

AWQAF ELUCIDATED



WAQF

An Overview

ABSTRACT

The Story of Waqf!

Imad Kaddoura
AWQAF CANADA

What is Waqf?

Waqf (singular) or Awqaf (plural), in the Arabic language, means to hold in trust. The word Waqf is used in Islam in the meaning of holding certain property and preserving it for the confined benefit of certain philanthropy and prohibiting any use or disposition of it outside that specific objective. In English, Waqf means: Endowment Trust.

The idea of Waqf is as old as humanity. Muslim jurists argue that the first Waqf ever is the sacred building of the Ka'bah in Makkah since the Qur'an (3:96) mentioned that it is the first house of worship set for people. Practically, all societies set aside certain lots of land and buildings, as places of worship. Today, the idea of Awqaf (Endowments) is known and practiced all over the world. It exists in North America, Europe, Australia and New Zealand under the name of foundations and sometimes endowments, especially religious and charitable foundations. There are hundreds of thousands of charitable foundations in Canada alone.

Beginnings and forms of Awqaf (Endowments)

In the history of Islam, the first religious Waqf was the mosque of Quba' in Madinah which was built upon the arrival of the Prophet Muhammad (PBUH). Today, it stands now on the same site with a new and enlarged structure. Six months after the building of Quba' it was followed by the building of the second great Waqf, which is the mosque of the Prophet (PBUH) in the center of Madinah. Mosques and real estates confined for providing revenues to spend on mosques' maintenance and operating expenses are in the category of religious Waqf.

Philanthropic Waqf (Endowment) is the second kind of Waqf. It aims at supporting the poor segment of society and all activities which are of interest to people at large such as libraries, scientific research, education, health services, care of animals, the environment, lending to small businesses, parks, roads, bridges, dams, etc. Philanthropic Waqf (Endowment) began by the Prophet Muhammad (PBUH), too. A Jewish man called Mukhairiq made his will that his seven orchards in Madinah be given after his death to Prophet Muhammad (PBUH). In year four of the Hijrah calendar, the man died and the Prophet (PBUH), took hold of the orchards and made them into a charitable Waqf (Endowment).

The third form of Endowments, was started by the companion of the Prophet (PBUH) and upon the direction of the Prophet (PBUH), Omar, who asked the Prophet (PBUH), what to do with a palm orchard he got in the northern Arabian Peninsula city of Khaibar and the Prophet (PBUH), advised him "If you like, you may hold the property as Waqf (Endowment Trust) and give its fruits as charity." This third kind of Waqf started when Omar decided to document in writing his Waqf in Khaibar, and he divided the proceeds of the Endowment between his children and their descendants and the general public. This form of Awqaf (Endowments) in Islam is called Posterity or Family Waqf (Endowment).

Many other charitable Awqaf (Endowments) were made by the Companions upon the Prophet's (PBUH) advice such as a Waqf of drinking water in Madinah by the Companion Uthman (which stands actively strong till this day). As well, during the entire history of the Islamic civilization, very many Awqaf (Endowments) were established for many and diverse charitable causes, such as for the care of sick horses, camels, feeding the birds, feeding cats, and many others, all for the sake of ALLAH (SWT).

Significance and Impact of Awqaf (Endowments):

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 community development is enormous. The endowment's (waqf's) significance arises out of its centrality to the Islamic principle of charity (Zakat/Sadaqah).

Endowment (Waqf) as a unique Muslim institution:

During the prosperous Islamic civilization, Islamic Endowments (Awqaf) grew over 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 Islamic rule, and is still popular today.

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.

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. Endowments (Awqaf) provided many of the services that the modern welfare state today offers, and this had the tacit support of the State.

Endowments (Awqaf) as a civil society institution:

Endowments (Awqaf) were an integral part of the community 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.

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 the redistribution of wealth, as a product of state-individual cooperation.

The Impact of the Endowment (Wqaf) System 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).

General Goal:

Awqaf play a paramount role in development of societies. It supports and advances higher education, research in all fields of science, and many more. Awqaf also aid the poor and needy, in building community mosques, institutions such as schools and universities, health care centers, senior homes, and centers for people with special needs. As well, it plays an essential role in helping institutions pay

for many important expenses such as salaries, books, field trips, extra-curricular activities, equipment and material, and many more diverse areas in life.

Personal Goal:

People are driven to perform good deeds by human nature and for religious, social, family-related, and other reasons. In Islam the practice of Waqf is ordained by ALLAH (SWT) and put forth as Sunnah by the Prophet Muhammad (PBUH).

Examples of Awqaf:

Throughout the long history of Islam, and from the very first ever Waqf in the history of Islam, which was established by the Prophet Muhammad (PBUH), i.e. Quba' Mosque, Muslims have been marvelously creative in establishing all sorts of Waqf to serve all sorts of needs of people, communities and societies.

Some examples of Awqaf, but by no means all inclusive, are: mosques, schools, universities, hospitals, houses, apartment buildings, farms, fruit orchards, olive groves. Another fascinating ancient Waqf project was the famous water well Waqf of the great companion and son-in-law of our beloved Prophet Muhammad (PBUH), Uthman Ibn Affan who became the third Caliph of Islam. This famous well is called ["Bi'r Uthman"](#) and it still stands till this day in Makkah yielding millions of dollars in revenues today out of its vast investments throughout the ages and stands behind many great development projects for helping orphans and the poor.

Throughout the rich history of Islam, and during the golden ages of Islamic civilizations, numerous creative Awqaf projects were developed for the betterment of societies and mankind, such as: the first ever higher education institution in the history of the world, which, was established as a Waqf by a Muslim lady named [Fatima Al-Fihri](#), who founded the Mosque and University of [Al Qarawiyyin](#) in Fes-Morocco in 859 CE.

Other examples of creative and progressive thinking Awqaf establishments during the Islamic golden ages were: human hospitals, Caravanserai, animal hospitals, bird feeds, stray cats & dogs feed lots, educational endowments that covered entire expenses of studies and living allowances for foreign students coming from all over the world to study in Islamic universities/higher education institutes, which covered expenses for the student's entire educational endeavor. Other Awqaf projects were endowments to pay for and help foreign travelers who run out of money and become destitute. All that and much more incredible and fascinating Awqaf stories, which, for the sake of summarizing the topic of Waqf we cannot list them all here.



The courtyard and fountain of "The University of Qarawiyyin" in Fes-Morocco¹

Tenets of Waqf:

✚ **Waqf and Sharia (Islamic law)**

The majority of Islamic scholars agree that Waqf is a shariah compliant charity. They referred to general and specific evidence.

✚ **General evidence:**

ALLAH (SWT) in His revelation said about charity, including Waqf:

"By no means shall you attain Al-Birr (piety, righteousness - here it means Allah's reward i.e. Paradise), unless you spend in Allah's cause (al-Imran:92).

The Messenger of ALLAH (PBUH) said – in one of His most significant hadith/traditions about the Sunnah of Awqaf is the very well-known Hadith: *"When a son of Adam dies, his good deeds stop except for three things; ongoing charity (this is Awqaf), useful knowledge..."*.

✚ **Specific evidence:**

The Prophet Mohammad (PBUH) used to establish Waqf himself, and he regarded Waqf as one of the best forms of charity.

Further, Ibn Umar reported that "Umar acquired land in Khaibar. He approached Prophet Mohammad(PBUH) and sought his advice in regard to it. He said to Allah's Messenger I have never acquired anything more valuable to me than this land, so what do you command I do with it? Prophet Mohammad (PBUH) said: If you like you may keep the corpus intact and give its produce as Sadaqah

¹ Photo by Mike Prince - <https://www.flickr.com/photos/mikeprince/4783716268/in/photolist-8hHMVW-8hHNBG-ekBUe-pKEZYW-7Jw8Fa/>, CC BY 2.0, <https://commons.wikimedia.org/w/index.php?curid=51017671>

Jariyyah (continuous charity). So Umar established a *Waqf* declaring that the property must not be sold or inherited or given away. The produce to be given to the poor, to the needy, to the nearest of kin, to the emancipation of slaves, to wayfarers, and other paths of charitable causes" Narrated in Sahih Muslim.

Why is Waqf Essential in Islam?

Waqf is a form of charity for the sake of ALLAH (SWT). It is essential because it aids in the sustainable development of society. It also seeks to empower the Muslim community. Waqf is a benevolent loan to ALLAH (SWT), and ALLAH (SWT) will reward the endower with the greatest rewards, if the deed was done with pure intentions for the sake of ALLAH (SWT).

Waqf Rules and Conditions:

Waqf has three components: The endower, the endowment (Waqf), and the beneficiary.

✚ The Waqif (Endower):

The endower must confirm his/her decision to grant an endowment and designate its beneficiary either verbally or in writing. One can also have a tangible evidence on his/her endowments such as a built mosque, school or cemetery.

Endowment must be granted with full determination and as a final decision; in other words, a promissory and conditional endowments are not accepted. Further, endowment is irrevocable and for an unlimited time. Most scholars agree that endowment cannot be valid for a limited period. The Maliki school, however, is the only one that accepts the limited time endowment.

✚ Endower's qualifications:

The endower must be an adult with free will. His/her decision to grant an endowment must be a personal one. i.e. is not imposed on him/her by anyone.

✚ Endowment:

Endowment funds or assets must be in compliance with Shariah. For instance, wine cannot be considered an endowment.

Endowment can be either in cash or in kind such as estates and stocks. Since an endowment is a continuous charity (Sadaqah Jariah), it must be permanent and non-perishable. Therefore, food cannot be endowed. Moreover, the endowment can be a part of an undivided joint estate granted its percentage is known (such as 25% of the estate). Endower has the right to increase his Waqf with time by additional funds or in kind.

✚ Beneficiary's requirements:

The beneficiary can be an individual(s) or an institution(s) which is awarded the income generated from investing the Waqf. The Waqf must also be designated to Shari'a compliant deeds, causes or people such as mosque's maintenance, hospital operations, educational institution's expenses, printing the Holy Quran, or helping the poor, the needy, students, etc.

✚ **Self-endowment:**

Endower is permitted to earn the whole or some of the income generated by the Waqf during his/her lifetime. Upon one's death, the income will be spent on the beneficiary designated by the endower.

✚ **Endowment of an indebted or terminally ill person:**

If an individual is in debts and is placed under guardianship per the debtors' request, one's endowment will only come into effect upon the debtors' approval. In Islamic law, paying up one's debts is an obligation and a priority whereas an endowment is a voluntary charitable donation. The same condition applies to the terminally ill person. Such person is not entitled to establish a Waqf until all his/her debts have been paid or upon the debtors' approval.

✚ **Waqf and inheritance:**

Waqf can be established during one's life. It can also be stated in the will. One can designate one third (1/3) of his/her money for Waqf. In case the amount allocated for Waqf is more than the third of the inheritance, it is up to the heirs to accept or reject establishing the Waqf inheritance. In such case, the remaining funds or assets must be distributed to the heirs.

Waqf Executor:

The executor is appointed by the endower to ensure that his/her wishes are executed. The executor is entitled to overview the Waqf, its investment and its disbursement to the beneficiary.

✚ **Executor requirements:**

The executor must have the following qualifications:

Be mentally sane, be mature in age, be just and trustworthy individual who obeys Allah, be of good ethics and conduct, be wise, and follow the endower's interest.

✚ **Executor's duties:**

It is the executor's responsibility to protect the Waqf and maximize its investment:

- 1) Upkeep the Waqf: undertake all maintenance and repair aimed at protecting and preserving the Waqf from any damage.
- 2) Fulfill the endower's wishes.
- 3) Defend the Waqf rights in any legal disputes.
- 4) Pay up Waqf related debts
- 5) Spend the Waqf revenues on the designated beneficiary and abide by the set date for disbursement, except in certain cases such as the need to pay up some Waqf related debts.

✚ **Executor's permissible and prohibited acts:**

The executor has the right to perform any deeds beneficial to the Waqf and to the endower within the conditions laid down by the endower.

Prohibited acts are those that might impact negatively on the Waqf such as:

- 1) Lease the Waqf for oneself or for one's family/relatives/friends/etc. which is considered an act of nepotism.
- 2) Consider the Waqf a guarantee for the executor's loan, in other words cover the payments of the executor's loan from the Waqf revenues.
- 3) Pawn the Waqf.
- 4) Lend the Waqf to an individual or an institution other than the designated beneficiary.

5) Reside or have someone reside free of charge or for a minimal rent in the Waqf estates.

 **Executor's fees:**

It is permissible to award the executor monthly or yearly fees, or a portion of the Waqf revenues. If the endower did not mention such fees, the judge has the right to grant the executor fair fees in the same range of other executors.

 **Executor's removal:**

The executor can be removed by the endower or the judge for certain reasons. Such reasons may include disloyalty and loss of competence. Removal will come into effect once the executor is officially informed. Thus, any acts taken by the executor prior to his knowledge is considered valid.

 **Waqf maintenance and repair:**

The majority of Islamic scholars agree that maintaining and repairing the Waqf is the major executor's responsibility. It is the most important responsibility and must therefore precede spending the revenues on the beneficiary. Since Waqf is a continuous donation, the executor must ensure its continuity and sustainability.

Conclusion:

The Islamic institution of Waqf has the potential to revolutionize the operations and achievements of Muslim communities. It provides tangible opportunities for Muslims to channel their charities into income-generating activities so as to fuel the immediate, short-term, and long-term development of their respective communities. In addition to promoting social welfare, Waqf has the potential to fill the gaps in the development of Muslim communities in such areas as education and research, science & research, health & wellness, seniors' care, childcare, da'wah, the development of alternatives to traditional banking, finance and insurance.

In addition to all of the above, in today's world, with the advent of new accelerating technologies, progressive scientific advancements, evolving Islamic thought conception and advisement, and highly demanding societal values, creative innovative fields of Awqaf developments have emerged and are giving way to wide open creative thinking, visionary leadership and enterprising societal paradigms.

Some examples of such new and innovative areas of Awqaf developments are in the fields of:

The development of entire halal industry supply chains - for the halal industry has now expanded beyond the food sector to include pharmaceuticals, cosmetics, health products, toiletries and medical devices as well as service sector components such as logistics, marketing, print and electronic media, packaging, branding, and financing. In recent years, with the increase in the number of affluent Muslims, the halal industry has expanded further into lifestyle offerings including halal travel and hospitality services as well as fashion, and many other possibilities and opportunities that are limited only by the limitations of our imaginations. This development has been triggered by the change in the mind set of Muslim consumers as well as ethical consumer trends worldwide.

In order to achieve the true potential of Waqf, the concept has to be marketed to the communities, Awqaf institutions have to be developed, and new ones established where none exist. The field of Awqaf is a greatly rewarding as well as diversely creative field for anyone and everyone who are interested in working in it. The opportunities and the possibilities are limitless. All that is needed is the well and dedication of people to do it; and the rewards from ALLAH are astronomical.