
ISLAMIC WAQFS IN EDUCATION

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Abstract: A long history can be traced back to the practice of pious foundations in Christian and Muslims societies as well, however, there is no comparative research concerning their aims, operations and results. Waqf in Islamic law, the act of founding a charitable trust, and, hence the trust itself. One of the most significant forms of Islamic religious schools operated by waqfs is the pondok-system in Malaysia. Christians also have pious foundations that share the same goals. There are similarities and divergences, though both legal institutions can be used as operator of schools in all grades of education.

Key words: waqf, charitable trust, legal institutions, pondok-system

1. Introduction

Catholic schools have spread all over the world. They are known to distinct from their public-school counterparts in focusing on the development of individuals as practitioners of the Catholic faith. Teachers and students are thus required to pay attention to the fundamental rules of the Church. This includes the Catholic identity of the school, education regarding life and faith and also social justice. Like other Christian-affiliated institutions, Catholic schools are generally “nondenominational”. It means they accept any pupils regardless of religion or denominational affiliation, race, ethnicity or nationality. However, non-Catholics, whether Christian or not, may need to participate in or be exempted from required activities, particularly those of a religious nature. According to Vatican II’s Declaration on Christian Education¹, the proper function of Catholic schools is “to create for the school community a special atmosphere animated by the Gospel spirit of freedom and charity.”²

Most of these educational institutions are “voluntary aided schools” maintained by the Catholic Church or Catholic religious orders. They receive the majority of their running costs from central government and do not charge fees to students. The foundation contributes the rest of the capital costs, owns the school’s land and buildings and appoints a majority of the school governors. The governing body runs the school, employs the staff and decides the school’s admission arrangements, subject to rules imposed by the central government. Pupils follow the National Curriculum, except that these schools may teach religious education according to their own faith.

Catholic schools have experienced changes heralded by the Second Vatican Council in regards to Catholic social teaching cantered on the poor: “First and foremost, the Church offers its educational services to the poor, or those who are deprived of family help and affection or those who are far from

¹Declaration on Christian Education: “GRAVISSIMUM EDUCATIONIS” (1965)

http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651028_gravissimum-educationis_en.html (2016.12.28.)

² Scott, K. (2015): Why non-Catholics select Catholic schools. *Catholic Herald* (Arlington, Virginia).

http://catholicherald.com/News/Local_News/Why_non-Catholics_select_Catholic_schools/ (2016.12.27.)

faith.”³ Evans and Schwab in their experiment in 1998⁴ found that attendance at Catholic schools in the United States increases the probability of completing high school or commencing college by 13%. Similarly, an experiment in 1990 conducted by Williams and Carpenter⁵ of Australia through comparing previous examination by private and public schools concluded that students in private education outperform those from government schools on all educational, social and economic indicators.⁶ Catholic schools, however, indicated a large impact in the changing role of women, as well, for countries where previously they did not have equal rights.

Islam also operates religious schools, most of them via the legal entity of “waqf”. The aim of this article is to introduce the Muslim way of operating religious schools through funds.

2. The role of waqf in collaborative finance in Muslim state

"Ummah" is a common Arabic word meaning "nation." The term takes on religious connotations in the Qur'an where God is said to have sent to each ummah its own messenger. The messengers given special prominence as recipients of scripture and founders of an ummah are Moses, Jesus, and Muhammad. As the concept of ummah correspond to our understanding of “nation”, it does not exactly have the same meaning. “Nation is a strictly political concept; it may be defined as a community of peoples possessing a given territory with their own government; while membership in the ummah involves commitment to a particular religion. To the Muslim way of thinking, “ummah” represents a universal world order, ruled by an Islamic government in accordance with the “Shariah”, the Islamic religious law.⁷

Islamic economic system seems to be egalitarian. The primary function of the Islamic voluntary sector is therefore to bring about an equitable distribution of income and wealth.⁸ It can be operated either through direct unilateral transfer from the rich to the poor, or may be done via certain aid schemes that would enable the poor to be economically self-reliant.⁹

In order to maintain one's life, he has to look for work, to gain the necessary material foundation. It is, however, not only a duty but a great virtue as well. A man with working capability commits a sin if he is financially dependent of others. He is so stigmatized socially, because he certified ingratitude against humanity. Thus, Islam does not prohibit the have-nots seek help from the rich, but encourages them to tend to keep themselves. Those who make a habit of begging, are characterized by the Qur'an this way: „And of them is he who defameth thee in the matter of the alms. If they are given thereof

³ Grace, G., O’Keefe, J. (2007): Catholic schools facing the Challenges of the 21st century: An overview. In Grace, G., O’Keefe, J. (eds.): *International Handbook of Catholic Education Challenges for School Systems in the 21st Century*, *International Handbooks of Religion and Education*, 2, Netherlands, Springer, 1–11.

⁴ Jackson, C.K., Johnson, R. C., Persico, C. (2015): The Effects of School Spending on Educational and Economic Outcomes: Evidence from School Finance Reforms. *The Quarterly Journal of Economics*, 131 (1): 157-218.

⁵ Williams, T., Carpenter, P. (1990): Private Schooling and Public Achievement. *Australian Journal of Education* 31: 3-24.

⁶ Francis, V. (1999): Do Catholic Schools Make a Difference? Evidence from Australia. *The Journal of Human Resources*, University of Wisconsin Press, Vol. 34, No. 1: 208–224.

⁷ Bakar, O. (2014): *Islamic Civilisation and The Modern World: Thematic Essays*. UBD Press, Brunei Darussalam, 51-52.

⁸ Bakar, 2014, 53.

⁹ Falus, O. (2015): Collaborative finance in a muslim way: WAQF. In Szendrő, K., Szente, V., Barna, R. (eds.): *Proceedings of the 5th International Conference of Economic Sciences and 5th Climate Change, Economic Development, Environment and People Conference of the Alliance of Central-Eastern European Universities*. Kaposvár University. 73-81.

they are content, and if they are not given thereof, behold! they are enraged.” (Qur’an 9:58) The Islamic charity is not aimed at supporting such beggars.

Voluntary charities can in Muslim states takes different forms, one of which is waqf. The potential of it can be discerned by the consistent insistence on the non-transferability of the ownership rights of the property. Once a piece of property is donated for charitable purpose, the owner ceases to have any claims over it, because in Islam all property is said to belong to no one only to Allah. The trustee in the form as a single person or a group of individuals will have to manage the property for the generation of income which is distributed as specified by the donor.¹⁰

This concept is important for the economic and financial development of the backward and so poor sections of society, because such waqf properties would be managed to generate income for distribution or even for further accumulation of assets. Waqf therefore can be regarded as an important economic legal institution for the purpose of generating economic activity whilst at the same time ensuring that the benefits will accrue to some specific sections of society. Thus, waqf can be concerned as one of the means of collaborative finance in Muslim societies.

3. The history of waqf in Islamic Law

Waqf is not mentioned in Qur’an, it derives its legitimacy primarily from number of hadiths.¹¹ One of them is related to the authority of Ibn Umar: “Umar had acquired land in Khaybar and came to the Prophet to consult him in this matter saying: ‘O Messenger of God, I have acquired land in Khaybar which is more precious to me than any property I have ever acquired.’ He (Muhammad) said: ‘If you want, make the land itself unalienable and give (the yield) away as alms.’ He (Ibn Umar) said: Thereupon Umar gave it away as alms (in the sense) that the land itself was not to be sold, inherited or donated. He gave it away as alms for the poor, the relatives, the slaves, the djihad, the travellers and the guests. And it will not be held against him who administers it if he consumes some of it (s yield) in an appropriate manner or feeds a friend who does not enrich himself by means of it”.¹²

In another hadith often quoted concerning waqf the Messenger of the God said: “When a man dies, only three deeds will survive him: continuing alms, profitable knowledge and a child praying for him.”¹³

The terminology of the legal institution of waqf was fluid in the very beginning of the 2nd and the 3rd centuries. In the beginning of the 20th century C.H. Becker even argued, that the institution of charitable waqf was influenced by “*piae causae*” of Byzantine law. Apart from the structural similarities Becker explained there were there were waqfs of urban real estates in Egypt during the first three centuries of Islam, and these were the same as Coptic pious endowments of this period.¹⁴ Others, however, claim, that it is true only for urban real estates, while apart from Egypt, rural properties were often donated in the early period of Islam. The quick spread and popularity of waqf derives from the fact that it served social and economic needs. At the same time, it could provide a

¹⁰ Mohamed, A. (1991): *The Islamic Voluntary Sector in Southeast Asia*. Institute of Southeast Asian Studies. Singapore, 118-119.

¹¹ Hadith: literature consists of verbal traditions relating Prophet Muhammad’s words and actions. As a source of Islamic theology, law, and ethics, the Hadith is considered second to the Qur’an, because Hadith collections were compiled after the Prophet’s death, beginning in the 2nd century.

¹² Al-‘Askalānī, I. H., Al-marām, B. (n.d), Cairo, no. 74. In Waqf ,Encylopaedia of Islam (2002) Vol. XI. Leiden, 59.

¹³ Al-‘Askalānī, I. H., Al-marām, B., 2002, 59.

¹⁴ Becker, C.H (2011): *Neue arabische Papyri des Aphroditofundes, Der Islam* 2, 245-268 In Waqf ,Encylopaedia of Islam (2002), Vol. XI. Leiden, 60.

regular income for one's relatives and descendants in order to protect them from need. Regarding mosques and public utilities, there were two types of waqf, each serving its own purpose: there were a waqf consisting of the mosque or the utility itself (e.g. school, hospital, fountain) and there were waqfs that generated the income for the maintenance and operation of the utilities referred to above.

The two oldest known waqf documents remained for us from the 9th century, while a third one dates from the early 10th century, all three within the Abbasid Period. It is said to be the "golden age" of Islam.¹⁵ The oldest dated waqf goes back to 876, concerns a multi-volume Qur'an edition and is held by the Turkish and Islamic Arts Museum in Istanbul. There is an even older waqf which is a papyrus held by the Louvre Museum in Paris with no written date but considered to be from the middle of the 9th century. The next oldest document is a marble tablet whose inscription bears the Islamic date equivalent to 913 and states the waqf status of an inn. It is held at the Eretz Israel Museum in Tel Aviv.¹⁶

4. Waqf in education in modern Islamic countries

Nowadays waqf is the most popular legal institution for financing education in Muslim states. There are many factors that drive the members of Muslim societies to donate their property for the interest of religious education. Four factors have been identified by Latiff Azha and his team (Latiff et al., 2013.) as the most prominent motives:

4.1. Looking for God's Blessing

Once a piece of property is donated for charitable purpose, the owner ceases to have any claims over it, because in Islam all property is said to belong to no one only Allah. The trustee in the form as a single person or a group of individuals will have to manage the property for the generation of income which is distributed as specified by the donor.¹⁷

The waqf practice is so an important medium to draw oneself closer to God. This practice is being urged by the Islamic doctrine which guarantee favorable rewards for donors in the afterlife.

"The example of those who spend their wealth in the way of Allah is like a seed [of grain] which grows seven spikes; in each spike is a hundred grains. And Allah multiplies [His reward] for whom He wills. And Allah is all-Encompassing and Knowing. Those who spend their wealth in the way of Allah and then do not follow up what they have spent with reminders [of it] or [other] injury will have their reward with their Lord, and there will be no fear concerning them, nor will they grieve" (Qur'an, al-Baqarah 2:261-262)

The "cost in Allah's way" includes all welfare and good practices like helping in hospital constructions, learning institutions, help people in need, help old people, as well as other good practices and welfare.

4.2. The Spread of Islamic Religion

The spread of Islam is one of the most important goals in the Islamic religion. Its propagation is the task of religious schools. This is why many people donate their property for the purpose of education to ensure the continuation and propagation of Islam in an effective manner.

4.3. Creating the Nations' Education

There are some waqfs who donate their property because they do not have heir to inherit the property.

¹⁵ Cooper, W. W., Yue, P. (2008): *Challenges of the Muslim World*. Elsevier, Oxford, 214.

¹⁶ Verbit, G. P. (2002): *The Origins of the Trust*. Xlibris Corporation, 140-141.

¹⁷ Ariff, M. (1991): *The Islamic Voluntary Sector in Southeast Asia*. Institute of Southeast Asian Studies, Singapore, 118-119.

4.4. Encouraging the Development of Economy

Waqf properties are managed to generate income for distribution or even for further accumulation of assets.¹⁸ Schools managed and operated by waqfs therefore can be regarded as also important economic legal institutions for the purpose of generating economic activity whilst at the same time ensuring that the benefits will accrue to some specific sections of society. There are some waqfs who donate their property to assist the development of the socio-economic status of the ummah. For instance, Syekh Juned Tola in Malaysia had taken the initiative to generate economy by planting vegetables and fruits on the waqf land donated by him. He himself taught the right agricultural techniques to his students. Industrially and economically, he had invited several industrialist and clog makers to come to the underdeveloped Malay region, Padang Rengas, and opened up an industry there. As a result of this effort, Padang Rengas at the end of 1930 hosted almost 30 units of shop that belonged to Malays, consisting of coffee shops, laundrettes, rubber shops, retails, barbershops and many others.¹⁹

On the basis of the foregoing discussion we may consider waqf as a special tool of collective finance in Muslim societies which had been and still is a legal institution, modern and always able to renew.

5. Examples from a multicultural society. Catholic and Islamic foundation schools in Malaysia

Malaysia is a multicultural and multiconfessional country. There is Islam, Buddhism, Christianity, Hinduism and also some traditional Chinese religions living together.

Relations among the different Churches are generally quite tolerant. Christmas, Chinese New Year, and Diwali (or Deepavali)²⁰ have been declared national holidays alongside Islamic holidays such as Prophet Muhammad's birthday.

5.1. Catholic schools in Malaysia

Catholicism was brought by the Portuguese in the 15th century, followed by Protestantism with the Dutch in 1641. As Portuguese influence declined, Protestantism began to eclipse Catholicism.²¹ Catholic schools in Malaysia have been the backbone of formal education in the country. They have undergone many changes since independence in the late 50's and early 60's.

The education policy in Malaysia is centralized very much nowadays. With Islam being the state religion, compulsory or elective Bible lessons today are limited only to those of the Catholic faith. The missionaries who opened schools in Malaysia gave a solid education framework.

“Retired and experienced Catholic educators should work closely with the religious teaching congregations (RTC) in the country to set up a Catholic Teacher's Training College to train teachers for home schooling as well as private and international schools.” said the Archbishop of Kuala Lumpur Julian Leow, recently, who made the call during the Catholic Teachers' Association Malaysia (CTAM) 55th anniversary dinner at Kelab Golf Negara Subang. He claimed the college can play a

¹⁸ Falus, 2015, 74.

¹⁹ Latiff, A. Z., Ismail, C. Z., Daud, N. M. (2006): Pengurusan Harta Wakaf Dan Potensinya Ke Arah Kemajuan Pendidikan Umat Islam Di Malaysia, Kertas Kerja Konvensyen Wakaf 2006 di Hotel Legend, Kuala Lumpur, 12-14. In Latiff et al. (2013): *The Practice and Management of Waqf Education in Malaysia*. Procedia - Social and Behavioral Sciences, 90/2013., 25.

²⁰ Diwali: one of the major religious festivals in Hinduism, lasting for five days from the 13th day of the dark half of the lunar month Ashvina to the second day of the light half of Kartika. The corresponding dates in the Gregorian calendar usually fall in late October and November. The name is derived from the Sanskrit term “dipavali”, meaning “row of lights.” Encyclopædia Britannica (2009) <https://www.britannica.com/topic/Diwali-Hindu-festival> (2016. 12. 28.)

²¹ Hunt, R., Hing, L. K., Roxborough, J. (1992): *Christianity in Malaysia: A Denominational History*. Pelanduk, 1-33.

pivotal role in producing high quality teachers to cater to the high demand for private education in the country. Archbishop Leow said “there was a dire need to bring back the glory and passion of the Malaysian Catholic schools which were known for discipline and character-building; a hallmark of the high standards and quality brought by the various international education missionary groups to Malaysia since 1911”.²²

5.2. Islamic schools in Malaysia

In their supplementary paper, Latiff and his colleagues (Latiff et al, 2013) studied Waqf practice in education among Muslims in Malaysia. They argue it has started even since the Islamic arrival in the Malay Archipelago. There are various forms of the properties that have been donated by waqfs, such as school buildings, students' hostels, scholarships and allowances, or even several kinds of learning materials. Pondok²³ institutions are one of the earliest waqf education properties in Malaysia that had been donated by the “Ulama”²⁴ They were known as those who mostly had made their pilgrimage (“Hajj”) to Mecca, that means they were “hadji”. In Patani region in particular such institutions were established in order to propagate Islamic faith and ideals among students.²⁵ This learning form of Pondok institution was enormously popular among people especially Muslims at the end 19th and 20th century. Based on the direct observations of Geertz (Geertz, 1976) “a pondok consists of a teacher-leader, commonly a pilgrim (hadji), who is called Kijaji, and a group of pupils, anywhere from three or four to a thousand, called ‘santris’. Traditionally, and still extent today, the santries live at the pondok in a cloister-like dormitory, cook their own food, and wash their own clothes”²⁶. These Muslim religious schools thus seem to be even stricter as the similar Christian monastic schools of the same time.

In the early 20th century, “Madrasah” (Arabic School) had been created to replace the Pondok institutions in order to standardize Islamic education and make them similar to those that exist in the countries of Middle East, especially in Egypt. The Madrasah-system is more systematic and formal compared to the Pondok institution system. Western colonization's arrival to Malaysia resulted in the erosion of Islamic education. The newcomers had introduced their secularized education system. The development of secular educational system had thus marginalized the Islamic religious schools, like Madrasah. Colonials have laid Madrasah under the responsibility of States Islamic Religious Council

²²Fernandez, F. (2015): Reviving the glorious past of Catholic education. *TheStar*. <http://www.thestar.com.my/metro/community/2015/10/16/reviving-the-glorious-past-of-catholic-education-archbishop-of-kl-suggests-setting-up-its-own-teache/> (2016. 12. 27.)

²³ Pondok: a Malay noun originates from the Arabic „fondok” means a building for travellers. Marshden, W. (1812): *A Dictionary of the Malayan Language*, London, 233. https://books.google.hu/books?id=a91GAAAacAAJ&pg=PA233&lpg=PA233&dq=fondok+pondok&source=bl&ots=zS531A9JWk&sig=yyotxjUdGxJXB5oaJMVZh_giGfA&hl=hu&sa=X&ved=0ahUKEwjIkNzUz_HRAhUEwBQKHRRzDlkQ6AEIOzAE#v=onepage&q=fondok%20pondok&f=false (2017. 0202.)

²⁴ Ulama: are "those recognized as scholars or authorities" in the "religious hierarchy" of the Islamic religious studies. They are the guardians of legal and religious tradition in Islam. Often they are "Imams of important mosques, judges, teachers in the religious faculties of universities" Glassé, C. (2001): *The New Encyclopedia of Islam.*, Rowman & Littlefield Publishers, New York, 461.

²⁵ Stauth, G. (2002): *Politics and Cultures of Islamisation in Southeast Asia:Indonesia and Malaysia in the Nineteen-nineties*. Verlag Bielefeld, 60-61.

²⁶ Geertz, C. (1976): *The Religion of Java*. Chicago University Press, 177.

or Department everywhere. This measure made the facilities for learning limited and segregated, also resulted in different curriculums in each state.²⁷

Waqf in the education sector needs professional management to ensure the survival the education of the followers. A good management's task is to improve the effectiveness of the properties donated. In this matter, the waqif has the power to determine the person responsible as the waqf's property administrator. The administrator's task is to ensure that the original property is preserved and repaired if necessary; to rent the property if needed, to cultivate it, to collect the rent or income from cultivation or fruits; to develop the property and to ensure that the waqf is meeting its designed needs (appoint employees if needed). It follows that the administrator should be accountable for his acts. His position is similar to that of a guardian over a minor or an insane person, and like him, the administrator of a waqf is also under supervision of the "Quadi".²⁸ The common practice is that the administrator is appointed and supervised by the judge ("Qadi") who has been officially nominated as the government's representative. The administrator is a compulsory to manage the waqf property properly by complying the terms and Islamic requirement. It is the property of ummah, hence it needs to be administered with greatest responsibility and trust. The administrator must be willing to act fair, wise, and honest and incorporate honesty and trust in its management.²⁹

6. Conclusion

Catholic schools are institutions maintained by the Catholic Church or Catholic religious orders for pupils of all religions. Waqf educational institutions are schools established or built by using properties that have been donated by Muslims. History has proven that both educational practice has evolved since the foundation of the churches and both aim at strengthening faith and morality besides common education. In a society, like the Malay, it seems obvious, that the religion of the majority gets more attention and support. Waqf as means of collaborative finance in Muslim societies is able to develop even economy through managing its educational institutions. As God's wish was to create, however, different nations and religions, all religious schools are equally valuable and thus have to share the same rights all over the world.

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²⁷ Latiff, et al., 2013, 25.

²⁸ Dallal, A (2004): The Islamic Institution of Waqf. A Historical Overview. In Heyneman, S. P. (ed.) (2004): *Islam and Social Policy*, Vanderbilt University Press, Nashville, Tennessee, 24-25.

²⁹ Latiff et al., 2013, 30.

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