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Dialogue on religious endowments

I started today's session by asking my father about certain phenomenon I often notice in mosques, holy shrines, and some buildings and amenities. It is to do with the phrase "waqf, or endowment", I see inscribed or written on the buildings themselves or on pieces of furniture therein, and sometimes on copies of the Holy Qur'an. What does this phrase mean?

- Any person can provide such things you have just mentioned and other things by way of endowment.
If this is done according to shar'ie rules, the object declared as waqf shall come out from the ownership of the person who made the endowment and be used for the purposes designated in the endowment, that could be public or private. The endowment fund or property cannot be bequeathed or sold, except in certain circumstances.

The person creating the endowment could appoint a trustee to carry out the affairs of the endowment trust according to the deed of waqf.

- * Does waqf have a particular mechanism?
- No, suppose a person built a place for public worship, not necessarily looking like a traditional mosque building, intending it to be a mosque, then it shall be deemed thus.

However, there are general rules that should be satisfied to make a waqf viable:

- 1. Continuity and permanence, in that waqf shall not be in order, if the person dedicated the endowment appointed a limited period for it to run through.
- * Could you expand on that?
- Suppose you make an endowment whereby you put your house at the disposal of poor people, to live in for a year; this cannot be recognized as waqf.
- 2. The person who made the endowment should not be the exclusive beneficiary, or among other beneficiaries, of the endowment.

- * What about a person giving the right of disposal over his property, by way of endowment, to a given person, his children, or relatives, for example?
- The endowment shall be in order, provided it is enforced at the time it was made, because private endowments should exchange hands on the spot, i.e. the donor must part with the property for the beneficiaries forthwith.
- * Who should take charge of a public endowment?
- The viability of a public endowment is not contingent on a particular date.
- * Earlier, you mentioned that one of the rules of a proper endowment is continuity and permanence in that the donor has no right to fix a duration during which the endowment could run, and on whose expiration his property may revert to his ownership.
- That is right. However, if there was someone wanting to donate, say, his property or assets for a particular use during a specified time, he could tie it up inalienably. That is, on the expiration of the specified period his property or capital should revert to his ownership.
- * Could you expand on that?
- Suppose an owner of a vehicle said, "My car is put away inalienably for the transport of pilgrims for five years", it should so be done, i.e. he cannot change his mind and revoke the promise. Of course, his vehicle shall revert to his ownership after the expiration of the five years.
- * If the person in the example you have just quoted passed away, would this be a good reason for the vehicle to revert to his heirs?
- No, the property or any other assets that were set aside for such a purpose would stay during the
 entire duration specified by the owner. It shall revert to his heirs on the expiration of the term originally
 fixed.
- * Is it within the right of any person to consecrate his property for the use of another person for his lifetime?
- Yes, it is within his legitimate right, and once he has made that decision he cannot go back on it. If he dies, though, his property reverts to his heirs.
- * Suppose someone said to another, "I grant you and your family this property to live in", i.e. without specifying the length of their stay in the property. What would happen?
- The occupiers of the property have the right to stay indefinitely; that is as long as they live. It can only revert to the original owner when they all die.

- * And if the owner said to the beneficiary, "I grant you abode in my property during your lifetime". Then the owner died. What shall be the position of the heirs?
- They have no right to evict the tenant. Should he pass away, the property can revert to their ownership.
- * Can the husband consecrate one third of the produce of his grove, for example, for the exclusive benefit of his wife during her lifetime, provided that the said portion reverts to his property after her death?
- Yes, he is free to exercise such a choice.
- * Can the trustee of an endowment of a mosque exercise the authority vested in him to lend some items of the furniture of the mosque for the use, outside the mosque premises, in a wedding party, for example?
- So long as such items were devoted to the exclusive use of the mosque, the trustee has no right to lend them.
- * Is it permissible that such items be rented?
- It is not permissible too.
- * Suppose a special fund was set up for the maintenance of a certain mosque, and that there was no need to utilize the money for that purpose. Can the fund be diverted for the same use in another mosque?
- If there was no need now, or in the foreseeable future, for that fund, and it was not feasible to vouchsafe it for the purpose of the endowment in time of need, it could be spent on all the needs of the original mosque, as the person who made the endowment had intended. Only then can it be spent on maintaining another mosque.

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