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The Islamic waqf was truly an expression of the active civil society's spirit as it was a financier for social sectors and projects which cannot

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relation entre les moyens et les fins, c'est-à-dire sur une forme de rationalité particulière. D'où l'intérêt pour les mathématiques qui n'étudient pas des objets, mais des relations avec les objets (Poincaré, 1992: 37).

Cette approche mérite d'être explorée en matière de recherche sur le waqf, compte tenu des interrogations qu'elle soulève et des perspectives qu'elle ouvre au-delà des effets de mode qui dévalorisent ce qui est authentique dans la vie humaine et, par conséquent, ce qu'il y a de plus important. La nouveauté bénéfique à l'humanité naît toujours dans le retour aux sources, si longtemps occultées sous l'effet du jeu de miroir, avec un regard neuf, innocent, humble, si j'ose dire.

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La subsistance désigne chez Polanyi ([1977]2011: 56) un processus institutionnalisé d'interactions de l'homme vis-à-vis de ses semblables et de la nature, donc encadré dans un tissu de liens sociaux. Cette définition met en avant l'objet ou les actes s'intégraient au processus général qui renforce les liens sociaux, contrairement à la définition de Lionel Robins (1932: 15) centrée sur le caractère logique de la relation entre les moyens et les fins, c'est-à-dire sur une forme de rationalité particulière qui ignore l'espace et le temps. Autrement dit, le social n'est qu'une simple apparence dont la vérité réside dans cette forme de rationalité (Sahlins, [1972]1976: 125).

Pour survivre l'homme doit apprendre à vivre en société avec la nature en prenant juste ce qu'il lui faut, se servir sans nuire. Il ne doit pas se sentir propriétaire de la nature, il en a simplement l'usage. Son devoir est de préserver et transmettre intacte la qualité de cet usage. La subsistance – dans son acception originelle '*ce qui permet de vivre*' – doit être comprise, au-delà des conceptualisations d'Ibn Khaldūn et Polanyi, dans ce sens plus large et ne doit pas être associée à un état primitif dans la vie des sociétés ou au seul besoin physique: manger, boire, se vêtir, se loger. Le bonheur ne se résume pas à la possession et la consommation de biens matériels, tout comme le choix d'une sobriété libératrice et volontairement consentie n'est pas synonyme de vie misérable, loin de là.

Conclusion

La dissipation du rideau de fumée conceptuel, qui s'est constitué au cours des siècles à travers les compartimentations, les classifications et les dualismes, fait apparaître le waqf comme un héritage commun à l'humanité qui mérite l'attention de tous à travers une approche transdisciplinaire au-delà des considérations purement économiques. Pour reprendre Edgar Morin (2018: XI), '*l'économie qui est la science sociale mathématiquement la plus avancée, est la science socialement la plus arriérée, car elle s'est abstraite des conditions sociales, historiques, politiques, psychologiques, écologiques inséparables des activités économiques*'.

L'approche qui considère le *waqf* comme un phénomène humain mène à une interrogation fondamentale sur le fondement des sociétés humaines et, par conséquent, sur la place – et non le rôle – de l'économie dans la vie en société. Elle appelle à une définition générique qui élargit la capacité descriptive du fait économique sur une longue durée, au-delà de la conception purement technique centrée sur le caractère logique de la

Figure 6. Questionnement basé sur la notion de waqf



Source: Elaboré par l'auteur

Ceci resitue l'économie dans une réflexion générale qui lie l'homme à son environnement social, et non seulement comme champ autonome réglé par l'intérêt privé et la maximisation du profit. Dès lors, l'économie enchâssée dans la société est inséparable de toutes sortes de motivations extra-économiques qui renvoient aux choses les plus importantes dans la vie, par essence non quantifiable. Ce qui montre l'importance de l'approche d'Ibn Khaldūn en termes de subsistance (*ma'āsh*) de la cité (*'umrān*) où les hommes se regroupent en société (Ibn Khaldūn, 2001: 42; Ibn al-Azraq, 1977: 46; al-Maqrīzī, 1956: 41). Qualifier Ibn Khaldūn de père de l'économie politique (Lacoste, 1995: 17) se révèle un non-sens qui ne valorise pas l'œuvre de l'érudit maghrébin, rédigé avec minutie durant son séjour de quatre ans à la citadelle des béni Salama, mais la déprécie à plus d'un titre.

Bien qu'il n'ait pas lu visiblement la *'Muqadimah'* d'Ibn Khaldūn, Polanyi ([1944] 1983: 458) semble aller dans le même sens, pour ne pas dire, à juste titre, donner un nouveau souffle à l'œuvre après des siècles d'incompréhension et de mépris. Le concept de *ma'āsh* (subsistance) paraît plus opérant dans une perspective historique sur une longue période et permet d'éviter le piège de l'anachronisme à l'égard duquel la plupart des économistes restent peu sensibles. Le mot arabe *ma'āsh* (al-Juwaynī, 2006: 222; Ibn Khaldūn, 2001: 355) signifie littéralement '*ce qui permet de vivre*' comme le mentionne l'Académie de la langue arabe du Caire (Majma' al-Lugha al-'Arabiya, 2011: 662). Conceptuellement, il renvoie chez Ibn Khaldūn à un objet de connaissance inséré dans un système de règles, de normes sociales et d'institutions religieuses, culturelles, sociales et politiques. Il fait référence aux efforts de l'homme pour gagner sa vie, fruit de la nécessité de se nourrir pour assurer sa survie (Ibn Khaldūn, 2001: 355).

qu'aux autres, mais de vivre pour une finalité commune.

Une connaissance plus approfondie du sens de l'existence humaine permet de comprendre à la fois le singulier et le commun. Il s'agit de construire une société dans laquelle les hommes puissent coopérer (Al-Shībānī, 1981: 56; al-Dulajī, 1991: 24; al-Dimashqī, 199: 15-16; al-Mawardī, 1983: 289-290; Ibn Abdul Salām, 1994: 236), mais aussi se faire concurrence dans le bien (al-Dawūdī, 2001: 241; Ibn Ja'far, 1981: 465; Ibn Taymiyyah, 1998, 10: 71), sans se nuire mutuellement. En conséquence, une meilleure connaissance du divin se traduit par une meilleure connaissance de soi et un meilleur rapport aux autres qui se manifeste par une solidarité active qui rassemble. Cette lecture se recoupe avec le propos suivant de Spinoza : *'Le bien auquel aspire pour soi chaque homme qui suit la raison, il le désirera aussi pour tous les autres hommes, et d'autant plus qu'il possédera une plus grande connaissance de Dieu'* (Spinoza, [1677]1988: 395).

L'objet du waqf en tant que support d'interrogation est plus large que celui de l'économie

L'objet du *waqf* en tant que support d'interrogation qui renvoie fondamentalement à l'origine des sociétés humaines dépasse largement celui de l'économie comme science de la rareté. Si la lecture du livre de Karl Polanyi ([1977]2011) *'La subsistance de l'homme'* amène à une interrogation sur la place de l'économie dans la vie des sociétés humaines pour comprendre que sur une longue période l'économie n'a jamais été une fin en soi, et aboutir, finalement, à un questionnement plus large sur le fondement des sociétés humaines comme l'illustre la figure 5.

Figure 5. Questionnement basé sur la notion de subsistance



Source: Elaboré par l'auteur

L'exploration du waqf en tant que phénomène humain conduit à un cheminement inverse comme l'illustre la figure 6.

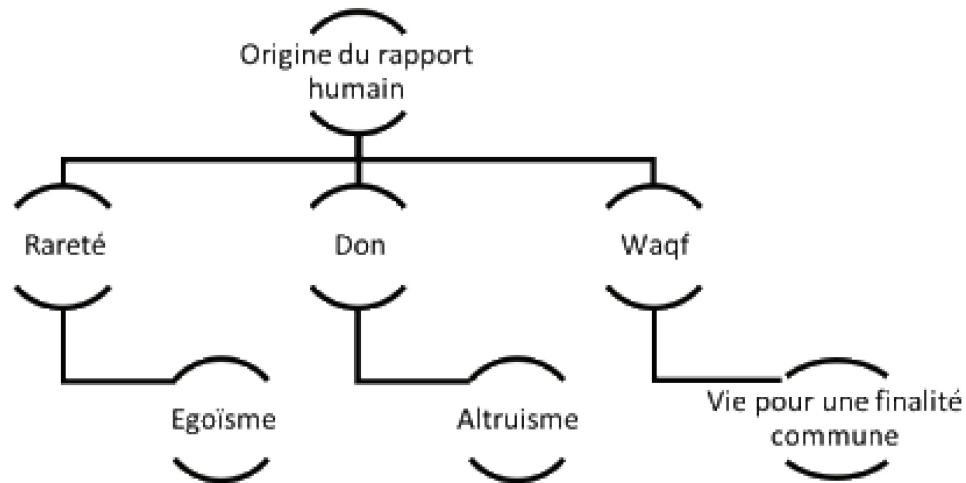
louable (Ibn Abī al-Rabī', 1978: 82), sachant que la justice (*'adl*) consiste à donner à chacun ce qui lui revient et que la bienfaisance (*ihsān*) consiste à prodiguer ses bienfaits pour améliorer les conditions de vie d'autrui (al-Maghīlī, 1992: 41).

La pérennité de la cité n'est viable que si ses habitants ont le sentiment que les valeurs produites convergent vers la finalité pour laquelle elle a été bâtie qui est un vecteur de vivre ensemble en paix. Il s'agit d'un mode d'organisation inclusive qui est à la fois participative, collaborative, contributive au bien commun en veillant au respect des droits et devoirs.

Vers le dépassement de l'opposition entre égoïsme et altruisme

Par ailleurs, dire qu'il y a des choses qui sont destinées ni pour être vendues ni pour être données, revient à dépasser la manière de poser le fondement du rapport social en partant de l'opposition entre égoïsme et altruisme comme l'illustre la figure 4.

Figure 4. Vers le dépassement de l'opposition entre égoïsme et altruisme



Source: Elaboré par l'auteur

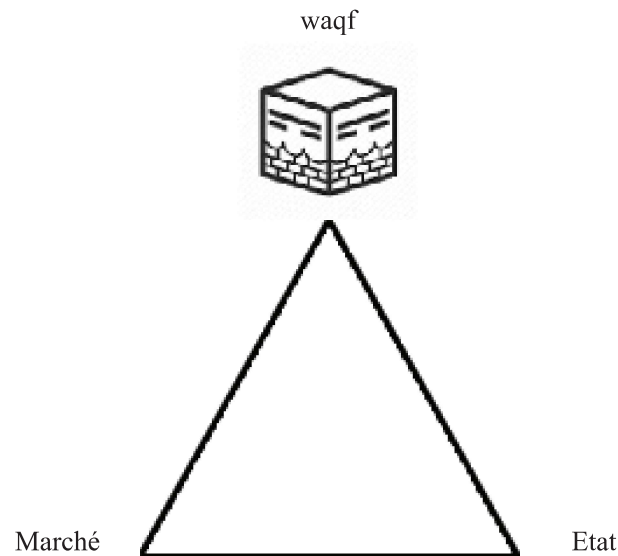
L'intérêt pour soi peut s'étendre pour créer de l'intérêt pour l'autre comme en témoigne la phrase suivante de Spinoza: *À l'homme donc, rien de plus utile que l'homme*" (Spinoza, [1677]1988: 371). Des individus qui œuvrent pour une finalité commune sont plus actifs s'ils se supportent les uns les autres. Il ne s'agit pas de vivre que pour soi ou de ne se consacrer

universelles que les gouvernements ne doivent pas contrarier par des interventions inopportunes.

(ii) Le marché est le moyen optimal d'organiser la production et les échanges de manière efficace et équitable.

A côté des choses que les êtres humains vendent et celles qu'ils donnent, il existe des choses qu'il faut ni vendre ni donner, mais qu'il faut garder pour les transmettre (Godelier, 2010: 89), et ces choses appartiennent à l'héritage commun de l'humanité qui survit au cours du temps, indépendamment des caractéristiques et des spécificités de chacun. Il est préférable d'utiliser l'expression: à côté des choses sacrées, il y a des choses profanes qui se donnent et se vendent, plutôt que l'expression: il y a des choses que l'on donne, des choses que l'on vend et de celles qu'il ne faut ni vendre ni donner. L'anthropologie économique n'a pas atteint le stade de maturité lui permettant de développer son propre langage et s'affranchir de l'encastrement cognitif inhérent au langage économique. Encore faut-il prendre conscience de cette contrainte et de se donner les moyens de s'en affranchir.

Figure 3. D'abord vint la *Ka'aba*, puis la cité de *Mekka*



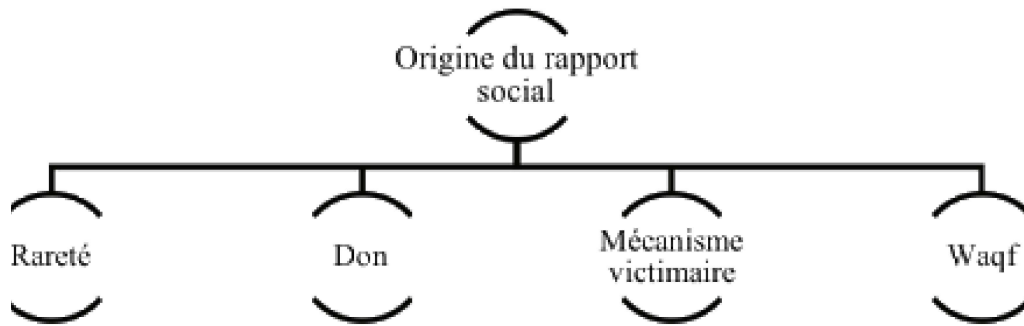
Source: Elaboré par l'auteur

Les êtres humains qui se réunirent autour de la *Kaa'ba* pour former une cité appelée *Mekka*, adhérèrent à une culture d'action commune, où chaque membre est une partie prenante, et par conséquent un être libre dans le sens où il assure sa subsistance par des moyens licites et tend vers ce qui est

Au contraire, il convient de prendre le parti de la victime en refusant la vengeance, en acceptant le pardon des offenses. D'après René Girard (2008), *'l'esprit humain, libéré des contraintes sacrificielles, a inventé les sciences, les techniques, tout le meilleur - et le pire ! - de la culture. Notre civilisation est la plus créative et la plus puissante qui fût jamais, mais aussi la plus fragile et la plus menacée'*. Si les sciences et les techniques semblent posséder les qualités recherchées dans la religion, cette croyance pourra-elle durer longtemps? Une œuvre qui s'achève par une vision aussi tragique, voire apocalyptique, de l'histoire laisse quelque peu perplexe.

Face à ces limites et ces impasses théoriques relatives à la théorie de la rareté, celles du don et du mécanisme victimaire, le *waqf* constitue un support d'interrogation digne d'intérêt pour conceptualiser le lien social, en partant de l'idée que la finalité de l'organisation de la vie en société ne se réduit pas à une vision purement économique en référence au modèle néoclassique, ou politique en référence à l'anthropologie économique. L'aliénation politique est toute aussi dangereuse que l'aliénation économique (Clastres, [1974]2011: 169). La figure 2 résume les quatre approches susmentionnées.

Figure 2. Les théories majeures sur l'origine du rapport social



Source: Elaboré par l'auteur

Comme l'illustre la figure 3, l'édification de la *Kaa'ba par Adam* (ﷺ) montre que le *waqf*, en tant que bien commun, est né avant la création de la cité et, par conséquent, avant les Etats et des marchés locaux qui ne fonctionnent pas sur le modèle de l'autorégulation (al-Kanānī, 1975: 31). D'où les limites du modèle économique néoclassique qui repose sur deux postulats majeurs:

- (i) L'économie est un domaine séparé gouverné par des lois naturelles

tous les maux. Son lynchage collectif a pour fonction de rétablir la paix dans la communauté, jusqu'aux prochaines tensions. En ce sens, le désir mimétique est à la fois un mal absolu – puisqu'il provoque la violence – et un remède – dans la mesure où il régule la société en réconciliant ses habitants autour du bouc émissaire.

L'ordre social repose sur un mécanisme victimaire en trois étapes: ébranlé par une crise de désir mimétique, le groupe expulse sa violence interne sur une victime, un bouc émissaire, et après avoir retrouvé la paix, il sacralise cette victime, dans la mesure où celle-ci revêt un caractère sacré à ses yeux. Autrement dit, le rite religieux, indépendamment de sa forme, est le fondement de toute culture humaine et de toute vie en société. La découverte de *Çatalhöyük* dans la province de Konya en Turquie, l'une des plus anciennes cités néolithique datant plus de neuf mille ans avant notre ère, est venue confirmer cette approche (Hodder, 2019). Ce site, comme le montre la figure 1 simulée par ordinateur, est inscrit sur la liste du patrimoine mondial de l'UNESCO (2012) depuis le 2 juillet 2012.

Figure 1. Simulation par ordinateur du site de *Çatalhöyük*



(1)

Ce qui est certain, c'est que le mal n'est pas évacué en se jetant sur un coupable désigné dont la mort ne procure qu'une fausse paix.

Source: Dan Lewandowski, <http://www.archaeologists.com/i/111/catalhuyuk>

En partant de l'idée que la satisfaction du besoin matériel n'est pas le seul moteur de l'action humaine (Caillé, 2008), la critique de cette approche économiciste et utilitariste des sciences sociales propose dans le sillage de *'Essai sur le don'* de Marcel Mauss, d'observer et de penser le rapport social à travers le phénomène de don avec son cycle symbolique *'donner, recevoir, et enfin rendre'* (Mauss, [1924]2012: 240), étant entendu que pour cette approche le don est politique et réciproquement. Ce qui revient à évacuer le religieux dans la conceptualisation du rapport social (Mauss, [1924] 2012: 214).

Partant de l'idée de Mauss selon laquelle l'homme n'a pas toujours été un animal économique (Mauss, [1924] 2012: 231), il s'agit de montrer que les sociétés premières ne s'organisaient pas selon le système de marché autorégulateur, mais selon la triple obligation de donner, recevoir et rendre qui constitue les bases d'une véritable philosophie politique alternative, en mesure de dépasser le néolibéralisme et la vision économiciste des sujets humains (Caillé, 2019). Si les débats académiques ne font que reproduire l'opposition si centrale à la modernité entre libéraux et socialistes. Les premiers parlent du point de vue du marché, les seconds de celui de l'État, cette approche, sans nier la nécessité de l'État et du marché, entend défendre une vision politique développée du point de vue de la société elle-même en tant qu'elle est irréductible au marché et à l'État (Caillé, 2004: 158).

En dépit de son intérêt, cette anthropologie économique est entachée de plusieurs biais. D'abord, elle évacue d'emblée le sacré, plus explicitement le 'rapport au divin', en centrant l'analyse sur la notion de 'rapport social'. Elle substitue, par ailleurs, le 'rapport social' au 'rapport économique' à travers le jeu de miroir. Autrement dit, elle voit dans le social un aspect de toute activité humaine en réaction à la posture épistémologique qui voit dans l'économie un aspect de toute activité humaine. D'où l'intérêt de l'approche de René Girard (1972) qui a remis l'anthropologie religieuse au goût du jour.

Dans son ouvrage, *'La violence et le sacré'*, René Girard présente une théorie du sacrifice qui offre une nouvelle explication de l'origine du rapport social. A ses yeux, l'histoire de l'humanité commence par la rivalité mimétique où l'un désire ce que l'autre possède. Lorsque cette rivalité mimétique se met en place, elle a tendance à se répandre, par contagion, sur tout le groupe et la violence se déchaîne. Pour la réguler, le groupe se focalise sur une victime désignée, un bouc émissaire, responsable de

de l'antropologue allemand Klaus Schmidt (2000), qui signifie: D'abord vint le temple, puis la ville, suite à la découverte de Göbekli Tepe, un site archéologique, qui remonte à douze mille ans, situé dans le sud-est de la Turquie, et inscrit sur la liste du patrimoine mondial de l'UNESCO (2018) le 1er juillet 2018. De nombreuses disciplines scientifiques semblent converger vers le même sens. Le divin est arrivé avant le politique et l'économique. Face à ces progrès, l'interrogation sur le fondement de la culture humaine et la vie en société s'impose d'elle-même. Elle remet à sa juste place l'économique. D'où la pertinence de l'approche historique ayant pour objet l'étude de la place de la quête de subsistance (*ma'āsh*) dans la vie de la cité (*'umrān basharī*) (Ibn Khaldūn, 2001: 355) ou, selon la terminologie contemporaine en vigueur, la place de l'économie dans la vie de la société (Polanyi, [1944]1983: 33). Telle est la problématique qui nourrit ma réflexion dans la présente étude, fruit d'une longue méditation à contrecourant des idées reçues.

Après une présentation succincte des principales thèses relatives à l'origine du rapport social, l'étude aborde la question du dépassement de l'opposition entre égoïsme et altruïsme, avant de montrer que l'objet du waqf en tant que phénomène humain multidimensionnel est plus large que celui de l'économie dans son acception dominante comme science de la rareté. La conclusion invite à une approche transdisciplinaire qui transcende les modes et redéfinit les tendances pour redonner ses lettres de noblesse à la recherche scientifique qui porte sur les phénomènes comme tels, au-delà des écrans de fumée conceptuels.

Aux origines du rapport social

L'approche néoclassique stipule que l'origine de la formation des sociétés humaines réside dans la soumission aux contraintes de la rareté matérielle. Comme l'explique Lionel Robins (1932: 15), le comportement humain naît de la rareté des ressources disponibles. Pour les tenants de cette école, la rareté matérielle est le problème fondamental des êtres humains en tout temps, en tous lieux, en toutes actions. Toute société humaine, qu'il s'agisse d'une société ancienne ou d'une société contemporaine est confrontée au problème fondamental de la rareté. Cela signifie que, compte tenu des ressources disponibles, la somme totale de ce que les gens veulent avoir est bien plus grande que ce qu'ils peuvent obtenir réellement.

(1) Je tiens cette information à propos du don kishin pratiqué au Japon durant l'époque médiévale de Toru Miura, professeur à l'université Ochanomizu, chercheur au Toyo Bunko (Librairie orientale), Tokyo. Je le remercie vivement de m'avoir envoyé avant publication son article intitulé: Transregional Comparison of the Waqf and Similar Donations in Human History, Intellectual Discourse, Special Issue, 2018, Vol. 26, pp. 1007-1023.

Le *waqf* comme héritage commun de l'humanité

***Prof. Abderrazak Belabes**

Résumé: L'objet de cette étude est d'aborder le *waqf* comme héritage commun de l'humanité afin de construire un monde meilleur davantage centré sur l'humain que sur l'économique, indépendamment de son référent épistémologique, sa structure ontologique, son orientation téléologique. De nombreuses disciplines scientifiques, en l'occurrence l'anthropologie, l'archéologie, la littérature comparée, semblent converger vers une seule et même réalité: d'abord vint le temple, puis la ville. Le sacré est arrivé avant le politique et l'économique. Cette interrogation sur le fondement de la culture humaine et la vie en société remet à sa juste place l'économique. D'où la pertinence de l'approche ayant pour objet l'étude de la place de l'économie dans l'histoire et la société.

Mots-clés: *Waqf*, héritage commun, place de l'économie dans l'histoire et la société

JEL Classification: A13, L31, Z12

KAUIEI Classification: E21, E31

Introduction

Le *waqf* en tant que phénomène humain multidimensionnel est un sujet peu exploré. Apparue en divers temps et sous différentes dénominations, aussi bien durant les temps anciens: le *pat ruvan* perse, le *qodesh juif*, le *piae causae* byzantin, le don *kishin* japonais, qu'à l'âge moderne: the German *treuhand*, the Anglo-Saxon *trust*, the Mexican *fideicomiso*, the French *fiducie*, the Liechtenstein *foundation*, il reste un sujet passionnant qui nécessite de plus amples recherches. Ce qui importe le plus n'est pas les terminologies et les constructions de l'esprit en tant que telles, mais plutôt le phénomène en tant que réalité sociale. Ce qui permet d'accorder plus de considérations à la réalité ordinaire indépendamment d'une posture

épistémologique en jeu de miroir consistant à critiquer le système dominant et à lui opposer un système alternatif.

Si nous nous référons à la *Ka'aba*, premier *waqf* dans l'histoire de l'humanité, bâti par Adam (ﷺ) (Ibn Hajar, 2019, 7: 47) et rénové par Ibrahim (ﷺ) et son fils Ismaël (ﷺ) (Ibn Kathīr, 1988, 1: 188), nous comprenons le sens de la phrase '*Zuerst kam der Tempel, dann die Stadt*'

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with the Moroccan case. In the first part of the research, the researcher deals with the jurisprudential attitude towards the issue of expropriation, citing the relevant jurisprudential attitudes. In the second part of the research, the researcher discusses the expropriation of the Ahbas after the issuance of the Moroccan Awqaf Blog, reviewing the attitudes of the Blog towards the expropriation of the lands with Habsi nature, then the attitude of the judiciary as part of those sides which applied the rules and regulations included in the Blog.

Prof. Abderrazak Belabes In the French part of the issue, discusses the concept of waqf being a common tradition for humanity so that it could be considered as one of the bridges which promotes a humanitarian vision for reaction among human beings versus a utilitarian vision which makes the economic relations, with its profit and utilitarian nature, prevail over the processes of interconnection between human beings and peoples. The researcher strives to invoke the basics of the academic, human and social specialties which confirm that the ‘holy comes before economy and politics in the world of the human history’. Therefore, culture in its widest sense, was built on a major role assumed by religion. Within this historical context, the researcher believes that waqf is an important example which shows that historical crack which gained ground with the rise of capitalism. This state of affairs caused the materialistic relation to prevail and to undermine all those aspects related to relations and universal human values. This caused waqf to become one of the solutions to confer a humanitarian nature on the societies which increased the dosage of cooperation and consolidation between the individuals and free themselves from the heated search for wealth and magnifying materialistic achievements.

The issue also includes an introduction to the book ‘The Awqaf of Al Haramain Al Sharifain in Tunisia (1731 – 1881) by **Dr. Al Talili Al Ujaili** which was published in 1998 by Al Tamimi Institution for Academic Research and Information, Zagwan, Tunis. This book as reviewed by **Dr. Tarak Abdallah** is part of the project undertaken by the author Dr. Al Talili Al Ujaili to approach the great amounts of the information concerning the Tunisian Awqaf in the National Archive and some other resources. The aim here is to use them as an academic material to understand the status of awqaf within the real estate make-up in Tunisia on the one hand and finding the changes which took place in the economic and social structures on the other.

Editing staff

waqf, waqf of animals for extending services, and viewing materials extracted from animals for medical purposes as proceeds and the waqf of the animals whose benefits are pinned on their perishing. The researcher ended his research by clear-cut and important recommendations which can easily implemented.

Dr. Sami Mohammad Hasan Alsalahat, in his research ‘Jerusalem Awqaf and their Role in Supporting Jerusalem’ analyses the transformation the awqaf are subject to due to the events prevailing in Palestine under the Jewish occupation which put the city under its full control. Ethnic cleansing is practiced in the city, the culture and thought are Judaized and the traces of the Arab and Islamic culture are wiped out. The researcher analyzes the state of affairs of the Jerusalem waqf and its role in supporting the city of Jerusalem. This procedure is carried out through the comparison between the historical awqaf which were established in the city itself and those which were established in the Islamic world and some other countries. The researcher indicates those obstacles which confront those awqaf in terms of the legal, procedural and investment aspects.

Prof. Tariqullah Khan, in his paper ‘The Role of the Venture Waqf in a Circular Economy’ (translated from English by **Prof. Usama Abdulmajed Abdulhamid Al-Ani**) revolves round the entry of waqf as a partner to the small institutions which seek to realize human development, serve the society and preserve the environmental elements. The researcher suggests that the resources of the waqf institutions be activated through wielding an innovative financial mechanism whose aim is to make small responsible businesses a success and to create a financial contract for loaning in favour of the impactful companies. Here the equity title (shares) are transformed to the waqf in case they are in distress or default instead of the requirements of guarantee and mortgage. According to this agreement, the research expects waqf to foster the responsibility of the companies so that they show more interest in the environment. Moreover, the human side will be stressed in conjunction with the financial contracting so that it may change the nature of loaning.

Dr. Mohamed Ouziane, in his article entitled ‘Waqf Expropriation in Morocco’ discusses the jurisprudential, legal and procedural issues for such an expropriation under the guise of societal benefits in connection

able to affect and react.

Covid 19 is still casting its pall on the economic and social affairs worldwide. It is a convenient opportunity to re-consider many of the postulates and to mull the possibility of benefiting from the human and the materialistic powers which Allah the Almighty have bestowed on our people. It is natural in this context for waqf as a method and an anticipative potential to assist in strengthening the right scientific foundation in order to cope with what might confront any imminent dangers and to assist the people to overcome such catastrophes.

In this issue, the researcher **Dr. Abdulla Jeathin A M Al-Dosari**, and in his paper entitled ‘The Establishment of Waqf Institutions and their Integrated Relations’ analyses the link among the waqf institutions on the one hand, and the rest of the various development sectors as a means towards reviving the developmental role of waqf, integrating the developmental elements with the rest of the sectors in the holistic system of the state. For this purpose, the researcher submits an analysis of the Qatari awqaf by analyzing the steps which attended this experience on its way towards the institutional building, establishing their integrated relations and the circumstances of their establishment. He approached the prevalent policies and the relations, mechanisms of spending the proceeds and distributing them to the beneficiaries according to the conditions of the waqifs. This process takes the form of a mutual relation which boosts the principle of integration. Moreover, the researcher puts forward a number of recommendations to reach the optimal linking between waqf and the various developmental sectors, for example the importance of administrative qualifying of the active Qatari resources operating the field of awqaf, facilitating the administrative procedures and strengthening coordination among the waqf institutions in the Islamic world.

Prof. Mohammad Naim Abdulsalam Ibrahim Yasin, in his research entitled ‘Livestock Waqf’ deals with a modern jurisprudential issue and an origination of the conditions of this issue. He also approaches several secondary points relevant to the livestock waqf, ahead of which are the regulations related to the ancillary, joined or disjoined, parts of the waqf animal. substituting or replacing the animal, the termination of an animal

the priority of the human capital over the rest of the types of traditional wealth. The efforts were directed to building the societies of knowledge and strengthening them through the development of the education systems and scientific centers, providing the legislative atmosphere to encourage the efficiencies to join this trend. The constant flight of minds from the south to the north, which shows the failure of the developing countries to benefit by such talents and the welcome they received in the West, shows the absence of connection between what is needed by their societies, not only their markets, in terms of experience and what their educational systems put forward in the way of visions and programmes far away from achieving comprehensive development.

c. Undoubtedly the pandemic showed that addressing the major problems will be a failure without involving the scientific centers and exchanging information and experiences, regardless of the status of this or that country or the competitiveness among the research centers.

In the world of development, the unification of efforts and developing the common work and benefiting from the markets and the harmonization of laws among those sharing the geography, culture and religion are among the major factors to establish a development which benefits from the common factors and the competitiveness of the economic blocs in a global market in which small blocs are ignored. Despite all the difficulties confronted by the European Union, its 19 members still use the Euro. They represent a financial bloc which stands in the way of the mammoth financial powers such as China and the USA. They act as one country through agreed-upon mechanisms in handling the financial flurry.

In the light of the aforementioned, the question of unifying the efforts and benefiting from the common potentials goes beyond the ideological discussion which pervaded the Arabic literature on the question of unification during the last decades, to be associated with mental attitudes revolving round futuristic visions which transform the numerous self-potentials into underpinnings to regulate the progress of development, defend its earnings and widen its prospects. Given that it was unleashed from itself as condition for fulfillment, its relation with the outside world needs dealing with various economic powers and zones of influence governed by heated competitiveness and an ability to take hold, and be

strategies regardless of their naming and the intents of those in charge thereof. It has become quite clear in the last few months that securing food and medicine has become an absolute priority because it is connected with the security of people. It is also important to know that the sought development is in need, practically and theoretically, of a priority chart which reflects the actual needs of the people. Such needs should be satisfied not in terms of their availability in the markets, but in terms of being manufactured locally

In the short run and when the Covid 19 vaccine is developed, all the peoples of the world will benefit by it according to each country's conditions. In the absence of a self-comprehensive development, most of those countries will remain likely victims in the short and medium run as they pin the hopes on solutions coming from overseas. The absolute development which brings about security as exemplified in the Quranic verse, "*Who provides them against hunger and with security against fear*"¹ "is that development which lays a strategy which leads to self-sufficiency and qualifies the society's institutions and individuals' skills, together with the optimal use of the potentials to handle hunger, disease and the lack of technology.

b. Vaccines act to make the body react positively against viruses. In this process, the rest of the organs of the human body share in this process through what is medically known as 'complementary immunity reaction'. Here the patient is recovered. The anti-Covid 19 medicine is not an exception to this scientific method. In order for development to be effective, it needs a self-immunity in a convenient environment which allows for the innovative work to develop the local potentials and means. Here education is the main vehicle for this environment. Unfortunately, this sector in its current state represents one of the points of weakness in respect of the developmental strategies needed by the educational system which requires revolutionization in those countries touching its means, methods and outcome. It should become a part of the internal development and assist in providing the local infra-structures and make-ups with efficient and innovative personnel.

On parallel lines, the industrial countries witnessed since the 70s of the 20th century a shift in the concept of wealth based on confirming

(1) Quraish sure, verse 4.

find that many of the waqf purposes were directed towards those aspects previously specifically by the state or connected with strategic issues. This is made clear through reviewing some of the waqf spending channels starting with Prophetic era through to the caliphate epochs which followed, for example the military effort, the establishment of an academic base for the Umma and assisting in promoting the mechanisms for development in order to create academic, economic and military progress. These aspects constitute major elements which assist in undermining all types of overdependency from which most Islamic countries suffer nowadays. The support extended by waqf to the various categories of the societies used to add specific and positive elements which helped those categories to develop their own potentials. That is why we cannot consider such contribution of waqf as a type of exhaustible assistance, but rather a part of the strategic assistance which boosts the self-civilizational immunity and strives to maintain its sustainability in the future.

(2)

It goes without saying that planning for the future of states and communities is a complicated process, though it is essential for dealing with future prospects and what they can bring with them in terms of events and mishaps. Consequently, it could be possible to anticipate the future and react appropriately in respect thereof.

At the holistic level, the dire needs emerge to counting on our self-potentials and to establish safety valves to firm the social make up, bolster its effective structures and arrangements through capacity building and what follows it in terms of preparing the academic and valuative infrastructures inside the groups. In this regard, it would be possible to handle disasters and other social emergencies as part of anticipating the future regardless of the nature and incidence thereof.

Covid 19 pandemic submits three questions relevant to the issue of waqf in dealing with the future and what it brings about with it in terms of events and issues and what societies need as far as planning and anticipation are needed.

a. The impact of this pandemic is that it imposed a re-defining of the needs of societies and the mode of thinking in the actual development

surprises a human being. In the Holy Quran we read the following verse, *“And spend something in charity out of the substance which We have bestowed on you before death should come to any of you and he should say: ‘O my Lord ! why didst Thou not give me respite for a little while? I should have given (largely) in charity and I should have been one of the doers of good ”.*

Waqf, at the societal level, is one of the impactful factors in planning for the future and establishing security which can be achieved through mobilizing the self-potential. This accounts for the expansion of awqaf in the Moslem societies so as to cover the welfare of a human being in the largest sense and to include all the means to keep his human dignity at the spiritual and material levels.

The time span of waqf goes beyond the present time to associate with the future generations so that they can enjoy their right in getting balanced developmental fruits. Here the previous generations would not have exhausted the capacities of the peoples under the guise of the materialistic accumulation and the behaviors of squandering and extravagance. It is not surprising here to find the waqf deeds abound in different models of waqf which allow the future generations to benefit by the future materialistic and moral potentials of the people even before such generation come to life. This is a unique trait of the Islamic waqf which sought to link the present with future. This behaviour indicates the idea of the sustainability of generations in the course of public benefits which a waqif will not necessarily witness on establishing his waqf. Nevertheless, they enter an open time span with a “work that is incessant”.

Within the context of the role of waqf, we can see that many of the waqf spending channels connected with strategic perspectives aimed to leverage the immunity of the Islamic society in the long run. In order to reach this end, it was necessary to go beyond the present and to include the future as a sign of showing an interest in the Umma’s consistency and assisting in achieving this end.

Reflecting on the awqaf nowadays, one will not fail to notice that role in activities assigned to those of a modern state, namely those activities related to defense, economic and informational infra-structure. We may also

Editorial



Waqf and Time: Covid 19 Lessons

(1)

There is an organic relation between waqf and time since they share the ongoing nature which is a basic factor in the process of transforming the sadaqa from something temporary to something perpetual which takes the nature of a waqf. This process of transformation creates specific changes in its administrative, economic and legal structure, elongate its age, develop its performance and attain its goals directed to serving the people. In this respect, such nature of *ongoingness* associates the present with the future as far as the beneficiaries are concerned inclusive of the duties of waqf as an institution.

Methodically speaking, an ongoing charity puts forward a unique style for dealing with the ‘future’, whether this be in terms of the strategy of waqf in making decisions related to the present life and what comes later or its holistic vision related to the building of societies and creating the places of power in them.

An ongoing charity, as far as waqif is concerned, is a Qurba which brings a human being nearer to the Creator. Consequently, it means that it is something through which the future is taken into consideration because good deeds are to linger on even after death. Given that a human being is no longer existing, his work, through waqf, will yield the fruition of his sadaqa whose effects will extend to the future by virtue of its ongoing nature. Therefore, an ongoing charity actually constitutes a solution and a practical reply to the question raised after the lapse of time when death

(1) Al Munafiqoon Sura, verse 10.



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An Invitation to All Researchers and interested People

AWQAF Journal would naturally aspire to accommodate all the topics that have a direct or indirect relationship to Waqf such as charitable activities, voluntary works, community and development organizations, and reaches out to researchers and those interested in general in interacting with it; in order to meet the challenges that obstruct the march of our societies and peoples.

The journal is pleased to invite writers and researchers to contribute in one of the three languages (Arabic, English and French) to the material related to the objectives of the journal and Waqf horizons in the different sections such as studies, book reviews, academic dissertations abstracts and coverage of seminars and deliberations the ideas published on.

Materials intended for publication in AWQAF Journal should observe the following:

- The material should not have been published in any journal (electronic or printed)
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- The Journal receives coverages of seminars and conferences, provided that a report should mention the organizing body, the subject of the seminar, place and date of the seminar, the major axes, survey of the researches submitted with their main ideas. There should be a stress on the recommendations of the seminar, together with indicating the activities conducted on the sidelines of the seminar (if any).
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Project of AWQAF journal

AWQAF Project is based on a conviction that Waqf — as a concept and an experience — has a great developmental potential which entitles it to contribute effectively to the Muslim communities and cope with the challenges which confront the Muslim nation. The history of Islamic world countries also reflects on Waqf rich experience in devising a societal involvement which encompasses almost all diverse walks of life and helps primarily in developing solutions for emerging human difficulties. During the decline of the Muslim nation, Waqf provided shelter and support for a significant share of the innovations that Islamic civilization was famed for and secured their passing from one generation to another.

Nowadays, the Islamic world is witnessing a governmental and popular orientation towards mobilizing its material competencies and investing its genuine perceptions that culture makers' cherish in a spirit of scholarly innovation to arrive at fully comprehensive developmental models deeply rooted into the values of righteousness, virtue and justice.

Based on this conviction, AWQAF Journal embarks upon achieving a mission that would enable Waqf to assume the real and befitting standing in the Arab and Islamic field of thought. It therefore seeks to emphasize Waqf as a discipline those remotely or greatly interested in Waqf to uphold a scientific trend towards developing Waqf literature and link it to comprehensive social development considerations.

Since the basic concept of waqf is related to volunteering, such a requirement cannot prosper unless Awqaf Journal becomes concerned with the social work which is directly related to community issues, social work, volunteering and other relevant issues which, when combined together, accept that reaction between the state and the society and the balanced partnership in making the future of the society and the role of the NGOs in this effort.

AWQAF Journal Objectives

- Reviving the culture of Waqf through familiarizing the reader with its history, developmental role, jurisprudence, and achievements which Islamic civilization grew into until recent times.
- Intensifying the discussions on the scientific potentials of Waqf in modern societies through emphasis on its modern structures.
- Investing in current Waqf projects and transforming them into an intellectual and culture-based product for deliberation among specialists. This is hopefully expected to induce interaction among researchers and establish a linkage between theory and practice of the tradition of Waqf.
- Promoting reliance on the civilizational repertoire in terms of social potential resulting from a deeply rooted and inherent tendency towards charitable deeds at the individuals and nation's behavior levels.
- Strengthening ties between the Waqf school of thought, voluntary work and NGOs.
- Linking Waqf to other areas of social activities within an integrated framework to create a well-balanced society.
- Enriching the Arab library on this newly emerging topic, i.e. Waqf and Charitable Activities.

Abu Hurairah (may Allah be pleased with him) reported, The Messenger of Allah (peace be upon him) said: "When a man dies, his deeds come to an end except for three things: Sadaqah Jariyah (ongoing charity); a knowledge which is beneficial, or a virtuous descendant who prays for him (for the deceased)."

[Narrated by Muslim]

The views and opinions expressed in this journal are those of the authors and do not necessarily reflect the views and opinions of the magazine or Kuwait Awqaf Public Foundation.

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