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Guest Editors' Note

Awqāf in South and Southeast Asia, 2018

Arshad Islām

The thirteen articles in this Special Issue of *Intellectual Discourse* are based on papers presented at an International Conference on “History and Governance of *Awqāf* in South and Southeast Asia: Colonial Interventions and the Modern State” held at the International Islāmīc University Malaysia, Kuala Lumpur, on 2018.

Islāmīc *waqf* (plural *Awqāf*) is an inalienable endowment for an indefinite period meant for promoting community's wellbeing, extending economic support to individuals and institutions, and enabling welfare activities in Muslim communities. Throughout history, *Awqāf* were an integral part of Islāmīc religious economy, and were shaped by the particular characteristics and needs of local environments. Following the demise of the traditional Islāmīc empires (e.g. the Ottoman and Mughal), Muslim communities have endeavoured to safeguard the *Awqāf* made by their forbears to serve coming generations, often against great odds. The Indian Subcontinent has a rich history of *waqf*, including imperial endowments of revenues for religious institutions, including mosques, schools and hospitals. Large *Awqāf* were created not only by the Sultans and rulers of South Asia, but also by their nobles, rich merchants and even ordinary Muslims. Similarly, the history of *waqf* in the Malay Peninsula began with the coming of Islām to the region during the 13th century. The first few *Awqāf* were endowed by Muslim traders from the Arabian Peninsula as well as from South India and Indonesia. These *Awqāf* were in the form of mosques in Singapore and Penang.

In India, institutions of *waqf* endowments were usually created by the State or individuals for academic and pious reasons. Such institutions were viewed as ‘sacred trusts’ by the State and society. The political upheavals sometimes adversely affected their fortunes, but still the individuals continued to conserve and disseminate knowledge. The various forms of State patronage consisted of *inam*, *milk*, ‘*aimma*, *waqf*, *madad-i ma’ash* and *mu’afi* at different times in India’s medieval past. But all grants other than *Awqāf* could be resumed by the state. Founding charters of some of these institutions survive in Government repositories like National and State Archives, museums, university libraries and private collections. Although severely decimated as a result of deliberate campaign to extirpate the Muslim presence in India from the late 19th century onwards, many of these institutions continue to exist in modern times, and their histories could be worked out through records, Settlement Reports and Judicial files of various Courts of law, in addition to the textual references and family documents. There are numerous studies which are either area/locality specific or deal exclusively with certain Sufi shrines and even non-Muslim institutions. *Waqf* is now seeing a revival in Malaysia under modern statehood. Nevertheless, *waqf* development is still hampered by problems relating to governance. Never before has a conference been held to benchmark *waqf* history and governance in India and Malaysia. This conference will provide a platform to scholars of history and *waqf* to come together and make a comparative analysis of the evolution of *waqf* in both countries, identify lessons learnt from colonial intervention and modern statehood as well as pave the way forward for better *waqf* governance in both countries.

The first article is by I. A. Zilli. Titled “Al-Waqf ‘Ala Al-’Awlād A Case of Colonial Intervention in India”, is based on his keynote speech at the conference. In this paper, the author highlights the tenacious role played by the great scholar Allama Shibli Nu’mani in spearheading the movement of Muslims of pre-partition India to reinstate a well-known form of endowment called *Al-Waqf ‘Ala Al-’Awlād* (Family Waqf). The author concludes that this was a victory of sagacity and learning, forbearance and tenacity—lessons that Muslim minorities of all time can learn from. The second article, “Transregional Comparison of the Waqf and Similar Donations in Human History,” is by Miura Toru. This article is also based on a keynote address delivered by the author at the

conference. In this paper the author traces the growth of urban waqf based on studies undertaken in a specific neighbourhood of Damascus, Syria. The article mainly deals with the trans-regional and comparative study of *waqf* and similar donations in human history, through the comparison of the waqf with donations in pre-modern China and Japan. Next, Abdul Azim Islahi in his article “Role of Women in the Creation and Management of Awqāf: A Historical Perspective,” provides a historical perspective of the role of women in the creation and management of Awqāf. The thrust of this paper is that the endowments of women do not find adequate mention in contemporary literature on waqf, and the role of women in administering waqf properties has also been given short shrift by researchers in the subject.

Alaeddin Tekin and Arshad Islām in their article titled “Turkish Waqf After the 2004 Aceh Tsunami,” provide a rare look into modern-day waqf-related charitable activities carried out by the Turkish government and many Turkey-based NGOs after the devastating 2004 Tsunami in Aceh, Indonesia. Significantly, the authors trace the historical connections of the Ottomans with the Acehnese dating back to the sixteenth century. The paper juxtaposes those relief and rehabilitation activities carried out in 2004 with charitable acts initiated by the Ottoman caliphs from the 16th to the 19th centuries. The main focus throughout the paper is to list the specific charitable activities carried out by Turkish relief agencies in the Aceh region, as testified by those who carried out the relief activities, and also those who benefitted from these acts.

Maqāṣid al-Sharī’ah and Waqf: their Effect on Waqf Law and Economy

Mohammad Tahir Sabit in his article “Maqāṣid al-Sharī’ah and Waqf: their Effect on Waqf Law and Economy” links the practical rules of waqf to the principle of human benefit and Shariah objectives in the context of Islāmic jurisprudence, suggesting five guiding rules that legal and economic experts can follow in the development of new waqf law or introducing a new socioeconomic model for the uplift of human conditions. He considers submission to Allah and human dignity as motives for the effective application of the five Sharia objectives as proposed and explained by early Muslim jurists.

The next article, “Brief on Waqf, its Substitution (Al-Istibdāl) and Maqāṣid al-Sharī’ah” by Farid Ali broached a very important ruling, *Al-*

Istibdāl, which addresses how a waqf corpus can be kept productive, so as to ensure the usufruct also grows, when faced with socio-economic circumstances that render existing waqf assets unproductive. The paper reviews an important work of fiqh, a few centuries old, but yet topical, in that it provides for proliferation of waqf assets to keep the usufruct growing.

Amilah Awang Abd Rahman and Abdul Bari Awang are the authors of the next article titled “Exploring the Dynamism of the Waqf Institution in Islām: A Critical Analysis of Cash Waqf Implementation in Malaysia.” In it the authors explain the nature of Waqf, so as to infer the validity of what is now called cash waqf. They present the views of those scholars who contend that cash cannot be treated as an item that can be endowed, but give due weight to the opinions of other scholars citing their reasons why cash can be considered as a valid form of endowment.

Thowhidul Islām in “Historical Development of Waqf Governance in Bangladesh” explains the nature of waqf, and its distinctive features as opposed to other forms of charity in Islām. The author makes an effort in tracing the inception and growth of waqf in Bengal. The paper traces the first serious attempts at legislating waqf governance, starting from the colonial period, and mentions all major legislation in this regard right up to 2013, encompassing the period after Partition and including the period after the formation of Bangladesh.

Abbas Pannakal in “The Chronicle of Waqf and Inception of Mosques in Malabar: A Study Based on the Qissat Manuscript” based his research on a primary source, the *Qiṣṣat Shakarwatī Farmāḍ*, a manuscript in the British Library. In it the author attempts to trace the early history of waqf and the construction of ten early mosques in the coastal region of India called Malabar. These mosques were primarily donations or waqf properties. The author personally visited these historic sites and noted the position of the land and structure of the existing mosques and cross-checked these observations with the source document. The paper is essentially a chronicle of his journey to the said sites and his observations.

In his article titled “The Role of Waqf Properties in the Development of the Islāmic Institutions in the Philippines: Issues and Challenges” Ali Zaman details the disturbed relations between the minority Bangsamoro

Muslim population and the majority Catholic population in the Philippines, while attempting to highlight the role of waqf properties in the development of Islāmic institutions in the country. The authors bemoan the lack of laws governing the management of waqf properties in the country, which has stunted the development and growth of the value of waqf assets in the Philippines.

The next article is by Irfan Ahmed Shaikh. Titled “The Foundations of Waqf Institutions: A Historical Perspective. In it the author traces the long and rich history of waqf, from its noble conceptualisation in the Qur’ān and Sunnah, to its subsequent rendition over the centuries across the Muslim world, leading to the institution of waqf becoming an inseparable part of the Islāmic ethos. The paper points out that with the passage of time, changes in the social and political structures of states affected the prominence and reliance on waqf as a means of providing important public services.

Jawwad Ali in his article “A Comparative Study of Governance of Waqf Institutions in India and Malaysia,” focuses on the present waqf governance structures prevalent in Malaysia and India. The paper deals with the contemporary governance structures in the respective countries, with appropriate historical background where necessary to establish the context for the assertions made. The approach adopted by the paper helps one understand the current governance structures in the countries under study, and serves to identify the relatively superior governance models.

The last article of this special issue of Waqf is contributed by Rahmah Bt Ahmad H. Osman and Mawloud Mohadi. Entitled “The Significant Contribution of Caliphs in the Efflorescence of Muslim Librarianship: A Historical Account”, in it the authors investigate the beginning of Muslim librarianship and development of the book industry across the centuries. It also examines the evolution of Muslim bibliophilism and the establishment of libraries that would eventually become cultural institutions. In addition, the current paper attempts to understand the significant role of caliphs who devoted their fortunes for Muslim education. The paper follows a qualitative research founded on historical and descriptive approaches, through which the data was collected and interpreted objectively

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