

Colloque « Bien-être et charité musulmans - discours et pratiques »
1^{er} octobre 2016 à Fribourg, Campus Peyrolles, Salle séminaire B130

**Prof. Dr. Blain Auer (Indologie, Lausanne): The Concept of « Welfare » in the
Premodern Islamic Empires of South Asia**

This paper deals with the concept of welfare in the premodern Islamic empires of South Asia. It discusses the idea of maslaha or the ruler's duty to protect religion, life, property, women and children. In Persian history writing and within the genre of advice literature Muslim intellectuals of the courts described the Sultan's responsibility to care for the economic well-being of the subjects of rule. There was also a tension evident between Persian concepts of kingship and justice, and the requirements of a Muslim ruler to follow the sharia. Thus, this paper first looks the question of welfare as it was developed and discussed by Sunni-Hanafi Muslim scholars during the Delhi Sultanate (1200-1400). It then looks at the innovation in the concept of public welfare known as sulh-i kull or « peace for all » developed under the Mughal emperor Akbar (r. 1556-1605) during the 16th century.

Titre : La notion du « bien-être » dans les empires islamiques prémodernes de l'Asie du Sud

Cette présentation traite de la notion du bien-être dans les empires islamiques prémodernes de l'Asie du Sud. Il s'agit de l'idée de maslaha, c'est-à-dire du devoir que doit accomplir le souverain dans la protection de la religion, de la vie, de la propriété, des femmes et des enfants. Dans l'écriture de l'histoire perse et dans le genre de la littérature de conseils, les intellectuels musulmans de la cour décrivaient la responsabilité du Sultan dans le bien-être économique des sujets. Il y avait aussi une tension évidente entre le concept persan de la royauté/de la justice et les exigences d'un dirigeant musulman de suivre la charia. Ainsi, cette conférence examine d'abord la question du bien-être comme elle a été développée et discutée par les savants musulmans sunnites-hanafites pendant le sultanat de Delhi (de 1200

à 1400). Elle se penche ensuite sur les innovations dans le bien-être du public appelé *sulh-i kull* « la paix pour tous » - concept développé sous l'empereur moghol Akbar (r. 1556-1605) au cours du 16ème siècle.

Dr. Thomas Herzog (Institut für Islamwissenschaft und Neuere Orientalische Philologie, Universität Bern): Discourses on poverty, wealth and welfare in the Mamluk Era

The economic and cultural rise of parts of the *‘amma* due to the particular economic and infrastructural conditions of the Mamluk era fostered the emergence of new intermediate levels of literature that were situated between the literature of the elite and that of the utterly ignorant and unlettered populace, between the Arabic koiné (*al-‘arabīya al-fuṣḥā*) and the local dialects (*‘ammīya-s*), between written and oral composition, performance and transmission. My paper proposes to analyze the composition of three Mamluk adab-encyclopedias and their treatment of poverty and wealth in light of the social milieus of their authors and publics.

Prof. F. Opwis (Georgetown University): A History of Maslaha: From Tool to System

Changing circumstances continuously pose a challenge for any legal system that is based on a finite text, be that a constitution or a religious scripture. In the absence of continuous revelation, Muslim jurists, as their counterparts in other legal systems, resort to interpretation in order to apply the revealed law to actual cases. The legal principle of *maṣlaḥa* enables Muslim jurists to address legal change, including adding to the legal edifice, without having to compromise God’s omnipotence and omniscience.

Since the 5th/11th century, when *maṣlaḥa* and the purposes of the law (*maqāṣid al-sharī‘a*) were first tangibly defined, considerations of *maṣlaḥa* are employed primarily in two main ways: a) through the procedure of analogy (*qiyās*) to find individual rulings to unprecedented cases with *maṣlaḥa* serving as *ratio legis* (*‘illa*), and b) as a rationale for legal precepts (*qawā‘id*) that guided the law-finding for classes of legal cases that were similar. Since the onset of the modern period, *maṣlaḥa* as expression of God’s legal intent is increasingly used to address the fast-changing legal environment. In addition to previous ways of employing *maṣlaḥa* as a means of law-finding, *maṣlaḥa* and the *maqāṣid al-sharī‘a*

are drawn upon to create holistic approaches to Islamic law as a whole that can serve as state law or state policy. Muslim jurists expand the application of *maṣlaḥa* in a manner that makes the *maṣlaḥa-cum-maqāṣid* complex in effect a source of law for all areas in which the authoritative texts are silent. Unresolved, however, are areas of tension between scriptural rulings that are deemed incompatible with the experience of modern society, such as religious diversity and equality of rights.

Hureyre Kam M.A. (Goethe-Universität Frankfurt): An Attempt Towards Outlining the Islamic-Theological Grounds of Welfare

What is welfare? Is it something good? According to dictionaries of philosophy welfare is directly linked to “public welfare”, which means “The gathering of individuals to a group of society for the purpose of the realization of a common goal or value. This value is the production of the good, which means well-being.” But how is this well-being to be provided, what are the basic principles for this purpose. Can a poor society for example be expected to provide well-being for its individuals? Is therefore the economy to be considered the foremost principle of welfare? Interestingly philosophers like Aristotle, Aquinas and Kant did not put great emphasis on economics for establishing welfare, but concentrated on ethical concepts like virtuousness and justice. But again: how to define justice?

This paper tries to approach this question in the light of the theological debate in Islam between the Ash‘arites, who are saying that the revelation determines what is to be called good and bad, and the Mu‘tazilites, who believe that the notions of good and bad are to be found and established regardless of the revelation and that the revelation is merely a guideline.

**PD Dr. Hansjörg Schmid (Zentrum für Islam und Gesellschaft, Fribourg):
Professionalizing Charity – Muslim Organizations and the Welfare State in Germany
and Switzerland**

Religious actors and initiatives in the field of poverty aid have played a decisive role in the emergence of the European welfare state. The form of the welfare state varies in different countries according to the presence of diverse denominations. In many cases religious institutions were integrated into the welfare state along with a significant amount of state-funding, which enabled a high degree of professionalization of charity. Muslims in Europe constitute a challenge for these systems, which are mainly focused on Christian churches. Although the social activities of Muslim associations constitute an important factor of welfare production, they are so far seldom recognized by the state. A comparative analysis of the situation in Germany with a strong corporatist welfare regime state and Switzerland with a more liberal and relatively weak welfare state shows in which way the state framework is a key factor for Muslim welfare activities and concepts. The state's requirements and willingness to integrate Muslim charity will influence Muslim social thought which can thus, in the future, produce a specific Swiss, German or European reflection that might also have an impact on global debates.

**Dr. Sarah Sabry (OAI, Universität Zürich): Faith based organisations and the poor in
Egypt**

This paper discusses the poverty alleviation roles of faith-based organizations (FBOs) in Egypt's informal areas. After a brief background about FBOs in Egypt, it will discuss the main findings of eight months of fieldwork conducted in one of Cairo's largest and poorest informal neighbourhoods in 2007/8 and follow up fieldwork in 2015. The main questions addressed are: What is the nature of organisations that have emerged to support the poor with the demise of the welfare state? What do these organisations provide and under what conditions? The role of faith-based organizations in Egypt, especially Salafi and da'wa organisations, has significantly grown in Egypt in recent years and this paper will discuss the details of this growing role based on in-depth empirical fieldwork.

Dr. Emanuel Schaeublin (Oxford, Zürich): 'Zakât in Nablus (Palestine): Change and continuity in Islamic almsgiving'

This paper presents an anthropological approach to Islamic practices of giving based on one year of ethnographic fieldwork (2013-14) in the Palestinian city of Nablus, where fragments of the Islamic Scriptures are present in everyday interactions and constitute social interactions/transactions (mu‘amalāt) as a field of ethical practice. Considered together, these fragmented references to the Islamic Scriptures invoke an Islamic system of value that is marked by the tension between the concept of divine material sustenance (rizq) of people in this world and the notion of divine accounting of good and bad deeds with a view to one’s recompense (thawāb) in the afterlife. While rizq is seen as springing from God’s incalculable and abundant generosity, thawāb draws on images of accounting and calculation.

This tension is present in the practice of Islamic almsgiving (zakat). Giving to the poor is inserted into a wider imagination of divine accounting. At the same time, zakat is seen as an act that invokes the abundance of God’s generosity in relations between people. Zakat is said to be God’s wealth (māl allah). In contemporary Nablus, zakat is not enforced by any state authority. It rather arises as an informal practice between neighbours and relatives. It is perhaps best described as a virtue that is embodied within and through social relations. Attempts at institutionalizing and centralizing zakat continue to be limited by the socially rooted and deeply relational character of zakat.

With a view to understanding historical change and continuity in Islamic almsgiving, it is not sufficient to merely trace authoritative sources. Instead we should take into consideration the social life of Islamic discourse. Political and economic circumstances – such as capitalism, modern state administration and the Israeli occupation – inflect the Islamic discursive tradition and foreground certain aspects of the Scriptures over others. When the scope of capitalist policies in Israel, Palestine and the region more generally started to be widened in 1970s, a spirit of calculation began to overshadow faith in divine abundance, while the ‘Islamic revival’ – and its project of creating an ‘Islamic state’ – increasingly foregrounded doctrinal and scriptural concerns over the relational and social life of Islamic discourse.