

Lecture Abstract

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Topic: Waqf and Development

In accordance with the saying of God's apostle, the prophet Muhammad, may prayer and peace be upon him:

"Among acts and good deeds for which a believer is rewarded after death, a piece of knowledge he has taught and diffused, a virtuous son he has brought up, an inherited book of Quran he has left, a mosque or a wayfarer's house he has constructed, a river he has caused to stream or alms he has handed out of his riches while still healthy and alive, so that he benefits therefrom in afterlife".

Money belongs to Allah, in the first place; He bestows it on his servants and further rewards those who spend it for worthy and beneficent purposes by uplifting and purifying their souls. In order to make money serve beneficial ends, and not evil ones, the Quran and the Sunnah (Tradition) stress its use to assure the welfare of people. Allah, indeed, promises ample requital and reward for those who spend liberally on worthy causes. Waqf constitutes one type of donation which contributes to the well-being and prosperity of the nation. To this extent it is the best of donations. The legitimacy and validity of waqf, in its strict technical sense, have been proved by the Sayings and doings of the Prophet (Peace and blessings be upon him), as well as by the deeds of his noble Companions who donated properties of their own to the institution of waqf. The legislation (governing waqf) finds its origins in Islam, for the Arabs of Al-Jahilia (the pre-Islamic era) and other people knew no such institution. The wealth derived from waqf revenue served to enhance the development of Islamic civilization; it played a leading role in the maintenance of mosques, the dissemination of Islam, and many other vital areas of life, such as social welfare, health care, and defense. Many a ruler has sought to appropriate waqf revenue for his private ends, but theologians have prevented any such confiscation. The Islamic world now needs to overcome its backwardness through the implementation of viable development programs; waqf can play a major role in this connection, provided its assets and funds are properly utilized. As history testifies, Morocco has instituted and enhanced all of the different aspects of waqf, especially as they relate to human, intellectual, and scientific advancement. During the reign of his Majesty King Hassan II, particular attention has been granted to the institution of waqf: its management has been wise and its assets have been kept separate from public spending to ensure continued funding for the maintenance of mosques, the enhancement of Da`wa (Call to Allah), and the promotion of the welfare of the Islamic Ummah.

A Summary of the Major Poles of the Sixth Lecture:

The Introductory Section;
The Paragraphs.

Paragraph 1: Money between Misuse and Utility.

Money belongs to Allah;

Money has to be offered to the needy and those who work for the good and welfare of

society so that money becomes a beneficial means, and not an evil one;

Allah, the One and the Only, though the Wealthiest of all, has asked His servants for bountiful "loans" (i.e., to spend money for the welfare of people), and promised them ample requital, in return.

Paragraph 2: The Quran and Sunnah's Emphasis on Spending Money for Worthy Ends to Promote the Welfare and Progress of Society.

A consideration of some Quranic verses which focus on the spending of money for the general welfare of people;

The Sunnah's insistence on the useful spending of money for charitable purposes;

Obedience to the commands of Allah and His Prophet will usher in social progress;

No social advancement may be achieved without full observance of the provisions of the Quran and the Sunnah.

Paragraph 3: Waqf is Among the Donations that Contribute to the Welfare of Society

references to Waqf in religious writings deal with different types of donations, compulsory and voluntary;

Such donations and endowments contribute to the nation's glory;

The point of view of the late Tahar Bin Ashur on the degree of welfare these donations contribute to;

Paragraph 4: The Precedence of Waqf over all the Other Types of Donations

If we compare the different kinds of donations, we find that Waqf is the best;

Zaid Bin Tabit's argument concerning the precedence of waqf and the evidence quoted in support of his opinion;

Paragraph 5: The Text of the Hadith-Saying, along with its Chain of Ascription and Support of its Authenticity

The text of the Hadith-saying the present lecture focuses on and the reason why it was chosen from among the other Sayings regarding the institution of waqf;

The presentation of the original transmitters of the Hadith-saying;

Two eminent scholars whose works and transmission are impeccable corroborate the validity and authenticity of the Hadith-saying;

The first scholar is Muhammad bin Yahya bin Abdullah Al-Douhaly An-Nissabury;

The authorities Al-Douhaly has relied on for his narration;

Hadith-Scholars' opinion about Al-Douhaly;

The second scholar is Zuheir Muhammad bin Muslim bin Shihab;

As to the third authority, it is Muhammad bin Wahb bin `Attiyah

`Attiyah's authorities and Hadith scholars' opinions;

Another authority who consolidates the authenticity of the Hadith-saying is Abu Abdullah Al-Azhar of the Madinah;

The authorities Al-Azhar relied on in his narration, and Hadith scholars' opinion about him;

The only transmitter who tends to discredit his chain of authority is Marzuq bin Hudeil at-Taqaqy;

Some of Marzuq' authorities and critical opinions about him;

In sum, the fact that Ibn Khalid Al-Duhaly partook of the chain of ascription of the Hadith is enough indication of its authenticity.

Paragraph 6: Another Version of the Hadith-saying and its Meanings

Other Hadith-sayings concerning Waqf which are related to the Hadith under consideration;

The significance of the continuity of the rewards the servants of Allah may be granted even after death;

The late Ibn Thaymia's inference of some domains liable to endowment on the strength of Waqf's Hadith-sayings.

Paragraph 7: Defining Waqf in Current Usage and Justifying its Legitimacy

What is Waqf?

The choice of Ibn Abdalbarr's definition of Waqf, one which points out its conditions, too.

The conditions mentioned in the definition, according to the doings of `Umar bin Al-Khattab and others, a definition that has been accepted by most Islamic theologians;

Refuting the claims of those who spoke against the legitimacy of Waqf;

Two accounts regarding the Prophet's invalidation of Waqf, and their interpretation by Ulemas (scholars);

Refuting the arguments of the opponents of Waqf, as uttered by Malik (May Allah have mercy upon him) on the grounds of the doings of the Prophet (Peace and blessing be upon him) and the Medinans after him.

Paragraph 8: The Acts of the Prophet and the Earliest Muslim Leaders in the Sphere of

Waqf

The acts of the Prophet (Peace and blessings be upon him) as far as Waqf is concerned: his retention, for example of Mukhairaiq's wealth;

The story of the retention of the wealth of Mukhairaiq;

Other forms of retention and endowments by the Prophet;

The endowments of the Orthodox Caliphs and the Companions (May Allah be pleased with all of them).

Paragraph 9: Waqf as a Genuine and Original Institution in Islam

Scholars have noted the non-existence of Waqf during Al-Jahiliah (or the Pagan Pre-Islamic era);

Imam As-Shafi`iy's statement in this respect: the absence of benevolence either for its own sake or for Allah's sake.

The objectives of donations in Al-Jahiliah;

Paragraph 10: The Fields in which Waqf has Played a Leading Role

Some of the areas in which Waqf has played an important role;

The donors were seeking Allah's reward;

The Islamic civilization has relied on the revenue derived from retention in many areas;

The State could not always supply the necessary resources to fund cultural and intellectual activities; thus, Muslims contributed to the advancement of these activities;

Paragraph 11: The Impact of Waqf on Worship and the Dissemination of Da`wa and Islamic Scholarship

Muslims have followed in the footsteps of the Prophet (Peace and blessing be upon him) who was the first to implement waqf for the Prophetic Mosque and to enhance the utilize the mosque not only as a place of worship but also as venue for the propagation of Islam;

Islam has spread in the different parts of the world thanks to mosques;

The crucial role played by Quranic schools in the advancement of Islamic civilization and scholarship;

The role played by Medrassas (School of higher learning) in the dissemination of Islamic scholarship and sciences;

The role of waqf in the establishment of Medrassas: Sultan Ibn Ali's admiration for the large number of Medrassas set up thanks to funding provided by the institution of waqf.

Paragraph 12: The Role of Waqf in Defense, Health-Care, and Social Work

Waqf has actively contributed to the funding of hospitals and hospices,
Similarly, Waqf played a leading role in many aspects related to mosques;
Waqf has also contributed to national defense and other military services;
In the field of social work, waqf has made a considerable contribution, too.

Paragraph 13: Waqf Funds Confiscation Attempts and the Ulemas' Resistance

An adverse current, involving Sultans and Governors, sought to exploit Waqf's resources for personal use;

Muslim Ulemas (scholars) resisted the spoiling attempts and managed to prevent undue exploitation of Waqf's funds for private ends.

Paragraph 14: The Necessity of a New Development Program and the Important Role that Waqf may Play in Promoting this Development

The Islamic World's need for progressive development to emerge from its backwardness;

Ulemas (scholars) have identified some of the causes of backwardness and drawn the attention of people to them;

Any emergence from underdevelopment calls for joint endeavors on the part of governments and individuals;

The main objective for which people donate money and property to Waqf is to combat poverty and unemployment, and to assist in the promotion of social welfare;

Two major means to assure continued welfare: financing and investment;

Other ways of development other than building and land-leasing include mortmain rent.

Paragraph 15: His Majesty's Special Care for the Institution of Waqf and his Insistence that the Resources of Waqf be Used for the Benefit of Islam and the Nation

Morocco has witnessed all of the aspects related to Waqf in the spheres of human and intellectual advancement;

There are historical proofs in this respect;

Under His Majesty King Hassan II, Morocco gives an even greater care to Waqfs;

In evidence, one recalls His Majesty's message to the Fifth Conference of Waqfs Ministers in the Islamic World in Rabat in October 1994;

His Majesty's particular attention to Waqf and its enhancement and his insistence that endowment resources and funds be autonomous and separate from the public budget;

In his deeds, King Hassan II follows in the footsteps of the Well-Guided Caliphs, and his forefathers, the righteous Kings, who, through their liberal donations of property, have paved the way for others to emulate in order to assure adequate funding for the sake of public welfare and the preservation of Islam.