

MOHAMMED ARIFF (editor)

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Reviewed by:

AUSAF AHMAD

Islamic Research and Training Institute,

Islamic Development Bank (IDB), Jeddah, Saudi Arabia

The Islamic Voluntary Sector in Southeast Asia is a collection of research papers which were presented at a workshop which was held in Singapore during 24-25 August 1987. The volume has been published by the Institute of Southeast Asian Studies which has undertaken a research program on Islam and Southeast Asia comprising two sets of activities. The first focuses on the nature of Islam in the region, Islam and social change and Islam and education. The second set is directed toward a study of Islam and economic development of Southeast Asia. The present volume is a part of this program and is focused on resource mobilization through the voluntary sector while the other volumes deal with the themes of Islamic banking and the role of private sector in economic development. This publication is a part of a series under the general title of Social Issues in Southeast Asia. The present volume consists of nine research papers written by different scholars on various aspects of Islamic voluntary sector and its different dimensions particularly in the context of Southeast Asian societies. These papers are:

"The Role of Voluntary Sector in Islam: A Conceptual Framework" by M.N. Siddiqi "Resource Mobilization through the Islamic Voluntary Sector in Southeast Asia" by Mohammad Ariff; "*Zakat* Collection and Distribution in Indonesia" by Taufik Abdullah; "*Zakat* Administration in Malaysia" by Aidit bin Ghazali; "*Waqf* Management in Malaysia" by Syed Othman Alhabshi; "The Malaysian Pilgrims Management and Fund Board and Resource Mobilization" by Radiah Abdul Kader; "*Zakat* and *Sadaqah* Practices Among the Moros of the Philippines" by Carmen A. Abubakar; "The Management of Muslim Funds in Singapore" by Amina Tayabji and "Mobilization of Resources through *Waqf* in Thailand" by Preeda Prapertchob.

The significance of this volume results from two different dimensions which it combines: Firstly this is a volume which examines the theoretical and empirical aspects of the Islamic voluntary sector in various countries of Southeast Asian region. This is a rather neglected area on which not much reliable and scientific information is available but which is also infused

with great potentialities for transforming the social and economic life of Muslims in the region. Hence, a collection of papers on this subject by some competent scholars is a welcome step. Secondly, its focus is on Southeast Asia which is a region of strategic importance for the Islamic countries. Southeast Asia is peculiar in terms of its ethnic composition and religious diversity. Some of the most important and major religions of the world - Islam, Buddhism, Christianity, and Hinduism are found there. Among them Islam may be considered to be a major force in the region as it influences and moulds the behavior patterns of millions of its adherents. Southeast Asia is also peculiar because it houses some of the most populous Muslim countries as well as those in which Muslims are a minority.

The papers included in this volume provide a good survey of the Islamic voluntary sector in the region. After an introduction by Mohammad Ariff, Siddiqi provides a conceptual framework in which the Islamic voluntary sector has to be studied. The next paper by Ariff on Resource Mobilization through Islamic voluntary sector in southeast Asia is essentially a survey of the papers included in this volume. Two Islamic institutions have been particularly selected by the scholars for in depth analysis. These institutions are: *Zakah* and *Waqf*: Three papers deal with various dimensions of *Zakah* in three different countries viz. Indonesia, Malaysia and Philippines. Two papers examine the problems of Muslim *Awqaf* in Malaysia and Thailand. One paper is devoted to examining the role of a rather modern Muslim institution, The Malaysian Pilgrims Management and Fund Board also known as Tabung Haji, in the mobilization of resources. Another paper discusses the management of Muslim funds in Singapore.

As far as subject matter of the book is concerned, one finds it rather strange that *Zakah* and its associates have been included in the Islamic voluntary sector. It is commonly known and acknowledged among all schools of thoughts in the Islamic jurisprudence that *Zakah* is an obligatory duty on all sane and adult Muslims who possess wealth beyond a certain prescribed minimum (*Nisab*). It is also universally agreed that management of *Zakah* (i.e. to receive *Zakah* from the *Zakah* payers and to distribute it among those who are entitled to receive *Zakah*) is the responsibility of the State. This position is well established on the basis of the Quran and Sunnah. The Verse IX: 103 says, "Of their goods take Sadaqah, that so thou mightest purify and sanctify them." Explaining the meaning of this verse, Razi writes, "The purpose of this verse is to take *Zakah* from the Wealthy. Many jurists have based their arguments about the obligation of *Zakah* on this verse and they point out that *Zakah* purifies the property"⁽¹⁾. The injunction given in this verse to take *Zakah* makes it obligatory for the government to receive *Zakah*.

It is also well known that after the death of the Prophet (peace be upon him) some tribes of Arabia refused to pay *Zakah*, then Abu Bakar, the first Caliph, took the war path to enforce the law. According to Bukhari, Abu Bakar said, "By God, I will fight with those who made a distinction between the *Salah* and *Zakah*. *Zakah* is a right in property. By God, if they hold back even a she kid which they used to give during the regime of the Messenger of God (peace be upon him), I shall go to war with them because of holding it back"⁽²⁾. Since then, it is

(1) Razi, Fakhruddin, *al Tafsir al Kabir*, Vol. 3, Beirut, Dar al Fikr, 1978, , p. 495.

(2) Al Bukhari, Muhammad bin Ismail, *Sahih al Bukhari*, Vol. 3, No. 1267, Cairo, Lujnah Ihya' kutub al Sunnah 1388 H, p. 6

agreed upon among the scholars that collection and disbursement of *Zakah* is the duty of the state in an Islamic society. To the admission of the editor himself, "it is the duty of the Islamic state to administer *Zakah*." (p. 2) Hence, with the emergence of Islamic economics, it has been accepted the system of *Zakah* will occupy a pivotal place in the fiscal theory and policy of the Islamic economy. The rightful and correct place of *Zakah* system is in the realm of government finance. The system of public expenditure and taxation in an Islamic society will have to be designed and adjusted to take account of a *Zakah* system in operation. That is why, *Zakah* occupies a pivotal place in the theory of fiscal policy in Islamic economy." Keeping this in view, it is rather surprising to find that the "term 'voluntary sector' (in this book) is loosely defined to include areas which are sometimes listed under the government sector." (p. 4). However, the editor believes that his "approach is not indefensible. the Islamic voluntary sector in Southeast Asia has to play a wider role in the absence of Islamic states. The discussion includes *Zakah*, in spite of the fact that it represents an obligatory levy. Although *Zakah* is obligatory in a technical sense, it is practiced in a voluntary fashion. Even in Malaysia, where *Zakah* collection is state-organized, it is not administered in the same way in which government taxes are handled which underscores the voluntary nature *Zakah* contributions." (p. 4). One could understand that when most of the governments of Muslim countries shy away from their responsibility of collecting and disbursing *Zakah* for one reason or the other, individual Muslims have no other choice either to practice *Zakah* at the individual level or resort to private collective agencies i.e. voluntary organizations active in the area of *Zakah* collection and disbursement. This is the second best available to them. However, it is difficult to see where is the voluntary nature of *Zakah* in this situation. It still remains obligatory because individual is *Mukallaf* (responsible) to pay his obligatory *Zakah*.

Siddiqi raises a more important and fundamental question in his paper which provides the theoretical and philosophical underpinnings to this whole book. This question is: "What is the source of voluntary action in man?" Then, he defines a voluntary act as "One proceeding from one's own choice or consent" and proceeds on to declare that "It follows that all action in pursuance of Islamic teaching is voluntary action. This also applies to what is obligatory in *Shari'ah*, such as *Zakah*, as one's profession of a faith itself is a voluntary action." (p. 9). But in this general sense, all human actions which are the result of one's choice and consent may be regarded voluntary actions. It is obvious that all voluntary actions emerging out of one's choice and consent can not be included in the voluntary sector. Hence the limits of the Voluntary sector will have to be specified to conduct any meaningful inquiry. Siddiqi accepts that "When an Islamic society is organized into a state where the *Shari'ah* is sovereign, obligatory charities such as *Zakah* and *Ushr* are managed by the state. In a country where Muslims are a minority, or in countries with a majority Muslim population where *Shari'ah* is not implemented, there may be Voluntary agencies managing these charities." (P. 9). This reviewer feels that this distinction should have been taken to its logical conclusion saying that obligatory charities in an Islamic state are the part and parcel of the fiscal system and policy of the state; but in the situations in which obligatory charities are not managed by the state, these are undertaken by the voluntary agencies. However, in both situations, voluntary charities such as *Sadaqat-e-Nafilah*, and *Awqaf* remain in the voluntary sector. The insistence to "include all charitable activities in the voluntary sector, irrespective of the way they are organized and managed" (p. 9) is rather bewildering. Organization and management of economic (and non economic) activities is an essential point in their sectoral classification and should not be set aside.

Siddiqi identifies following five categories of voluntary activities in an Islamic society:

1. Obligatory family support
2. *Zakah, Ushr, Sadaqat al Fitr*
3. Gifts and Grants in cash, kind or usufruct
4. Charitable endowments (*Waqf*)

For analytical convenience, probably it may be better to group the first two in one group and the last three in another. The former may be called obligatory social activities and the later may represent voluntary social and charitable activities. As far as former is concerned, one wonders how it may be justified to regard obligatory family support as an expression of a voluntary activity. It clearly represents a case of contradiction in terms. What is obligatory is obligatory and can not be termed voluntary. Whatever is voluntary remains voluntary and can not be regarded as obligatory.

Conceptually, *Sadaqat Nafilah* (voluntary charity spending) and *Awqaf* (trusts) must constitute two big building blocks of the Islamic voluntary sector. This is reflected in this volume also. While Siddiqi devotes a good part of his essay to *Awqaf* discussing various issues of theoretical and practical importance, there are two separate studies dealing with the management of *Awqaf* in Malaysia and Thailand. It may be pointed out that *Awqaf* is a truly voluntary institution which has played a significant role in the development of education and in providing many other social goods during the long course of Islamic history in many countries. However during the present times the institution of *Awqaf*, as rightly pointed out by Ariff in his essay on "Resource Mobilization through the Islamic Voluntary Sector in Southeast Asia", "appears to be in a shambles in some countries. Many waqf properties seem to suffer from total neglect, abuse and misuse. There is a need to streamline the management of waqf properties. It is indeed unfortunate that *Waqf* properties have not been put to good uses in many cases." (p. 48). It is hard to disagree with him when he says that "there is a need to breath new life into the institution of *Waqf*. A revival and revitalization of the institution of *Waqf* can confer real benefits on the Muslim communities in the region."

The beneficial social and economic role of *Awqaf* is by no means limited to Muslim majority societies. It may be useful to mention here that in the Indian state of Karnataka a good example has been set by the development of Karnataka Waqf Development Corporation which has been established under the Indian Companies Act. The authorized capital of the Corporation is Rs. 10 million and the Government of Karnataka holds 25 percent of the issued capital. The objectives of the Corporation as stated in its memorandum of association, *inter alia* are: (i) to take in lease of the *Waqf* properties and to develop them by constructing shopping complexes, office accommodations, residential apartments, hotels, tourist homes, marriage halls, industrial estates etc. and to lease them on rent; (ii) to assist the *Waqf* institutions, *Mutwallis*, and beneficiaries of *Waqf* to set up small scale industries by financing, participating in equities, providing technical know how, establishing technical institutes, research laboratories etc; and (iii) to assist *Waqf* institutions in the state, *Mutawallis* and beneficiaries of the *Waqf* institutions in establishing housing cooperatives, industrial cooperatives and farming cooperatives. In order to raise resources for the development and modernization of *Awqaf* properties, a novel financial instrument has been developed in the form of *Muqaradah* bonds in the Hashemite Kingdom of Jordan. If the idea of *Muqaradah*

bonds issued by the *Awqaf* supervisory organizations under the general control of the government could spread to other Muslim countries, it will go a long way to improve the present dismal performance of the *Awqaf*.

The Islamic institutions of *Zakah* and *Awqaf* are still capable of playing a useful role in the economic development of Muslim countries provided that these institutions are reorganized along modern lines, using techniques of modern administration and management and are rejuvenated with vigor to play a new role. This can be done only if we obtain knowledge about their working in the present contemporary societies and exchange information about their experiences in Muslim societies located in different parts of the globe. The present volume is a welcome step in this direction.

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