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Financing universities through *waqf*, pious endowment: is it possible?

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**Abstract**

**Purpose** – The purpose of this article is to highlight the importance of *waqf* in financing higher education. Nowadays, higher education is costly and this has prevented students, especially those who are self-financed, from accessing such learning environments. This paper offers an alternative solution to relieve such a situation, namely, through the application of an endowment-based or *waqf* educational institution. The study suggests a way to establish an endowment university by concentrating the discussion on the concept and principles of its establishment, as well as sharing the experiences of the Malaysian *waqf* universities and the Turkish Foundation Universities/Vakif Universitesi in financing their universities using *waqf*, i.e. a pious endowment instrument.

**Design/methodology/approach** – The empirical data were mainly collected using in-depth interviews with the universities’ higher management authorities and some of the members of the board of trustees.

**Findings** – The findings show that the role of *waqf* or pious endowment is significant in providing financial assistance to their communities as well as strengthening their academic quality. In addition, tawhidi epistemology together with morality and ethics have influenced *waqf* donors or founders to donate their wealth and property to enrich and sustain universities and higher education.

**Originality/value** – This article provides the experiences of the Malaysian *Waqf* Universities and the Turkish Foundation Universities/Vakif Universitesi in financing their universities using *waqf*. It also contains some good examples from the experience of several earlier Islamic civilizations, in particular

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those of the Ottoman Empire and the Mamluk Sultanate of Egypt. In addition, examples of the implementation of waqf and endowment-based universities in the UK and USA as well as the Al-Azhar University of Egypt is also included.

**Keywords** Financing, Higher education, Endowment, Foundation, Waqf university

**Paper type** Research paper

**Introduction**

Waqf plays a very important role in Muslim societies. It has grown steadily since its beginnings, and has benefited the people and defrayed public expenses. Examples include the funding of mosques, graveyards, hospitals, schools, orphanages, warehouses, bakeries, mills and other charitable, educational or religious foundations (Fayzee, 1974; Mahamood, 2006). It has been used to support the aged and infirm; to provide relief for poverty; and even to take care of animals (Al-Dardir, 1986; Kahf, 1999; Spuler, 2015; Mahamood, 2006), agriculture and horticulture, and water resources (Moshe, 1997; Fayzee, 1974; Kahf, 1999, 1998; Gibb and Bowen, 1957; Al-Shoumil, 1998; Al-Fadhli, 1998; Mahamood, 2006). All these instances of waqf were dedicated by their founders, irrespective of whether they were laymen or highly-placed functionaries (Makdisi, 1981; Baer, 1997; Gibb and Bowen, 1957; Tibawi, 1978; Kozlowski, 1985; Mahamood, 2006).

History has shown that waqf has benefited various education institutions, i.e. mosques, universities, Islamic schools/centres/colleges, libraries, hostels, etc. – some of which are still in existence. In fact, a significant number of waqf and endowment-based universities have established and have been continuously maintaining academic and professional programmes and activities (particularly their welfare services).

The Western world has many universities that were established under the concept of endowment. The most famous examples are the universities of Oxford and Cambridge in the UK and the universities of Harvard and Yale in the USA. In fact, the power of benevolent giving in endowment for higher education has convinced the UK Government that “the way forward (in financing higher education) is through endowment. This will make the sector less dependent on any single source of funding” (Higher Education White Paper, 2003).

The concept of an endowment-based university has also been the practice of the Oxford and Cambridge colleges, popularly referred to as Oxbridge, which are eleemosynary[1] corporations. The colleges have been sustained by benefactions since they were founded. The head of the college and its appointed fellows are the responsible parties for the pious work and they make an effort to fulfil the objective of the charity. They act like trustees but are also the beneficiaries of the foundation (Acharya and Dimson, 2007).

The idea of endowment is indeed very close to waqf and it has been practised widely throughout the Muslim community, particularly in the earlier days of the Islamic civilization. Waqf provided vital financial support for the success of establishments and the development of educational institutions at that particular time. This type of property was regarded as the financial pillar for this purpose.

Al-Maqrizi, for example, reports that a number of schools were established but failed to carry out their duties, as there was no waqf to finance students and teachers. Some collapsed and were ruined even though they had previously enjoyed a good reputation. In his observation of the Al-Nasiriyyah School, for instance, he comments that: “had it
not been for what the scholars got (from waqf assets), the school would have been ruined”. Al-Maqrizi’s observation also includes other educational institutions, such as the Al-Qamhiyya School, Al-Sahibiyyah al-Bahiyya Schools and also An-Sonqar Mosque (see al-Maqrizi as quoted in Al-Heety, 2002, pp. 184-186). Waqf served as the main and sometimes the only source of income for most of the schools and education centres in those days. The importance of waqf inspired Dr Abdul Sattar Ibrahim Al-Heety to state that: “Without waqf, probably it would not have been possible to have any schools in Muslim countries” (184-185).

In Egypt, the Al-Azhar University, which serves as the most popular example of a waqf educational institution, continues to function since its establishment during the Mamluk Sultanate (1249-1260 CE). Free education has been offered to all its local and international students, including provision for accommodation, stipends, allowances and salaries for the lecturers and staff. It is worth mentioning here that Malaysian students have also been given a free air ticket to return to Malaysia on completion of their studies there. The tremendous impact of waqf education at the Al-Azhar University was clearly proven when the Egyptian Government became completely reliant on its waqfs as a macro-credit support in times of need for the survival of the State in previous years.

Besides al-Azhar, there are many other examples of universities in other countries that benefit from the waqf assets, such as the University of Al-Qurawiyin in Fez, Morocco; the University of Al-Muntasiriyah, Iraq; the University of Cordova, Spain; the King Abdul Aziz University, UAE; and the Islamic University of Indonesia (UII). However, there is a lack of published empirical research regarding waqf- or endowment-based universities in some other parts of the world. This includes Malaysia and Turkey. This article addresses this gap in the literature by providing research data on the two mentioned countries.

Up to the present time in Turkey, there are about 68 waqf universities and the number continues to increase. They are all private and non-profit Vakif Universitesi. Its largest city, Istanbul, has 38 universities, and this constitutes the largest number at present (full list at Table III). As for Malaysia, there are at least five universities that have already established their own waqf-based university concept in their higher education operations; these involve welfare services and academic or professional programmes and activities. These universities are the UPM (Putra University of Malaysia), the UKM (National University of Malaysia), the IJIM (International Islamic University of Malaysia), the IUM (Islamic University of Malaysia) and the AiU (Albukhary International University, Malaysia)[2].

The discussion in this paper will be focused on the establishment and principles of Malaysian Waqf Universities and the Turkish Vakif Universitesi. Some comparisons will be made between the two.

**Tawhidi epistemology of Waqf in higher education**

Waqf is connected with a Tawhidic approach that reflects the Oneness of God. Man is created by God as His steward to cultivate and enjoy His bounty on Earth. In addition, it is prescribed in the Qur’an (51:56) that men are created to serve and worship the Almighty. It is very important that this core tenet be embraced by every Muslim in achieving the spirit of taqwa (God-consciousness) (Nor, 2012). Thus, by acknowledging God as the Creator and Owner of the Universe (Al-Qur’an 2:107; 3:109; 4:132; 5:18; 6:12;
7:158; 9:116; 10:66; 42:53), man, as a waqf donor in this particular discussion, forgoes his right of ownership on the condition that the product serves some charitable purposes. In any case, men are only in the position of trustees (57:7) responsible for distributing their wealth among people in need (Mahamood, 2006) as well as ensuring that this property is used in a wholesome and responsible way that does no harm to themselves or to others (Nor, 2012).

The circulation of wealth via some social support mechanisms like sadaqah (charity), zakah (alms) and waqf can ensure equilibrium of possession between the rich and the poor so that wealth is not just confined to only the former (the rich) ((Al-Qur‘an 59:7). Islam condemns hoarding (9:35-36).

In fact, Muslims believe that life on earth is a test for humans. All their actions will be judged and rewarded accordingly in the Hereafter. The test, _inter alia_, aims to measure how well people deal with the income and wealth that has been put at their disposal (Ahmed, 2004). Thus, waqf acts as one of the ways to achieve this.

Furthermore, the idea of _waqf_ is very closely connected with the element of _taqarrub or qurbah_ which means nearness to God. The establishment of philanthropic _waqf_ has been accepted as a kind of _qurbah_ (Al-Sarakhsi, 1986; Hariz, 1994). Such an action is performed voluntarily with the consciousness of contributing one’s own property for the benefit of mankind and other charitable purposes recognised by Islamic law. The dedicator will obtain _thawab_, religious reward, in accordance with the virtue of the act.

The _thawab_ serves as a motivating factor which attracts the _waqf_ donor to do a pious act. The following hadith has influenced many philanthropists when considering dedicating his or her property as a _waqf_.

The Prophet (p.b.u.h.) said that (Al-Husayn, n.d.; Al-Zayla‘i, 1938):

> When the son of Adam dies, his deeds come to an end, except charity with enduring benefits (sadaqah_jariyah), his knowledge which benefits others and his virtuous son; they pray for him (bless him).

According to the interpretation of all jurists, a charitable _waqf_ falls into the category of enduring charity (Al-Husayn, n.d.; Al-Shawkani, n.d.; Al-Ramli, 1967) in contrast to other charitable acts which do not have enduring benefits (Al-Khatib, 1958). This kind of benefit will provide a continuous reward to the donor. The virtuous act of the _waqf_ donor will reveal a tawhidi personality which results in him achieving precious rewards from God.

The source of the hadith mentioned above is, in fact, one of the fundamental epistemological foundations embraced by Muslims (Choudhury, 2011). The first and foremost foundation is of course the Qur’an which lays down many verses relating to the benefits and rewards that a donor may receive from his or her good deeds (Al-Qur’an 2:177, 195, 215, 219, 261; 3:92;14:31; 51:19; 70: 24-25).

In the context of a higher education perspective, this article indicates the way in which tawhidi epistemology and morality and ethics have encouraged _waqf_ founders to participate in dedicating their property as _waqfs_ or pious endowments. Sultans, emperors, rulers and governors, businessmen and laymen are examples of those involved in enriching and sustaining universities and higher education in the past and at present.
Financing universities

Higher education has been financed by the Government since early Byzantium (Constantinides, 1982). This situation has changed little as the government continues to finance education. A study by the World Bank shows that Malaysia’s public expenditure on basic education, such as preschool through to secondary, as a percentage of gross domestic product (GDP), is more than double that of other ASEAN countries (3.8 versus 1.8 per cent) and 1.6 per cent higher than the Asian Tiger economies of South Korea, Hong Kong, Japan and Singapore (Figure 1). It is also slightly higher than the Organisation for Economic Co-operation and Development average of 3.4 per cent (Ministry of Education Malaysia, 2014).

In 2011, Malaysia’s basic education expenditure was MYR 37 billion (in terms of money spent on operations and development). This amount represents 16 per cent of the total 2012 federal budget – the single largest share among ministries. In addition to this budget, another MYR 12 billion was allocated to the Ministry of Higher Education (MOHE) and other ministries that provide education-related services. Collectively, this expenditure demonstrates that the government allocates a large amount on education for the nation (Ministry of Education Malaysia, 2014).

Previously, in 2008, the amount allocated to the MOHE was MYR 9.5 billion and this increased to MYR 14.1 billion in 2009. Funds were channelled to equip the public universities in terms of facilities for medical training, the Research Universities (RUs) and APEX University. Funds were also allocated for the expansion of post-secondary education facilities, such as polytechnics and community colleges (UNESCO Bangkok, 2012) (Table I).

Based on research by UNESCO, Malaysia’s public universities implemented various approaches to generate their own income, such as endowment and philanthropic, income-generated from university hospitals, profit-making activities through university enterprises, entrepreneurship programmes, consultancy, offshore programmes, continuing studies programmes, short-term professional development programmes, cost-recovery and profit-making and increasing the post-graduate programmes (UNESCO Bangkok, 2012) (Figure 2).

**Figure 1.**
Malaysia’s basic education expenditure as a percentage of GDP

**Note:** Include operating and capital/development expenditure

**Source:** World Bank EdStats (2011)
In Turkey, the actual budget of a public higher education institution is made up of three main sources of income: the state subsidy, self-generated income sources (research fund) and student fees (the annual fees paid by each student, which can be no higher than 25 per cent of the total expenditure per student). Public universities have additional sources of income. By law, they charge each student a mandatory annual fee. This fee, however, is much lower than the fees charged in private universities and is defined by the programme offered. Second, there is a revolving fund contributed to by the services provided by the university, such as patient care in university hospitals and research contracts. Third, each university has a research fund made up of a lump-sum grant from the state-provided budget plus a portion of the income from the revolving fund and from projects given by the state Planning Organisation (Mizikaci, 2006) (Table II).

It is clear that university financing is heavily dependent on public funding. According to Chandrasiri (2003), alternative funding sources for universities include students and their parents, industry/services, alumni and other philanthropists, and international sources. In fact, from the Islamic perspective, waqf is recognized as one of the philanthropies that can finance higher education. A waqif philanthropist is known as a waqif.

Waqf can be an alternative source of funding for universities just as it was for some earlier Islamic civilizations, in particular the Ottoman Empire and the Mamluk

<table>
<thead>
<tr>
<th>Year</th>
<th>Total government expenditure (GE)(^a)</th>
<th>Total educational expenditure (% of GE(^a)) (MoE)</th>
<th>Total higher education expenditure (% of GE(^a)) (MOHE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>159,496,147,000</td>
<td>22,149,790,900 (13.9)</td>
<td>10,199,979,588 (6.3)</td>
</tr>
<tr>
<td>2008</td>
<td>176,917,420,000</td>
<td>29,538,961,000 (16.7)</td>
<td>9,546,957,549 (5.3)</td>
</tr>
<tr>
<td>2009</td>
<td>213,215,000,000</td>
<td>32,271,000,000 (15.1)</td>
<td>14,115,675,800 (6.6)</td>
</tr>
<tr>
<td>2010</td>
<td>191,498,805,000</td>
<td>30,519,112,700 (15.9)</td>
<td>13,023,022,500 (6.8)</td>
</tr>
</tbody>
</table>

Note: \(^a\)Includes operating and development expenditure
Source: UNESCO Bangkok (2012)

Table I. Total government expenditure, education expenditure and higher education expenditure, 2007-2010

Figure 2. Types of income-generating activities implemented in public universities in Malaysia

Source: UNESCO Bangkok (2012)
Sultanate of Egypt. The tremendous impact of *waqf* and pious endowment has also been witnessed in the UK, the USA and Egypt as stated earlier.

In terms of the UK example, Professor Dr Murat Cizakca (Interview conducted on 10 October 2012), a Turkish Islamic Finance scholar, stated that the Oxford and Cambridge universities (the colleges) had adopted the idea of Islamic *waqf* to initially fund themselves. Walter de Merton, the founder of Merton College, Oxford, was a thirteenth-century English clergyman and government servant who held the powerful position of Chancellor of England three times. He was said to have had contact with the Middle East, particularly during the Crusades. Concerned with the provision of a university education for his nephews, in 1262, de Merton obtained a license to vest certain properties for the support of university students. Two years later, the final form of the 1264 Statutes of Merton College was registered. In the opening sentence of the statutes, de Merton set out the charitable purpose of his trust and properties. This procedure is a *conditio sine qua non* for any classical Islamic *waqf*. Many other aspects of the founding of Merton College are said to have similarities with Islamic *waqf*. The case of Merton College led Monica Gaudiosi, who has initiated an inquiry regarding the origins of English trusts, to conclude that the Islamic *waqf* constituted the origins of English trusts (Çizakça, 2000). According to Çizakça (2000), Oxford was then followed by Peter House College in Cambridge. Thus, it follows that Cambridge imitated Oxford which had previously imitated Islamic *waqf*.

All of these facts show that the concept of *waqf* is not alien to the West. *Waqf* and the English trusts (by way of creating *waqf* or pious endowment) share many similar principles and attributes, although there are some differences, such as in the trusteeship power, perpetuity requirement and vesting authority. Due to these differences, almost all Malaysian laws have stated in their statutory provisions that *waqf* “does not include a trust”. Trusts will be discussed in greater detail in a section below.

In this article, besides focusing on the concept of the establishment and principles of a *waqf* university, the discussion also explores the *waqf* instrument as an alternative funding source in financing universities.

**The theory of the *waqf* university**

*Waqf university concepts*

A *waqf* university means a university established based on *waqf* concepts and principles. This part will include some significant facts about *waqf*.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total government expenditure (Central government budget) (TL)</th>
<th>Total educational expenditure (Ministry of national education budget) (TL)</th>
<th>Total higher education expenditure (Higher education council budget) (TL)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>204,988,545,572</td>
<td>21,355,634,000</td>
<td>6,586,692,000</td>
</tr>
<tr>
<td>2008</td>
<td>222,553,216,800</td>
<td>22,915,565,000</td>
<td>7,318,284,650</td>
</tr>
<tr>
<td>2009</td>
<td>262,217,866,000</td>
<td>27,883,696,000</td>
<td>8,772,719,225</td>
</tr>
<tr>
<td>2010</td>
<td>286,981,303,810</td>
<td>28,237,412,000</td>
<td>9,355,457,600</td>
</tr>
<tr>
<td>2011</td>
<td>312,572,607,330</td>
<td>34,112,163,000</td>
<td>11,503,927,500</td>
</tr>
</tbody>
</table>

*Note:* Ministry of national education strategy development presidency of Turkey (2012)
Wakaf or waqf (plural awqaf) or hubs (plural ahbas) is an Arabic masdar which is derived from the word waqafa and literally means “detention”, “to prevent”, “to restrain”. The term awqafa, which has the same meaning as waqafa, is very rare in the Arabic language. The term wakaf is used in Malaysia to mean the same, while, in Turkey, there are several terms used to refer to waqf, i.e. vaqf (plural evqaf), evkaf, vakif or vakfi. In Islamic terminology, waqf means “a dedication of property either in express terms or by implication, for any charitable or religious object, or to secure any benefit to human beings” (Mahamood, 2006)[3].

Section 2 of the Wakaf (State of Selangor) Enactment, 1999 (No.7 of 1999) defines wakaf as:

[…] the dedication of any property from which its usufruct or benefit may be used for any charitable purpose whether as wakaf am or wakaf khas according to Hukum Syarak, but does not include a trust which is defined under (the) Trustee Act 1949.

Wakaf am means “any wakaf that is created for a general charitable purpose according to Hukum Syarak”, while wakaf khas means “any wakaf that is created for a specified charitable purpose according to Hukum Syarak”. It is worth mentioning here that the exclusion of “trusts” from the interpretation of wakaf is because the former is governed by the English law of trusts, while the latter follows the proprietary concept according to Islamic law or Hukum Syarak.

Commonly, waqf refer to a pious foundation, which is defined in various ways in the Shari’ah by different schools of laws. The term waqf refers to things which are intact in themselves and yet produce an income or benefit, the owner of which foregoes his right of ownership on condition that the product serves a charitable purpose. An endowed property is properly called mawquf, mahbus, muhabbas or habis (Mahamood, 2006).

Any kind of property may be created as a waqf. This is called mawquf, and the terms mahbus, muhabbas or habis are also used in certain places. A mawquf may consist of movable or immovable property. A cash waqf may also constitute a valid mawquf. An irsad waqf[4] is also accepted.

The waqf funds of a waqf university can be generated either for general or specific purposes[5] or even in a combined type of creation where part of it is general and the rest is specific. The former is known as waqf musyitarak. Waqf ‘am refers to any form of waqf dedication aimed at general welfare or khairat without specifying any particular beneficiaries (individuals or organisations/institutions) or specific purposes. This category of waqf is applicable to things or objectives directed towards general social welfare and charitable purposes. In contrast to the above, waqf khas is a type of waqf with specified beneficiaries or purposes. Under this form of waqf, the person dedicating the waqf will identify beforehand the persons who will be benefiting from the waqf and the purpose for which the waqf must be applied. As for waqf al-musyitarak, it is a combination of waqf ‘am and waqf khas. For example, if one were to say “I dedicate 50 per cent of my shares in these mutual funds to my children and the rest are for the poor generally”, then this constitutes a waqf of al-musyitarak as the beneficiaries are two different classes of people – one is specific while the other is general in nature. From this example we can see that the donor, or properly called the waqf, does not stipulate any specific criteria for the poor, such as their location or other specific attributes that may be construed to be specific.
Waqf regulations

It is important for a waqf university to have its own regulations or rules to govern the overall system of the institution. As the concept of waqf bears some unique characteristics and, to a certain extent, a number of strict Syariah legal principles, there should be some guiding and binding authoritative instructions for the university to follow.

The provision of a supervisory board of trustees should be made in the regulations, as the university will run its business using a collection of waqf funds received from waqf donors or waqifs which need continuous supervision to prevent any misuse on the part of the personnel of the university who manage the funds. The waqifs might impose specific conditions for their waqf which demand careful control from the trustees as long as the funds exist. Nothing can be changed except in certain situations that call for modification, such as when the purpose set up by the founder can no longer be realized. However, a proper assessment should first be carried out to measure the situation whereby reference to the relevant authority[6] should be made beforehand for its approval. This carries the concept of istibdal under the law of waqf. The significant principle underlying this strict application is actually based on the maxim “syart al-waqif ka al-nass al-syari”, which means, “any condition imposed by a waqif or a waqf donor is regarded as a text from the Syariah”, and it has to be followed with proper action.

In accordance with the above, the provisions for the management team and its relevant managing powers and functions should also be spelt out in the regulations. Examples of some important clauses are istibdal and development of mawquf, investment, application of waqf income and also a clause concerning reference to the authoritative body for any controversial or unsettled matters attached to any mawquf that demands a solution to the problem.

Besides provisions for the management board and the management, it is also important to have a provision in respect of the account management. For example, a clause on the separation between waqf am and waqf khas should be inserted. This is because, according to Syariah, for a waqf khas, a mutawalli or a manager has the responsibility to use the income by entertaining the stipulation spelt out by the waqif unless it obviously contravenes Syariah law. As for a waqf am, the manager may, at their discretion, apply the mawquf (the waqf property) in any dealing allowed by the Syariah law.

It is important to note here that the first part of the regulations should be provided with clauses on the interpretation of significant terms used in the provisions. This is to avoid any misinterpretation or confusing understanding concerning the reading and implementation of the regulations. In doing so, a careful reference has to be made to the Syariah authoritative books, existing legislations and also the relevant statutes governing the university.

Conditions spelt out in waqf deed

The conditions spelt out in the waqf deed may also determine the manner in which the mawquf will be dealt with. All the stipulated conditions from a waqif, if any, should be made operative unless they are opposed to the Syariah and the law of the country. In the latter case, proper modification and adjustment have to be made with due reference to the authoritative bodies of the competent jurisdiction. This has been mentioned earlier.
The conditions may include the specification of the beneficiaries, the mode of operation including the income distribution order, the investment and other dealings that a waqif wishes. In the context of education, it may involve the vision, mission and university objective, the system and the curriculum, the requirements for the selection and the qualification of the lecturers, as well as the dress code of the university community (lecturers, students, staff).

In the case of the Dar al-Hikmah, a huge library that was established in Cairo by Fatimid Caliph al-Hakim bi-Amr Allah, its waqf deed contains inter alia the selling and the disposal of its ownership and also details of the ways the income should be spent, on the staff, furniture, paper, ink and pens, etc. (Al-Heety, 2002).

As found in Egyptian and Syrian madrasahs, in education during the Mamluk Era (1250-1517), the waqifs determined the conditions and objectives of their institutions. Some of them stipulated the curricula that had been used in teaching the Quran, fiqh (jurisprudence) and hadith (sayings and traditions of the Prophet Muhammad p.b.u.h.), in accordance with one of the Sunni schools. Others stipulated the types of materials or books used in the curricula for both students and teachers (Mahamid, 2011).

Stipulations concerning the expertise of the teachers can be found in the al-Masruriyya madrasah in Damascus in that they had to be conversant and knowledgeable in al-khilaf (the comparative study of the different Islamic schools of law). Other Mamluk madrasahs had stipulations concerning the schedule of lessons, including study days and times and also the materials studied (Mahamid, 2011).

Perpetuity condition. The question of permanency has always been connected to the matter of waqf. In fact, it is very characteristic of this type of charitable endowment, and, consequently, waqf is also known as sadaqah jariyah [7] which means an enduring charitable donation/endowment. The concept means that the substance of the waqf property should be kept intact so as to ensure the permanent character of the property. Only its usufruct or proceeds are to be spent for the purposes of the waqf[8].

Based on the above fact, it is incumbent on the trustee/administrator of a waqf university to ensure that the permanency requirement is fulfilled wisely. Otherwise, the concept of waqf that the university might claim for adoption in its establishment and operation might wrongly be understood. Therefore, if a waqf university collects funds from the waqifs, then the funds should be realized in accordance with the aforementioned principle. The funds cannot be used directly to serve the waqf purpose as this may disturb the permanent character of the mawquf (the funds). The direct application of the funds will retain nothing as to the substance or the principal of the property. Thus, the funds might be invested to gain dividends, or else they might be used to buy immovable property and the income would be used to serve the purpose of a waqf. They might also serve as a qard al-hasan loan[9] to the poor.

Method of financing. The method of financing for the establishment of a waqf university may incorporate some concepts of Islamic commercial transactions, such as REITs (Real Estate Investment Trusts – Waqf REITs), or Islamic Bonds (Sukuk – Waqf Sukuk).

Selection of students and lecturers. Students should be selected based on the normal procedure of enrolment in which academic merit will be the basis of the selection. This will ensure the quality of the university and the production of high-calibre graduates. Similar to the selection of students, lecturers should also possess good academic
qualifications, be knowledgeable and specialized in their teaching, research and publication areas.

*Integrity and efficiency in managing waqf funds.* In dealing with *waqf*, the matter of its administration and management is crucial. Being the trustee or administrator of the management team of a *waqf* institution, the person so appointed should always be cautious in administering and supervising the *mawquf* as they are dealing with a trust (*waqf*) property which normally involves the public interest (Al-Khatib, 1958) as well as the rights of the beneficiaries. Besides preserving and keeping the *mawquf* intact, gaining the profit of the *mawquf* and collecting and distributing the revenue among the beneficiaries, they should also carefully protect the substance of the *mawquf* from any loss or damage (Al-Nawawi, 1977; Al-Ramli, 1967; Al-Bujayrmi, 1951; Al-Khatib, 1958; Hariz, 1994; Al-Zuhayli, 1984). In fact, they must observe, as much as possible, all the stipulations and conditions laid down by a *waqif* in his *waqf* deed (Ibn ‘Abidin, 1966; Hassun, 1996; Al-Zarqa’, 1997; Hariz, 1994), unless there is a need to modify them with a proper submission to the authority concerned as mentioned before.

To attract and increase *waqf* funds substantially, their management should be performed efficiently. The reason for this is that *waqifs* always like to be assured that the proceeds of their *mawquf* property are well spent (Acharya and Dimson, 2007) and prudently managed.

We believe that, to be successful in the abovementioned obligation, it is vital to have cooperation between the different parties, particularly the beneficiaries and the heirs of the founders, as well as the government and the local society. This is because these people are relevant in terms of the fulfilment or the modification of the founder’s wishes/stipulations, as well as in relation to the development issues that may arise that affect the *mawquf*.

It is, in fact, the teaching of Islam which stresses morality and ethics in any dealings whereby the tawhidic worldview should always govern an action, including that of the trusteeship roles of the *waqf* trustee. The emphasis in the Qur’an on the significant attitude of accomplishing pledges and fulfilling the rights of others, trustworthiness (Al-Qur’an 2:283; 4:58; 23:8, 10, – 11; 70:32, 35) and the heinousness of dishonesty (4:107; 8:27, 58; 12:52; 22:38), might be applied to the trusteeship of *waqf*. In relation to this, Allah has commanded mankind to fulfil their undertakings (5:1) and covenants as they will be asked what they have done (in the Hereafter) (17:34.). Furthermore, men are asked to fulfil their trusts to whom they are due, and they are prohibited from knowingly betraying things which are entrusted to them (8:27.).

From the abovementioned Qur’anic principles, it is clear that a question of *waqf* is a question of trust and pledge which the founders of *waqfs* have entrusted to their trustees, whether appointed by the founders themselves or the ruler of a state, to fulfil their intention and manage the stipulated assets. The trustees or the *waqf* managers should carry out their responsibilities with full honesty and integrity.

**Research method**

This study has adopted a qualitative approach, as this is an exploratory research on how the *waqf* instrument can be implemented as an alternative instrument in funding the university and could thereafter be called a *waqf* university.

In collecting the data, three main methods were used, namely, library research, interviews and institutional data documentation. The first method was applied to obtain
theoretical data from primary and secondary sources. This included classical and contemporary *syariah* books on *waqf*, particularly pertaining to education (*waqf* education), sources from *syariah* and conventional books on development and other relevant sources from journals, conference papers and websites.

Interviews were conducted to obtain data regarding the development, sources of income, fund generation and benefits derived from *waqf* or endowment universities that we visited. We have chosen *waqf* universities in both Turkey and Malaysia as our research locations and adopted the expert interviewing or elite interviewing method. Interviews were conducted with three *waqf* or *vakif* Turkish universities. The universities were Istanbul Şehir Universitesi, KOÇ Universitesi and Sabancı Universitesi. It is worth noting here that we also collected data from another Turkish *waqf* university, Özyeğin Universitesi, by email correspondence. This was necessary because the officer in charge was not available to be interviewed on the scheduled meeting date as she had an emergency commitment in Ankara. In Malaysia, we chose the UKM, UPM and the IIUM.

With regard to the structure of the interviews, semi-structured interviews were adopted. This type of encounter involved focused interviews and elite interviews (expert interviews). The answers were open-ended, which allowed the interviewees to conveniently elaborate upon their points of interest.

To achieve maximum responses and data from our respective interviewees, we sent them the interview questions by email before the meeting date. The interview sessions lasted approximately 2 hours. All the interview data were recorded and transcribed.

In respect of the institutional data documentation method, it was applied to gain the existing compiled data from the universities that we visited. The data helped tremendously in enhancing the interviewing data that we gathered.

Finally, all the data were analysed using the content analysis method.

**The findings**

Below are the findings that we gathered from our research regarding the theoretical and empirical aspects concerning the concept and principles for the establishment of a *waqf* university. The findings below will not be confined to those of the Turkish and Malaysian *waqf* universities, their application to other countries and civilisations will also be referred to.

*Source of income for the establishment and survival of a university*

A university should not depend on *waqf* funds *per se*, rather it should also accept other types of charitable donations, like *sadaqah* and *hibah* [10]. The generation of income from subsidiary properties of the *waqf* should be provided for the upkeep and maintenance of the university [11]. Thus, the income of the university should be diversified to ensure a level of stability and produce a self-reliant university that does not depend on other external sources to survive. Most Oxford and Cambridge colleges rely on endowment income to secure their operations. Simultaneously, their diversified income base provides them with a level of stability that empowers them to pursue higher risk, higher return strategies (*Acharya and Dimson, 2007*).

A good example is that of the survival of the Al-Nidhamiyah School in Baghdad during the Abbasid Caliphate when its founder, Nizam al-Mulk, had also bought farms, houses and public baths before turning them into *waqfs* for the school (*Al-Heety, 2002*).
The Zaytuna Mosque School also resembles the Al-Nidhamiyyah School. Readers may benefit from the quotation of Al-Heety (2002):

Nowadays the mosque is surrounded by a great number of markets and huge buildings including different shops which are all *waqfs* devoted to the mosque and studies in it. The mosque has now been turned into a university with diverse scientific specialities, in accordance with the most recent educational reports).

The same survivability rule of *waqf* can be found in the case of the huge library of Dar al-Hikmah, which was established in Cairo by the Fatimid Caliph al-Hakim bi-Amr Allah. It was endowed with necessary financial resources in order to provide continuous services to the beneficiaries. He endowed it with houses and shops the proceeds of which were spent on the library (Al-Heety, 2002).

Moreover, active fundraising programmes might well be promoted, as this could help to enrich the existing funds. Therefore, a *waqf* university should establish a special unit for the purpose. The example of the Sabancı Üniversitesi, Turkey, can be cited as it has a special Fundraising Department to deal with the fund raising activities of the university (S. Ariman and A. Gürleyen, personal interview, 16 July 2012). It is worth noting here that the university received TL 3,055,585 in contributions to the SU Scholarship Fund from its Annual Giving Campaign between the years 2008 and through the first nine months of 2011. These data are given in the Figure 3.

It is worth noting here that the Islamic Endowment Fund (IEF) of the IIUM also received *waqf* donations from some international guests visiting the university. For example, the UAE Ambassador, Sheikh Humaid bin Rashid Al-Nuaimi, donated a certain amount of money for the building of a hostel exclusively for the female students attending IIUM. According to the plans of the IEF, after the construction work is completed, the hostel will be rented out to the female students and the proceeds of the rental will be used for the Sheikh Humaid bin Rashid Al-Nuaimi’s Scholarship, which is dedicated to the beneficiaries of the institution (S. Azhar Mohd Yusof, personal interview, 13 June 2012). The construction of the hostel has already been completed and has been named after its *waqif*, Mahallah HH Sheikh Humaid bin Rashid Al-Nuaimi. The hostel provides 16 apartments with 4 individual rooms.

![Figure 3. Scholarship fund contributions, 2008 – first nine months of 2011](https://example.com/figure3.png)

*Source: Sabancı Üniversitesi (2012a)*
In addition, the IEF also received a donation worth MYR 5 million from the Armed Forces Fund Board (Lembaga Tabung Angkatan Tentera/LTAT), which is part of the Ministry of Defence, for the construction of a block of the IIUM Student Hostel. Similar to the above application, the building will be rented to the students and the proceeds will be used to provide scholarships for 400 students of the university annually. The board will have the option to determine which 10 per cent of the students will receive the scholarship (S. Azhar Mohd Yusof, personal interview, 13 June 2012).

What is more interesting about waqf donations in the Malaysian universities is that UPM has received significant support and financial assistance from the UPM Chancellor, i.e. the Sultan (Ruler) of Selangor, Sultan Sharafuddin Idris Shah. Besides contributing MYR 300,000 to the waqf fund, known as Dana Waqaf Ilmu UPM, the Sultan has also launched its operation (Sohadi, R. and Umar, S., personal interview, 1 June 2012).

The National University of Malaysia (UKM), which operates its waqf under the Chancellery Foundation, has provided various modern ICT facilities for the waqf donors to contribute to the waqf fund (known as Dana Waqaf UKM) – through its website, banking and electronic banking, as well as through direct debit – which provides easy and convenient means to make donations. Road shows concerning waqf donations and their importance have also been initiated by UKM for faculty members of the university to create awareness concerning the purpose of contributions (S.A.W. Syed Mohd Ghazali Wafa, personal interview, 17 May 2012).

It is worth noting here that the Turkish universities have received very significant contributions from businessmen as they provide funds for the establishment, maintenance and continued existence of Vakif Universitesi. In fact, they have been involved in various activities of the Universitesi including research surveys and workshops. Moreover, in Turkey, there has been a legal policy that Vakif Universitiesi must be established by a governing foundation and the foundation must have in its statutes an article related to the establishment of higher education institutions. However, once the university is established, it becomes a separate legal entity and the responsibilities of the founding waqf are to appoint the members of the board of trustees of the university and to finance 20 per cent of the operational budget of the university (A. Goksel, personal interview, 24 July 2012). Normally, the foundations which support the Vakif Universitiesi belong to rich Turkish entrepreneurs and also philanthropists who own large and prestigious companies. Because such businessmen are involved in both the physical and intellectual development of the universities, they have a very strong relationship with them.

The Turkish waqf universities and their foundations are shown in the Table III.

From the interview that we conducted with the Turkish universities and their foundations, it was found that a contributing factor that leads businessmen and society to continue to donate to these institutions is very much connected to their culture. This has been an ongoing practice since the Ottoman period[14]. This indicates that culture plays a very important role in determining societal behaviour including donating for charitable purposes. In this particular case, we believe that the religious teaching of Islam has very much influenced the culture.

Thus, in the above particular case of the waqf of the Ottoman Turkish businessmen, we can see that the role of religion has indeed influenced the establishment of business ethics as practised by these Vakif Universitesi founders. One of the ethics that is relevant
<table>
<thead>
<tr>
<th>Nos.</th>
<th>University ADI (Name of University/Universitesi)</th>
<th>Yeri (Location)</th>
<th>Kurucu vakif (Foundation)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Sabancı Üniversitesi</td>
<td>İstanbul</td>
<td>Sabancı Vakfı</td>
</tr>
<tr>
<td>2</td>
<td>Koç Üniversitesi</td>
<td>İstanbul</td>
<td>Vehbi Koc Vakfı</td>
</tr>
<tr>
<td>3</td>
<td>Acıbadem universitesi</td>
<td>İstanbul</td>
<td>Acıbadem Eğitim ve Sağlık Vakfı</td>
</tr>
<tr>
<td>4</td>
<td>Alanya Hamdullah Emin Paşa Üniversitesi</td>
<td>Alanya</td>
<td>Hamdullah Emin Paşa ve Haremi Hatice</td>
</tr>
<tr>
<td>5</td>
<td>Altın Koza Üniversitesi</td>
<td>Ankara</td>
<td>Koza Ipek Eğitim Sağlık Hizmet Yardım Vakfı</td>
</tr>
<tr>
<td>6</td>
<td>Ankara Bilge Üniversitesi</td>
<td>Ankara</td>
<td>Türkiye Yüksek İhtisas Hastanesi Vakfı ile Türkiye Devlet Hastaneleri</td>
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<td>7</td>
<td>Atlım Üniversitesi</td>
<td>Ankara</td>
<td>Atlım Vakfı</td>
</tr>
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<td>8</td>
<td>Avrasya Üniversitesi</td>
<td>Trabzon</td>
<td>Maçka İl Emamlığı ve Sosyal Yardım Vakfı</td>
</tr>
<tr>
<td>9</td>
<td>Bahçeşehir Universitesi</td>
<td>İstanbul</td>
<td>Bahçeşehir Eğitim Vakfı</td>
</tr>
<tr>
<td>10</td>
<td>Başkent Üniversitesi</td>
<td>Ankara</td>
<td>Türkiye Organ Nakli ve Yardım Vakfı ve Haber İhtisas Vakfı</td>
</tr>
<tr>
<td>11</td>
<td>Beykent Üniversitesi</td>
<td>İstanbul</td>
<td>Adem Çelik-Beykent Eğitim Vakfı</td>
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</tbody>
</table>
| 12   | Bezm-i Alem Üniversitesi                     | İstanbul       | Bezmâlem Valide Sultan, Sılahtar Abdullah Ağa ve Abdülhamit Sancı
| 13   | Bursa Orhangazi Üniversitesi                 | Bursa          | Bursa Eğitim ve Sağlık Vakfı ile Tanımlı Eğitim ve Yardımlaşma Vakfı must疫情防控巡逻 |
| 14   | Canik Başarı Üniversitesi                   | Samsun         | Başarı Eğitim ve Sağlık Vakfı ile Tanımlı Eğitim ve Yardımlaşma Vakfı must疫情防控巡逻 |
| 15   | Çağ Üniversitesi                             | Mersin         | Bayboğan Eğitim Vakfı       |
| 16   | Çankaya Üniversitesi                         | Ankara         | Sıtkı Alp Eğitim Vakfı      |
| 17   | Doğuş Üniversitesi                           | İstanbul       | Doğuş Eğitim Vakfı          |
| 18   | Fatih Sultan Mehmet Üniversitesi             | İstanbul       | Fatih Sultan Mehmet Han Vakfı, Sinan Ağın Abdurrahman Vakfı |
| 19   | Fatih Üniversitesi                           | İstanbul       | Türkiye Sağlık ve Tedavi Vakfı |
| 20   | Gaziantep (Hasan Kalyoncu) Üniversitesi      | Gaziantep      | Gaziantep Eğitim ve Kultur Vakfı |
| 21   | Gedik Üniversitesi                           | İstanbul       | Gedik Eğitim ve Sosyal Yardım Vakfı |
| 22   | Gediz Üniversitesi                           | İzmir          | Sılahtar Eğitim ve Spor Vakfı |
| 23   | Halıç Üniversitesi                           | İstanbul       | Bizim Lütfü Turgut ve Sılahtar Abdullah Vakfı |
| 24   | İ Şk Üniversitesi                            | İstanbul       | Fezliye Mektepleri Vakfı    |
| 25   | İhsan Doğramacı Bilkent Üniversitesi         | Ankara         | İhsan Doğramacı Eğitim ve Sağlık, Bilim ve Araştırma Vakfı |
| 26   | İstanbul 29 Mayıs Üniversitesi              | İstanbul       | Türkiye Diyanet Vakfı       |
| 27   | İstanbul Arel Üniversitesi                   | İstanbul       | Kemal Gözüklü Eğitim ve Kültür Vakfı |
| 28   | İstanbul Aydin Üniversitesi                  | İstanbul       | Anadolu Eğitim ve Kültür Vakfı |
| 29   | İstanbul Bilgi Üniversitesi                  | İstanbul       | Bilgi Eğitim ve Kultur Vakfı |
| 30   | İstanbul Bilim Üniversitesi                  | İstanbul       | Türk Kardioloji Vakfı       |
| 31   | İstanbul Gelişim Üniversitesi                | İstanbul       | Gelişim Eğitim ve Sağlık ve Sosyal Yardım Vakfı |
| 32   | İstanbul Kemerburgaz Üniversitesi           | İstanbul       | Mehmet Altunbaş Eğitim ve Kültür Vakfı |
| 33   | İstanbul Kültür Üniversitesi                | İstanbul       | Kultur Koleji Eğitim Vakfı |
| 34   | İstanbul Sabahattin Zaim Üniversitesi       | İstanbul       | İlim Yayıma Vakfı            |
| 35   | İstanbul şehir Üniversitesi                 | İstanbul       | Üniversite Bilim ve Sanat Vakfı |
| 36   | İstanbulşişli Meslek Yüksekokulu              | İstanbul       | İstanbulşişli Vakfı         |
| 37   | İstanbul Ticaret Üniversitesi               | İstanbul       | İstanbul Ticaret Odası Eğitim ve Sosyal Yardım Vakfı |
| 38   | İstanbul Medipol Üniversitesi               | İstanbul       | Medipolitan Eğitim ve Sağlık Vakfı |

Table III. Foundations for Turkish *waqf* universities

(continued)
in this context is the spending of their wealth for charitable ends (Hashim, 2012), i.e. in the *waqf* sphere. The sharing of wealth supports very much the notion of equilibrium in ensuring social responsibility and justice.

As for Malaysia, it seems that only some parts of society are involved in using their wealth for charitable purposes. This behaviour depends more on their religious consciousness in realizing Islamic obligations.

*The beneficiaries (the recipients)*

Proceeds of *waqf* may provide benefits to students, staff and even lecturers depending on the funds available at the time of distribution.

In Malaysia, the beneficiaries of *waqf* funds are normally poor students. However, IIUM under its IEF has also extended the application to fund research activities for its academics (S. Azhar Mohd Yusof, personal interview, 13 June 2012).
As for the Turkish Vakif Universitesi, normally, scholarships for students are based on academic merit. Details pertaining to this are elaborated upon under the subtopic – Benefits to be Offered.

**Imposition of student fees**

Fees can be imposed on affluent students, which may even serve as part of the university’s income, thus supporting the existing waqf funds. However, it is not necessary to exempt all students from university fees unless the waqf funds are sufficient for that purpose. For example, in the case of the Timurid educational and charitable foundation of the Ikhlasiyya Complex in Herat which was built and endowed by “All ShirNavad”, the great cultural patron and literary figure of the Timurid period in the fifteenth century, the endowment for the madrasah of the complex only provided full support for twenty-two students (Subtelny, 1991) while the rest were self-funding.

At the Sabanci Universitesi, Istanbul, about 30 per cent of its undergraduate students receive scholarships. The total number of undergraduate students is 3,692. Scholarship students may be exempted from two-thirds or the total tuition fee. In addition, there are financial aid scholarships and working student schemes. Financial aid scholarships have been in effect since the 1999-2000 academic year, and have been extended to 510 students so far. The working student scheme has benefited 1,963 students (Sabanci Universitesi, 2014).

In respect of the Özyeğin Universitesi, Istanbul, the students have been provided with a comprehensive scholarship (in the form of tuition waivers) programme, which provides 25, 50 and 100 per cent scholarships, based on the university entrance exam score. In fact, after the student is admitted to the university, there are needs-based and academic performance-based scholarships (A. Goksel, personal interview, 24 July 2012).

Quite unique to KOÇ Universitesi, Istanbul, are the various types of scholarship this institution offers to students. Full and also half scholarships are offered based on academic merit. As for the graduate students, all of them are offered full scholarships. The university also offers a special scholarship for successful poor students who come from very poor areas of Turkey and who did not receive a scholarship when they commenced their studies at KOÇ (G. Ongan, personal interview, 12 July 2012).

**Benefits to be offered**

The income from waqf can be used for student scholarships, particularly for those who are poor, for their accommodation and meals, as well as for stipends. Depending on the income that is available, it can also provide salaries for lecturers and other staff. Through our research and observation, normally, scholarships for students are based on academic merit or performance. This is the case at the Turkish Vakif Universitesi – the Özyeğin, Istanbul Şehir, KOÇ and Sabanci Universitesis[17]. For the Özyeğin Universitesi, waqf funds from the Husnu Òzyegin Foundation are used to subsidise scholarships for the students, and also for capital investment, staff salaries and the operational costs of the University. There is also a small needs-based scholarship programme; however, the benefits are largely for academic merit (A. Goksel, personal interview, 24 July 2012).

**Table IV** provides a summary of the scholarships received by the students of Sabanci, Özyeğin and KOÇ from the waqf income of these universities[17].
In addition to the above, we can also share the good example of Al-Azhar University of Egypt which provides free education for those Muslim students accepted to study there from all over the world. Its *waqf* income finances the students’ accommodation, known as *al-bu’uth*, as well as all the schools established under its administration. It is also observed that many Malaysian students used to receive a small-scale scholarship worth £20 (of Egyptian currency) from the university every month as well as free air tickets when they returned home to Malaysia at the end of their studies (Sabran, 2002).

Apart from the aforementioned benefits, the income from a *waqf* university may be used for the library and other university expenses for the benefit of the students, the lecturers and the staff, like the purchase of books and other academic materials, teaching equipment and facilities as well as the university’s infrastructure. In more advanced and current applications, it may also be used for funding an academic chair or Nobel prize for outstanding and dedicated scholars selected by the university. In addition, a soup kitchen or public kitchen may be provided to give free bread and soup as well as other meals for poor students and poor staff. Lessons can be learned from the Timurid Ikhlasiyiya Complex of ’Ali ShirNava’i in fifteenth-century Herat[18] and the Ottoman *Imaret*[19]. However, the above examples can only be implemented if there are sufficient funds for the purposes.

**Investment of funds**

In addition to active fundraising, it is vital for a *waqf* university to engage in prudent investment so as to secure against any economic contingencies, for example, in times of economic and stock market uncertainty. This has been the practice of the American endowment universities, such as Harvard, Princeton and Yale (Acharya and Dimson, 2007).

Nevertheless, the Turkish *Vakif Universityesi* (private universities) have not been permitted to engage in investment as their establishment was based on a foundation of non-profit institution. The income of the university should be used solely to improve the university in terms of scholarships, research and any capital investment required (A. Goksel, personal interview, 24 July 2012)[20].

It is vital to note here that the very important aspect in the context of *waqf* is that the *waqf* manager in a university has to engage with ethically *Syariah*-based investment. Activities and illegal elements and transactions such as *riba* (usury), *maisir* (gambling),

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<th>Scholarships and student fees of Sabancı, Özyeğin and KOÇ Vakif Universitesi</th>
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<tr>
<td><strong>Sabancı</strong></td>
<td><strong>Scholarship and student fees of</strong></td>
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<tr>
<td></td>
<td><strong>About 30% of its undergraduate students receive scholarships (total students: 3,692)</strong></td>
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<td><strong>Scholarship students may be exempted from two-thirds or the total tuition fee</strong></td>
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<tr>
<td><strong>Özyeğin</strong></td>
<td><strong>Comprehensive scholarship (in the form of tuition waivers) programme, which</strong></td>
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<td></td>
<td><strong>provides 25, 50 and 100% scholarships, based on the university entrance exam score</strong></td>
</tr>
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<td></td>
<td><strong>After the student is admitted to the university, there are needs-based and academic</strong></td>
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<tr>
<td></td>
<td><strong>performance-based scholarships</strong></td>
</tr>
<tr>
<td><strong>KOÇ</strong></td>
<td><strong>Various types of scholarship offered to students – full (100%) and also half</strong></td>
</tr>
<tr>
<td></td>
<td><strong>scholarships (50%) are offered based on academic merit</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Graduate students – all are offered full scholarships</strong></td>
</tr>
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<td></td>
<td><strong>A special scholarship for successful poor students who come from very poor areas</strong></td>
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<td></td>
<td><strong>of Turkey and who did not receive a scholarship when they commenced their studies at KOÇ</strong></td>
</tr>
</tbody>
</table>

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*Table IV.* Scholarships and student fees of Sabancı, Özyeğin and KOÇ Vakif Universitesi
gharar (ambiguity) and other prohibited activities like tobacco, alcohol and the like are thus prohibited (Saïti, 2014).

Conclusion
Based on the discussions in this article, it is clear that there are many benefits that can be derived from the establishment of a waqf university. Indeed, not only students and staff but also the whole university and society can be the beneficiaries of waqf.

The findings from Malaysian and Turkish higher education institutions show that waqf or pious endowment can be an alternative source of funding for universities. This is supported by the experiences of earlier Islamic civilizations, particularly of the Ottoman Empire and the Mamluk Sultanate of Egypt, and also the tremendous impact of waqf and pious endowment in the UK, the USA and the Al-Azhar University of Egypt. In fact, these institutions can be referred to as the most pioneering waqf with endowment practices, which have been appreciated by the world at large. Of course, this qualification does not prohibit the sharing of their good examples, as this will benefit other states and nations globally, although there might be some differences in the concept adopted depending on the particular state’s environment (e.g. the political, government policy and their legal requirements).

With the presentation of concepts and the principles for the establishment of a waqf university in this article, we hope that the content will be of interest to the relevant higher education authorities globally, particularly in respect of universities, and also to companies in transforming this humble idea into a reality.

In our opinion, a waqf university could assist the Government in reducing its financial obligation in educating the society through the help of the waqf funds. In addition, we believe that the magnificent global experience of those waqf endowment-based universities mentioned earlier could be the inspiration for the Malaysian authority and also other countries to have their own waqf-based higher education institutions. This would undoubtedly lead to them becoming a permanent feature.

In any case, it cannot be denied that the role of the tawhidi, together with morality and ethics, is an important aspect and has become embedded in the practice of waqf within higher education spheres.

Suggestions for future research
Due to the importance of financing in higher education institutions, we would like to suggest that further research be done in this particular area involving countries like Spain, Morocco, Tunisia, Saudi Arabia, Kuwait, Jordan, Bosnia, India, Bangladesh and other parts of the world which have waqf and pious endowment practices. This future research should address the existing gap which has partly been filled by our present research, in order to ensure the continuity of the previous successful implementation of waqf financing in higher educations. This could serve to unify past civilizations with modern practices.

Notes
1. Eleemosynary in the above context means that the support of the colleges comes from charitable giving (Acharya and Dimson, 2007).
2. It is worth noting here that, in a recent development, the AiU has been shut down due to some problems; it was said that the university programmes and management issues were part of the reasons for the closure. The AiU was established as a waqf institution by a Malaysian
tycoon, Tan Sri Syed Mokhtar Al-Bukhari. The AiU had a diverse enrolment from more than 50 countries, with foreigners accounting for about 75% of the intake. The first intake was in November 2010. Every AiU student was provided with a scholarship from the Al-Bukhari Foundation (Al-Bukhari Foundation, 2014; Malaysian Insider, 2014).

3. For the Turkish terms of waqf, reference has also been made to our observation and experience while conducting the research on “Towards The Establishment Of Malaysian Waqf University: Model For Development” (grant: RG284-11HNE) in July 2012 funded by the University of Malaya, Kuala Lumpur, Malaysia. The period of the study was from 15 September 2011 to 14 March 2013.

4. Irsad may include government grants or any waqf donation from a body or an organization.

5. Donors may specify a particular purpose for their endowments, e.g. to fund professorships, scholarships, fellowships, prizes, books, libraries, buildings and other miscellaneous purposes (to see some instances of these purposes, refer to Acharya and Dimson, 2007).

6. The authority may come from the verdict of a Mufti (also known as a fatwa) or an order from a court, normally a syariah court, depending on the applicable laws of a State. According to the textbook of waqf in the syariah, a reference has to be made to the Qadi of a State. In Malaysia, according to the laws and practices, generally, the power rests with the State Fatwa Committee. However, some states confer the power on the State Islamic Religious Council or the Wakaf Management Committee. (For further information Mahamood, 2011).

7. A famous hadith of the Prophet (p.b.u.h.) regarding the sadaqah jariyah mentioned above is as follows: “When the son of Adam dies, his deeds come to an end, except sadaqah jariyah (charity with enduring benefits), his knowledge which benefits others and his virtuous son; they pray for him (bless him)”. According to the interpretation of all the jurists, a charitable waqf falls into the category of enduring charity. This is because other charities do not embody such enduring benefits (Al-Husayn, n.d.; Al-Zayla’i, 1938; Al-Shawkani, n.d.; Al-Ramli, 1967; Al-Khatib, 1958).

8. The concept is actually based on the meaning of waqf, i.e. “the tying up of the substance of a mawquf and the devoting of its usufruct according to the purposes set up by the waqif founder, in such a manner that the ownership of it belongs to Allah”. The substance of the mawquf should be kept intact as it belongs to Allah. The meaning has been adopted from the opinions of Imam Abu Yusuf and Imam Muhammad al-Shaybani, the disciples of Imam Abu Hanifah from the Hanafi School of Law. In fact, Imam al-Shafi’i and Imam Malik also support the opinions of the two disciples (Al-Marghinani, n.d.; Ibn al-Humam, 1316 AH; Fatawa Hindiyah, n.d.; Hariz, 1994; Abidin, 1966; Al-Nawawi, 1977; al-Khatib, ibid.; Abu Zuhrah, 1959).

9. The term al-qard al-hasan means beneficial loan or benevolent loan, gratuitous loan or interest free loan whereby the borrower is required to pay only the original amount of the loan without any interest or profit within a specific period of time. It is typically meant for the needy.

10. Waqf, sadaqah and hibah have different attributes in their concepts and principles. Waqf is a perpetual giving whereby the property created as a waqf, or, properly known as mawquf, is subject to inalienability principles as it can no longer be transferred or exchanged thereafter to other purposes unless there is a necessity for that with the sanction of the Qadi or Mufti. Whereas, in sadaqah and hibah, both can be transferred and given to others, and, in fact, they are inheritable, except that the former is always meant for the needy and the poor, while the latter is for those whom the donor loves.
11. A lesson may be learnt from the experience of the Carnegie College when it failed to keep pace with the wealth of Harvard and Yale following the absence of continuing gift inflows that the former receive annually (Acharya and Dimson, 2007).

12. Fundraising is called KaynakGeliştirme in the Turkish language.

13. The update of the hostel development was done via a telephone interview with the IEF on 12 August 2014. See also www.facebook.com/pages/IIUM-Endowment-Fund (accessed 12 August 2014).

14. This is based on the data collected through our research interviews conducted with the Turkish VakifUniversitesi in July 2012: KOÇ, Özyeğin, İstanbul Şehir and Sabancı. Data were also taken from the interview with Professor Murat Çizakça, Joint Director of Research, INCEIF, Malaysia, on 10 October 2012.

15. Data taken from interviews conducted with the above-mentioned Turkish VakifUniversitesi, ibid.

16. Herat is located in the eastern Khurasan of medieval times, which, at present, is in the north-western part of Afghanistan (Subtelny, 1991).

17. This is based on the data collected through our research interviews conducted with the universities in July 2012.

18. The soup kitchen for the İkhlasiyya is known as khanaqah. It was a charitable institution that housed Sufi dervishes headed by a sheikh. Food was distributed to the poor on a daily basis. It served more than 1,000 people every day. The food consisted of soup (ash), bread, wheat, rice pudding (paluda), grape or raisin extract (dushab, mavizab), bread and sweets (halva), meat, chalpak (a kind of cake fried in oil and butter) and halim (a kind of dish) (Subtelny, 1991).

19. Ottoman imarets or public kitchens were built throughout the Ottoman Empire, mostly in towns, in larger numbers in Anatolia and the Balkans than in the Arab provinces (Mandaville, 1979; Alias, 2012). The majority of them were built before the year 1600, and some continued to function for decades and even centuries. They are usually described as one of a complex of buildings centred on a mosque and other institutions like schools, the founder’s tomb, a caravanserai or a bath. The imarets prepared free meals for a mixed clientele of mosque employees, madrasah teachers and students, Sufis, travelling government officials, other types of travellers, and local indigents. In some places, non-Muslims also received food and it was often that the endowment deeds described the beneficiaries for the imarets (Singer, 2014; Çizakça, 1998; Babacan, 2011; Mandaville, 1979).

20. See also data collected through our research interviews conducted with the Turkish VakifUniversitesi in July 2012: KOÇ, Özyeğin, İstanbul Şehir and Sabancı.

21. The title of the University of Malaya research grant RG284-11HNE is “Towards The Establishment of Malaysian Waqf University: Model For Development”. The period of the study was from 15 September 2011 to 14 March 2013. This had also been mentioned in the earlier part of this article (see Note [3]).

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**Further reading**


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