

**RIGHTS-BASED APPROACH TO PHILANTHROPY FOR
SOCIAL JUSTICE IN ISLAMIC SOCIETIES**

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TABLE OF CONTENTS

INTRODUCTION	3
REFRAMING THE ISSUE.....	6
TOWARD A RIGHTS DISCOURSE IN ISLAMIC PHILANTHROPY	11
SOCIAL JUSTICE AND ISLAMIC CULTURES.....	19
CIVIL SOCIETY IN ISLAMIC PERSPECTIVES	23
A CULTURE OF GIVING.....	27
ORGANIZATIONAL AND INSTITUTIONAL CONCERNS	32
CONCLUSIONS: DIALECTIC OF SUBSTANCE AND PROCESS	35
CITED SOURCES.....	38
FURTHER BIBLIOGRAPHY.....	41

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INTRODUCTION

This study was prepared as the concept paper for a major project on philanthropy in Islamic societies organized by the State Islamic University (UIN) of Jakarta, Indonesia, and funded by the Ford Foundation. The main Ford Foundation officers who worked on this project (Christopher Harris, New York Office, Suzanne Siskel of the Jakarta Office, Emma Playfair of the Cairo Office, Sushma Raman of the Delhi Office and Tade Aina of the Nairobi Office), were in fact intellectual and research partners who were deeply concerned about the well-being of Islamic societies. The primary leadership of the project was provided by Amelia Fauzia and her team from UIN, assisted by Abdullahi An-Na'im as academic coordinator of the project. The lead researchers for the six country studies conducted under the auspices of this project were: Amelia Fauzia and Chaider Bamualim (Indonesia), Imtiaz Ahmad (India), Marwa El-Daly (Egypt), Ali Çarkoğlu and Murat Çızakca (Turkey), Mohammed Ali Bakari (Tanzania) and Mona Siddiqui and Amanullah de Soudy (United Kingdom). The final reports of these studies are being prepared for publication in a book edited by Ebrahim Moosa.

The task set for this contribution was to clarify the rationale for a focus on philanthropy for justice in Islamic societies. This would serve as the conceptual framework for the individual country studies making up the larger project. In particular, this study examines tensions within and among the concepts and institutions underpinning the 'rights-based' approach we are recommending for the mobilization and organization of charitable giving in present Islamic societies.

The term 'rights-based' approach refers to a change in popular attitudes regarding charitable giving, whereby the giver feels a sense of moral and social obligation to give, and the beneficiary has a sense of entitlement to receive 'as of right'. The notion of a right to receive is of course the other side of the coin of the duty or obligation to give, which is a deeply embedded religious belief among all Muslims. But we believe that there is a 'value added' to emphasizing the rights-dimension over a vague and highly subjective sense of obligation or duty that is not owed to any person or cause in particular. Accordingly, this approach seeks to build on pre-

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existing religious beliefs in an obligation to give and a right to receive in calling for the institutionalization of new forms of philanthropic organizations and activities that are more conducive to the total human and material development of Islamic societies in their present local and global contexts.

To be clear on the point from the outset, the proposed rights-based approach is concerned with the **transformation of popular attitudes about charitable giving and receiving, rather than attempting to create new obligations or imposing legal rights as such.** While legal rights are premised on the ultimate possibility of coercive enforcement by state agents and institutions as a last resort, the idea of moral and social rights we are proposing relies on ethical and social motivation and implementation, and not state intervention to coerce compliance. This critical distinction is clearly indicated by the fact that we are calling for a rights-based approach to charitable giving that is implemented through civil society organizations and not state institutions. It is true that legal norms and institutions are relevant to the practical operation of the philanthropic activities of civil society organizations, but it should be noted that the object of legal regulation is only to ensure the realization of the moral and social duty to give and the right to receive framework we are proposing; not to impose a duty owed to the state or right to receive from it. Legal and administrative regulation would apply to such matters as the organization, accountability and tax status of philanthropic foundations; not to a duty to give or receive.

The basic thrust of the approach we are proposing in this conceptual study is that the charitable practices of present Islamic societies should be conceived in terms of a moral and social ‘right’ of the beneficiaries to receive assistance and support with due respect for their human dignity. This approach to charitable giving would provide the necessary popular support for philanthropic and other non-governmental organizations as modern institutions. Such organizations would be better suited than traditional models of religious endowments (*awqaf*) or state agencies for discharging the charitable giving obligation of Muslims today. In our view, a ‘rights-based approach’ to charitable giving is critically important for securing the entitlement of the most deserving beneficiaries, as well as for promoting the efficacy and sustainability of philanthropic and other types of organizations. It is also necessary for the better mobilization and distribution of the internal material resources of Islamic societies for their own economic and social development.

A rights-based approach is also necessary for providing continuous internal resources for the promotion and protection of the human rights of women and children, protection for the environment or other social justice goals. One of the main obstacles facing the sustainable realization of human rights in Islamic societies today is the reliance of local non-governmental organizations (NGOs) on external funding by Western donor governments and foundations. While this is necessary for the time being because of the lack of internal sources of funding, such dependency must be diminished over time because it distorts the priorities of local

NGOs and undermines their accountability to the communities they purport to serve. In other words, a greater reliance of local NGOs on internal funding from their own communities will enhance their credibility and efficacy by diminishing perceptions of their being agents of external forces, while requiring them to be more responsive to the genuine priorities and needs of communities.

In view of the religious motivation of charitable giving by the vast majority of Muslims, the proposed rights-based approach needs to be founded on an appropriate Islamic justification. This can build as much as possible on existing interpretations of Islamic scriptural sources (commonly known as Shari`a) and traditional institutions, but should not be limited to historical views on the subject. Indeed, our proposal is premised on the claim that there is need for fresh reflection on the issues and imaginative approaches to the realization of the underlying rationale and objectives of charitable giving in Islamic societies. The proposed rights-based approach, we believe, is necessary for present Islamic societies precisely because it is not readily appreciated or accepted from the perspective of present understandings of Shari`a and traditional charitable institutions. For this broader view of the sources of justification, we look directly to the Qur'an and Sunna of the Prophet, as they might be understood in the present context.

It is clear to us from the outset, however, that there are several tensions within and among the various elements of the proposed approach. There is tension, for instance, between what might be called 'traditional' and 'modern' segments of civil society that are concerned with the mobilization and organization of charitable giving. Some scholars and practitioners may support the establishment of new organizations and recognition of new types of beneficiaries of religious giving, like *zakat* and *sadaqa*, while others are more likely to insist on the old established ways of giving and categories of recipients.² Another type of tension relates to the nature and justification of a rights-based approach, and how inclusive it can be of the immediate concerns of different societies. This approach may be discredited in the eyes of many Muslims by the political manipulation of human rights by leading global powers as well as national governments. Many Muslims are concerned about what they perceive as Western 'cultural imperialism' seeking to impose its own liberal values on Islamic societies. There is also the question of why and for whose benefit this project is investigating charitable giving by Muslims in the present international context of a global campaign against the sources and channels of funding for terrorist organizations.

² These terms are used in the Qur'an to refer to charitable giving based on religious motivation in general. As a technical term, "zakat" is usually reserved for required religious giving as a specific religious obligation (like praying five times a day and fasting Ramadan) for every Muslim who owns the specified capital to give. This is to be in accordance with fixed annual rates of holdings in different types of property. The term *sadaqa* is generally used as a more generic reference to religious giving other than *zakat*.

While we attempt to address these issues and concerns in this study, we are also convinced that some aspects of them cannot be finally and permanently ‘resolved’ through any theoretical study. Indeed, the underlying rationale of a rights-based approach to social justice for this project requires us to respect the deep-rooted concerns and apprehensions of Islamic communities everywhere, especially when they challenge our own assumptions and orientation. The best we can hope for is to succeed in achieving sufficient clarity and raising enough support for the proposed rights-based approach so that Muslims everywhere would take it seriously. As often happens, genuine tensions are more likely to be mediated through practice than definitely ‘resolved’ in purely theoretical terms. Theoretical clarity, we believe, is necessary but insufficient for the effective and sustainable implementation of such a major shift in Muslims’ attitudes and practice regarding one of the central tenants of Islam. This conceptual study can best be understood and carried forward in light of the concrete empirical country studies prepared under the auspices of this project. A good theory is necessary for effective and sustainable practice, but cannot be a substitute for it.

REFRAMING THE ISSUE

This study explores ways of mobilizing, organizing and facilitating philanthropic activities in Islamic societies in support of local social justice initiatives. The goal is to promote sustainable material and human resources in Islamic societies for the empowerment of internal initiatives for social change and broader popular participation in development. We believe that such mobilization and organization should be done from a rights-based perspective that seeks to further the core objective of charity embedded within Islamic doctrine, which stipulates that the acts of ‘giving’ and ‘taking’ are a duty and a right respectively. This study is also intended to address the bases of charitable giving and explain why a rights perspective is appropriate for institutionalizing philanthropy for social justice.

The premise of our analysis is that there is a mismatch between traditional charitable practices of Islamic societies, on the one hand, and the needs of these societies for sustainable development and social justice for all segments of the population in the present global context, on the other. This situation calls for fresh and creative thinking to rejuvenate traditional charitable practices to bridge the gap between needs and resources. Far from implying that all preexisting practices and institutions are wrong or bad, our proposal seeks to support their rationale and sense of purpose to better address the aspirations of present Islamic societies and communities throughout the world.

It is reasonable to assume that local forms of philanthropy have continued in various parts of the Muslim world for many centuries, but for a variety of reasons they have continued in highly decentralized and sometimes invisible ways. Tension between traditional charity and modern philanthropy for social justice is foreseeable. Modern

philanthropic organizations have to operate under strict regulation of their administrative and grant-making functions in order to enhance transparency and accountability. Such regulations, however, may come into direct conflict with certain Muslim values in giving, such as confidentiality, which is highly recommended for admirable reasons of respecting the dignity of recipients and reducing arrogance or boasting by the giver (e.g. Qur'an 2:264).³ Yet, according to interpretation, confidentiality is neither an absolute requirement nor a value in itself. “[As for] those who spend their property by night and by day, secretly and openly, they shall have their reward from their Lord and they shall have no fear, nor shall they grieve” (2:274). Another verse prefers the secret giving but makes giving openly also acceptable: “If you give alms openly, it is well, and if you hide it and give it to the poor, it is better for you; and this will do away with some of your evil deeds; and Allah is aware of what you do” (2:271). What is condemned by the Qur'an and Sunna is bragging about one's generosity or dishonoring or otherwise harming the poor in providing assistance for them.

The priority of giving to the next of kin and the strict prevailing interpretations of categories of beneficiaries of *zakat* may also be sources of tension with modern philanthropic organizations. Changing such beliefs and practices in the interest of developing philanthropy for social justice requires promoting consensus among private givers about giving to this cause. It is also necessary to promote the legitimacy of new forms of organization to gather and distribute religiously motivated charitable giving. Such significant changes will not be easy or fast, but we hope that the conceptual framework we are proposing can contribute to the successful initiation of this process.

We are not attempting to provide a comprehensive review of the historical development of charitable giving in either Islamic theory or the practice of Islamic societies. An appreciation of that background can be gained from various sources cited in the bibliography. Instead, we are simply trying to draw on that history in developing our argument for a rights-based approach because currently prevalent practices of charitable giving are not adequately serving the core idea of justice as an Islamic social value. The current literature appears to be largely theoretical, with little reference to current practice in Islamic societies. It also seems that existing theories are generally conceptualized in terms of ideal models of economic and social justice without sufficient attention to conditions under which Islamic societies live today. In contrast, we propose that a rights-based approach to charitable giving is more likely to achieve the Islamic objective of social justice in the present context.

³ The Qur'an is cited in this study by the number of chapter, followed by the number of verse. Thus, this reference is to verse 264 of chapter 2 of the Qur'an.

To that end, we suggest that it is possible and more beneficial for Muslims to resort to the original concept of justice found in the Qur'an, which emphasizes political responsibility and social solidarity that is better achieved from a rights perspective rather than out of pity for the poor. We also suggest that modern forms of philanthropic organizations are the best means for promoting the individual wellbeing and collective development of Muslims and their wider societies, whether they live as a majority or a minority. This argument and related suggestions are supported and illustrated with reference to certain types of charitable giving, such as *zakat* and *waqf*, and how they might be organized at present. A rights-based approach to charitable giving may be argued from the Qur'an and Sunna of the Prophet, where the general principles can be easily elaborated and interpreted in a more comprehensive way that is easier than just trying to reinterpret Shari'a within its existing methodology. For example, one of the basic relevant verses in the Qur'an can be translated as follows:

Sadaqa (alms) shall be for the poor and the destitute, for those engaged in the management of alms and those whose hearts are sympathetic to the Faith, for the freeing of slaves and debtors, for the advancement of God's cause, and for the wayfarer (traveler) in need. That is a duty enjoined by God. God is all-knowing and wise (9:60).

One point to note about this frequently cited verse is that it can be understood as illustrative, rather than exhaustive or restrictive of beneficiaries of charitable giving. Another point is that most categories of recipients are open to a broader interpretation than what has traditionally been provided in Shari'a manuals. For example, the category of 'those engaged in the management of alms' can apply to the establishment and operation of modern philanthropic organizations. The objective of 'freeing debtors' is better served by more sustainable poverty alleviation and microeconomic development than simply paying off the debts of those who are unable to pay. But the objective of *sadaqa* that is probably open to the broadest and most creative interpretation is 'advancing the cause of God.' This objective can include all sorts of 'public good' purposes, like protection of the environment, promotion of the public health of the community at large, or investment in sustained economic development, instead of short term relief in consumer spending. The entitlement of the wayfarer to the resources of the host community presupposes an underlying freedom of movement without discrimination on grounds of religion or communal membership. As these examples show, it is possible to organize charitable giving in order to uphold the fundamental rights of all sorts of people, and move the discourse from one of charity to one of equality, fairness and empowerment (Taha 1987:88, Slim 2001:21).

It is true that such creative possibilities require a different approach to the interpretation of the Qur'an than permitted by traditional principles of *usul al-fiqh* (the methodology of deriving principles and rules of Shari'a from its sources). But since those principles were developed by jurists and accepted through inter-

generational consensus among Islamic communities, the proposed shift can occur through an appropriate methodology and public awareness. Our call for the development of a rights-based approach to philanthropy will therefore build on and benefit from the experiences of existing Islamic reform strategies and initiatives, including a clear appreciation of the difficulties they face and how to address them.

Muslims practice charity in various ways, some of which are stipulated by the Qur'an and Sunna, while others existed in pre-Islamic cultural practices that were endorsed and institutionalized in Muslim communities. Those who turned to Islam found more specific religiously mandated forms of charity that were familiar from pre-existing traditions. For instance, Buddhist and Hindu societies had a strong foundation for charity in their religion (Hasan 2001). The Persian nobility endowed various types of property to benefit the poor as well as establish and sustain educational institutions (Arjomand 1998). Such endowments were embraced by Islam and evolved from being tools of political competition between the nobility in their quest for power into the institution of *waqf* that served both religious and mundane goals. (Kuran 2001:842).

It is of course common for human societies to have one type of charity or another as an important part of building civic life and performing religious duties. The tribal communities of pre-Islamic Arabia had a strong kinship system in which the structure of the society depended on the strength of the tribe. The nomadic life that most Arabs lived was not conducive to extending giving further than the members of the group who were related by blood. While giving outside that kinship was not widely practiced to serve broad societal purposes, hospitality was more important to pre-Islamic Arabian communities than charity. Charitable giving was not easy to inject into the Arab culture at the beginning of Islam, despite strong local traditions of hospitality to strangers.

Indeed, the Qur'an confirms that human beings are inclined to hoard wealth. "Say: If you had control of the Treasures of the Mercy of my Lord, you would withhold them, for fear of spending them: for man is ever niggardly!" (17:100). But if people are assured that their own needs would be satisfied through a reliable philanthropic system, among other safeguards, they may be encouraged to give more instead of hoarding wealth. In other words, since people tend to hoard wealth because they expect to need it in the future, reassuring them against that deeper fear may release them from the desire to hoard. From this perspective, the development of a rights-based approach to philanthropy may in fact be more sustainable precisely because it supports Muslims who honor their religious obligation to give. Such a realistic approach to social change is consistent with the Islamic gradual method, which started with a general encouragement of charitable giving and progressed toward more structured and obligatory methods like *zakat* (58:2, 3). That Islamic evolutionary approach also used to contain the seeds of a more dynamic and creative transformation of traditional practices in the earlier stages of the process. Thus, while it tolerated the continuation of slavery, the Qur'an provided for freeing slaves

out of zakat funds (9:60 quoted above), rather than providing for their subsistence while in a state of servitude. Zakat also targeted prevalent forms of wealth so as to enable the poor to be integrated in the economic activity of their communities.

But those early communities of Muslims were much more autonomous and smaller in scale than present large and complex societies. Thus, the practical means by which the proceeds of zakat and other charitable giving were applied to their designated recipients in those early communities are no longer adequate under present conditions. The seeds of the proposed translation in charitable giving can already be seen in the historical development of this system. As the Islamic empire expanded, different cultures and economic systems were incorporated and the taxes (*kharaj*) levied by official authorities exceeded amounts paid as zakat, it appeared that the latter became more of a personal worship practice (*ibada*), while other taxes took its place as a collective state obligation. Falling into disorganization, the intended function of poverty alleviation was lost over time. However, the view of zakat as a form of spiritual cleansing, which also emphasized the private and personalized manner of giving, remained a powerful motivation among Muslims.

In our view, the core vision of Islam is a spiritual one that instructs the individual to conduct him or herself in a way compatible with the development of a good society. This spiritual vision seeks to shape the temporal affairs of Muslims and to influence the civic side of life. The public life of Muslims starts from individual or inner behavior and moves outward, from the inner sphere of individual liberty to the outer sphere of social justice. However, there is a tension between individual liberty and social justice because the former is subjective and focuses on personal piety, while the latter reflects broader policy objectives and signifies loss of control by individual givers. This does not mean that personal piety and social justice cannot be reconciled, on the contrary, they should in fact be mutually supportive. We are noting the tension to indicate the need for fresh thinking to reaffirm the coincidence of piety and social justice in the drastically transformed context of present Islamic societies. Since that fundamental message of liberty and justice must always be interpreted within the realities of people's lives, the question now is how to reconcile individual freedom with communal concerns in the present context of Islamic societies.

The balance of spiritual and temporal affairs in the Islamic tradition can be seen in the strong emphasis on the right to own property and engage in profitable enterprise, on the one hand, and a strong sense of communal responsibility, on the other. While there is emphasis on individual freedom as a personal inner value, that quality is limited by a person's social responsibilities. From a religious point of view, the requirement of giving is not limited to those endowed with great wealth. It is an act rewarded by God and required of every Muslim, regardless of individual wealth. The balance continues in that those who give to the best of their ability, however little that may be, are promised both generous reward in the next life as well as the enhancement and security of their wealth and wellbeing in this life.

The fact that both charitable giving and social justice are among the main themes of the Qur'an does not mean that Muslims have the perfect model for making this connection. As with other human beings and their societies, Muslims continue to struggle individually and collectively for greater consistency between the ideals of their religion and human fallibility. While the possibilities and outcomes of such struggles tend to vary over time, depending on a variety of social, economic and political factors, it is possible to identify particularly creative moments, when a 'paradigm shift' is likely to occur, thereby enabling people to perceive the whole process in a fresh light. In our view, it is now a particularly appropriate moment to seek new ways of mobilizing the material resources of Islamic societies, and reorganizing their distribution in order to better achieve social justice, as explained in the next section.

In conclusion, with regards to the reframing of the issue, we wish to emphasize that the transformation proposed here needs to remain deeply connected to the internal sources of legitimacy in Islamic societies for it to motivate Muslims into action for social justice. It is therefore critically important for our suggestions to be seen by Muslims as building on pre-existing norms and institutions, rather than seeking to simply displace them with new so-called secular or alien notions of individual autonomy and egocentric perceptions of rights. We are inspired by such insights in the Sunna of the Prophet like his statement, *izalat al-adha 'an at-tariq sadaqah* (removing an obstacle off the street is a charitable act). Another Sunna of the Prophet that we hope to draw upon is *khiru annas 'anfa`uhum lil naas* (the best people are those who are most helpful or beneficial for other people). It is on such broad humane insights that we rely in suggesting a more creative and socially constructive approach to charitable giving in present Islamic societies. Muslims need to pool together all forms and levels of individual charitable acts into more collective and sustainable frameworks for better achievement of social justice and development goals in the complex realities of present Islamic societies. The question for us is how private acts of compassion can lead to more strategic collaborative action and public policy (Joseph 2002:3).

TOWARD A RIGHTS DISCOURSE IN ISLAMIC PHILANTHROPY

By a rights-based approach we mean the strong moral and social entitlement of poor and disadvantaged segments of society to material assistance and support *as a right*, rather than out of condescending pity. Although charitable giving should not be imposed as a legal obligation, conceiving it in terms of a right in a moral and social sense would promote a higher level of obligation to give. Moreover, we suggest that a more efficient and strategic utilization of these resources is necessary for addressing the underlying root causes of poverty and disadvantage, instead of immediate consumer spending that fails to diminish the need for charity in the long term. These concerns with the sustainability of resources, and their mobilization and strategic application to redress structural causes of poverty and dependency strongly

indicate that these activities should be implemented through specialized philanthropic organizations.

In our view, the strongest argument for a rights-based approach implemented through philanthropic organizations is its ability to achieve greater respect for and protection of the human dignity of the beneficiaries. To begin with, even when such resources are used for immediate relief and consumer spending, the beneficiaries' belief in their entitlement to such assistance and support is likely to reduce their subjective feeling of humiliation for being so dependent. Such a feeling of entitlement is more likely and sustainable when charitable resources are used to satisfy the basic needs for a humane and dignified life for all human beings by virtue of their humanity. In other words, a sense of entitlement should derive from a belief that such assistance and support are due to every human being, everywhere, and not simply to a person because he or she happens to be poor or disadvantaged. The focus should be more on the humanity of the person than on his or her personal circumstances of poverty or deprivation of one sort or another. This is precisely the rationale of a human rights approach, which upholds the dignity of beneficiaries by giving them a sense of entitlement to receive, while supporting local NGOs working to promote social justice.

This feeling is enhanced by the anonymity of giving and receiving through a philanthropic organization, instead of directly from the giver to recipient. The strong Islamic injunction to make charitable giving as private and respectful of the dignity of the recipient as possible is better achieved by the intermediacy of an organization than through a personal encounter. A third reason for the desirability of a rights-based approach through a philanthropic organization is the possibility of investing in long term and more sustainable efforts to redress structural causes of poverty and disadvantage. The stronger accumulation of charitable resources and their more systematic and accountable application in developmental, educational and other activities to diminish the future need for charity is more likely to be realized through philanthropic organizations than interpersonal giving. But the question is how to persuade Muslims of the religious legitimacy and practical desirability of the various elements of this approach.

The categorical obligation to give is strongly emphasized in numerous verses of the Qur'an. In chapter 2 alone reference can be made to verses 3, 43, 83, 110, 177, 195, 215, 254, 261, 262, 265, 267, 271, 272, 274. The same theme is repeated throughout the Qur'an, as in chapter 4:77, 114, 162, chapter 5:12, 55, and so forth. But it seems that this requirement was traditionally seen in terms of a religious obligation owed to God, though human beings and social causes are the material beneficiaries (Kuran 1989:171). The distinction between 'the rights of God and the rights of human beings' is a familiar one in traditional Islamic scholarship, whereby the former is a religious obligation and the latter a product of some sort of familial or legal relationship. Indeed, the above noted view of various forms of charitable giving (such as zakat, sadaqa and infaq) as spiritually cleansing for a Muslim will

probably remain the primary religious motivation in this regard. We are not concerned here with attempting to displace that traditional view as such. Rather, the question for our purposes here is whether charitable giving can be viewed as a right for the beneficiaries, *in addition* to being, or probably as a more appropriate way of practicing it as, an obligation to God.

It can be argued that a rights-based approach to charitable giving is not alien to the Islamic tradition. For example, verses 70:24 and 25 clearly state that the needy have a right in the wealth of the rich: “And those in whose wealth is a *recognized right*, for the beggar and the destitute”. Verse 2:29 applies the obligation to give to the maximum one can afford: “They ask thee how much they are to give; Say: All that you do not need [to spend on yourself at the time]. Thus doth Allah make clear to you His Signs: In order that ye may consider.” This strict obligation to give can also be implemented through a variety of institutional arrangements to achieve dynamic goals of social justice. Verse 2:177, which speaks of the futility of performing worship rituals when that is not accompanied by a range of activities in the service of community and society in general, can be cited in support of this proposition. As noted earlier, the more systematic and institutionalized organization of charitable giving we are proposing will probably help Muslims give all that they do not immediately need for themselves in the knowledge that their future needs will be satisfied by a more reliable philanthropic system. In this way, what we are proposing can contribute to assisting Muslims in fulfilling their wider religious obligations indicated in 2:177. The question we are raising here is whether this approach can be supported by perceiving the obligation to give as the moral and social right of beneficiaries that is best satisfied through the work of philanthropic organizations in the modern context.

In seeking to draw attention to and promote such possibilities, however, we must recognize that current literature in the field has mostly focused on compassion and assistance in alleviating poverty without engaging a basic concept of rights. Moreover, early and contemporary scholars paid little attention to the existing economic methods prevailing in the world at that time (Kuran 1989:171). This extensive scholarship emphasizes the superiority of theoretical models of ‘economic justice in Islam,’ with little analysis of why these goals are not being reached. The predominance of this apologetic and simplistic approach distracts from confronting the reality that many of the countries where Muslims constitute the majority of the population occupy the bottom of the list in the international human development index. Muslim scholars and practitioners in the field keep emphasizing an Islamic ideal of social justice and solidarity, without addressing persistent failures to achieve that ideal in practice among present Islamic societies.

It is also relevant to note that collection and distribution organizations among Muslims who immigrated to North American and Western Europe, also operate on the same limited traditional approach to charitable giving. According to the director of the Holy-land Foundation, as reaching out to the needy at a personal level has

become logistically difficult, Muslims are relying on such organizations to calculate the amount of zakat required to transfer to the needy (Duin 2001). While their lives are transformed by the business and professional standards of the Western societies around them, Muslims are not applying the same standards to the objectives or process of their own charitable giving. Modern organizational structures are used to simply facilitate charitable giving as traditionally conceived, without reflection on the need for and possibility of innovative ways of discharging the underlying religious obligation to promote social justice.

The diminishing public or general societal role of zakat in many Islamic societies today (Abdalhakim-Douglas and Bewley 2001) is probably a reflection of widespread disillusionment with its ability to make significant contributions to social justice and sustainable development. This does not mean that Muslims are no longer observing this religious requirement as a matter of private worship rituals (*ibada*). Rather, it reflects the ineffectiveness of the public role of *zakat* and other forms of *sadaqa*. The need for a revitalization of this public role is part of the rationale of the rights-based approach we are proposing here, in addition to other reasons for its desirability and possibility.

To develop this view, it is important to understand why a rights-based approach is necessary and possible today, as well as appreciating and addressing the difficulties facing such an approach. As noted earlier, the main argument for a rights-based approach to be implemented through philanthropic organizations is the ability of this model to achieve greater respect for and protection of the human dignity of the beneficiaries. In particular, a rights-based approach is necessary in the radically transformed postcolonial realities of present Islamic societies. For example, significant demographic and societal changes like growing urbanization and increasing pluralism have clearly rendered traditional private interpersonal processes of charitable giving less effective in achieving their intended social and humanitarian objectives. In this context, givers are unlikely to be able to identify and reach the most deserving beneficiaries or safeguard against abuse or manipulation of their charitable impulse. But the more important implication of these changes for our purposes here is that the immediate consumer relief to be served by private personal giving is unlikely to succeed in addressing the underlying causes of poverty and disadvantage, as noted earlier.

Another critical aspect of these realities is that the nation-states under which all Islamic societies live today require a different type of social and political organization. The extensive and intrusive nature of the powers and institutions of this model of the state affects every aspect of the lives of persons and communities. This requires a much higher level of transparency and accountability than was necessary or possible under the pre-colonial imperial states that ruled over Islamic societies in the past. As clearly demonstrated by the experiences of Western societies where these models of the state have achieved a high degree of stability and development, effectiveness and transparency and accountability are achieved

and maintained by a vigorous and engaged civil society because the state cannot be trusted to protect the rights of its citizens (An-Na'im 2003, An-Na'im 2001:55).

It is true that the state must have all the powers and resources it needs to fulfill its vital functions in ensuring security and well-being of its citizens. But it is also dangerous to give the state too much power or allow it to monopolize all economic resources of the society because that would enable those who control the state to dominate and suppress every opposition. To guard against totalitarianism means that the state should not be invested with the resources and mechanisms for complete control over all aspects of life. For our purposes here, for the large and complex bureaucratic system of the modern state to perform its legitimate functions, it will not be conducive to the fair distribution of services. For instance, large bureaucracies would not have the flexibility for funding activities that will enhance self-reliance among the poor, thereby respecting their human dignity, in addition to satisfying immediate needs. From this perspective, it is neither possible nor desirable for the state to provide for or control all aspects of the economic and social development of the country. This means that civil society actors should be able and willing to assume responsibility for some aspects of social and economic development, the provision of essential services in education, public health, and so forth. The approach we are proposing includes the development of modern philanthropic organizations to contribute to these and other aspects of the work of civil society in Islamic societies.

As it exists on the ground, civil society among Islamic communities has evolved over time into sectarian organizations and other entities that combine religious values and secular constructs (Abou El Fadl 2001). But these entities are not well-matched with or well-suited for the profound social and political challenges facing postcolonial state-societies in their regional and global contexts. In particular, the ability of civil society entities to achieve better protection of human rights is seriously hampered by the lack of resources, in addition to other factors (Ibrahim 1997:33). While it will probably continue to be necessary in the short term, reliance on external funding for NGO activities is problematic as a source of outside intervention that often ignores indigenous knowledge and seeks change through imposition of what are deemed to be more efficient modern ideas and processes (Chambers 1997). A rights-based approach to philanthropy can progressively contribute to diminishing the dependency of local NGOs on external funding, thereby enhancing their legitimacy and effectiveness in holding state officials and institutions more accountable to Islamic communities.

A rights-based approach is also possible in the present context of Islamic societies precisely because of the currency of a rights discourse in the relationship between state and society. But certain concerns about a rights discourse need to be addressed before the proposed approach can realistically be implemented in present Islamic societies. In particular, there is need to clarify the relevance and application of the human rights framework in promoting the capacity of Islamic societies to

achieve social justice goals. In addressing these issues here we are not suggesting that they are peculiar to Islamic societies, as the idea of human rights itself is very recent and challenging for all human societies, partly because of its far reaching implications for local understandings of social justice.

As developed since the adoption of the Universal Declaration of Human Rights (UDHR) by the United Nations in 1948, human rights are supposed to be due to all human beings by virtue of their humanity, without distinction on such grounds as race, sex, religion, language or national origin. This apparently simple idea is revolutionary and challenging for every society, Western as well as non-Western. Traditionally, rights were supposed to arise either out of membership of a tribal, racial or national group, by virtue of adherence to a particular religion or creed; and vary according to whether a person is male or female, and so forth. Under specific normative systems, rights are recognized on the basis of some legal or familial relationship, as under a contract or other legally recognized relationship that may give rise to inheritance rights, for instance. Even under the constitutional schemes of rights, like those under the Constitutions of the United States or France which are often cited as antecedents to human rights, some critical rights are denied to non-citizens, including those who are lawful residents of the country.

Despite its recent origins and revolutionary nature, the idea of human rights is extremely important for the protection of human dignity within national jurisdictions by providing an external frame of reference for judging the scope and quality of the protection of rights in every country. As stated in the Preamble of the UDHR, human rights are “the common standard of achievement for all peoples and all nations” in order to make them the rights of all and every human being, especially when these rights are denied or undermined by some legal, religious or other standard. It is therefore unacceptable to oppose human rights or deny their application to any person or group in the name of such an internal ‘relativist’ standard because that is precisely the sort of objection the universality of these rights is intended to overcome. Such claims are equally problematic, whether they are made in the name of protecting national sovereignty, as asserted by countries like the United States, or of the supremacy of Shari`a by some Islamic countries. While particularly concerned with the latter sort of assertion because of its relevance for philanthropy in Islamic societies, we realize that it cannot be addressed in isolation of claims of ‘national sovereignty’. The cultural or contextual relativity of some societies tends to provoke a similar attitude in other societies, and vice versa.

Like other religious traditions or political systems prevalent when Shari`a principles were developed and applied a thousand years ago, those principles did not provide for equal rights for all human beings, which is now required by international human rights standards. That traditional understanding of Shari`a was appropriate for its own historical context, but that does not justify attempting to apply those dated formulations of Shari`a by scholars who were responding to their own social and

political context. Seeking the development of alternative interpretations of the Qur'an and Sunna to realize the Islamic values of respecting human dignity and promoting social justice in the new context of Islamic societies today is more consistent with the nature and purpose of Shari`a, than insisting on applying traditional interpretations that are no longer useful (Taha 1987, An-Na'im 1990). The effort to develop more appropriate interpretation of Shari`a sources for today is also consistent with the strong belief among Muslims that Shari`a is derived from divine sources because the point here is about the human interpretation of Islamic sources, and not about replacing them with other source. In this way, there is a contradiction between the simultaneous commitment to Shari`a and human rights principles.

Since we are calling for a rights-based approach, it may be useful to apply the preceding reflections on the legitimacy of human rights among Muslims today. For instance, there is apprehension among Muslims about Western 'cultural imperialist hegemony', usually coupled with skepticism about double standards in the foreign policy of Western powers. That is, international human rights standards are not only considered by many Muslims to be an extension of colonial policies, but also that western powers are selective and opportunistic in their adherence to these values. Another relevant factor is the view that as secular or 'man-made' norms, international human rights standards should not be allowed to override Shari`a principles which are 'divinely ordained'.

Regarding the first factor, the fact that Western countries have taken the lead in the drafting of the UDHR in 1946-48 does not make them the sole or even primary author of these rights. For one thing, the UDHR is meaningful and authoritative only to the extent that it is actually universal, that is, accepted by all major cultural, religious and philosophical traditions of the world. Moreover, most Western countries refuse to accept economic, social and cultural rights as human rights in the same way that many Islamic countries resist the human rights of women or religious minorities. In any case, Islamic societies in all parts of the world have in fact repeatedly affirmed their acceptance of and commitment to international human rights standards, regardless of and sometimes against the wishes of their governments or religious elite. This clearly shows that Muslims do not take the claim that human rights are a Western imposition seriously. In this light, the perceived double standard or selectivity of Western countries is hardly a sufficient justification for a similar position among Islamic societies.

As to the purported dichotomy between secular and divine norms, Shari`a is always necessarily the product of human interpretation of divine sources, rather than being divinely ordained as such, and human rights can be founded on an Islamic rationale (An-Na'im 1995, An-Na'im, 1996) as well as a secular one. In other words, it is not a matter of choice between secular or man-made human rights norms and divinely ordained Shari`a. Rather, it is a matter of competing human interpretations of Islamic sources, on the one hand, and human rights norms that can also rely on

Islamic sources, on the other (An-Na'im 1990). Indeed, as the extreme and significant diversity of theological and juridical opinion among Muslim scholars and their schools of thought (*madhahib*) clearly shows, it has always been clear that Muslims themselves do not accept every claim of a Shari'a principle to be a valid interpretation of divine sources. In each setting the human interpretation of the Qur'an and Sunna is influenced by the circumstance of the time, including general political and philosophical theories. It is legitimate that appropriate interpretations of Shari'a should take into account modern human rights principles because they have become such a powerful force for promoting human dignity and justice. That would also assist Islamic societies to honor international obligations to protect and promote human rights.

In our view, these arguments are sufficient for at least the tentative support of the relevance and application of human rights to present Islamic societies. But it is also clear to us that it is unlikely that such persistent controversies can be settled through theoretical discussion, even if one has the time and space for an extensive elaboration of them. The issue is more likely to be resolved by framing the question in relation to specific human right standards, rather than with reference to the universality of these rights as an abstract idea. For instance, these standards include freedom of expression and belief, protection against torture, safeguards for a fair trial, as well as a right to education, health care and housing. It is inconceivable that the 'average Muslim' today, whether Sunni or Shi'a, would see any of these specific rights as an extension of colonial policies, or hold that it should be abandoned because of Western countries' selectivity in upholding it in their foreign policies.

We are not of course suggesting that all Muslims already accept every human rights principle and standard. There are (and will probably always be) Muslims who object to, for instance, the general human rights prohibition of discrimination on grounds of sex or that freedom of religion includes the right of a Muslim to convert to another religion or belief (*ridda* or apostasy). What we are suggesting is that Muslims at large do accept the universality of human rights, and seek to abide by the basic international standards. In our view, this provides a good foundation for a rights-based approach to charitable giving in the dual sense indicated earlier, namely, the right of beneficiaries in the resources and the inclusion of human rights causes in the legitimate beneficiaries of zakat, sadaqat and infaq.

We now turn to a general discussion of the main themes and issues relevant to our proposal. One of the critical issues in this regard is how to develop theological and cultural arguments for promoting consensus among private givers about the meaning and implications of social justice in the modern context. In particular, how to persuade traditional charitable givers to accept a human rights-based understanding of social justice? An appropriate starting point for this discussion is through the clarification of the notion of social justice in present Islamic settings.

SOCIAL JUSTICE AND ISLAMIC CULTURES

To begin with, the term ‘Islamic cultures’ here refers to the cultures of Islamic societies, without assuming that Islam is the sole defining characteristic of these cultures or implying a particular preconceived notion of the quality of being ‘Islamic’. That is, our deeply contextual understanding of culture requires that each culture should be understood on its own terms, which would include demographic, economic and social factors as well as a religious dimension of cultural norms, practices and institutions. As each culture ‘negotiates’ the role of Islam in the life of local communities over time, and in response to a variety of factors and influences, one should not generalize about how that role might vary from one setting to another. Thus, one would expect that the cultures of Indian Islamic communities to reflect different understandings and practices of Islam and its role in their lives from what one would find among Central Asian, Middle Eastern or sub-Saharan African Muslims.

We are concerned here with the possibilities of internal transformations within each cultural setting that might be conducive to the proposed rights-based approach. To this end, we are interested in theoretical possibilities of supportive interpretations of Islamic scriptural and historical resources without prescribing particular ways in which that must happen in all Islamic societies. This is not to suggest, however, that such interpretations operate directly and consistently in the daily behavior of local Muslims and their institutions. Rather, we perceive them as one element in shaping attitudes and behavior, to varying degrees within and among Islamic societies. The term social justice in Islamic cultures is therefore intended to refer to how scriptural and historical resources are ‘negotiated’ into social norms and practice in this regard. The task in this part of our analysis is to clarify the notion of social justice as it is likely to be understood and practiced in the specific context of each Islamic society.

It may therefore be useful at this stage to develop a working definition of social justice as a desirable objective for the purposes of the proposed rights-based approach. We realize that there is a tension between our claim to take each culture on its own terms, on the one hand, and proposing a working definition of social justice towards which all Islamic cultures should strive, on the other. This tension can be mediated, however, by keeping the definition of social justice as a general broad orientation or objective of charitable giving and philanthropic organization in each society, while expecting different models and dynamics of realizing that goal to emerge in different settings. That is, the proposed definition is to be realized through persuasion and consensus-building processes, and remain open to change and amendment in terms of its own rationale. From this perspective, we suggest the following working definition:

Social justice is a basic value in the life of a community to respect human dignity and provide for the best possible quality of life for all human beings. Since present

day Islamic societies include males and females, non-Muslims as well as Muslims of different sectarian affiliations, people of various racial or ethnic identities, and so forth, membership of the broader community must include all persons and groups, without distinction on such grounds. This fully inclusive quality is critical for any conception of social justice because of the interconnectedness and interdependence of all human beings, especially those sharing the same space and living conditions. It would be profoundly disruptive of the normal flow of human relationships and daily life to provide for the wellbeing of men to the exclusion of women who are members of the same families, of Muslims to the exclusion of non-Muslims, of some Muslims and not others, or of people of any racial or ethnic affiliation. Attempts to impose such distinctions by fascist regimes like Nazi Germany and Apartheid South Africa all failed except in creating tremendous human suffering. That is why international human rights standards categorically prohibit discrimination on such grounds.

Accordingly, social justice includes fair access to social goods and institutions and the protection of universal human rights norms (civil and political as well as economic, social and cultural rights) without any discrimination on grounds such as religion, sex or gender, race or ethnicity. More generally, this definition of social justice emphasizes the effective implementation of public policies to promote more inclusive and meaningful political participation, economic development and fair distribution of resources and provision of essential services for all segments of the population. Each of these elements, and all of them in interactive combination, are necessary for the substantive and sustainable realization of the underlying principle of self-determination for all persons and groups, equally and without discrimination, as well as for the society at large.

While this conception of social justice is basically consistent with traditional interpretations of Shari`a, there is need to overcome some systematic problems that tend to undermine its full implementation today, especially certain principles of Shari`a that discriminate against women and non-Muslims. For our purposes here, we are simply emphasizing the need for such transformation, rather than debating which specific methodology (e.g. An-Na'im 1995, Qutb 2000, Kamali 2002) can best achieve it. Since disagreements over competing approaches to Islamic reform cannot be settled here, if ever, we are appealing to all those who accept the need for change to deploy whichever methodology they deem most appropriate and effective in achieving the desired outcomes.

It is also important to note here that a rights-based approach to social justice is both an end and means of Islamic reform because it secures the social and political 'space' for vigorous debate in addition to indicating the desired direction of change. Thus, philanthropic organizations can provide civil society actors with the resources they need for engaging in Islamic reform initiatives that, in turn, support the role of philanthropic organizations in achieving social justice objectives. But philanthropic organizations should also avoid even the appearance of trying to influence the

outcome of such debates, as that would undermine the legitimacy and utility of the whole process. We will consider legal, institutional and other safeguards in this regard later in this paper. At this point, however, it may be helpful to attempt further clarification of the notion of justice in the broader Islamic tradition.

Grounding a theory of justice in the contemporary practices of Islamic societies in terms of the present study requires the integration of a wide variety of resources in relation to the pivotal role of justice in the basic tenets of Islam. For example, verse 16:90 which states that ‘God commands justice, benevolence, and giving to kith and kin, and forbids all indecent deeds...’ was taken by early scholars like Ibn Katheer, al-Qurtubi and al-Tabary to mean that rendering ‘justice’ is of the essence of confession of the faith in Islam itself, *la illaha ila Allah*. From this view, seeking to do justice is to honor God’s name as ‘the Just,’ which is one of the 99 names of God. Literally the term justice (*‘adl*) means placing things in their rightful place; it also means according equal treatment to others or reaching a state of equilibrium (Kamali 2002). As used in various parts of the Qur’an, the term includes legal, distributive and restorative justice, all of which are mandatory for Muslims.

In one report of the sort of Sunna known as *Hadith Qudsi* God is reported to say: “My servants, I have forbidden Myself injustice and I have made injustice forbidden to you. Therefore, do not be unjust to one another.”⁴ The al-Mu`tazila school of Islamic philosophy theorized human justice as stemming from Divine Justice, since God neither inflicts injustice nor allow it to be inflicted by human beings. Scholars of this school took the origin of justice to be the metaphysical base of morals or in the belief system that produces morality (Abdelkadir 2000). In their view, human beings are endowed with the ability to think and given freedom of choice so as to be able to attain justice. Moreover, God provides guidance by sending messengers and reveals the divine scripture that set forth the basis of justice among human being.

Ibn Rushd described different types of justice, such as preventive measures to stop violations or remedy a wrong. Thus, for instance, certain prohibitions in commercial transactions, like the prohibition of *riba* (usury) represent an expression of justice (*‘adl*). Restorative justice includes criminal punishments like *qisas* (exact retaliation) or the payment of *diyah* (monetary compensation) for causing death or bodily injury. However, for Ibn Rushd, individuals’ rational choices to bring about justice must have been directly linked to the Divine Justice. Ibn Rushd’s theory of justice included doing justice in all walks of life, legal, social and political, so as to establish a balanced existence through the rational choice of human beings.

⁴ The term *Hadith Qudsi* in the Islamic tradition refers to a text in which God is the author, though it is expressed in the Prophet’s own words, as opposed to a text of the Qur’an which is revealed and divine in both meaning and expression, and Sunna (Hadith) of which the Prophet is the author of meaning as well as how it is expressed. See <http://www.islamicvoice.com/january.2000/women.htm>

Ibn Miskawaih argued that the notion of justice from the divine perspective of God is universal and has to be applied to all human beings. The exercise of justice in human affairs should therefore seek to emulate that divine quality, by evolving human practice within its limitations of time and place towards the divine ideal (Muhammad and Khan 1964). In other words, when humanly possible, as we believe it to be now, justice should be understood to preclude discrimination on such grounds as sex or religion. From this perspective, we suggest that discriminatory aspects of traditional interpretations of *Shari`a* should be revised to better achieve the ideal of divine justice in present Islamic societies.

The requirement of justice, whether distributive or restorative, should be distinguished from the discretion decision of the person entitled to a benefit or remedy to forgo or not enforce his or her claim. For example, in affirming the right of an injured person to effective and appropriate remedy, verse 42:40 of the Qur'an encourages the victim to forgive and reform the offender. In this sense, a remedy proportionate to the wrong inflicted is a level of justice, but forgoing such remedy in the interest of reforming the offender and the social good in general is a superior form or level of justice. Thus, legal justice is mandated in more than 20 verses of the Qur'an, like 4:135, 5:8, and 7:29, but social harmony may not necessarily be achieved by extracting vengeance through legal institutions. On the contrary, forgiving the offender is more likely to promote peaceful social relations and set a higher example for others to follow. This concept of justice allows the victim to enforce an effective legal remedy, or choose to dispense a favor to the community and the wrongdoer by giving him a chance to repent and escape physical punishment. But for this superior outcome to materialize, the right to the remedy to be forfeited for the social good must be authoritatively established in the first place. Otherwise, the civility of the victim may not be appreciated by the aggressor. That is, once a wrong is established by applying appropriate legal standards through requirements of judicial proof, the victim becomes entitled to retributive justice that is precisely proportionate to the wrong or injury, while encouraged to take a morally superior and more constructive social role. This link between power and peace is how *ihsan* mitigates the mandatory nature of legal justice.

The relationship between retributive and restorative justice in the Islamic tradition can be better appreciated for its ability to evolve social relations from violent and arbitrary tribal system of exaggerated vengeance of pre-Islamic Arabia into a more precise and just criminal justice system. Another aspect of this process that is relevant to our purposes here is the notion of collaborative responsibility to provide a remedy when individual responsibility is impossible to prove. This principle is reflected in the notion that the community in whose locality a homicide was committed (*al-a'qila*) must provide monetary compensation for the relatives of the victim when the wrong is established without sufficient proof of guilt of a specific perpetrator. While ensuring an appropriate remedy for the victim's side, that principle of collaborative social responsibility promoted social peace and harmony

by diminishing the impulse for individual retaliation in such cases. In due course, this and related principles promoted the collective identity of Muslims as an *Umma* (global community of believers) to replace narrow and chauvinistic allegiance to the tribe (*assabiyya*). The significance of this historical process for our purposes here is that collaborative communal responsibility can promote individual justice as well as the general social good precisely because it discouraged discriminatory practices (like tribal *assabiyya*) and promoted systematic equality among all human beings.

Commitment to justice is an act of faith for Muslims in addition to being an act of human decency and social good. Choices about the meaning, implications and implementation of justice are to be made according to spiritual as well as mundane reasons. Worldly acts are not totally divested from religious duties. A productive life involves acts of being just and benevolent in ways that seeks God's reward as well as achieving social standing and influence. How this is realized will necessarily vary from one place to another and over time in the same place, whether Muslims constitute the majority or minority. Generally speaking, the underlying concern of an Islamic concept of justice is with all human beings as partners in primary social goods, whether those goods are ethical, such as liberty, or material, like the opportunity to compete for economic resources. From a religious perspective, God has willed the difference in wealth, but also endowed human beings with reason and choice under a categorical mandate to share wealth and resources. Rights and duties are two sides of the same coin, while emphasis on the vulnerability of the rich to lose all their wealth and power is a constant incentive for giving as an obligation, and receiving as of right.

Civil Society in Islamic Perspectives

It is not possible or necessary for our purposes here to examine or attempt to clarify the variety of senses, rationales, formations, objectives in which the concept or term 'civil society' is used (Edwards 2004). This is indeed a vast field, and we only wish to acknowledge the limited sense in which we are using it here, namely, how the concept is understood as having evolved in different settings out of the practical needs for the protection of the rights of persons and communities against the expansive powers of the modern state. From this perspective, the concept is commonly taken to refer to voluntary organizations that are free from governmental control. It is also identified as occupying a space between the state and the market sector, and operates in the public sphere (Sajoo 2001:1-31). But it is difficult to provide a precise definition of the term because it "has become so prominent, writers often wish to claim it for their cause; as a result, definitions of civil society often reflect the function one wishes it to perform" (Bahmueller 1999). Definitions tend to be too descriptive to permit general theoretical elaboration, often aided by examples of the type of organizations recognized as part of civil society.

For example, according to Olivier Roy (2001), "the concept of civil society usually refers to networks of free citizens - such as professional associations, unions, political parties, non-governmental organizations (NGOs) - which create political

space as a prerequisite for building democracy and the rule of law.” Another definition identifies civil society in terms of an entity that is:

Organized, i.e., institutionalized to some extent ... private, i.e., institutionally separate from government ... non-profit-distributing, i.e., not returning profits generated to their owners or directors ... Self-governing, i.e., equipped to control their own activities.; voluntary, i.e., involving some meaningful degree of voluntary participation ... nonreligious, i.e., not primarily involved in the promotion of religious worship or religious education ... Nonpolitical, i.e., not primarily involved in promoting candidates for elected office” (Anheier and Salamon 2001:11).

There is also consensus among the authors of the above definitions and others that it is important for a civil society organization to be a non-profit entity that includes a component of volunteerism, a sense of community participation. Particularly relevant to our purposes here is the notion that the concept of civil society has moved from being an association of people who have the same interests and are bonding to protect those interests, to being an association of people with different aspirations to serve broader social justice and mediate between the public and the state (Kukathas 1999).

While Muslims can of course participate in all sorts of philanthropic organizations and activities, we are primarily concerned in this study with the religious dimension of their engagement. It is difficult of course to identify any person’s precise motivation for charitable giving or explain in what sense it is Islamic. As indicated earlier, moreover, we do not believe that the dichotomy between the so-called secular and religious is significant to Muslims who have a religious duty to develop the secular world as a means to attaining spiritual satisfaction and fulfilling religious obligations. We raise the point here, however, to indicate that the premise of our reflection on definitions of civil society relates to the degree to which the values and normative content of charitable and philanthropic activities of Muslims are associated with the Islamic culture of the community. In particular, the term civil society is often used to refer to a ‘space’, regardless of the normative ends or purposes for which this space is used, whereas we are using it with what may be called an ‘Islamic’ normative content, albeit in a broad and flexible sense.

For instance, the requirement that a civil society organization should not be primarily involved in the promotion of religious worship or education in the definition of Anheier and Salamon (2001) quoted above would be problematic in an Islamic context. Indeed, the provision of religious education through philanthropic activities, as has traditionally been the case in Islamic societies, is more conducive to religious tolerance and pluralism than requiring the state to provide this essential community service. This service can indeed be essential for a community’s ability to exercise its collective right to cultural self-determination, especially when it lives as a minority or under a strictly secular state of the French model. A philanthropic organization that attracts Muslims’ sadaqat and zakat may seek to protect freedom

of religion without actually engaging in religious education.

We do appreciate the concern of the authors of such definitions about the risks of religious education promoting religious intolerance rather than tolerance and acceptance of difference as a critical civic value. The question is therefore more about *how* religion is taught, and which values the teaching of religion seeks to promote, rather than whether or not it is taught at all. To exclude the possibility altogether out of fear of the risk, in our view, is to throw out the baby with the bathwater. Civil society may aid in shaping religious thinking and behavior. What is needed is to examine the assumptions, content and educational methods of religious education to ensure consistency with the needs of modern pluralistic societies. This can best be developed through a more inclusive discourse, including organizations and community leaders who may be initially opposed to some of these values.

We must of course concede here that the notion of what is civic or civil from an Islamic perspective is often contested among Muslims themselves. In our view, however, a minimal sense of what can possibly be civic or civil has to do with ensuring the right of all members of a community to debate such questions freely, without fear of retaliation or other intimidation. Otherwise, the ability of the community as a whole to determine or change its view will be lost. Moreover, a general Islamic principle to be applied here can be derived from the Qur'anic requirement to "cooperate in promoting goodness and piety, not sin or aggression" (Qur'an 3:2). Verse 3:104 also calls on Muslims for "striving for all that is good, enjoining what is right, and forbidding what is wrong". But the question arising from such injunctions is what is deemed to be 'goodness and piety' in the first verse, or 'good and right' in the second, for present Islamic societies. Without attempting an exhaustive discussion of the subject, we believe it reasonable to suggest that it should encompass the mobilization and organization of the community's charitable resources through philanthropic initiatives for its own development, including the promotion and protection of human rights. Moreover, as we suggested earlier in this study, membership of the community should be inclusive of all human beings, Muslims and non-Muslims, men and women, because discrimination on such grounds is unworkable and counterproductive for the Muslims themselves. In other words, we are recommending an understanding of Islamic injunctions as intended to promote an inclusive civic bond among all human beings, instead of one that is limited to an exclusive religious identity or subject to the limitations of traditional interpretations of Shari'a, as noted earlier.

In making these proposals, however, we are not assuming that they are already acceptable, or likely to be readily accepted by existing philanthropic groups in Islamic societies. It is probably true that some organizations or groups already operate on the inclusive model we are proposing. For instance, when religious groups in Turkey and Egypt provided much needed services after earthquakes and other disasters, they did not discriminate among the victims (El Gindi 2001). But is

also true that some follow a more exclusive or discriminatory approach. As observed by Mohamed Arkoun about the philanthropic activities of ‘fundamentalist’ Islamic groups:

In a variety of transitional contexts from the Maghreb [North Africa] to the Near East to South East Asia, their activism has extended to the sectors of health, transportation and education for the underprivileged; and they doubtless contribute to a sense of morality among youth deprived of traditional kinship protection. ... There is less of a concern on the part of these movements to promote civic bonds than communal ones, which can foster new exclusions and marginalisations, and reinforce old prejudices (Arkoun 2002: 55).

We also appreciate that it is not enough that we believe our interpretation to be supported by relevant texts of the Qur’an and Sunna of the Prophet, because that is also what the proponents of the counter position are asserting. The issue is therefore one of competing interpretations and perspectives that should be resolved by the sustained advocacy of our views in the hope of winning public support for it, rather than expecting it to be authoritatively resolved through theoretical analysis.

The advocacy of such inclusive conceptions of civil society among Muslims would be supported, we believe, by an emerging global civil society, as a coalition of various constituencies cooperating on certain shared economic, social, environmental and other concerns. Such a global engagement does not necessarily resolve the internal debate among Muslims about the nature and role of civil society, and will probably generate debates about corresponding issues. We are still hopeful that the engagement of global civil society would be helpful in two ways: enabling Islamic communities to participate in global developments that affect their local conditions and facilitating a more inclusive conception of local civil society.

Since every analysis of global civil society must necessarily emanate from some implicit or presumed normative content, it is better to state that openly for debate instead of leaving it to the ideological or cultural bias of the analysis or actor. From my perspective, the critical question here is: by whom and how is that normative content to be determined? The true ‘globalness’ of global civil society requires a more inclusive sense of participants and process for this purpose (An-Na’im 2002: 56).

This is not to suggest that either side of the debate will immediately succeed in promoting the approach we are proposing. On the one hand, the participation of Islamic communities in global developments will necessarily reflect the dominant views within those communities, whether exclusive or inclusive of the concerns of women, non-Muslims and dissidents. On the other hand, the impact of global civil society on local debates will also reflect the varieties of perspectives within that sphere, among supporters as well as opponents of our views. Nevertheless,

we believe that the multiplicity of participants and diversity of perspectives within and among these debates is likely to be beneficial for a more liberal and inclusive view of philanthropic initiatives at both the local and global level.

Another aspect of the nature and role of civil society in Islamic societies is the tension between the need for regulation by the state, on the one hand, and the risk or danger of control by the state. The legal regulation of the activities of civil society organizations is necessary for the accountability and transparency of those entities. But the power of the state to regulate can also be abused to control and manipulate charitable resources. This tension is clearly illustrated by the recent debate about the attempt of the government to control and manipulate civil society organizations in the name of regulating their activities in Egypt. The state may even compete with non-government entities by creating its own organizations. It is also unrealistic to assume that state-actors are necessarily united or uniform in their actions on this matter and related issues. As Norani Othman noted:

In Malaysia, the government under the leadership of Dr Mahathir Mohamad and his then heir-apparent, Anwar Ibrahim, initiated the idea and public discussion of constructing a civil society (*masyarakat madani*) through an Islamic modernity. But it was during this period too that the Malaysian government intermittently introduced a bundle of Islamic laws and regulations which were contrary to the promotion of Muslim women's rights, civil liberties, religious freedom and tolerance. At the same time, it was in Singapore and Malaysia that 'Asian values' and the critique against the Universal Declaration of Human Rights [based on the argument of the cultural context and/or cultural relativism of the conception of universal human rights] were vigorously promoted (Othman 2001, no page number).

Once again, this tension can be mediated through a dynamic process of advocacy for legal reform, educational campaigns to enlist the support of communities to check the excesses and abuse of power by state actors, and so forth. The same process should also be used to address other issues facing philanthropic initiatives, such as corruption, lack or weakness of public confidence, and extra-territorial restrictions of charitable activities in efforts to limit funding for international terrorist organizations (Goodstein 2003).

A Culture of Giving

There are many aspects to a culture of charitable giving in any society, some relating to material conditions of wealth and standards of living which enable people to give, while others affect the motivation to give, to which causes or purposes. It also seems to us relevant to consider factors affecting an underlying ethos of civic engagement in following through with practical arrangements for the mobilization and organization of charitable resources to ensure the achievement of particular objectives of modern philanthropy. This factor influences, we suggest, a balance between the provision of direct relief for populations affected by some natural disaster or civil war, on the one hand, and philanthropic support for long term educational or developmental purposes, on the other. The interplay of these

and related factors takes place within the context of each society, its historical charitable tradition and current practices, public confidence in state and civil society institutional capacity for legal and other forms of accountability of philanthropic organizations, and so forth.

Many of these factors and their implications are beyond the scope of this study, which is concerned with the Islamic dimension of some of them, without claiming that it applies to all forms and processes of charitable giving, even in situations where Muslims constitute the clear majority. In other words, we are not suggesting that there is a clearly defined and bounded type of Islamic philanthropy as such, let alone claiming that this type is the exclusive organizing principle of charitable giving by Muslims. Our concern is with Islamic considerations to the extent that they apply to relevant aspects of a culture of charitable giving among Muslims in the specific context of their respective societies. To be clear on the point, there are forms and aspects of the culture of giving among any group of Muslims that have nothing or very little to do with Islam, as well as varying degrees and ways in which Islamic considerations are relevant where they do apply.

Another underlying assumption of our analysis is that the religious motivation for charitable giving for the majority of Muslims, and its impact on the different ways in which they mobilize and organize their resources in this regard, are operating under increasingly changing social, economic and political conditions. These changes affect even traditional forms of private or confidential interpersonal charity under present economic conditions of postcolonial state societies. For instance, the practice of giving zakat in-kind is likely to be more common and useful when both givers and beneficiaries live in closely knit communities engaged in the same type of agricultural, dairy, or other economic activities. That traditional form is neither possible nor useful in complex capitalist economies and conditions of life in huge urban settings where cash payments, sometimes through banking arrangements across international boundaries, are the only viable means of zakat. Even where they can still be collected in-kind, zakat resources will probably have to be converted into cash funds to facilitate distribution to designated beneficiaries. Such practical considerations require the drastic revision of the ways in which traditional Islamic scholars used to calculate the zakat obligations of individual Muslims out of particular types of property.

In our view, a rights-based approach to charitable activities among Muslims should inform the ways in which these changes and adjustments are made in the modern context of Islamic societies to better achieve the underlying religious rationale of those practices under radically different economic and social conditions. For instance, traditional perceptions of zakat would deem the religious obligation satisfied by the mere act of giving the property away to what the believer holds to be one or more of the ‘designated’ purposes, as stipulated in verse 9:60 of the Qur’an, quoted earlier. In contrast, the proposed rights-based approach would sustain the engagement of both the zakat giver and beneficiary as mediated by an

appropriate form of philanthropic organization or institution. From this perspective, the giver will remain engaged in the process to ensure that the proper purposes of the right to charitable resources are fulfilled, while the sense of entitlement in the beneficiary will enable him or her to participate in the process of disbursement of funds or provision of services. This aspect of a culture of giving, we believe, would create a duty on the part of the giver to protect the rights of beneficiary, as the donor moves from a passive to a proactive role stipulated by verse 3:104, to “striving for all that is good, enjoining what is right, and forbidding what is wrong”. Thus, the religious obligation to give can be transformed into a more effective and sustainable contribution to achieving social justice.

It is also important to note that the proposed rights-based approach does not violate the religious obligation, and can indeed enhance it. Organizing zakat and sadaqat according to these principles safeguards religious precepts in giving, such as anonymity of the giver, while protecting the human dignity of the beneficiaries who do not have to take directly from the source. The more efficient management of resources and ensuring their appropriate expenditure are also Islamic values that are better served by philanthropic organizations than what individual Muslims can do in performing their religious obligation. For example, more than a million Muslims every year make the pilgrimage to Mecca (*Hajj*), where they are all required to slaughter at least one animal for the sacrifice of the *Eid*, and probably more during the rites of the pilgrimage. But they have no time or ability to make proper use of this sadaqa, and the meat goes to waste in addition to creating a serious public health hazard. The Islamic Development Bank (IDB) organized the collection and transport of the meat for the benefit of hundreds of thousands around the world, an example of how philanthropic initiative transformed waste into a sustainable resource for social justice.

As noted earlier, issues of trust and institutional capacity to mobilize and organize charitable resources are part of a culture of giving in specific context. Since the traditional ideal of direct interpersonal giving of sadaqa or zakat is neither tenable nor necessarily consistent with the rationale of this obligation to give today, the question is how to develop confidence in philanthropic organizations as institutional mediators between givers and beneficiaries. But trust and confidence in institutional arrangements may not be enough in some cases. There may also be need for educational and awareness raising efforts where the attitudes of givers or those in control of established philanthropic organizations may not be conducive to funding certain essential human rights objectives, especially regarding women and non-Muslims. For example, donors are unlikely to support philanthropic organizations working to combat domestic violence where social norms accept men’s guardianship and control over women, and condone the use of corporal punishment in this regard. Yet, such attitudes cannot be changed without deeper cultural transformation of social relations and institutions such as family and marriage. It may therefore be necessary to educate those in charge of some philanthropic foundations to encourage them to fund local initiatives against domestic violence.

The integrated cultural nature of many aspects of the relationship between philanthropy and Islamic values and institutions goes beyond the forms of religious obligation to give in zakat, sadaqat, and so forth. Indeed, the linkages of acts of worship to social attitudes and behavior are strongly endorsed in many parts of the Qur'an, like in verse 2:117, which can be translated as follows:

It is not righteousness that you turn your faces towards the East and the West [in prayer]. Righteousness is that one should believe in God and the last day [of judgment] and the angels and the Book and the prophets; to give away wealth that is dear to you to the near of kin and the orphans and the needy and the wayfarer and the beggars and for [the emancipation of] the captives; to keep up prayer and pay zakat; discharging your obligations as promised, to endure hardship (distress), affliction and in time of conflicts. These are the qualities of those who are true believers, who safeguard [against evil].

Thus, the obligation to give, and right to receive are to be seen as integral to a total social ethics that includes honoring one's promises, and enduring hardship. In fact, the opening sentence of this verse emphasizes social responsibility over and above ritual piety. By hinting at the fact that people find it difficult to give, this verse also emphasizes the importance of spiritual considerations in overcoming that tendency. The theme is familiar in the Qur'an, as can be seen in verse 17:100.

A major cause of the difficulty of giving, which this latter verse calls "fear of spending" is lack of trust in God's ability to provide for the daily needs of human beings. That is, the tendency to accumulate and preserve wealth is the perceived need for self-preservation - to secure survival and safeguard against the hardships of poverty. Many aspects of the doctrine of faith and religious ritual practices are intended to promote spirituality and personal piety in order to assist Muslims in overcoming this fear at an inner personal level. But social and economic institutions and practice also play a critical role in this process, whereby charitable giving is more likely when one feels secure against poverty, which in turn can be realized by charitable giving. That is, social and economic solidarity is consolidated and sustained through institutionalized charitable giving that enhances our ability to give more by assuring us that our needs will be met should we become poor. This collective, cooperative 'safety-net' is better secured and sustained by deploying charitable resources to create wealth and contribute to general economic and social development as well as (not completely instead of) consumer relief.

A theological and legal issue that is relevant to the attitude transformation we are proposing is whether zakat (sometimes referred to in the Qur'an as sadaqat) is a tax due to the state or religious obligation owed to the designated beneficiaries. That is, while it is settled that every Muslim has an imperative religious obligation to give (Ghazzali and Faris 1966), there is some ambivalence as to whether that obligation

is owed to the state on behalf of the community at large or directly to the beneficiaries (Turner 2002). The first view is supported by the fact that Abu Bakr, the first Caliph, waged war against Muslims who refused to pay zakat to the state upon the Prophet's death. However, it can also be argued that that justification is no longer relevant in view of the power and need of the modern state to levy a wide variety of taxes on wealth, trade and economic activities in general in the modern context. Moreover, most present Islamic states do not in fact organize the collection of zakat as a matter of obligatory state function. It is not possible to resolve that protracted debate here, except to note that the proposed rights-based approach may make the issue redundant by infusing philanthropic organizations with the right and ability to perform those functions that support the state's claim to these resources, like education and health care.

Another relevant theological and cultural consideration is that zakat recipients under verse 9:60 do not include the next of kin who are repeatedly mentioned in the Qur'an as the principal group of beneficiaries. This can be taken as an indication that a Muslim is obliged to provide funds for broader social justice objectives, but that does not necessarily have to be done through state institutions. In countries where the state does not organize the collection of zakat, it is important for civil society to take over this function in an organized manner. This is particularly important where urbanization and other sociological changes are weakening traditional obligations to the next of kin or other deserving persons, as highlighted earlier.

Finally, the wide diversity of interpretations of the nature and function of zakat in different societies, and the fact that "it is by no means self-evident that ... zakat would achieve this purpose [equality]" (Kuran 1989:176), clearly indicate the possibilities of and need for more creative thinking in this field. We recall here the broad and open-ended nature some of the categories of recipients, like 'in the cause of God', and discontinuity of others, like the 'freeing of slaves' under verse 9:60. To insist on traditional interpretations of these categories and the mechanisms of collection and distribution is to allow huge resources to go to waste while failing to address emerging social needs of the same basic nature as those traditional categories.

It is instructive in this regard to observe how the related institution of waqf, which is a form of sadaqa that emerged out of the Sunna of the Prophet but with much greater flexibility in its organization and administration, has evolved differently in various parts of the Muslim world. Whether we consider waqf to be an indigenous Islamic tradition or one that has been incorporated from preexisting customary practices, it is firmly established as a type of sadaqa that is more structured and organized. The traditional use of waqf to fund education or medical facilities makes it the closest form of sadaqa to modern philanthropy. The lack of express texts in the Qur'an and Sunna regulating waqf made it easy for scholars and donors to make rules to govern and direct its distribution. This is not to say that waqf has remained

free of the influence of legal regulation and public policy considerations (Kuran 2001:876, Arjomand 1998). Rather, the question is how to revise traditional practices – to make the institution of waqf, for instance, better-suited to modern conditions. Drawing on the experiences of different communities through the various country studies under the present project should, Muslims can now apply similar strategies to zakat and other forms of sadaqat.

Organizational and Institutional Concerns

The main question for this section is how to develop and sustain public confidence in local capacity to mobilize and organize charitable giving and philanthropy for social justice objectives. Relevant issues in this regard include sociological processes and legal mechanisms for ensuring the effective transparency and accountability of philanthropic organizations, general requirements of sustainable institutionalization, and confidence building in the local cultural context of present Islamic societies. These and related matters are considered here with a view to promoting a rights-based approach to charitable activities whereby the religious obligation of Muslims to give are fulfilled, with due regard for the dignity of the beneficiaries and the progressive achievement of social justice objectives.

Once again, our attempt here is to highlight the implications of these issues for a rights-based approach, without claiming to exhaust all aspects of the subject. That is, we are concerned here with how such organizational and institutional concerns affect the development and operation of philanthropic and other non-governmental organizations as modern institutions that are better suited for discharging the charitable giving obligation of Muslims today. How do these matters affect the development of a rights-based approach to the mobilization and distribution of the internal material resources of Islamic societies for their own economic and social development? How do they also facilitate or hinder the provision of necessary resources for the promotion and protection of human rights at the local level of each community?

From a sociological perspective, there is a tension between the religious focus of analysis, on the one hand, and commonly accepted notions of institutionalization of such activities, on the other. For instance, the nature of the religious authority of institutions like Al-Azhar in Egypt, the Aga Khan Foundation, or even local religious leaders, does not lend itself to verifiable legal and sociological transparency and accountability in the collection and distribution of charitable resources. Paradoxically, such requirements of institutionalization are difficult to establish or impose precisely because such institutions already enjoy the confidence of their constituencies. Thus, we are as concerned with establishing conditions of accountability where public confidence already exists, as well as promoting public confidence through accountability measures. That is, it seems to us, accountability is desirable to expand and sustain existing levels of public confidence, in addition to its being necessary as a framework for governmental supervision and regulation of philanthropic activities.

Another sociological factor, in our view, relates to common perceptions of the role of charitable initiatives, referred to earlier as a tension between immediate or short term relief and long term concerns of development and sustainability. This tension of course relates to all types of philanthropic activities, whereby the objective should include long term investment in the alleviation of poverty in the community, in addition to short term relief for the poor. The religious discourse we are suggesting may add the complication of casting the issues in terms of promoting traditional Islamic religious values over Western cultural influences, as illustrated by initiatives to promote group weddings in the name of combating vice among young men and women in countries such as Jordan (Wiktorowicz and Taji-Farouki 2000: 685). The challenge in such cases is how to present the long term objectives of addressing the needs of young couples for employment, availability of housing and such, without appearing to be opposing deeply held values of sexual propriety. In response to such sociological factors, there is need for a combination of research to document the capability of Muslims to engage in civic behavior, as well as initiatives for transforming attitudes in that direction (Carapico 2000).

Regarding legal and political regulation of philanthropic activities, our proposed approach faces the tension between these two perspectives, as well as with their religious basis. Strong political underpinning can be detected in the theological and legal regimes that have governed zakat, sadaqat and other charity sources throughout Islamic history. Waqf, for instance, developed materially and institutionally in part due to the competition between the rulers and the ministers (Arjomand 1998). The secrecy of giving that is encouraged as a religious ethos, as noted earlier, undermines possibilities of transparency and accountability.

The normative status of charity organizations in the contemporary Islamic societies is also confused by duality in the sources and nature of the rules regulating their establishment and operation. While the state has the power and duty to regulate these activities through legislation and administrative measures, the Ulama claim a religious monopoly over relevant norms and institutions. At the same time, and perhaps because of this tension, the relationship between the Ulama and the state tends to be mutually expedient, whereby the former ‘negotiate’ enhanced political influence with the state in exchange for the religious legitimacy they can bestow on state policies and institutions. The question is therefore how to balance legal and political regulation with the religious rationale of charitable giving.

While state regulation is necessary to curb misuse or waste of charitable resources, total control by the state can also be counterproductive when used to promote its own political ends at the expense of social justice objectives. Legal regulation, as noted earlier, can be manipulated to diminish, instead of enhancing, the ability of civil society to be an agent of social justice. The balance to be struck between such competing claims is supposed to be mediated by autonomous civil society organizations, yet weakness or tensions within the latter, as noted earlier, inhibit or limit this possibility in practice. The state can manipulate ideological and political tensions among different sectors of civil society, by promoting some and discouraging others. Saad Eddin Ibrahim (1997:33) argued that the problem facing philanthropy in Egypt is not the resources but rather the laws promulgated by the state that limit freedom of association.

Other possible mediating mechanisms include the development of uniform rules, such as the resolutions of the Organization of the Islamic Conference (OIC), to guide philanthropy throughout the Muslim world. In its Resolution 8/28-c of June, 2001, on promoting waqfs and their role in the Development of Islamic societies, the OIC urged its members to “provide further attention to Waqfs in the legislative and administrative fields, and give them the chance to develop their societies” (Bamako 2001). Such solutions are more likely to be implemented by member states because of the present high level of legitimacy and influence of the OIC, but philanthropic organizations can also reduce the risk of state intervention by regulating themselves:

One important way of doing this is to develop a national ‘code of conduct’

for NGOs and by NGOs. With such a code, NGO leaders will demonstrate to state leaders that they are professionals and they seek recognition from the state as partners in advancing the causes that both the government and the NGOs care about: education, health care, employment opportunities, environmental protection, and so on. A code of conduct provides the government as well as members of NGOs to hold NGO leaders accountable and keep their governing process 'transparent' [or observable] to both civil society and the state (Sullivan 2000: 4) .

Philanthropic organizations can also take other initiatives to improve the balance of autonomy and regulation by lobbying for legislation, conducting orientation programs for judges, lawyers and administrative officers, and so forth. It is also important to engage in general training and awareness-raising regarding issues of gender, religion and race, for example, in order to facilitate the work of philanthropic organizations, while assisting in the regulation of their operations.

Conclusions: Dialectic of Substance and Process

It seems clear to us that there is synergy and interdependence between the normative and institutional issues raised by our proposed right-based approach. The normative and substantive questions need to find their organizational and institutional expression, which in turn will probably encourage and facilitate positive resolution of the questions. On the one hand, theological and cultural arguments for the transformation of attitudes about philanthropic giving for a rights-based approach to social justice is unlikely to happen without popular confidence in the organizational and institutional side of the process. On the other hand, the latter is unlikely to materialize in a sustainable manner without that transformation.

Paradoxically, the various structural and institutional limitations of the postcolonial state of present Islamic societies, and its inability to provide essential services may in fact be conducive for the development of a vigorous philanthropic sector that is better able to serve social justice objectives. But that possibility must build on preexisting forms of civil society organizations, and inspire local communities into taking the initiative and sustaining the work from their own human and material resources. Existing resources include the organizational structures and operational traditions of Sufi congregations, agricultural and educational self-help societies. What is lacking, it seems to us, is an overarching vision that can truly inspire and motivate Muslims into action.

At the same time, the present transformative possibilities can also turn into negative or destructive directions. Muslims and Christians in Egypt, who have lived with and served each other for centuries, have recently been subjected to increasing pressures of political polarization and violent extremism that emphasize, even fabricate, ways of dividing these communities. In such a social and political environment, philanthropic organizations can serve as bridges for building inter-communal solidarity over shared objectives of social justice. Muslims and Christians alike tend

to suffer from the same problems of poverty, public health concerns, and environmental degradation that can only be addressed by mobilizing the human and material resources of both communities. The women and girls of both communities endure similar forms of gender discrimination and harmful traditional practices that require similar strategies of response.

The sort of transformation in underlying attitudes and practices to enable local philanthropic initiatives to take this leading role requires a combination of strategic thinking and immediate action within the limits of existing human and material resources. There is never going to be any time in the future when all the ideal institutional and operational conditions materialize, and each initiative must struggle to promote those conditions in the same process of establishing its own popular credibility and ability to deliver on its promise of development and social justice. Such initiatives must negotiate their relationship with the state, while being responsive to the various civil society constituencies that can mediate tensions in that unavoidable relationship, as suggested earlier.

As we attempted to show at various stages of this study, tensions will remain in every aspect of our proposal: its Islamic rationale, civil society framework and institutional resources. While it is not possible, in our view, to ever being able to resolve such tensions once and for all, we do hope that the proposed paradigm can contribute to their creative mediation through practice. Being both from Sudan, we are particularly aware of the risks of an Islamic discourse on any subject of public policy, whether at the level of state institutions or within civil society. We are equally convinced, however, that there is simply no alternative to an Islamic discourse if philanthropy for social justice is to play its appropriate leading role in the realization of social justice objectives in present Islamic societies. New and visionary initiatives must build on the familiarity and assurance of traditional values and institutions, while attempting to transcend their limitations. The Muslim public is more likely to have confidence in familiar institutional forms and sources of funding, especially those that are historically associated with Islam, but that is not to say that such sources and institutions should remain static in conception or operation. Success on both the funding and institutional sides of the process should be seen as incremental and mutually contingent, provided those engaged in promoting philanthropy for social justice are proactive in seeking to create conducive conditions, rather than being simply passive or reactive to events around them.

In conclusion, it seems clear to us that neither the old forms of civil society nor the Western type of organizations is sufficient for the needs of present Islamic societies. A synergy between the secular forms of organization and the religious incentive for giving to those organizations should be carefully explored to prevent misunderstandings. The historical success of awqaf (plural of waqf) is encouraging for the adoption of waqf as a stable source of funding. However, it is necessary to reform the institution to fit in today's world. The issue of zakat and how it can be

transformed into a civic act that is not in contradiction with its religious nature is also important. We are also calling for further research to study various ideological or theological, sociological and institutional aspects of the development of civil society to match the needs and expectations of present Islamic societies in their relationship to the state and beyond. It is also critically important, in the postcolonial realities of Islamic societies, for local civil society initiatives to take into account the repressive nature of the state, and authoritarian tendencies of traditional societies. We must all learn to live with, and make the best of our respective conditions, as they exist on the ground, and not as we wish them to be.

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