

NEW DIMENSION IN THE MOBILIZATION OF WAQF FUNDS FOR EDUCATIONAL DEVELOPMENT

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INTRODUCTION

A search for solution to any problem has been the concern of everybody in the society. There are multifarious problems in the society as a result of capitalism in the society. Therefore, the need arises for everybody to be looking for an alternative to capitalism theory in the economic system in the world. Some scholars are considering the option of charity in form of philanthropism as it is stated in the Quran. The Quran states that God created, and owns everything on earth. Man, therefore, holds on trust for God and must carry out his duties as trustee in the manner prescribed by God. These duties are derived in the Islamic law known as Shariah.

In Surat Al- Baqarah: 29, it is stated that:

“It is He Who hath created for you all things that are on earth; then He turned to the heaven and made them into seven firmaments; and of all things He hath perfect knowledge” (Q2:29).

Also, Surat Al-Jathiyah, verse 13, which states that:

“And He has subjected to you, as from him, all that is in the heavens and on earth; behold, in that are signs indeed for those who reflect” (Q45:13).

In Surat Al-Hadid, it is stated that:

“We sent aforetime Our messengers with clear signs and sent down with them the Book and the Balance (of right and wrong), that men may stand forth in justice; and We sent down iron, in which is great might, as well as many benefits for mankind, that Allah may test who it is that will help, unseen, Him and His messengers for Allah is full of strength, Exalted in Might” (Q57:25).

All these are prove to show that all the resources in the world are created by Allah, and made usable to humans by the virtue of the laws that Allah injected into those resources. Therefore, charity becomes inevitable, if Muslim will obey the will of Allah in the area of distribution of wealth.

Charity is one of the most emphasized acts of righteousness in Islam. Charity emphasizes spiritual, social economic impact, social justice, and collective good deeds (Mawdudi, 1948). The whole essence of charitable act is based on kindness and good deeds. This can only come to reality, when wealth is fairly distributed. The concept of charity is premised on care for oneself (Fard Ayn), care for those that are receiving in the society- community preference (Fard Kifayah), and those that giving charity in the society (Zakah, i.e. purification of wealth).

In the Quran, charity is often referred to as Sadaqah including Zakah. The Quran states that:

“Alms are for the poor and the needy, and those employed to administer the (funds): for those whose hearts have been (recently) reconciled (to truth); for those in bondage and in debt; in the cause of Allah; and for the wayfarer: (thus is it) ordained by Allah. And Allah is full of knowledge and wisdom” (Q9:60).

The concept of charity is seen in a wider perspective by the Holy Prophet (SAW), and few examples of charity may include smiles, removing harmful objects, justice among people, salutation, good words, glass of water to a thirsty person, morsel of food to one's wife, steps to masjid, etc. the list of charity is endless, but the major concern of this paper is charity of wealth.

Going from the foregoing, Hassan (2006) defined charity in Islam as a source of social security. According to Syed (2009), five words that are most often used in the Quran to describe charity are:

- (i) Infaq fi sabil Allah;
- (ii) Ihsan;
- (iii) Zakah;
- (iv) Sadaqah; and
- (v) Khayrat

Charity serves as a corrective measure for economic imbalance in the society. This is categorically stated in the Holy Quran, chapter 59, verse 7. It states that:

“What Allah has bestowed on His Messenger (and taken away) from the people of the townships- belongs to Allah, and to His Messenger and to kindred and orphans, the needy and the wayfarer; in order that it may not (Merely) make a circuit between the wealthy

among you. So take what the Messenger gives you, and refrain from what he prohibits you. And fear Allah, for Allah is strict in Punishment” (Q59:7).

According to Khan (2000), Hassan (2006) and Syed (2009), there are two types of charity in Islam. They are classified as obligatory, which comprises of Zakah, and Zakatul-Fitr; and voluntary, which is made up of general Sadaqah, Waqaf, Wasiyyah, Hibah, etc. in this context, this paper is interested in the discussion of WAQF as a panacea to re-distribution of wealth in the society.

WAQF IN ISLAM

According to Kahf (1998), Waqaf is an act of holding certain property and preserving it for the benefit of Muslim community. Waqaf is similar to endowment. It consists of declaration of intention, the donor, the property and the beneficiary. According to Islamic Relief (2009), good examples of what could be donated as waqaf are hospital and schools or land, and even money to build these infrastructures for the benefit of needy, orphans, wayfarers, and others in the society.

If a person dedicates property/money as waqaf, that property ceases to be his/her property again. Such a property cannot be given out by anybody; it cannot be inherited or be sold to any person. The ownership of waqaf is considered to belong to Allah (SWT). The property must remain intact, providing a perpetual usufruct. The Holy Prophet said:

“When a man dies, his acts come to an end, but through recurring charity, or beneficial knowledge, or a pious son, who prays for him regularly, the reward of the dead person continues” (reported by Muslim).

Summarily, waqf is the locking up of the title of an owned asset from disposition and allotment of its benefits for a specific purpose(s). Thus, a waqf asset cannot be disposed of: its ownership cannot be transferred. Only its benefits are to be used for the specific purpose(s), which is (are) mainly charitable in nature (Sadeq, 2002). There should be unification of management of charitable funds so as avoid wastage in the disbursement of charitable funds for welfare service and infrastructural development. Charitable funds ought to be managed by groups of professionals. This seems to be the essential characteristics of perpetual charity. The charitable purposes of waqf traditionally include educational institutions, orphanages, roads, religious establishments like mosques, graveyards and so on.

Waqf-like charity has a history older than Islam, which seems to have existed in ancient Mesopotamia, Greece, Rome as well as pre-Islamic Arab Societies (Rockwell, 1909; Laum, 1914; Othman, 1982). It later emerged as an important Islamic institution, and got rooted in Islamic civilizations. The Islamic model of waqf then influenced the world at large and thus some of the great institutions, such as Oxford University, were established by following the Islamic model of waqf (Gaudioso, 1988, pp. 1231-61, cited in Gzakca, 1998).

During the life time of the Holy Prophet (SAW), the Prophet gave away all properties to Islam. He also paid a dowry of twenty young camels to Khadijah. All these could be attributed to charity, which perpetual in nature. Similarly, Caliph Abubakr gave all properties to Islam. Not only that, Zubaidah, the wife of Caliph Harun al-Rashid, made

waqf of all her wealth for the purpose of a road from Baghdad to Makkah. For centuries, the Muslim Caliphates and States did not have departments or ministries to take care of “public works, roads, bridges, mosques, schools, libraries or hospitals, for the yields of endowment properties used to cover those public needs” (Boudjellal, 1991, pp.4). According to Cizakca (1998), health, education and welfare activities of the Ottoman Caliphate “were entirely financed by gifts and endowments” (see also Mandville, 1979).

Therefore, one can see that the institution of waqf has played a tremendous contribution in the provision of education, health, physical facilities, and other infrastructural development. Hence, the institution should be seen as an important institution in the area of socio-economic development in the society.

It is a common knowledge that wealthy Muslims are striving hard to mobilize Waqf funds for various service delivery, and other infrastructural development. Yet, it has not been producing any positive results in most of the Muslim countries. The concern of this paper is to look at the new dimension for mobilizing Waqf funds for the provision of education, that will empower both the Muslim and non-Muslim nation. By so doing, poverty will be alleviated worldwide. In view of this, this paper tries to consider the following:

1. Philanthro-capitalism

There is no gain saying the fact that capitalism is becoming unpopular in the society. Capitalism is concentration of wealth in few hands in the society. This is a egocentric behavior that Islam prohibits in its entirety. When it was realized that capitalism is becoming unpopular, the theory of Laissez faire is introduced to replace capitalism. When

the theory was not working, welfarism theory was introduced. Also, the welfarism theory was not achieving what it was designed to achieve, so the concept of philanthro-capitalism was introduced by Bill Clinton and President Barrack Obama in 2006 as a saving grace to capitalism theory. As it is known that capitalism is premised on selfish interest, where the rich is becoming richer, and the poor poorer. It is this same theory that is making world economy to be crumbling. So, economists are looking for an alternative to balance the distribution of wealth. As a result of the search for the alternative, Clinton coined what is known as Philanthro-capitalism.

This is a new initiative initiated by Bill Clinton, Former President of America and President Barrack Obama of America. Bill Clinton has a movement baptized Clinton Global Initiatives (CBI). The motive of the movement is assembling the wealthiest billionaires of the universe to contribute fund to assist the needy and the poor people. Sometimes in 2009, the initiatives paid off in New York by inviting the Super Rich Friends that worth \$125 billion. Out of this fund, \$70 billion was raised by the gathering. This money is meant to deliver quality and efficient education to the children of the poor. If one critically viewed the position of Bill Clinton and President Barrack Obama, one will realize that the initiative is about inviting private individual to contribute for the development of social welfare of people in the society. But Islam has already shown us the way by extensively discussing the concept of Fard Ayn (individual) and Fard Kifaya (sufficiency through social responsibility).

There are other foundations throughout the world that are introducing different methods to mobilize fund for the development of education. Since, it is generally believed that there is no human society that can develop beyond the level of its knowledge and education. So, the focus is majorly on education, follow by health. For example, Granby Education Foundation (GEF) has been mobilizing funds for the development of education. The foundation's funds are used as grant programs for those who cannot afford cheap education. Over the last five years, Granby Education Foundation has awarded nearly \$60,000 in community grants for programs that demonstrate exceptional educational merit.

Mobilizing of funds by philanthropists is an idea embedded in Islam. It is stated in various forms of charities such as zakah, sadaqah, nisab, waqaf, etc. So, waqf funds are raised by various bodies in Islam. For instance, educational institutions including six (6) Universities, Colleges, Schools and other Religious-oriented educational institutions are built in Bangladesh. It is equally on record that, more than eight thousands (8,000) educational institutions are built based on Waqf funds (Islam, n.d., pp.3). waqf is being used as an instrument of general welfare for all and its interactive process in the multidimensional institutionalism for the educational development. The issue at stake is the big question of "How" is the Waqf fund being utilized?

The issue of effective and efficient utilization has to be addressed. In Islam, the issue of effective giving has to be sustained. The concept of mobilizing funds for development should not be done as a temporary relief; instead it should be done in such a way that there should be sustenance concept on permanent basis. This is what preached by Islam. Anybody that is

assisted in Islam must be able to assist others. This implies that anybody that is assisted through the charity funds must work extremely harder to assist other fellow Muslims in the nearest future. This is one of the importances of zakah in Islam. This confirms the essence of effective giving in Islam.

2. The Question of Effective Giving

The concept of effective giving in Islam, majorly embraces ibadah and purification. Ibadah in the sense that anything charity that is offered is done based on faith and in essence must be rewarded by Almighty (SWA). There are guidelines to how charity should be offered in Islam. Various categories of charities are classified under compulsory charity such as zakah & zakatu-li-fitr, and voluntary charity such as sadaqah, waqf, nisab, etc. On the other hand, charity can as well be viewed from view lens of purification. Charity giving from Islamic point of view will purify and reduce one's wealth, and increase the wealth in the society. Going by the laid down rule, there ought to be fair distribution of wealth in the society, if the concept effective giving is ensured. That is, charity should be given for productive purpose often, rather giving charity just to solve problem(s) on temporary basis.

On the other side of the coin, one cannot discuss the concept of effective giving without mentioning the work of Mathew Bishop and Micheal Green (2008). They wrote a book titled "Philanthro-capitalism: How giving can save the world". They wrote extensively on the concept of effective giving, which I feel it is beyond the scope of this paper. In a nutshell, I will only refer to some quotation made by Bill Gates, one of the world leading billionaires.

Bill Gates confessed when he was giving a speech at the 2007 Harvard graduation class.

According to him:

“I do have one big regret. I have left Harvard with no real awareness of the awful inequities in the world and the appalling disparities of health, and wealth, and opportunity that condemn millions of people to lives of despair”. He went further to describe how his eyes were opened when he read a World Bank report on investing in health in the developing world. Gates believed that “everybody on the planet deserves a basic level of health”. And he eventually used his wealth to correct a huge injustice by using the concept of effective giving.

Charitable giving by the Western world when compared with the GDP of their various countries based on percentage is given below:

US	1.67%
UK	0.73%
Australia	0.69%
Republic of Ireland	0.47%
Netherlands	0.45%
Germany	0.22%
France	0.14%

Source: Charities Aid Foundation, International Comparisons of Charitable Giving,

November 2006.

There have been various forms of perpetuity charity in Islam right from the time immemorial, but the question is that “Are these giving effective? This should be treated under the mobilizing Waqf funds for the development of education. By not using the concept of effective giving, poverty is bound to exist in the society. Poverty exists in the midst of plenty, even in those countries that have been doing better (see Ariffin, 1994). Poverty, most especially, core poverty is increasing in the society because there is no effective giving in the disbursement of Waqf funds. Poverty is an affront to human rights. These rights include basic rights such as food, health, clothing, shelter, education and employment. It should be noted that a large number of the world’s population are deprived of their basic human rights. It is established that one third of the population in the developing countries is denied basic human rights (UNDP, 1998a). All these anomalies can only be corrected through the use of effective giving of Waqf funds. It has to be ensured that Waqf fund goes for prioritized program, such as education.

3. New Version of Islamic Economic System

Islamic economic system is becoming a household name, because it is gaining wider acceptability among all nations of the world. The system embraces the process of generation and accumulation of wealth. The Islamic economic system equally ensures balance and fair distribution, and sharing of wealth amongst people in the society. The system provides many measures to ensure balance and fair distribution and sharing of wealth in the society. Nevertheless, the Islamic economic system prohibits *riba*, and encourages trading. As an alternative to the prohibition of *riba*, focus is given to *zakah*.

Thus, zakah in this case should not as an act of ibadah alone, rather it should be seen as an act of satisfying one's heart, and a way of training to give to the needy and the poor. As it has been categorically stated by the Holy Prophet that: "The upper hand is better than the lower hand" in contradistinction to the position of the western economists that "Giving is painful, while receiving is pleasurable". To a lay man, zakah is considered as the act of giving, while riba is the act of receiving.

Riba is prohibited in many places in the Holy Quran. Few of these verses are:

"And from the riba-based giving (investment), you think as if your wealth is increasing at the cost of others (borrowers), but in the sight of Allah (from overall perspective), it is not increasing. On the other hand, when you give something in charity to please Allah, then your wealth is increasing (in the sight of Allah)". (Al-Rum 30:39).

"Due to the tyranny of those who entered the Jewish religion we have banned them from good things that had been lawful to them; and due to their dissuasion from the religion of God and taking usury which is banned to them and by reason of eating the monies of people though illicitness we have prepared for the renegade atheist among them painful suffering". (Surat An Nisa, Verse 159-160).

Zakah in this context is seen as one of the measure to purifying one's wealth and more significantly to serve as a means to purify one own self of the bad attitude of arrogant and greediness often because of the general attributes of the rich and influential people on one hand, and training of the soul on the act of effective giving on the other hand. The real control of feeling of greediness and arrogant in Islam is to encourage strong urge and desire for the rich people to give and contribute slogan. So, it is an act of ibadah to paying zakah and other form of charity to the less privileged in the society. Studies have shown that 10% out of 100% Muslims that supposed to be paying zakah are actually paying, while other 90% defunct on annual basis.

There ought to be a new dimension to how charitable funds from different sources that are not forbidden in Islam should be channeled to educational development. There should be a good management of charitable funds, which should be handled by experts in the area of modern business drive and deeper knowledge of Islamic laws concerning waqaf, zakah and other charitable activities. If the collection of charitable funds is well organized, there is bound to be educational development in the society. A good example of this is the situation of 10% tithe being paid by Christians in Nigeria that is used to be built, and fund a university known as Redeem University in Nigeria. It is not debatable that education is a strategic means to eradicate poverty. So, the best legacy any society can bequest its people his sound and qualitative education. And this should be provided for the wider range of people in the society through charitable funds that are mobilized through new initiatives. If this could done, it will automatically lead to eradication of poverty and translate to investment in human capital.

Going from the foregoing, there is need to strengthen Islamic economic system in order to have a strong and virile education in the society. Since, it is a consensus that capitalism, laissez-faire, welfare, philanthro-capitalism and/or mixed economy is failing in the society. These economies are failing because of the imbalance and unfair distribution of wealth in the society. The only alternative that can bring balanced development is Islamic Economic System. So, it is high time to introduce it as a new dimension to right some wrongs in the society. It should be noted that waqf funds should be seen as a sought of intermediation of funds that is needed for productive purposes. If Waqf funds are used for educational development, there will be a lot of improvement among the people in the society.

4. Significance of Waqf Funds

Various scholars have tried as much as possible to identify the significance of charity/waqf funds in Islam. Such scholars include Al-Qardawi (2000), Hasan (2006), Syed (2009) etc. The identified significances are necessary since all acts of righteousness must be done in line with the spirit and letter of the Qur'an and Sunnah, so that the expected rewards are fully realized. Therefore, the following are enumerated to be the significance of charity in Islam. They are: Seeking the pleasure of Allah through general welfare contributions (Tabarru'); Based on self purification; Based on self contentment; Timeliness; Inclusivity; Altruism; Moderatism; High standard of intention and quality; Proactive; Purposefulness; Sufficiency; Secrecy; Charity begins at home; Charity is for those in need. These factors are therefore discussed below as:

1. Seeking the pleasure of Allah through general welfare contribution (Tabarru'): In Islam, all acts of righteousness must be done to please Allah, the Most Exalted because the rewards are from him; and especially because the foremost ends in charity should be Allah's pleasure and

then the giver's spiritual well being. Therefore, Syed (2009) notes that there are three basic rules associated with donation as a religious function. Firstly, a Muslim must always donate for the sake of Allah alone. Secondly, all resources to be donated must be from legitimate source(s); and lastly, all excess wealth should be seen as Allah's ownership in Islam. Thus, it is left to every individual to decide how much they are willing to give out as charity. This paper picks interest in the excess wealth. This excess wealth could give in form of waqf funds that could be used for educational development.

2. Based on self purification: A Muslim who intends to give charity should have it at the back of his/her mind that it is meant for self purification of the wealth and soul. For the Prophet was reported to have said that charity is an antidote to misfortune. And in the case of *Zakah*, the Qur'an says: "Of their wealth take alms to purify and sanctify them....." (Q9:103). Ibn Taymiyyah was reported to have said that the soul of *Zakah* payer is blessed and so also his wealth.

3. Based on self contentment: A Muslim who gives charity must be happy to give because giving is pleasurable according to the Prophet (SAW) when he said that the upper hand is better (pleasurable) than the lower hand. Also, he was reported to have said that: "No wealth (of a servant of Allah) is decreased because of charity" (Al-Tirmidhi, Hadith No.2247 cited by Hasan, 2006). The Qur'an says: "Allah will deprive usury of all blessings, but will give increase for deeds of charity; For He loveth not any ungrateful and wicked" (Q2:276).

4. **Timeliness:** Charity is expected to be given at any time except for *Zakah* and *Zakatul-Fitr* which is once in a year and it must be paid at the right time. All other kinds of charity are to be done any time and as much as one could afford whether in the day or night. The Qur'an says: "Those who (in charity) spend of their goods by night and day, in secret and in public, have their reward with their Lord: on them shall be no fear, nor shall they grieve" (Q2:274). Thus, the giver must be time conscious, so that it serves the purpose of the needy and at the point it is actually needed. The Prophet (SAW) was reported to have said that give charity without delay because it prevents calamity.

5. **Inclusivity:** Islam encourages every Muslim to love the act of charity and practice it always even if it is a date to be given to one in need. Also, charity is to be given to anyone in need be it a Muslim or non-Muslim, male or female, old or young etc. The complete Islamic concept of charity includes all good actions irrespective of the quantity and it allows both the rich and the poor to become givers and receivers at the same time. The emphasis in the significance of charity giving is that the giving should be effective in terms of empowerment of individual in the society.

6. **Altruism:** Charity must be done without the desire to receive any reward from anyone other than Allah (SWT). Thus, Islam teaches the rich to be generous to the poor and that the wealth is trust from the Almighty. When the rich give, the poor develop love, compassion and well-wishing for the rich. This is because the act of charity is seen as a sign of generosity, which often shows concern, care and compassion on the part of the rich to the poor. In view of this, a society of harmony and tranquility is always the end product of altruism, where hatred and envy from

those less endowed vanished because of the altruistic behavior of the rich. It is thus natural that a man thinks good for anyone who demonstrates care, concern and compassion in the period of difficulty. This is often the meaning of charity to the poor at any point in time.

7. Moderatism: The giver of charity must be guided by the rule of middle path i.e. not stingy and not extravagant in spending. A Muslim must be one who does things in a balanced way, so that he spends with moderation and concern for the care of himself and his family needs.

8. High standard of intention and quality: The act of charity must be based on good intention i.e. seeking the pleasure of the Almighty because it is an act of worship, which if devoid of good intention will not be acceptable. In the same vein, the quality of what to be given must be good and of great value to the giver (Q3:92 & 23:60). According to Khan (2000), since charity is for the sake of Allah, it has value only if good and valuable things are given. It is apparent that given to Allah (SWT) worthless things shows the level of consciousness and sense of appreciation of the giver, which inevitably dishonors him before the Almighty.

9. Proactive: The giver of charity must not wait for the needy to come. So also the administrator must be up and doing in ensuring that the people are mobilized for charity (*Zakah*) and the needy are encouraged coming forward as long as they are qualified. Thus, the administrators of *Zakah* are expected to be up and doing in motivating and enlightening the rich to pay *Zakah* and other charitable acts, so as to achieve the objectives of its institutionalization.

10. Purposefulness: The purpose of charity apart from bringing the giver closer to Allah (SWT) and purifying his wealth; it also develop the higher sentiments of man through love and sympathy towards the poor and the needy. Ultimately, charity brings succor to the poor in terms of socio-economic security. Thus, the spirit of kindness and well wishing is the essence of charity (Syed, 2009).

11. Sufficiency: The concept of sufficiency as one of significant purposes of charity could be explained through the principle of 'Kifayah'. Sufficiency is to restore the position of receivers. Charity must be given to take care of the need of the poor. Therefore, the quantity of what is required is to be given rather than the bit, which does not solve their problem but worsens the situation. This principle is very much relevant for *Zakah* disbursement and especially in the struggle to fight poverty and in the efficient redistribution of wealth. *Umar Ibn Khattab* was reported to have said that *Zakah* should be given to the recipients in sufficiency.

12. Secrecy: Islam encourages that charity should be given in secret, so as to avoid show-off and also hurting the personality of the receiver. However, open charity is also allowed, especially to encourage others to emulate the good act.

13. Charity begins at home: Charity given to close relatives and beloved ones are regarded as the most preferred type of charity, because of their relationship to the giver. This goes a long way in strengthening the bond of love, sympathy and understanding among them. The Qur'an says: "They ask thee what they should spend (in charity). Say: Whatever wealth ye spend that is good is for the parents and kindred and orphans....." (Q2:215).

14. Charity is for those in need: It is one of the most important general principles on charity. It enjoins helping the people who are in need whether they are good or bad, Muslims or non-Muslims. Therefore, the needy should actually be given, so that the purpose is realized. Thus, the categories of people specified in Q9:60 must be properly taking care of. On the contrary, giving of charity should equally be viewed from point of view of individual in relation to Allah on one hand, and in relation to men in the society.

Conclusion

Since ownership of wealth is a trust of Allah to serve as a means to earn the ultimate goal of life in the next world. Therefore, the best solutions to solve human problems are contained in the Qur'an and Sunnah, particularly the socio-economic, education, health, moral, political etc. facets of life. It is stated in the Quran that ownership of resources belongs to almighty Allah alone. The Human possession of these resources is for their own good and utility as long as they do not transgress. Thus, man is accountable to Allah for the utilization of these resources because absolute ownership belongs only to Allah (SWT). However, possession can be through: work, inheritance, obtaining wealth for the sake of Allah, a grant from the state, and wealth and commodities acquired without exchange e.g. gifts, donations, etc. The economic maxim of "freedom of ownership of resources and each according to his ability, and each according to his needs" under the capitalists and socialists economic systems are de-emphasized in the Islamic paradigm.

On the final notes, these few options can explore as a new dimension to mobilize waqf funds to advance educational development in the society.

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