Islam, Land & Property Research Series

PAPER 7: *Waqf* (Endowment) and Islamic Philanthropy

UN-HABITAT

2005
Acknowledgements

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This research and publication was made possible through funding to the UN-HABITAT’s Global Campaign for Secure Tenure from the Governments of Belgium, Italy and Netherlands.
Paper 7: *Waqf* (Endowment) & Islamic Philanthropy

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UN-HABITAT *Islam, Land & Property Research Series*

Paper 7: *Waqf* (endowment) and Islamic Philanthropy 2005
INTRODUCTION TO THE ISLAM, LAND & PROPERTY RESEARCH SERIES

UN-HABITAT’s (United Nations Human Settlements Programme) global mandate and activities promoting access to land and protecting security of tenure are derived from a range of international human rights and development standards. While land, property and housing rights are generally cross-cultural and asserted within every socio-economic and political system, it is recognised that practice regarding their regulation and protection may take different forms. The Land and Tenure Section, Shelter Branch of UN-HABITAT has carried out systematic research into distinctive land, housing and property issues and approaches in various regions of the world including Africa, Latin America and the Balkans. It uses a ‘best practices’ approach to develop affordable, pro-poor and flexible tenure types and land tools, particularly for women. These tools are incorporated into UN-HABITAT’s global campaigns and programmes as well as made available to governments, civil society and all stakeholders for their advocacy work and for implementation of relevant laws and policies.

During its work in a range of countries from Afghanistan to Indonesia, UN-HABITAT has been increasingly aware of the importance of Islamic land tenure conceptions and land rights. Over 20 percent of the world’s population is Muslim but there has been little research on the complex and distinctive forms of land tenure and land rights. Too often global reviews of land tenure are undertaken without taking Islamic laws relating to land sufficiently into account. The Land and Tenure Section of UN-HABITAT therefore commissioned two experts Mr. M. Siraj Sait and Dr. Hilary Lim from University of East London, United Kingdom to carry out a year long in depth study of the Islamic and other dimensions of land and property rights in the Muslim world.

The objective of this research was to produce a body of material, through eight position papers, accompanied by a database, with proposed strategies which could enhance the knowledge and augment the capacity of UN-HABITAT and its partners to work more effectively in Muslim contexts. However, these papers have been written for a general audience without any assumption of knowledge regarding Islam, law or property rights and are therefore offer basic information as well as an opportunity to revisit first principles.

The general findings of the research are that there are distinctive Islamic conceptions of land and property rights which are varied in practice throughout the Muslim world. Though Islamic law and human rights are often an important factor in the conceptualisation and application, they intersect with State, customary and international norms in various ways. In doing so, they potentially offer opportunities for the development of ‘authentic’ Islamic land tools which can support the campaign for the realization of fuller land rights for various sections of Muslim societies, including women. However, in order to facilitate that role, the various stakeholders must constructively review the normative and methodological Islamic frameworks and their relationship with other systems of formal and informal land tenure.

Paper I on Islamic Land theories and Applications contextualises and introduces Islamic property and land concepts as part of a sophisticated and alternate land framework running alongside international regimes. The Islamic property rights framework conceives of land as a sacred trust but promotes individual ownership with a re-distributive ethos. It argues that engagement with Islamic dimensions of land may potentially support land rights initiatives in Muslim societies and has implications for
programmes relating to land administration, land registration, urban planning and environmental sustainability. Position Paper II on *Islamic Land Tenure and Reforms* explores how land tenure concepts, categorisations and arrangements within the Islamic world are multi-faceted, generally distinctive and certainly varied. This paper explores the socio-historical context and development of Islamic land tenure regimes leading to the ‘web of tenure’ in contemporary Muslim societies. An appreciation of the historical context of land tenure in Muslim societies and the range of land tenure forms contributes towards development of authentic and innovative strategies for enhancing access to land and land rights.

Position Paper III on *Islamic Law, Land and Methodologies* finds Islamic law (*Shari’a*) an important factor influencing land rights and tenure systems in Muslim societies. Islamic law can be seen as an evolving, responsive and assimilating sphere of competing ideologies and interests, though it is a site of struggle between conservatives and liberals. An appreciation of the distinctive features and sources of Islamic law, its methodologies and diversity in application and its dispute resolution mechanisms would contribute towards strategies aimed at enhancing security of tenure. Position Paper IV *Islamic Human Rights and Land* sets out to examine the relationship between international human rights and Islamic conceptions of human rights in theory and practice. It argues that, with respect to land rights, the difference between these two sets of rights appears minimal and a sensitive and careful recognition of Islamic religious and political sensitivities can help deliver international human rights more effectively in Muslim societies, without offending Islamic principles.

Position Paper V *Muslim Women’s Rights to Property* explores the nature and scope of women’s rights to property and land under Islamic law (*Shari’a*) through a socio-historical background to women’s property rights, an appraisal of modern legal reforms and the avenues for enhancing their security of tenure. It argues that despite assumptions to the contrary, there are potential empowering strategies for women through Islamic law which can enhance women’s access to land and enforcement of their other property rights. Position Paper VI *Islamic Inheritance Laws and Systems* considers how Muslim societies are generally derived their inheritance rules from religious sources for the division of an individual’s property upon death, some of which are controversial. Yet, it argues that the application of these formal inheritance rules pertaining to designated shares must be understood in a broader socio-cultural and economic context and within wider inheritance systems of practice.

Position Paper VII *Islamic Endowments (Waqf) and Indigenous Philanthropy* outlines how the endowment (*waqf* plural *awqaf*) is a key Islamic institution, which has incorporated within its legal sphere vast areas of land within the Muslim world, connected firmly with the religious precept of charity. Modern reforms in several Muslim countries have abolished, nationalised or highly regulated endowments but the endowment (*waqf*) remains influential and there are signs of its reinvigoration. The paper evaluates the role for the Islamic endowment (*waqf*) in strategies to improve security of tenure based on its legal foundations, history and socio-economic impacts. Position Paper VIII *Islamic Credit and Microfinance* considers the increasing demand from within Islamic communities for financial services that are compliant with Islamic law (*Shari’a*). This paper explores the Islamic context which stimulates such alternative credit systems, the key distinguishing features of the Islamic banking models, the development of Islamic microfinance models and the practical challenges to these
innovations. It considers how Islamic finance, banking principles and credit, particularly housing microfinance, can contribute to security of tenure and in transforming the lives of the poor.

The findings of this study were discussed at a workshop on ‘Land tenure and Land law tools in the Middle East and North Africa’ in Cairo, Egypt on December 17 2005. This preparatory meeting for World Urban Forum (WUF III) 2006 was part of a meeting hosted by the Government of Egypt and organised by United Nations Economic and Social Commission for Western Asia (ESCWA), UN-HABITAT, and the League of Arab States. This research was also presented at the Expert Group Meeting (EGM) at Bangkok, Thailand on ‘Secure Land Tenure: New legal frameworks and tools in Asia and Pacific’ December 7-9 2005 organised by UN-HABITAT, United Nations Economic and Social Commission for Asia and Pacific (UNESCAP), International Federation of Surveyors (FIG) and World Bank.

Through this preliminary study, UN-HABITAT and its partners seek to discuss and develop appropriate strategies through identification and development of innovative and pro-poor land tools in their particular context.
Paper 7: Waqf (Endowment) & Islamic Philanthropy

The waqf’s contribution to the shaping of the urban space can hardly be overestimated... A major part of the public environment in (Islamic) towns actually came into being as a result of endowments.

(Hoexter, 2002: 128)

OVERVIEW

The endowment (waqf plural awqaf) is a key Islamic institution, which has incorporated within its legal sphere vast areas of land within the Muslim world. It is a legal mechanism that has been recognised and developed under Islamic law (Shari’a) for more than a millennium. Under the Islamic legal endowment (waqf), an owner permanently settles property, its usufruct or income, to the use of beneficiaries for specific purposes. At its heart the Islamic endowment is connected firmly with the religious precept of charity. Modern reforms in several Muslim countries have abolished, nationalised or highly regulated endowments (awqaf). The eclipse of the endowment (waqf) has left a vacuum in the arena of public services, which the State has been unable to fill easily in many Muslim countries. However, both the 'idea' of the endowment (waqf) and the endowment (waqf) doctrine itself remain influential and there are clear signs of its reinvigoration. The endowment (waqf) served and continues to serve as an instrument of public policy and impacts on all aspects of Muslim life, including access to land. An evaluation of any future role for the Islamic endowment (waqf) in strategies to improve security of tenure is built upon an appreciation of its legal foundations, history and socio-economic impacts.

Scope of this position paper: This position paper considers the significance of the Islamic endowment (waqf) in Section 1. It examines the legal sources, structure and types of endowment (waqf) in Section 2. Section 3 explores the socio-economic impacts of the endowment (waqf). Section 4 considers the reasons for economic decline of the endowment (waqf) while Section 5 examines the contemporary revival of the endowment (waqf). Section 6 offers five strategies for empowerment through Islamic endowments (Awqaf)

* Recognise the potential in the revival of the endowment (waqf) concept
* Facilitate the development of a modern endowment (waqf) model
* Promote Islamic philanthropy through endowments (awqaf)
* Modernise the administration of endowments (awqaf)
* Revive unproductive State endowments (awqaf) or misused lands
7.1 THE SIGNIFICANCE OF THE ISLAMIC ENDOWMENT (WAQF)

The endowment (waqf) is an important Islamic institution that has influenced Islamic and world economic development and socio-economic/political history. Its potential in future development should not be underestimated. The endowment’s (waqf’s) significance arises out of its centrality to the Islamic principle of charity (zakat), though debates persist as to its effectiveness in achieving development goals.

7.1.1 Endowment (waqf) as a unique Muslim institution

Islamic endowments (awqaf) grew cover huge areas, amounting to about one third of the Islamic Ottoman Empire and a substantial part of Muslim lands elsewhere. The endowment (waqf) was a key public institution within Islam and the cities under Ottoman rule, and is still popular today.

7.1.2 Religious foundations of the endowment (waqf)

The Qur’an contains no specific reference to the endowment (waqf) and its legal parameters have been developed through centuries by jurists. It is inspired from repetition and emphasis upon charity within Islam as an act of devotion to God.

7.1.3 Future importance of Waqf

The Ottoman rulers saw themselves as primarily responsible for security, defence and tax collection and the endowment (waqf) was a crucial vehicle of welfare support for ordinary people. Whether the endowment (waqf) served to deliver the quality of services or whether it was a preferable provider in the past has been debated, but its revival has implications for future development.

7.2 LEGAL FRAMEWORK FOR THE ENDOWMENT (WAQF)

7.2.1 Legal structure of the endowment (waqf)

The Islamic endowment (waqf) arrangement allows the owner of property to tie up or settle his for the use of beneficiaries in perpetuity. The endowment (waqf) is founded once the owner (waqif) makes a declaration that the income of the property is to be reserved permanently for a specific purpose.

7.2.2 Endowment (waqf) as a part of family law

The laws relating to the endowment (waqf) are an integral part of Islamic law (shari’a). The endowment (waqf) has relations with other areas of law and society such as inheritance, wills, gifts and marriage, thus endowments (awqaf) are usually dealt with as part of family law.
7.2.3 Charitable and family/'private' endowments (awqaf)

There are generally understood to be two basic forms of endowment (waqf) - public and family/'private'. In the family endowment (waqf ahli) property, that is its usufruct or income, is held for the family of its founder, until the distinction of his or her descendants, whereupon it is diverted to a charitable purpose. The charitable or public endowment (waqf khairi) involves the permanent dedication of property to charitable purposes.

7.2.4 Property and the cash endowment (cash waqf)

The majority of endowments (awqaf) are land, where the permanence and security of the act of 'continuous charity', which is central to the endowment (waqf), is easily evidenced. Some moveable assets, such as furniture, books or farm animals, may be tied up in an endowment (waqf), but money has not always been regarded as the valid subject matter of an endowment (waqf). During the Ottoman period, in the 15th and 16th Centuries, a particular form of endowment or trust fund, the cash endowment (waqf), by which money was settled for social and pious purposes, came to be approved by the courts.

7.2.5 Accountability of the endowment (waqf)

The manager (mutawalli/nazir) of an endowment (waqf) is required to administer it in accordance with the terms of the deed which set it up, particularly its charitable purposes, and according to the general expected standards of behaviour and values within Islam.

7.2.6 Variations between different Sunni schools of law (maddahib)

The basic principles on endowments (awqaf) remain the same throughout the Islamic world. However, there are variations in Islamic jurisprudence between the different schools (maddahib) regarding the theories of the endowment (waqf), as well as diversity in social practices, judicial attitudes. Widespread State intervention into, and regulation of, endowments has also led to considerable variation between different countries in the implementation of endowments (awqaf).

7.2.7 Ownership of the endowment (waqf)

While in theory the endowed (waqf) property is dedicated to God, its temporality raises issues over ownership of the endowment (waqf). Opinion is divided in the four major schools of law (maddahib, plural) on this question. Under Shi'a practice, the charitable endowments (waqf, Persian, auqaf, plural) were numerous and largely independent.

7.2.8 Registration of endowment (waqf) properties

During the Ottoman period endowment (waqf) properties where part of a cadastral survey and registered in the same manner as other land. Eventually, the State developed
a special office for endowments (awqaf) for registration, control and the clarification of titles. Where title to endowment (waqf) properties could not be established the State would take over the land in question.

7.3  SOCIO-ECONOMIC IMPACT OF THE ENDOWMENT (WAQF)

While the millions of endowments (awqaf) spanning the world varied, the majority fell into the five basic categories of food, housing, health, education and religion.

7.3.1  Endowments (awqaf) as welfare institutions

Though the beneficiaries of endowments (awqaf) could be exclusively family members, the charitable ethos of the institution is demonstrated in the high proportion of endowments (awqaf) devoted to general welfare. The endowment (waqf) provided many of the services that the modern welfare state today offers, and this had the tacit support of the State.

7.3.2  Endowments (awqaf) as a civil society institution

Endowments (awqaf) were an integral part of the neighbourhood economy and society. The integrity of the endowment (waqf) objectives, the quality of services it offered, and transparency in its functioning, was possible in large part because of the effectiveness of civil society institutions. It was also the civil society that resisted the governmental encroachments on the autonomy of the endowment (waqf) institution. Most Muslim countries now directly or indirectly administer endowment (waqf) lands in separate Ministries, leading to the demise of its non-governmental identity.

7.3.3  Endowments (awqaf) as a mechanism for wealth redistribution

Through the great variety of recipients and players the endowment (waqf) system 'succeeded for centuries in Islamic lands in redistributing wealth, as a product of state-individual cooperation'.

7.3.4  Impact of endowments (awqaf) on the status of women

Recent research suggests that women in the Ottoman world, in various cities and a range of historical periods, were deeply involved in the management of their own wealth, particularly the active creation and administration of endowments (awqaf).

7.3.5  Debates over the contribution of endowments (awqaf)

Despite its role as a welfare mechanism, it has been argued that the endowment (waqf) institution, being resistant to market forces, created evolutionary bottlenecks locking vast resources into unproductive organisations for the delivery of social services. However, these appraisals of endowment (waqf) doctrine and practice have been disputed.
7.4 ECONOMIC DECLINE OF THE ENDOWMENT (WAQF)

7.4.1 Colonialism and the endowment (waqf)

In some cases colonial powers preferred a status quo with regard to endowments (awqaf) which ensured stability as well as social legitimacy. However, the vast tracts of land without private ownership were an easy picking for colonial powers, particularly where religious dissent could be disregarded. The colonial engagement also saw a decline in the legal status of women in the Muslim world, which affected their ability to exercise their property rights, including their rights to found and manage endowments (awqaf).

7.4.2 Power base of the religious clergy (ulama) through waqf

Over the years, waqf landholdings grew considerably, providing the learned religious elite (ulama) with a degree of economic independence from the central government and social legitimacy through taking credit for the benefits of the endowment (waqf) system. The State’s concern over the power base of the clergy was often one of the reasons for the regulation and eventual demise of the endowment (waqf).

7.4.3 Problems of ‘Perpetuity’

The perpetual nature of the family endowment (waqf ahli) meant that as generation succeeded generation, the number of beneficiaries increased to a point where the benefits accruing to an individual were insignificant. However, the argument has been made that perpetuity is not always an absolute condition for establishment of an endowment (waqf).

7.4.4 Rigidity of the endowment (waqf)

There is a prevalent view, spearheaded by Orientalist commentators, which holds that the rigidity of the institution of the endowment (waqf) was among the main causes for the Islamic world’s economic disappointments. However, this is rejected by those who argue that it was a flexible category under the Ottomans though this may have been lost as a result of over-regulation in the 19th Century.

7.4.5 Post-colonial attitudes towards endowment (waqf)

Rather than modernise the endowment (waqf) institution, most post-colonial Muslim States sought its abolition or nationalisation.

7.4.6 Effect of nationalisation on endowments (awqaf)

State efforts to control endowments (awqaf) as a means of extending its power have been evident throughout Islamic history though they have met with resistance. There is little empirical research on the administration of these nationalised properties still held by individual States.
7.5 CONTEMPORARY REVIVAL OF THE ENDOWMENT (WAQF)

Though endowments (awqaf) are in disarray having been abolished, nationalised or mismanaged, there is growing evidence of the resurgence of interest, promotion and rethinking on the Islamic endowment as an institution.

7.5.1 Endowment (waqf) in civil society discourse

The idea of endowment (waqf) has not lost its appeal, despite its official eclipse, for several reasons. An increasing number of non-governmental organizations, socio-political group and corporate entities are using the endowment (waqf) model to solicit and manage funds, cashing in on the appeal of authenticity of the idea.

7.5.2 International support for the revival of the endowment (waqf)

The promotion of the endowment (waqf) is on the agenda of the Organisation of Islamic Conference (OIC), as well as the Islamic Development Bank and The Islamic Educational, Scientific and Cultural Organization (ISESCO). In a politically charged world, the ideologies of the beneficiaries and the founders/creators of endowments (awqaf) alter the perception of neutrality of the charitable endowment.

7.5.3 Endowment (waqf) in State discourse – Kuwait case study

Kuwait has been the leader among States interested in supporting both the reform of existing endowment (waqf) and its expansion.

7.5.4 Innovation in the administrative structure of endowments (awqaf)

The endowment (waqf) has over centuries been subject to innovative legal mechanisms. The endowment (waqf) was best administered where local actors had input into its functioning. The future revival of the institution will depend on emphasising that local role as they are best equipped to run it. There are many examples of how the endowment (waqf) institution in its contemporary manifestation has adapted to modern management and regulatory frameworks. The most important is the recent ‘statute’ of the waqf for the Islamic University in Uganda set up by the Organisation of Islamic Conference.

7.5.5 Access to land through the endowment (waqf) model

Innovative approaches to endowment (waqf) lands (and State land) can lead to releasing the potential of a high proportion of these lands in the public interest by providing access to land. There are special rules under Islamic law (Shari’a) relating to dead land (mawat/mewat) which is not used or owned by anyone, because of the basic principle that land should not go unused or underused. An example of what is possible is the assertion of rights by ‘squatters’ in Al-Madinah in Saudi Arabia, who were able to establish security of tenure on land which was deemed to be dead (mawat/mewat) land.
7.6 STRATEGIES FOR EMPOWERMENT THROUGH ENDOWMENTS (AWQAF)

7.6.1 Recognise potential in the revival of the endowment (waqf) concept

Rather than view the endowment (waqf) as a historic or virtually extinct model, its revival offers the potential benefits of an inclusive, non-elitist and religiously and socio-cultural authenticated economic institution. This resurgence arises out of the assumption that the endowment (waqf) is ‘a practice that succeeded for centuries ... providing a good case for modeling new redistribution institutions for the coming century’ Baskan (2002:23). Others suggest that the public (waqf khairi) as well as the family endowment (waqf ahli) should be up for ‘reconsideration by the jurists, economists and social scientists of the contemporary world of Islam’. The Organisation of Islamic Conference, for instance, is promoting the ‘pioneering role of [the] Islamic waqfs System in enriching Islamic civilization and their effective contribution to the establishing of economic and social institutions of society’. The distinctive contribution made by the endowment (waqf) to the educational and health fields and in eradicating poverty is highlighted.

There are two obvious implications of this renewed focus on the endowment (waqf). First, existing endowments (awqaf) could be better managed and used for enhancing security of tenure, and also for the urban poor. Second, future endowments (awqaf) could help resource redistribution and strengthen civil society. Given the apparent support for the idea of the endowment (waqf) at the local, national and international level among Islamic communities, the endowment (waqf) need not operate at the margins of socio-economic and philanthropic activity but rather it should be mainstreamed within State legal and economic systems. There are several Islamic institutions, such as the Organisation of Islamic Conference (OIC) and its subsidiaries, as well as international development institutions which could play a vital role in ensuring that the endowment (waqf) fulfills its development role.

7.6.2 Facilitate the development of a modern endowment (waqf) model

The current reappraisal of the role of the endowment (waqf) offers opportunities to learn from the mistakes of the past and to construct a modern legal and administrative framework. As some have argued there is no reason why a new modern responsive doctrine of endowment (waqf) cannot emerge from personal reasoning recognised by classical Islamic jurisprudence (ijtihad), which is a confluence of foundational Islamic principles and modern management techniques. Since the endowment (waqf) is not a Qur’anic creation, it is more easily subject to creative interpretation and change, just as States have done in the past to suit their interests. This contention is being debated amongst scholars and the classical rules relating to the endowment (waqf) are under review.
It may well be the opportunity to facilitate the development of indigenous models based on modern benchmarks which could respond to contemporary challenges. For example, Their and Chopra (2002:27), writing in the context of Afghanistan note:

The idea of an independent village-based foundation like a waqf (an endowment for religious institutions which governs and manages separately from civil authorities) may be worth investigation. A small resource base for projects and individual or group loans to communities, along micro-financing lines, could generate greater local initiative.

7.6.3 Promote Islamic philanthropy through endowments (awqaf)

The eclipse of the endowment (waqf) has left a vacuum in the arena of public services, which has not been filled. Students, health patients, homeless, travelers, poor, needy, prisoners are only among the category of vulnerable people who have lost cover of the waqf. It has made Muslim societies further dependent on uncertain foreign donation, which is widely resisted both in terms of its inherent instability and in terms of unwanted foreign intervention. A recent study by the Aga Khan Foundation on Pakistan finds that giving by Pakistanis is four times the amount of foreign aid that Pakistan receives. However, the muzzling of endowments (awqaf) has thwarted the philanthropic capability and aspiration of the Muslim communities.

The call for harnessing indigenous philanthropic traditions is to tap into the considerable 'social capital' which has survived through the institution of charity (zakat). The endowment (waqf) is an embodiment of the principles of self-sufficiency, egalitarianism and learning that mark Muslim societies. Although for Muslims there is an annual obligatory charity obligation (zakat), the endowment (waqf) serves as an additional and appropriate mechanism for effecting other philanthropic objectives. In fact, the charitable obligation (zakat) can be used to finance and strengthen waqf institutions. Similarly, cash endowment (waqf) provides much needed credit and other financial services.

The State has been unable to serve all of the public purposes undertaken historically by the endowment (waqf). Apart from capacity, the ability of the centralized State to deliver speedy aid and humanitarian support to vulnerable groups is questionable. The endowment (waqf) served as a bulwark for civil society and has the potential to play that role. It has been argued that since social traditions such as those relating to charitable endowments (awqaf) are deep rooted in Muslim consciousness, 'the potency of these ethical affinities becomes all the more evident in times of crises, when official institutions prove inadequate'.

7.6.4 Modernise the administration of endowments (awqaf)

The increasing popularity of the endowment (waqf) does not necessarily imply a nostalgic return to a traditional model. Modernisation of the endowment (waqf) into a transparent and responsive institution that can rival the Western charitable institution and improve access to land (Hamza, 2002) can be, and is being, envisaged. The endowment (waqf) should be seen as a civil society institution providing public space,
thereby capable of promoting democratisation and good governance. Salih (1999:77) notes that 'one of the operational tasks needed to facilitate development of awqaf, is related to the challenge of adapting modern management techniques to the prevailing economic relations among societies where waqf exists'. Clearly, the endowment (waqf) management structures can, and in recent times have, made the institution more efficient, transparent and responsive. There is also potential that the waqf can be used to facilitate microfinance and other initiatives (see accompanying paper on Islamic Microfinance).

Given the number of Muslim and non-Muslim countries where the endowment (waqf) is used, there is ample scope for sharing of good practice and their experiences. International Islamic institutions such as the OIC, civil society in general and international agencies have a key role in providing the fora for the sharing of experiences and the development of norms relating to efficient management. The example of Kuwait could be considered a best practice. In addition to its own efficient waqf administrative process, it has embarked on providing technical cooperation and exchange of experience with other Islamic countries, academic centres, and international organizations; coordinating activities to develop foreign waqf investments in collaboration with other partners. Professional management of the waqf can have significant benefits for society at large.

7.6.5 Revive unproductive State endowments (awqaf) or misused lands

In most cases, the nationalisation of endowments (awqaf) merely transferred the responsibility from private endowment (waqf) managers to the State. Contrary to promises of better use of endowments (awqaf), it is a widely held view that 'reforms' of endowments (awqaf) that took them within the public sphere of government have squandered valuable material and human resources. However, more research is needed as to how those lands are being currently managed. There are at least two perceived problems in relation to reviving endowments (awqaf), the first being the means of financing that revival; and the second the creation of appropriate information systems to enhance transparency.

Moreover, there is a lack of funds for regenerating the productivity of the endowed lands and also a lack of ways to publicly finance the development of endowment (waqf) properties, while offering the owners a market determined return. This is not a simple matter given that interest rates are prohibited under Islamic law, (see accompanying position paper on Islamic Credit and Microfinance). Some argue that the solution is for endowments (awqaf) to be re-privatised by returning their 'assets to private management by creating waqf boards of trustees independent of the Ministry and transferring to them control of waqf assets ... [accompanied by] measures to ensure transparent and accountable management of such funds'. The traditional endowment (waqf) model contains within it methods by which the endowment can finance or refinance itself. These include creating a new (waqf) endowment to add to the old one, and using the mechanism of a long lease with a large advance lump sum and a nominal rent (hikr/hukr).

If endowed lands are to remain within the public sphere, , the integration of information regarding state endowment (waqf) lands is necessary if they are to be transparently managed and factored into general development. In some instances the only information
available is the historical endowment (\textit{waqf}) records, dating back to the Ottoman period. The importance of these records should not be underestimated in contemporary disputes such as the Arab-Israeli conflict, even though in some countries these records have been partially incorporated into the land information systems. In other Muslim countries, endowment (\textit{waqf}) properties have to be registered under specific legislation, as is the case with the Indian 1995 Waqf Act, in order to be recognised. Perhaps, the Ottoman practice of surveying and registering endowment (\textit{waqf}) land could serve as an inspiration for modern Muslim states.

The revival of the \textit{awqaf}, could in the end depend on the commitment of stakeholders through recognition of the benefits of freeing up the dead capital held in the endowments (\textit{awqaf}). Where there is a shortage of land for distribution, derelict land could be redistributed to landless poor such as squatters, as a new State endowment (\textit{waqf}) in the public interest. Certainly, Islamic endowments (\textit{awqaf}) should not be ignored in debates about land regularisation and security of tenure as they often comprise of extensive tracts of land.

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