Ghaneabassiri, 2017; Kuran, 2003).

Comparisons between individual country studies also suggest a strong sense of pluralism in Islam. Turkey, for example, was carved out of the Ottoman Empire—a society with a once robust charitable society where philanthropy was present in nearly every aspect of life. Nearly

homogenous in religious affiliation (i.e., Muslim), Turkey has one of the lowest rates of individual giving today at about 12 to 13% (Carkoglu et al., 2017). Indonesia has a similar religious demographic, yet 98% of its Muslim population donates—the highest ranked level of global giving (Osili & Okten, 2015). Although nearly 90% of Egypt identifies as Muslim (Harrold, 2015), marked national political shifts have polarized, politicized, and destabilized institutions of charitable giving (Herrold, 2015). In the religiously pluralistic society of Lebanon, Muslim philanthropy is influenced by local politics, economics, and Western missionaries (Abouassi, 2016). In some post-Soviet societies, including Azerbaijan and Tajikistan, extended family, neighborhoods, and clans remain important for mobilizing community-based responses (Sajoo, 2002). Country comparisons further demonstrate differing adaptations of Islamic practices across societies. To better understand which factors have influenced these differences, a comparative approach may provide rich insights. For example, Lester Salamon et al. (2017) have introduced the social origins approach, which provides consistent patterns about power relationships between socioeconomic groups and institutions. This approach can be utilized to see if these patterns remain consistent when studying Muslim-majority countries and whether they account for the varied manners in which Islam is practiced and enters the public space.

Furthermore, the role and perspective of Muslim women deserves much greater scholarly attention. International interventions from Western countries in Muslim-majority countries have often developed gender-based programming from a feminist lens, assuming that the role of women in public spaces needs reform. During the invasion of Afghanistan, for example, gender empowerment programming ignored local culture, sidelined the existence of mutual aid, and promoted efforts that were incompatible with gaining local trust. The liberation of Afghani women became the rallying cry of the US military—a male-dominated, foreign power. Ultimately, however, “Afghan women express an understanding of well-being and liberation on very different terms than the international aid community” (Chisti, 2020, p. 594). The narrative of Muslim women continues to be portrayed in polar opposites—the liberated, Western secularist vs. the religious, oppressed woman behind the veil.

This depiction was also highly visible during accounts of the Iranian Revolution. In a groundbreaking assessment of Post-Revolutionary Iran, women in civil society are examined through various involvements in different magazines—including a look at what some might choose to say or omit as a means of making a political or cultural

statement (Mir-Hosseini, 2002). This unique lens uncovers a story of diverse female actions and ideas, beyond the protest pictures. In fact, gender in the public sphere takes on a more nuanced meaning, where we find that civil society indeed does not operate at the poles, but often somewhere in-between. In the United States, women of color have often been at the center of Islamic practice and social movements. Yet, their stories are often silent or shadowed by more prominent public male figures. One of many ways to trace the history of women of color is to examine how proselytization has evolved in relation to women. For example, proselytization by the Ahmadiyya movement in the early 1920s targeted women in its advertisements and programming because women were considered central to family life (Chan-Malik, 2018). In the 21st century, however, the absence of proselytization is indicative of respect for a woman's independence (Chan-Malik, 2018).

This brief overview serves to demonstrate that while literature about Islam and civil society is emerging, the data remains limited. This is perhaps because Muslims have been preoccupied with addressing issues related to Islamophobia. Nonetheless, there is little comprehensive data about donor motivations, institutional decision-making, and institutional practices. There is a glaring absence of monetary data and economic analyses. More extensive generalized studies are extrapolated to understand Muslim philanthropy, although there may be nuances that go undiscovered with this continued methodology. There is also a need to unpack hybrid identities—immigrant, Muslim, gender, age, financial status, and more. Deeper insights may emerge through such an exercise. Tracking informal giving presents another hurdle, especially given that many Muslims place high regard on anonymous giving. In addition, while the development of mosques in America is a growing trend, the most comprehensive longitudinal study on mosques in America self-admittedly excludes Nation of Islam, Moorish Science Temple, Isma'ili, and Ahmadiyya organizations. Members of these minority sects hold theological views that in some cases largely conflict with the larger, mainstream Sunni and Shia interpretations of Islam, which may offer one reason for their exclusion. Thus, while scholarship is emerging in the right direction to better understand Islam, civil society, and pluralism, there remains much opportunity to further develop this field of study.

Afshan Paarlberg is a scholar, lawyer and writer who works at the intersection of law, philanthropy and social justice, with a focused lens on marginalized communities. She is currently a graduate student at the Indiana University Lilly Family School of Philanthropy.

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BOOK REVIEW

FORGING IDEAL MUSLIM SUBJECTS: DISCURSIVE PRACTICES, SUBJECT FORMATION, & MUSLIM ETHICS

Sheikh, F. M. (2020). *Forging Ideal Muslim Subjects: Discursive Practices, Subject Formation, & Muslim Ethics*. Lexington Books.

Micah A. Hughes
Indiana University

What brings together the ninth-century Baghdadi mystic, al-Harith al-Muhasibi (d. 857), and the twentieth-century Ottoman-cum-Republican Kurdish scholar, Bediüzzaman Said Nursi (d. 1960)? In *Forging Ideal Muslim Subjects*, Faraz Masood Sheikh claims it is their attention to processes of subject formation through the use of various theological and moral “discursive practices” aimed at inculcating correct belief as well as proper sensibilities in the subjectivity of the ideal Muslim. Reading widely and diachronically across geographies, social-political contexts, and time periods, Sheikh demonstrates in great detail how both scholars posed the question of the “ideal” as an ethical project rooted in both belief *and* practice that cannot be explained or categorized by reducing them to expressions of juridical principles or mystical practices—two normative registers that scholars have frequently invoked to describe Muslim practices of ethical self-cultivation. Across four chapters, an introduction, and a conclusion, *Forging Ideal Muslim Subjects* traces the development of what the author calls “religious subjectivity” and “moral subjectivity.” This distinction between the religious and the moral is invoked as a heuristic to “dissemble each thinker’s ideal subject...to better understand what the subject is made up of and how it puts itself together, with the help of...religious discourses” (13). In short, Sheikh differentiates between these two *modes* (my word, not his) of subjectivity in order to draw out how the ideal subject operates in relation to “inner religious commitments” as well as “external expressions of those psychic

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standpoints.” In marking these two modes, he is not trying to instantiate a clearly delineated break between the religious (or theological) and the moral (or ethical). He notes that neither al-Muhasibi nor Nursi subscribe to a stark differentiation between the theological and the moral as autonomous realms of psychic and social life. Instead, he points to the ways in which the interiority of the individual believer as an ideal Muslim subject is also intimately tied to that subject’s social and political relations and forms of life.

Sheikh is quick to warn his reader—ideal subjects are not *perfect* subjects. Forging ideal subjects is not a game of ethical perfectionism. In striving to “properly observe the rights of God” (31), as in the case of al-Muhasibi, or in developing “practices of belief” that can semiotically read the natural world as unified (although still differentiated) expressions of God’s divine names, as with Nursi, one must nevertheless remain vigilant against one’s own tendency towards complacency and moral self-approbation. An ideal Muslim for both of these scholars (and it seems for Sheikh as well) does not *merely* amount to an act of obedience to a rule, divine or otherwise. Nor is the ideal Muslim abstracted away from the conditions of their existence, but, rather, is rooted in and entangled with other subjects and contingent forces that shape how discursive technologies of the self—proper listening, repentance, contemplation of death, etc.—are actualized and manifested in social interactions. Thus, Sheikh emphasizes that al-Muhasibi and Nursi’s theological anthropology of the Muslim believer “does not shelter the person from the vulnerabilities that attend social life. Instead, the theological angle intensifies and multiplies these vulnerabilities and makes them components of *discursive practices* of subjectivation” (15). Engaging the work of Pierre Hadot, Michel Foucault, and Talal Asad, Sheikh defines discursive practices as “deliberate, voluntary intellectual and emotional exercises that a person consciously undertakes and performs...in order to affect a change in their subjective standpoint” (22). Furthermore, the ideal Muslim subject always reckons with the possibility of failure, so while the cultivation of affects, sensibilities, and modes of pious comportment might contain promises of reward, the ideal subject must also be aware of the risks they bring. Values and virtues cannot be passively accrued at zero cost. As Sheikh says, “there is no respite for an ideal subject...” (36).

And yet, at times, it becomes difficult not to read Sheikh as drawing too stark a heuristic difference between religious psychology and moral anthropology, only to reassemble them later. This becomes clear when he attempts to distinguish his own project from recent works in the anthropology of Islam, which have emphasized the centrality of

the “docile” or “teachable subject” (Asad, 2015, p. 176) who engages in ritual practices aimed at embodying proper virtues rather than as symbolic acts to be interpreted for the range of meanings they might signify or social functions they might explain (Asad, 2012, p. 37). At the heart of this anthropological intervention in the study of religion pioneered by Talal Asad (and invoked sympathetically by Sheikh) is the rejection of religion as primarily an issue of belief defined as an autonomous individual’s wholly internalized, private assent to transcendent truth claims. Sheikh rejects this liberal conception of faith and belief from the outset, yet he also claims that the theological-ethical positions of al-Muhasibi and Nursi remain illegible within the current state of anthropological literature on religious subject formation. While contemporary anthropologists such as Talal Asad, Saba Mahmood, and Charles Hirschkind have emphasized Islam as a “discursive tradition” lived through embodied practices which shape and organize religious sensibilities, their work, according to Sheikh, has overemphasized corporeality which has incidentally resulted in suspicion towards “practices of belief,” even those practices which cannot be reduced to dominant liberal conceptions like that of al-Muhasibi and Said Nursi. Thus, it seems that for scholars in Islamic Studies and Religious Studies writing in the wake of Asad’s interventions, attention to bodily practices of comportment and corporeality in line with Islamic authoritative discourses have obscured the rich tradition of Islamic ethics and technologies of the self that aims at the heart, the soul, and the “ideal Muslim subject”—in a word, spiritual exercises which make up the rich, internal life of the believer (17-21).

This sympathetic, yet critical, engagement with contemporary anthropology of Islam remains the most prominent theoretical intervention of *Forging Ideal Muslim Subjects*. Yet, it remains unclear whether Sheikh’s emphasis on spiritual practices and technologies continually taken up by al-Muhasibi and Said Nursi’s ideal Muslim subjects are, in fact, as illegible as Sheikh suggests or whether Asad’s embodied practices are as dismissive of the Foucauldian technologies that Sheikh endorses. Sheikh is correct to draw out the differences between Asad’s teachable subject and Foucault and Hadot’s spiritual practitioner who takes him or herself as an object of critical revision. It is this theoretical space that *Forging Ideal Muslim Subjects* opens up for debate in a most welcome fashion, and I suspect will generate genuine interest and fruitful discussion from scholars across disciplines. Overall, Faraz Masood Sheikh has written a readable and theoretically robust book, which invites the reader to carefully consider dynamic Muslim discursive practices in conversation with a wide-ranging body of work

in Islamic Studies, Religious Studies, Anthropology, and Comparative Religious Ethics. I highly recommend *Forging Ideal Muslim Subjects*. It is a most welcome contribution to a growing body of careful studies of Islamic thought and practice beyond the stale dichotomies of reason and revelation, tradition and modernity, body and mind.

Micah A. Hughes received his PhD from UNC-Chapel Hill in Islamic Studies in 2021. He is joining The Lilly Family School of Philanthropy at IUPUI as a postdoctoral researcher at the Muslim Philanthropy Initiative. His research addresses transformations of religious discourses and practices in contemporary Muslim institutions in Turkey and the United States.

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BOOK REVIEW

OUTSIDERS AT HOME: THE POLITICS OF AMERICAN ISLAMOPHOBIA

Lajevardi, N. (2020). *Outsiders at Home: The Politics of American Islamophobia*. Cambridge University Press.

Rafeel Wasif
Indiana University

Islamophobia has been part of the Muslim-American experience for the last two decades. Ever since 9/11, Muslims have been exposed to several kinds of discrimination in the US and abroad. Several books and articles demonstrate the Muslim-American experience of discrimination. However, most of the research on Muslim Americans has been either qualitative, anecdotal, or based on small samples. Moreover, the prior literature does not assess the issues of negative attitudes that Muslims face at several levels. In light of this, Nazita Lajevardi's "Outsiders at Home: The Politics of American Islamophobia" is a welcome contribution, focusing on the status of Muslim Americans in the context of US Democracy. Lajevardi looks at the issues of discrimination faced by Muslims on several levels, including the lens of public opinion, attitudes of legislators at both the Federal and State level, and the media. Moreover, Muslim-Americans themselves are internalizing their experiences of discrimination. Overall, Lajevardi finds that Muslims face discrimination at all levels of society and are acutely aware of this discrimination on different levels.

Lajevardi starts by introducing the Muslim-American experience by situating it within her own experiences growing up after 9/11. Chapter 2 situates the experiences of Muslim Americans within the overall debates on racial and religious minorities in the US. Chapter 3 introduces a novel way of measuring attitudes towards Muslims by introducing the Muslim American Resentment Scale. She demonstrates how various scale measures affect political preferences, attitudes, and

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behaviors towards Muslims. The Scale provides evidence that negative attitudes towards Muslims affect vote choice and preferences for policies that target Muslims. For instance, negative attitudes towards Muslims drive stronger preferences for policies that aim to restrict immigration from Muslim-majority countries. Chapter 4 uses a candidate evaluation experiment to show that the public holds hostile attitudes towards Muslims and is also unwilling to vote for Muslim American candidates.

Chapter 5 uses sentiment analysis to assess how 9/11 affected the portrayal of Muslim-Americans and compares it with other groups like Hispanics and African-Americans in the US. Chapter 6 uses survey experiments to assess the impact of the media on mass attitudes towards Muslims through survey experiments. It demonstrates that opinions towards Muslims can be improved through improved media portrayals. Chapter 7 leverages audit studies to test legislators' responsiveness to Muslim constituent requests. It reveals that legislators discriminate against Muslims irrespective of party lines. Chapter 8 focuses on Muslim Americans themselves in terms of trying to understand their responses to discrimination. It shows that Muslims are aware that they are discriminated by both the public and the government sector in the United States because of their religious identity. Nazita concludes the book by looking at perspectives for future research and thinking about notions of allyship and how Muslim-Americans have found allies with people of other racial and religious minorities.

This book excels in many ways. First, by using several methodologies, including surveys, audit experiments, survey experiments, and text-as-data, the book demonstrates how scholars can effectively use and triangulate these methods towards studies of racialized minorities. The use of the Muslim American Resentment scale is innovative and very useful for further research on Muslim-Americans. Second, Lajevardi takes a multi-tiered approach towards the discrimination faced by Muslims at several levels of influence, including the media, legislatures, and public opinion. Third, by situating the Muslim-American experience by comparing it with issues faced by other minorities, the book situates the everyday experiences and the uniqueness of the Muslim experience.

However, at the same time, the book could have been enriched by looking at some qualitative methods to get a more grounded approach to the Muslim-American experience. Similarly, while it does an excellent job of nuancing Muslim-American experiences, it may also need to focus on the support Muslims have found, at least in some circles, and the dichotomy of the "Good Muslim" and the "Bad Muslim." For instance, in some of my research on Muslim-American nonprofits, while there was

an increase in negative media sentiment towards Muslim-Americans, the media also liked to distinguish between “Good Muslims” and “Bad Muslims.” While it associated “Bad Muslims” with terrorism, it also associated “Good Muslims” as victims. Adding some of those nuances in the literature would have enriched the scholarship.

Overall, this book is an excellent resource for anyone interested in Muslim-Americans and other racial and religious minorities in the US. It is also an excellent resource for people interested in studying Muslim philanthropy if they want to improve the self-perceptions and discrimination issues that also shape modern Muslim charity.

Rafeel Wasif is a Postdoctoral Researcher at Indiana University-Purdue University (IUPUI). His research interests include Muslim philanthropy and data justice. Rafeel's works has been accepted or published in Nonprofit and Voluntary Sector Quarterly (NVSQ), Voluntas, and Nonprofit Policy Forum (NPF).

BOOK REVIEW

WOMEN, ISLAM AND EDUCATION IN IRAN

Rezai-Rashti, G. M., Mehran, G., and Abdmolaei, S. (Eds.).
(2019). *Women, Islam and Education in Iran*. Routledge.¹

Hawraa Al-Hassan
University of Cambridge, UK

Women, Islam and Education in Iran is a singular volume on many levels, for not only does it cover an impressive range of educational topics and utilize an array of methodological approaches, but it also challenges reader expectations of Iran and Muslim women. Taken as a whole, the authors of the book resist blanket assumptions and observations about Iranian women and do not treat them as a monolith, but rather represent them in the kaleidoscopic variety they invariably embody. Moreover, Iranian women in the volume are depicted as embedded in the historical moment, shaped by economic and social forces created by, but not necessarily exclusively defined by, the state.

In terms of rationale, the book does not aim at chronology (in fact, Faegheh Shirazi's historical survey of Reza Shah's forced unveiling campaign, which began with the banning of the hijab in 1936, comes at the very end of the book). Instead, the editors begin with presenting a broad conceptual framework, followed by qualitative research that centers the voices of female university students, before moving on to more specific topics, such as a methodical close reading and critique of gender biases in Iranian school textbooks, the controversial topic of gender segregation in Iranian universities, and a chapter on education in Shia women's seminaries. This structure allows for a nuanced analysis

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of the areas in which Iranian women made gains and those in which they were denied full participation and equal opportunities.

The opening chapter is key in understanding the paradox of tradition and modernity in postrevolutionary Iran and provides an excellent overview of the themes discussed in the book. According to the chapter's authors, Golnar Mehran and Fariba Adli, the state in Iran adopted a "revolutionary modernity," which it explicitly distinguished from "westernization." This involved projecting a feminine "ideal" in public discourse, which encompassed both traditional and modern perspectives of women in a contradictory hybrid that nonetheless worked to the advantage of Iranian women. Various explanations are given for the expansion of female education in Iran, such as education being espoused by the political elite as a marker of progress in the new Islamic republic. In addition, the zeal with which successive governments in Iran embraced the issue of women's education emanated from a desire to forge a new revolutionary female subject, responsible for inculcating Islamic values in the new generation, as well as being actively involved in forwarding the social and political agenda of the revolution. However, the chapter also introduces the reader to the different approaches to female education adopted by various governments in Iran. It discusses for example, the presidency of the reformist leader Mohammad Khatami, for example, who saw the education of women as valuable for its own sake, rather than necessarily being a tool toward the improvement of the family and society. In contrast, the presidency of Mahmoud Ahmadinejad witnessed rigorous attempts at imposing gender quotas and barring women from fields with higher salaries in order to address the so-called gender imbalance in favor of women. This period also saw the growth of gender-segregated universities, which were viewed as a remedy for both the moral "dilemma" of gender mixing and a practical solution that would prevent female students from competing with their male counterparts over coveted places at prestigious universities.

A central idea that permeates the text and simultaneously challenges Western readers' expectations of the effects of the 1979 Islamic Revolution on female education is that "Islamizing" practices such as gender segregation and forced veiling were in fact instrumental in almost completely eradicating illiteracy among women in Iran. It was because of the Islamic Revolution, the author of chapter 6, Alex Shams argues, and not in spite of it, that women, especially those from conservative families, were able to obtain an education and to establish the right to an education as a fundamental one in their social circles. Moreover, state-initiated literacy campaigns were explicitly designed to win the trust of religious families, who often formed part of the urban

poor or were rural residents. For example, instructors often gave literacy classes in mosques, and were required to wear the traditional *chador* (Mehran and Adli). The opportunity to pursue an education allowed large swathes of the female population from these backgrounds a chance at social mobility and empowerment.

On the other hand, the authors included in this volume clarify that the expansion of female education in Iran has not been even in terms of representation in some subjects and in more established higher education institutions. They contend that the state directed, and continues to direct, female students toward the study of fields of study deemed more “suitable” for women, through the imposition of quotas on the number of female/male university places, and at times, the outright barring of women (and at times also men) from some subjects at certain universities. In spite of this, there were unintended social consequences of the rise of an educated female public, which has sparked various debates in Iran. These consequences include the fear that men are being denied study opportunities due to the dominance of female students, and the moral panic among some clerics that intermixing between the sexes will exacerbate the sexual frustrations of men and lead to promiscuity.

All in all, *Women, Islam and Education in Iran* is a unique volume in the complex narrative it presents, the variety of educational contexts it explores, and in its analysis of the various stakeholders implicated in the changes to education processes in Iran. The text balances analysis of the great quantitative success of the Islamic Republic in the realm of female education with an objective critique of the curtailment of certain freedoms and career opportunities for women. Ultimately, the numeric success of Iranian women in education does not unfortunately translate into the same success in the workplace. Moreover, despite overwhelming social acceptance of women’s education, traditional views of male and female roles persist and are propagated through the school system and by state media. As such, the book is neither apologetic nor does it perpetuate exceptionalist stereotypes of Iran and Muslim women. Rather, it paints an illuminating picture of Iranian girls and women as subjects with agency but who, like the vast majority of women around the world, are neither completely empowered nor passive victims.

Hawraa Al-Hassan is an associate fellow of the Higher Education Academy, having taught Arabic and modern history of the Middle East at the University of Cambridge. Hawraa completed her PhD in Middle Eastern Studies at the University of Cambridge and gained an MA in Comparative Literature at University College London. She is interested in the cultural history of the Arab world in so far as it relates to totalitarianism, propaganda and nationalism. Hawraa's research focuses on interdisciplinary approaches to the Arab novel as a conduit of group identities. Her current project explores Iraqi Ba'thist involvement in the production of literary and media discourses on gender and nation, whilst considering the potential of resistive 'counter-public' spaces, be they Islamic or secular. Her book – *Women, Writing and the Iraqi Ba'athist State* – is published by Edinburgh University press.

BOOK REVIEW

MUSLIM SCHOOLS, COMMUNITIES AND CRITICAL RACE THEORY: FAITH SCHOOLING IN AN ISLAMOPHOBIC BRITAIN?

Breen, D. (2018). *Muslim Schools, Communities and Critical Race Theory: Faith Schooling in an Islamophobic Britain?* Palgrave Macmillan.¹

Rob Faure-Walker
University of London, UK

The ability of governments to present cases where Muslim schools have successfully secured state funding serves as a smokescreen to obscure the difficulties and challenges faced by Muslim communities looking to enter into partnerships with the state through denominational Islamic schooling. (p. 171)

Muslim Schools, Communities and Critical Race Theory, by Damian Breen, is full of necessary insight into how the British state's relationship with Muslim communities was manipulated by New Labour and subsequent governments. Framing this analysis in the context of Critical Race theory (henceforth CRT) helps to bring these issues to light for those who are interested in British Islam and in race more generally. The necessity that these issues are appreciated if the experience of British Islam is to be understood is fortunate, as the allegiance to CRT is labored through the first chapters. However, while this aspect of the book is labored, it is a useful contribution in the context of recent attempts by politicians from the Conservative party of the UK to denounce CRT. Breen wasn't to know it when his book was published in 2018, but his somewhat tortured elaboration of the importance of CRT over many

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pages shines a light on the absurdity of its recent denunciation in the UK Parliament (Nelson, 2020) and the British press (Fox et al., 2020). While the first two chapters are hard work—not least as those familiar with CRT will wonder why there is a need for such tangential detail for a book that is essentially an empirical study—it must be recognized that the world would be a better place if anyone mislead by the recent posturing of Conservative politicians against CRT, was to read *Muslim Schools, Communities and Critical Race Theory*.

Emerging into chapter 3, Breen finds his stride as he seeks to problematize “race” and the racialization of British Muslims, before engaging with the now infamous Prevent Strategy—one of the elements of the British governments counter-terrorism strategy—and the Fundamental British Values (FBV) that are promoted by Prevent. While this is a valuable exploration of Prevent and FBV, those seeking further explanation of FBV ought to also engage with Crawford (2017). We are then taken on an expansive tour of how trends in educational policy that were set in motion by New Labour have impacted Muslim schools, summarized by,

New Labour appears to be progressive, able to commend themselves on offering the first state-funded Muslim schools, whilst ensuring that the criteria for doing so effectively prevents widespread enfranchisement for British Muslims. (p. 49)

Breen then enters into a theorization of the “passivity” of the “uber-neoliberal foundations which underpin free schools” as a political act. This provides valuable understanding of how the apparent offer of state funding for Muslim schools has in fact restricted their autonomy. The suffocation of the education system by neoliberal reforms has been extensively discussed elsewhere, but Breen’s exploration of this impact on British Muslims is a very valuable contribution.

It is a relief to find Breen discussing his positionality as “a white Irish British-born male” researcher in chapter 4. However, given his explicit focus on Muslims, it might have made for a more comfortable read had this been discussed earlier. To have done so might also have strengthened the author’s voice, something that is often lost in Breen’s commitment to the third person voice of “the researcher.” Slipping into the first person for the final section of chapter 4 immediately humanizes Breen and draws one into what he seeks to achieve. He continues in the first person in the fifth chapter as the book takes off—one just hopes that the reader gets beyond the dense earlier chapters to this point.

The fine-grained detail of the schools being studied is a welcome break from the all too often sensationalist terms that Islamic faith schools are often presented in. As such, in chapter 6, Breen begins to present the counter narrative, as is his stated aim for the book as a whole. This is most effective when the teachers and parents of his study speak directly through quotes from his interviews with them. When they speak, we can see the shared “love for Allah and creation” (p. 110) that is allowed to flourish when Muslim schools are supported.

Through allowing the different stakeholders in the schools that he studies to speak, Breen demonstrates one of his earlier stated aims by showing that “diversity was manifested within each school and also from school to school” (p. 135)

Evidently, enfranchising British Muslims through denominational Islamic schooling is not a process that can be effectively achieved if strategies for state provision either assume that such schools are catering to homogeneous “needs,” or fail to recognise the complexity and diversity of needs. (Ibid.)

As the stakeholders continued to speak, Breen uses their voices to invigorate statistics on low educational attainment for British Bangladeshi and Pakistani children. However, as this is based on census data from 2011 and on other studies from 2009, we may not be seeing the full or current picture. As the next census is being filled in by households across the UK, had Breen engaged with studies of educational success in Muslim-populated areas of Tower Hamlets (in London) and Birmingham since 2011, he may have seen that some of these trends have been reversed in some areas (Tower Hamlets, 2013). This would have been a welcome addition as it might have also pointed toward a positive vision of what policies might lead to success for British Muslim education.

Grounded in the experiences of those who work in and use Muslim schools, Breen’s observations do present the positive counter narrative that he sets out to portray.

From a CRT perspective, the all-important political voices of Muslims become displaced from mainstream public political spaces as a result of the conflating of legitimate democratic dissent with religiosity. In short, perspectives embodying dissent from those who are easily identified as Muslim become

dismissed as simply being informed by too much religious influence. (p. 177)

In sum, Breen's valuable book rewards the patient reader.

Rob Faure-Walker is Senior Researcher on the SOAS Influencing Corridors of Power Project at the University of London and convenes the monthly Prevent Digest. He has interests in Critical Realism, Critical Discourse Analysis, and policy engagement. He has been researching counter-extremism since seeing its negative impact on relationships between teachers and students while working as a teacher in East London. His book on the Emergence of "Extremism" will be published by Bloomsbury in 2021.

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