

HEIRS OF THE PROPHETS

An Account of the Clergy and Priests of Islam,
the Personnel of the Mosque and “Holy Men”

by

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CHAPTER EIGHT

RELIGIOUS FUNDS AND ENDOWMENTS

THE support of religion is a primary duty in Islam as in other religions. The giving of legal alms, called *zakat*, is one of the five pillars of the faith. It rests rather upon tradition than upon a precept of the Koran (Surah 2:77) since every detail of its observance is borrowed from the example of the prophet. In its primary sense the word *zakat* means purification, since the gift of a portion of one's gain or property would purify the remainder. These compulsory alms were in the early days of Islam collected by the religious tax-gatherer, as they still are in some countries. Where Moslems are under foreign rule the rate is paid by every believer according to his own conscience.

The usual amount is from one-tenth to one-fortieth of one's income; but charitable offerings are also praise-worthy. There are seven classes to whom legal alms may be given, viz. the poor, the homeless, the tax-collector, slaves, debtors, religious war, and travelers. 49

Payment of *zakat* gives admission to paradise and those who withhold it merit punishment in this world and the next. It is to be paid by every adult Moslem from land-produce, cows, sheep, camels, gold and silver, and regular income of money. The rich are commended for paying the *zakat* for the poor. The collector of *zakat* has equal merit as he who takes part in the Holy War.

All of the above details and many besides are listed in orthodox tradition and recorded in the canon-law of Islam (Cf. Juynboll and also Wensinck's *Handbook of Moh. Tradition*, pp. 264-267).

The channel through which these legal alms are paid was at first the caliph or *imam*, but is today the personnel of the mosque as the religious and social center of the Moslem community. The power of the “clergy” is never more real than in the handling and disbursement of religious funds. And in the history of all religions this power was open to abuse.

A recent illustration is found in the regulation of *zakat*, found necessary by the Netherlands government in its colonial possessions in Indonesia, so largely Moslem.

A high government official states:

“In the case of *zakat*, religious taxation, which bears a mark of charity, the government wants to maintain this freedom, the completely voluntary paying of this tax. Any pressure on the collection of the *zakat* had to be avoided, although it might be done with the best of intentions. Native officials are never allowed to receive any benefit from these voluntary contributions. In those districts where, as in the Sunda Lands, the old *adat* law prescribes that the taxes shall be collected more or less centrally and where the revenue thus becomes the most important source of income of the personnel of the mosques in the various capitals of the districts and the divisions, there the officials have to guard against malversation during the administration and distribution of the tax proceeds. In cases where part of the tax proceeds is, according to the *adat*, put into the treasury of the mosque, then the administration has to see to it that this money shall be used only for public worship and that not more than is necessary for local needs shall be put into the treasury. For this part is really a reduction of the income of the so-called “clergy” who serve the government in various functions and whose financial position is already far from satisfactory.” 50

But from the earliest times (when Mohammed was still alive) until our own day, the legal obligatory alms (*zakat*) led to quarrels, extortion, and other abuses. The tax-collectors were not beloved. They were like the publicans in the gospel record and for similar reasons. (*Encyclopedia of Islam*, Vol. IV:1204).

“Throughout the Moslem world the regulations about the special *zakat* at the end of the fast month are observed with particular scrupulousness; the people feel that it is part of the duties of *ramadan* and will serve to atone for any involuntary negligence during this month.”

And as it is preferable and customary to give these alms through the collector (*amil*) their proper distribution falls to the personnel of the mosque. And they, from the earliest days until the present, have recognized the power of this office. Alms were used to win and retain converts.

Margoliouth generalizes perhaps too bluntly: “The skill of both Abu Bekr and the prophet was displayed in retaining their hold on this slowly growing company. In the case of the poor it was done by subsidies . . . and we need not doubt that from the first the wealth which he controlled proved useful.” 51

There is a famous verse in the Koran which justifies this practice (Surah 9:60). The Arabic dictionary by Fairozabadi commenting on the phrase “those whose hearts are inclined” to Islam, gives a list of thirty-two chiefs who received presents from Mohammed to make them believers (Vol. III, p. 118).

And there is evidence that the custom of winning over converts to Islam by gifts of money or property continued for many centuries. The chronicles of Islam contain records of many cases of Christians and Jews accepting Islam by the sovereign’s promise of emolument and honors (Margoliouth). 52

In fact, as Juynboll remarks, the very Arabic word used in this Koran passage (*muallaf*), “whose hearts are inclined” has become the common word for convert!

Any Christian or Jew could easily pass from the tribute-paying class to the *zakat* receiving class by turning Moslem in the early centuries.

Also the public-treasury was primarily a religious fund for holy war and propaganda. We must emphasize again that this money was received and controlled for long centuries by the personnel of the mosque — whatever the particular name they bore.

In addition to *zakat* there were *sadaka* or freewill offerings made to “the priesthood of Islam,” the *imam*, the *mullah*, the *qadhi*. These gifts or fees were for circumcision, at feasts, for writing amulets, funeral prayers, weddings, etc. Instances are given in detail by Westermarck for Morocco which would also apply to the Near East and India. He lists charms, casting out *jinn*, circumcision festivals, the ‘*aqiqa* sacrifice, etc. 53

The most important source of religious revenue, however, is not legal alms nor voluntary gifts but the institution of *waqf*. Since the time of the prophet, *waqf*, or religious endowment, has become without exception one of the most important economic questions in every part of the world of Islam. It strikes at the root of all schemes for modern development. In 1869 a Turkish historian wrote that “three-fourths of the real estate in the Ottoman Empire was *waqf*, to the great loss of the treasury of the collateral heirs and of the creditors of the holder.” 54

In Tunis, one-third of the land and in Algeria fifty per cent was held by the religious authorities as *waqf*, i.e. inalienable; thus creating an economic problem of the greatest importance at the time of French occupation. If real estate in Moslem countries could only be freed from the shackles of *waqf*, great advantage would follow both for agriculture and public credit. Drastic remedies have been necessary and have been applied by the governments of India, Algeria, Egypt, Syria, Turkey, and Russia. But the problem is one that touches Islam to the quick because the greater part of *waqf*-land and other real estate is religious endowment and controlled by the mosque-personnel, call them what you please.

The term *waqf* in Moslem law signifies the dedication or assignment of property (real estate generally) to charitable uses, in other words endowment. 55

In no respect is the actual power of the clergy in any religion more evident than in the control of money or land. The mosque as we have already seen is the religious center of the community, and from earliest times pious bequests (*waqf*, plural *auqaf*) were donated to the mosques to be perpetually administered. The administrator was often appointed by the donor but in most cases he belonged to the personnel of the mosque. 56

As developed by the Moslem jurists this institution differs from all other forms of deed, will or endowment. It is possible that the laws enacted from the time of Abu Bekr were influenced by the Roman Law with which Islam came in touch in its conquests. “The *aedes sacrae*,” says Gatteschi, “were exactly similar to the mosques which are the most strictly legal form of *waqf*.”

But according to the laws of Islam the gift is irrevocable and inalienable beyond all question, if it was in favor of a lawful, religious purpose. It becomes the property of Allah. The administrator may not divert the revenues to any other object, nor may the land be sold. If the administrator fails in his duty he may be removed by the *qadhi*. It is usual for the founder of a *waqf* to fix a salary for the administrator, from the revenue of the gift.

The position of *muta-wally* is therefore a lucrative one. 57

He, therefore appoints his children or relatives successors. In 1840 the Imperial Administration of *Waqfs* in Turkey, had 2000 officials whose salaries were paid out of these revenues; the abuses, anomalies and anachronisms led to attempts at reform. 58

In Egypt in 1910, the administration controlled 14,886 of these endowments of which the larger part were for religious purposes. For many centuries it was the sphere of the *sharia*’, canon-law, and canon-lawyers, of Islam to hold and administer these enormous properties and endowments. With British occupation, French conquest, and colonial administration in India and the Dutch East Indies, remarkable changes took place. Many knotty points of law were involved. In India, for many years judges of alien faith have decided cases of Mohammedan law, and not the least important of these have related to *waqf*. In 1924 it was estimated that the Ministry of *Waqfs* in Egypt appointed by the government from the Sheikhs of Al Azhar disbursed a total sum of not less than 750,000 pounds sterling per annum. 59

In a letter to the Westminster Gazette, Edward Atkin of Alexandria, Egypt, called attention to the effect of British rule on the administration of *waqf*. Before the days of Kitchener, these huge foundations were often laxly and dishonestly administered; now they are under a regular department of the government. The correspondent wrote as follows:

“Sir, as German agents in Moslem countries have, for many years past, carried on a mendacious campaign against British rule in Egypt, alleging the robbery of religious trusts by Britain ‘as the enemy of Islam,’ I have taken the opportunity, whilst here on a short visit, to ascertain by the kindness of Ahmed Zaki Pasha, Minister of *Waqfs*, the figures from the records of the ministry showing the material benefits which have accrued to religious trusts by the more efficient management of estates. For brevity I have selected twenty years as sufficient for comparison. The period is 1895 to 1915. As in India so in Egypt, the trusts of Islam are scrupulously devoted to the uses of mosques, schools, etc., as ordered by decree of the high court or designated in the wills of pious founders: 60

	1895. £ E.	1900. £ E.	1905. £ E.	1910. £ E.	1915 £ E.
REVENUE from estates administered by the Ministry of Wakfs, Cairo, for religious, etc., uses.....	229,719	237,301	361,376	524,151	536,759
REVENUE from family Wakfs.....	142,377	153,579	165,142	325,779	432,661
EXPENDITURE on Mosques, El-Azhar University, hospitals, schools of theology and law, orphanages, tombs of venerated men, farm improvements, house property, repairs and building, payments to beneficiaries under wills.....	339,273	371,876	501,625	814,161	839,597
ESTABLISHMENT: <i>Imams</i> , Professors, Readers, Muezzins, teachers, guardians of tombs, sextons, lamp trimmers, etc.	893	7,426	8,286	9,618	9,967

The Statesmen’s Year Book lists among the ministers of the Egyptian Government, the Minister of *Waqfs* and states that today the main centers of higher Islamic learning under the supervision of the Council and the University of El-Azhar are:

The Faculty of Theology, The Faculty of Mohammedan Law, The Faculty of Arabic Language, The Higher Section of El Azhar University together with the following institutions of El Azhar, at Cairo, at Alexandria, at Tanta, at Asyut, at Disuk, at Damietta, at Zagazig, at Shebin-El-Kom, and at Kena. 61

So we see that the principal seat of Koranic learning is still the mosque and University of El-Azhar, founded one thousand years ago, and that its influence extends over all Egypt and, through its endowments, its graduates and its press to every corner of the world of Islam. The mosque from the outset became an endowed institution not only in Cairo but in every metropolitan center.

49. Zwemer's *Islam*, p. 108; *Dictionary of Islam*, p. 769.

50. *Government and Islam in the Indies*, The Moslem World, Vol. 35:1, 1945, p. 17.

51. Margoliouth's *Mohammed*, pp. 97, 113. Cf. the chapter "Alms to Win Converts" in Zwemer's *The Cross Above the Crescent*, pp. 89-100.

52. Juynball *Islamische Gesetze*, p. 106.

53 See Index Vol. II, *Ritual and Belief in Morocco*.

54 For this and subsequent references see article by "Jurist" on *Waqf*. *Moslem World*, Vol. 4, pp. 173-186.

55. Hamilton's *Hidayah*, Vol. II, p. 334. Encyclopedia of Islam, Art. Waqf.

56. *Ibid*.

57. Article by "Jurist," *Moslem World*, Vol. IV, pp. 183, 184.

58. *Ibid*, pg. 185.

59. Moh. Abu Bekr Ibrahim, *The Azhar University*, p. 23.

60. *The Moslem World*, Vol. VIII, p. 420.

61. Statesmen's Year Book, 1941, p. 852.

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