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BLURRING
BOUNDARIES:
THE REGULATION
OF NON-PROFIT
ORGANIZATIONS AND
TRANSFORMATION OF
ISLAMIC CHARITABLE
WORK IN UTTAR
PRADESH, INDIA

Blurring Boundaries: the regulation of non-profit organizations and transformation of Islamic charitable work in Uttar Pradesh, India[1]

Catherine Larouche[2]

Abstract

This article examines the reconfigurations of Islamic traditions of giving within contemporary nongovernmental organization (NGO) structures, in light of the larger legal and social transformations of the concept of charity in India. It argues that Indian laws regulating charitable institutions – along with current globalized models of philanthropy and development – have partly shaped institutional forms of Islamic giving into modern, public modes of welfare provision. Drawing from ethnographic fieldwork and interviews with Islamic charitable associations based in Lucknow, I discuss two features that illustrate the new orientations of Islamic giving practiced within formally registered nongovernmental associations: first, a turn to giving practices that lead to tangible social and economic development; and second, an emphasis on public, universal care. Simultaneously, the article discusses how Muslims also get involved in these organizations to fulfill spiritual aims and perpetuate specific Islamic traditions of giving. In this sense, organization founders and volunteers blur the distinctions that laws have created between unregulated, 'traditional' private forms of religious giving and 'modern' public modes of welfare regulated by the state. Attention to these actors' aspirations and strategies thus demonstrates the particular, localized ways in which religious traditions of giving are re-articulated in modern secular states, beyond formal structures and frameworks that tend to organize and shape charitable traditions into distinct spheres.

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Introduction

On the homepage of the Islamic nongovernmental organization Tayyab Hospital & Educational Trust, based in Deoband, North India, one can read the following description:

> "It is clear that no other area deserves more attention than Health, Education and Hunger. Tayyab Hospital & Educational Trust has developed projects to tackle these problems in a systematic and organized way. Some of the key features of our organization [include our] (…) young, energetic, focused and dedicated team with a sustainable result in mind."[3]

This short excerpt tells us much about this unique contemporary form of organized Islamic charity present in North India and globally (Petersen 2016; Benthall and Bellion-Jourdan 2003).[4] Muslim charitable organizations like the Tayyab Hospital & Educational Trust started emerging in the 1980s and later, a period marked by a global development of the nongovernmental organization (NGO) sector (Benthall 2016; Benthall and Bellion-Jourdan 2003). They play an increasingly important role in the collection of religious alms such as *zakat* (obligatory alms), and *sadaqa* (voluntary or optional alms).[5] They are registered as "associations", as are all other nonreligious NGOs in the country, and distinguish themselves from informal, customary modes of religious giving by advertising work that is modern, efficient, and intended to help everyone in need, notwithstanding their religious affiliation.

In this article, I examine how Islamic charity has been reshaped within contemporary NGO structures in light of the larger legal and social transformations of the concept of charity in India. I suggest that one of the factors that has had a significant impact on the meanings and aims of Islamic charity is its institutionalization and organization in the form of NGOs. Indian laws regulating charitable institutions have participated – along with current globalized models of development and philanthropy – in shaping institutional forms of Islamic charity into modern, public modes of welfare, which influences how volunteers imagine and frame their practices. At the same time, organizations have not completely 'secularized', and this calls for a closer look at the ways in which religious traditions of giving are re-imagined and repurposed in modern secular states.

A few scholars have recently focused specifically on the legal transformations of religious charity in modern states, to analyze the place given to and taken by religious charity in the contemporary global humanitarian landscape. Bornstein (2012) and Birla (2008) examine the colonial and postcolonial legal reconfigurations of religious charity in South Asia, although they do not examine Islamic modes of giving in particular. Few studies have focused on Indian Islamic NGOs and, more specifically, on the interrelations between legal and institutional frameworks of charitable aid and Muslim volunteers' objectives and aspirations. Overall, scholars working on the topic propose different views on how laws have shaped religious giving. For example Moumtaz's (2012) work, which is grounded in historical and legal anthropology, focuses on *waqf* institutions (Muslim

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[3] Tayyab Hospital & Educational Trust. "About us". Available online at: http://www.tayyabhospital.com/about-us.html (accessed 25 July 2017).
[4] The term 'Islamic charitable organization' is a broad category for a wide variety of organizations. Despite common features, the organizations I present in this article have different ideas and practices that are often in open conflict with each other.
[5] One of the five pillars of Sunni Islam, *zakat* refers to obligatory alms corresponding to a fixed proportion of one's wealth, which Muslims are required to give to those in need each year.

endowments) in Lebanon, and examines how they came to be understood as forms of charity belonging to the public sphere (ibid.: 3).[6] Similarly, Zencirci emphasizes the profound transformations of religious charity and its blending with modern, secular modes of social welfare. The author demonstrates how global development discourses and state policies in Turkey have reconfigured Islamic *waqf* institutions into "welfare organizations focused on poverty alleviation" to respond to the new governance models promoted in free-market capitalist contexts (Zencirci 2015: 545). Once a private religious institution, the *waqfs* became NGOs contributing to the provision of social services to Turkish citizens, thereby demonstrating Turkey's modernizing efforts and pursuit of economic development. Focusing on the regulation of religious giving in India, Bornstein (2012) presents a different perspective on how laws have impacted religious giving. She argues that, over time, laws have reinforced distinctions between religious and secular charity. As a result, religious giving, one of the most important kinds of philanthropy in India, mostly remains outside the reach of state law and takes on very different forms and aims. Religious donations and charities have come to represent a "strategic politics of donation outside secular law" (ibid.: 142). Here, I rather show how Islamic charity practiced within the context of formally registered associations blurs the distinction between religious and secular charity. Islamic organizations do not belong to a distinct sphere of religious giving. On the contrary, these organizations adopt the same structures as other philanthropic and development associations and many aspects of current global models of NGO-based humanitarian and development work. For contemporary Islamic NGO founders and volunteers, Islamic charity practiced within NGOs respond – to a certain extent – to their aspirations for social reform and progress in ways that customary forms of Islamic charitable giving do not. Simultaneously, Muslims in Lucknow also get involved in these organizations to fulfill their religious duty and perpetuate Islamic traditions of giving. The examples presented in this paper thus show that, far from being static, the perpetuation of religious traditions of giving always involves adopting new grammars, but that the new nature and aims of Islamic charitable organizations do not map easily onto divisions such as 'modern/secular/public' and 'traditional/religious/private', despite institutional frameworks that might suggest such distinctions. As Müller argues, the institutionalization of Islamic charity is thus a "multi-dimensional phenomenon" in which actors do not simply internalize new approaches and structures or stand in contrast to them, but "ascribe their own meaning" and reshape them in unique ways (Müller 2018: 145–146).

The arguments presented here are based on a part of my doctoral fieldwork research on Islamic charity and Muslim minority politics in Uttar Pradesh, India. This article draws specifically from interviews conducted between 2014 and 2015 with founders and volunteers from 25 different Islamic NGOs, mostly based in Lucknow, the capital of Uttar Pradesh.[7] I visited several of these organizations on multiple occasions and conducted one to three semi-directed interviews in each organization. My analysis of the transformation of their work and aims also draws on prolonged fieldwork and in-depth participant observation in three organizations. Lucknow is a particularly

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[6] The practice of *waqf* is a common form of Islamic charity throughout the Islamic world, with many local variations (Moumtaz 2012: 18). *Waqfs* generally designate inalienable endowments, such as lands or buildings, that have been donated for religious or social purposes, such as the construction of mosques, Shia *imambara*s (shrines), educational institutions, and hospitals (Beverley 2011; Kozlowski 1985).

[7] Some interviews were also conducted at the headquarters of larger organizations in Delhi, or in Muzaffarnagar, where several Islamic NGOs from Delhi, Lucknow, and other areas of Uttar Pradesh gathered to provide emergency aid to Muslim riot victims (see Larouche 2017). A minority of the participants interviewed were paid NGO workers, but for the sake of simplicity, I use the terms "founders" and "volunteers" to designate all participants throughout the text.

relevant site to examine the work of Islamic organizations given that the city has a large Muslim minority and holds a unique place in the history of Islam in South Asia. In Lucknow district, Muslims form a higher proportion of the population (21%) than in the rest of the country (14.2%) (GOI 2011). Moreover, the city was a major centre of Perso-Islamic culture, arts, and intellectual life in the eighteenth and nineteenth centuries (Susewind and Taylor 2015; Robinson 2001), and still remains an important location for Shia and Sunni Muslim institutions and politics. As has now become the case in many other regions in North India, the socio-economic or basic amenities indicators for Muslims in Lucknow district are below national average (GOI n.d.). They are also increasingly segregated in pockets of the city, notably in Old Lucknow (Gayer and Jaffrelot 2012).

In the next sections, I first discuss the emergence of a notion of 'public, modern charity' through the regulation of charitable organizations in India and introduce it as one of the factors influencing the ways in which contemporary Islamic giving is imagined. Through ethnographic examples, I then present two key elements that illustrate the new aims and terrains of institutionalized Islamic charity: first Muslim volunteers' concern with developing modern, efficient giving practices that not only have a spiritual aim but also lead to tangible social and economic development; and second, a turn towards public, universal care. Finally, I provide a few concluding thoughts on transformations and continuities related to religious traditions of giving.

Islamic Charity and the Regulation of Charitable Organizations in India

Organized Islamic charity existed in the Muslim world well before the constitution of the modern 'secular' humanitarian apparatus in nineteenth-century Europe (Singer 2008, 2013). However, until the nineteenth century and early twentieth centuries, there was no clear separation between public and private welfare, traditional and modern forms of philanthropy, or religious and 'secular' charity. For example, in India as in many other Muslim contexts, Islamic charity mostly took the form of *waqfs* (endowments), donations to mosques and madrasas, or personal donations to those in need. In Lucknow, where I did most of my fieldwork research, *waqfs* were mostly established through donations of noble and wealthy families, some of which were directly part of familial properties (Jones 2011). *Waqfs* were initially based on a combination of social and familial purposes; they could be used both as religious sites for the neighbourhood and as a way to preserve the transmission of private familial wealth by designating relatives as trustees and beneficiaries (see also Moumtaz 2012; Zencirci 2015; Singer 2013).

Likewise, personal religious donations to madrasas, mosques, and directly to the poor – the other common form of Islamic charity – have usually combined familial and broader social purposes. To decide how and to whom to give their donations, most Muslim residents I spoke to referenced the Islamic guiding principle of placing primacy on eligible relatives, then on people related to the family, then on neighbours in need, and so forth.[8] Therefore, personal donations serve a social welfare purpose in that they are given to people in need, but are also closely tied to kinship and community networks. In this matter, these Islamic personal religious donation practices differ significantly from the moral ideals of neutrality and universal care for all humans that characterize 'secular' models of humanitarianism and development emerging in the nineteenth century (Bornstein and Redfield 2011; Calhoun 2008).

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[8] See Moumtaz (2012: 239) on the Quran's and *hadith*'s positive injunctions to prioritize support to the family. See Taylor (2015) for detailed information on how Muslims give alms in Lucknow.

This absence of distinction between 'private' familial and 'public' social purposes in South Asia was not specific to the *waqf* institution and other Islamic charitable practices. In her work on colonial rule of law governing Indian market practices, Birla shows that in the early nineteenth century, such arrangements were common among other religious communities as well. Many Hindu family-led private endowments were multifaceted: "family-managed gifts to deities (…) operated simultaneously as social gifts and commercial investments" (Birla 2008: 79; see also Vevaina 2015).

However, by the late nineteenth century and the beginning of the twentieth century, conceptions of charitable aid and institutions underwent considerable shifts as the Indian government passed a series of laws regulating charitable and religious organizations. Many of these laws established boundaries between 'modern' charity, based on the concept of a formal contractual relation between donors and beneficiaries, and 'customary' religious traditions of giving, based on caste, community, or religious ties (Haynes 1987). Birla (2008) argues that these boundaries started to become more sharply demarcated in the 1860s. Until then, charity had not been standardized as "endeavours on the behalf of the public" (Birla 2008: 78). In 1860, the government of India passed the Societies of Registration Act to promote 'modern' forms of civic association, and in 1863, the Religious Endowment Act to supervise religious endowments of a public nature, which included Muslim mosques and *waqfs*.

These and other laws passed during that period established a clear distinction between private (familial) welfare and public welfare, with similar distinctions being made in England at the same time (Bornstein 2012). For example, laws such as the Charitable Endowments Act (1890) separated public charitable trusts from private trusts in India. A public trust was conceptualized as for the benefit of all, whereas private trusts were designed for "the benefits of dependants such as widows and children" (Birla 2008: 69). These laws introduced the concept of an 'abstract public', and specified that charitable activities could not benefit specific individuals. For example, *waqf* properties that served both familial interests and public interests could not be protected and preserved by the laws on public trusts. The Charitable and Religious Trust Act (1920) further identified religious trusts that were for the public good and distinguished them from private familial religious institutions.

These laws thus considerably shaped the field of charitable action in the pre-Independence period. Birla (2008) argues that the successive legislative measures were a colonial effort to supplant forms of charitable action that were caste-based or religious-based and therefore considered less advanced (see also Watt and Mann 2011). Late-nineteenth-century laws in Europe and India reflect the development of a modernist narrative of scientific philanthropy (Calhoun 2008: 36). Likewise, Bornstein writes:

> "Public discourse in Britain and India began to associate beneficiaries' rights with procedures used to protect shareholders, linked to public accounts and audits. (…) The language of rights and beneficiaries, and the notion of trust, became contractual in relation to the charitable gift governed through colonial capitalism. The discursive shift from charity to rights fit [sic] into a modernist narrative of scientific philanthropy, distinguished from charity." (2012: 149)

These laws illustrate a twofold process. On the one hand, they represent an attempt to reform "customary practices of charity" by transforming them into public scientific forms of social

welfare. On the other hand, the laws also set apart forms of religious charity that do not correspond to the criteria of modern public charity and institutions.

Tax laws passed during the colonial and postcolonial period also accentuate this public-private distinction. In the tax laws of the 1880s, trusts and institutions having a religious or charitable purpose for the public became officially exempted from taxes (Birla 2008: 55). In the 1960s, the Income Tax Act (1961) further defined the field of charitable activity by providing tax deductions for donors giving to specifically approved organizations. According to the act, charitable organizations can apply to obtain a certificate of approval – called an 80(G) certificate – and donors giving to these certified organizations can benefit from tax deductions. Section 80(G) of the act indicates that donors can receive a 100% tax deduction for specific government-sponsored programs, or half the deduction for registered charities that obtained an 80(G) certificate. This act applies to all voluntary organizations registered as trusts, societies, or companies.

Tax exemptions and deductions for donors thereby became an incentive for many charitable institutions to claim a public charitable status and to shape their activity in a way that complied with the requirements of the certificate of approval (Birla 2008; Bornstein 2012). To obtain the certificate, Section 2 of the Income Tax Act (1961) defines charitable work eligible for deduction as "relief for the poor, education, medical relief, and the advancement of any objects of general public utility not involving any activity for profit". The act (Section 80G) also specifies that organizations working for the benefit of a specific caste or community cannot be granted an 80(G) certificate (Bornstein 2012: 154).[9] In this legal context, this means that religious institutions such as shrines and *waqfs* are tax exempt because they belong to the realm of religious personal laws, but donors giving to these institutions are generally not entitled to tax deductions unless these institutions have formally applied to obtain a certificate for public charitable purposes. A sizeable proportion of personal donations given to temples or mosques, for example, are not directly regulated by the state (Bornstein 2012).

Despite collecting religious donations, Islamic charitable organizations – as other religious NGOs – are registered as public charitable organizations. Most of them are registered under one or another of the national and regional laws for NGO incorporation in India, apply for the tax-exemption certificate for donors, and abide by the rules regulating public charitable institutions and activities.[10] In my field sites, most of the organizations were registered under the Societies Registration Act (1860), one of the most common national laws under which organizations can be registered. Most of them had also applied for, and obtained, the 80(G) certificate allowing tax deductions for donors.

In this way, laws on the registration of charitable institutions as well as tax regulations have contributed to the creation of a specific mode of doing and conceptualizing charity – notably, by providing tax benefits to organizations that correspond to the criteria of a public charitable institution and by leaving the field of charity that is considered part of private religious and cultural forms of welfare out of the direct control of the state. Although, as Bornstein (2012) argues, a

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[9] There are several exceptions to this requirement. One concerns specific temples and mosques that have a historical value. Donors can receive a tax deduction if they donate money for the restoration and maintenance of these religious sites.

[10] There are no uniform rules for NGO registration in India, and organizations can be registered under national or regional laws. Some of the main national legislations to obtain a non-profit status in India are the Societies Registration Act (1860), Section 25 of the Indian Companies Act (1956), the Indian Trusts Act (1882), and the Public Trust Acts (different acts in each state) (Sharma 2006: 85; Kudva 2005: 236; Sampradaan Indian Centre for Philanthropy 2004). In addition, non-profit organizations are also governed by the Income Tax Act (1961) and the Foreign Contributions (Regulation) Act (1976).

substantial part of religious donations falls in the domain of religion and private affairs and is now ungoverned by the laws on charitable giving, I suggest that these laws have not completely separated the realms of religious and secular charity either. Muslim NGOs are a prime example of this complexity, since they function through religious donations but are registered under the same laws governing all types of NGOs. With varying degrees of success, the successive laws have compelled religious charity to adopt a public 'modern' model of action that is distinct from private 'traditional' forms of religious giving.[11]

In the next section, I examine how Muslim volunteers' stated reasons for creating an Islamic charitable organization or volunteering in one illustrate these re-articulations of religious charity. Muslims I spoke with got involved in charitable work for various religious and social reasons – but also because NGOs offered the possibility to imagine a new form of 'efficient' and modern Islamic charity that is better equipped to address the socioeconomic needs of poorer Muslim communities.

Modern, 'Efficient' Charity

In my interviews, Muslim NGO founders and directors expressed multiple reasons for engaging in or founding an organization. Their stated reasons seemed to be consistent in many ways with those inspiring other customary forms of Islamic charitable giving, but there were also some ruptures. The following sections first present some of the religious, familial, and social reasons that commonly inform different kinds of Islamic charitable practices, followed by reasons that appear specific to new forms of institutionalized giving.

First, as with informal, customary practices of giving, decisions to engage in organized charitable work were often directly related to a concern for *zakat* and similar Islamic alms. Some spoke of their involvement as an extension of their duty to give *zakat*; *zakat* is a *farz* (duty), so giving money in a proper way was part of this duty:

> "I like doing this, that's all. It is for God! I am doing what he wants. It is a question of destiny/luck [*kismat*], it was meant to be spent on you [a recipient of donation], that is why God gave him that money, that is why he is giving it. If someone comes here in my house [to ask for help], he will not leave empty handed. He will not leave with empty hands." (Lucknow, 2014-03)

In this statement, the founder of a small organization that provided scholarships to street children in old Lucknow stresses that founding an organization is meant to fulfill a duty and do what God wants followers to do. This is a common way to understand *zakat* donation practices, where God is understood as the owner of everything. In this context, *zakat* is not a "human act of charity, but an enactment of God's provision and the 'right of the poor' (*haqq al-faqīr*)" (Mittermaier 2014: 287; see also Benthall 2012a; Singer 2013). The sense of duty is thus based on the principle that all wealth belongs to God and has been given by God (Kochuyt 2009). Mr. Siddiqui, the founder of a major Indian Islamic NGO, explained this to me when we met in the organization's head office in Delhi in 2014:[12]

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[11] Traditional here does not mean older practices or practices that belong to the past. It refers to the *perception* that some practices, while still ongoing, are outdated compared to more 'modern' forms.

[12] All research participant names are pseudonyms. All interview citations have been translated from Hindi and Urdu by myself, unless specified otherwise.

> "I am with God's grace a very special Muslim from India and have been blessed by God like so many others haven't. So many people have to pull a *rickshaw* [three-wheeled cycle passenger cart]. I had diplomatic assignment, I was chief officer and I always had very comfortable life and an important position in the government. Very comfortable life. My children are doctors […] living in North America. My wife runs her own educational institutions. She is a very busy person. All of us have been blessed, so the rest of my life belongs to others, not to myself, not to my family." (Dehli, 2014-07, original in English)

Mr. Siddiqui's comment refers to the fact that his privileges were given to him by God and that the wealth that he does not need belongs to others. Like many other volunteers, he extended this idea of duty to the accomplishment of voluntary work.

In addition to religious duty, another reason stated by volunteers to join an organization that is not unique to NGO-ized Islamic charity was that their action would generate a reward from God. *Maulana* Abdul Azeem Qasmi,[13] a preeminent Muslim cleric involved in Jamiat-Ulama-i-Hind, one of the largest Sunni Islamic organizations in India, explained this in the following way:[14]

> "Human beings should do charitable/benefaction work [*bhalaai ka kaam*]. This is a very big reward [*bara thawab*]. There are obligatory prayers and voluntary prayers. One man does plenty of voluntary prayers [*nafl namaaz*], while a second man does some kind of services [*khidmat*] for the community [*qaum*], the man who does the charitable work is much better than the one who does the extra prayers. His reward will be bigger. This is the lesson [*sabaq*] of the Islamic religion." (Muzaffarnagar, 2014-09)

In addition to praising voluntary work, this Muslim cleric expresses how charitable work is also beneficial for the person who does it. The reward he is referring to here has an influence on the afterlife. Mittermaier (2014) presents similar observations in her work on Islam and volunteerism in Egypt. She explains that Islamic charitable donations and voluntary work were often perceived as a means to secure a good life after death. For her interlocutors, alms-giving was commonly understood as a form of 'trading with God', based on the idea that fulfilling charitable requirements and performing additional charitable acts will, ultimately, be rewarded by God. She demonstrates that in the same way that *zakat* donations can be precisely calculated according to an individual's earnings, every other 'good deed' accumulates points that will potentially have an influence on the Day of Judgement. For example, choosing to delete a song sent by a friend instead of listening to it – in a context where listening to music is considered *haram* (un-Islamic) – also counts as a good action that may have an impact later (Mittermaier 2014).

In Mittermaier's research, this calculative logic is thus not limited to donations, but to all practices of self-discipline and everyday ethics that pious Muslims try to maintain. This aligns with the way some of my interlocutors viewed their NGO involvement: they maintained that it was something that would be rewarded, in the same way that making religious donations is rewarded. A young Muslim journalist I met, who was writing a piece on one of the women's organizations I followed, did describe *zakat* as "a business with Allah". She added that the principle of *zakat* is that

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[13] *Maulana* is a term commonly used in South Asia to designate a respected Muslim religious scholar.
[14] Jamiat-Ulama-i-Hind is a multi-purpose organization involved both in charitable work and political advocacy. The organization was founded in 1919 and is thus significantly older than many other Islamic NGOs, which often emerged in the last thirty years or so.

"you give to the poor and God reimburses you".[15] Despite this example, only a few volunteers explicitly used this language of trade and calculation.

Finally, another commonly stated reason to engage in charitable work was to perpetuate traditions of social involvement. Several of my interlocutors reported that their families had been active in charitable work and that their involvement in Muslim NGOs was a way to preserve familial values. In the following citation, *Maulana* Aasif, a Jamiat-Ulama-i-Hind branch leader I interviewed who shares his time between business work and voluntary involvement, speaks about volunteering both as a general act of faith and as part of a familial tradition.

> "My father was in Jamiat-Ulama-i-Hind. He was born in 1901, so before Independence; during Independence, he was with them. And he was with important people [in Jamiat]. (…) Then my older brother joined. Now my nephew is also [with Jamiat]. So, we are linked by the heart. Not by money. Because our religious leaders [*bare maulvi*s, *maulana*s], they have this faith [*aqeeda*], and it is linked to this that we keep going." (Lucknow, 2014-05)

For other charitable organizations members, like for *Maulana* Aasif, practicing Islamic charity within a formal structure is a direct continuation of traditions of giving from one generation to the other.

However, beyond these religious, familial, and social motivations that inform various modes of Islamic charitable practices, some frequently stated reasons to engage in charitable work seemed to be more specifically associated with the practice of institutionalized Islamic charity. Some of the volunteers interviewed wanted to follow the 'efficient' model of formal NGOs in order to create more effective ways of providing help and to promote community development. For example, given that many organization founders and volunteers enjoyed a comfortable financial status, they were also part of the relatively affluent social networks of Muslims who could give large religious donations. These founders started their organizations precisely because they felt the need to build a more organized and systematized form of *zakat* distribution to make good use of these donations. Some launched their organizations during retirement, while others started theirs as a side activity.

The founders of an organization started in the late 1980s in a new suburban part of Lucknow explained to me that a lot of relatively wealthy middle-class Muslims like themselves had settled in this neighbourhood for their retirement and that, being new to the area, they did not know who to donate their *zakat* to. Moreover, when they moved to the area, they noticed that there were significant pockets of poor Muslims in the neighbourhood, even though the majority of households were prosperous. Some of the more well-to-do Muslims decided to collect money to try and change this situation. They first collected voluntary donations to build a mosque, as there were none in the area, and then opened a small office and a madrasa where people could register their children and ask for financial and material help. Since then, the organization has become larger and more established. When I visited them, the founders had started the procedures to turn the madrasa into a registered school in order to provide a better quality of education to the students and offer them the possibility to obtain a recognized primary school diploma.

Some other organization founders started collecting *zakat* after their friends and relatives requested a more efficient way of using religious charity in communities. For example, Imran, an import-export business owner in his mid-forties who divided his life between North America and

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[15] Noted conversation. Lucknow, 2014-07, Original in English.

New Delhi and who was closely related to Darul Uloom Deoband – the largest and most influential Islamic seminary in India – had started an organization less than ten years ago. He wanted to stand out as a leader in new models of local development and empowerment by constructing a hospital for maternal health in his native region. Given the development of his project and his religious credentials and connections, people expressed the wish to donate their *zakat* to him.

At first Imran rejected these offers because he was seeking funds to build the hospital, and, according to one interpretation, *zakat* donations cannot be spent on material constructions. Moreover, he had never really thought of collecting religious charity since his goal, in the first place, was to set up an efficient development organization. However, as those in his close network began pressing him to accept these alms and respond to the faith that donors had put in him, he decided to simply diversify his activities. Imran started an international project of emergency food ration packs that led him to collaborate with some of the major transnational Islamic organizations currently active in the global humanitarian aid system. In doing so, he found strategic ways to develop more 'NGO-like' work with religious donations.

Like Imran, others have been motivated to start an NGO or volunteer in one by the perceived failure of existing community welfare practices and of prominent Muslim actors to prevent the socioeconomic decline of Muslim communities. Some organization workers and volunteers saw their engagement as a necessity because existing modes of giving in their communities were not contributing to the building of an efficient support system and economic development. A few times, I heard my interlocutors say that the Mughal emperors of the sixteenth and seventeenth centuries were very powerful but did not put much effort into community development like the Christians later did in India. They added that Muslim charitable organizations needed to 'catch up' in the charity sector by modernizing their practices. For example, Mr. Jalaluddin, who was a member of the large national Islamic organisation Jamaat-e-Islami Hind, but who had also founded a charitable hospital in a low-income neighbourhood, told me during an interview:

> "Both Muslims and non-Muslims in India have no knowledge of what is the true Islam (…). One problem is that during the so-called Muslim period, Muslim rulers did not help create awareness. (…) We got the Taj Mahal, Lal Qila [Red Fort], Qutub Minar, and a few others. No hospitals! They did not do any work! And non-Muslims in India think that this is Islam (…)." (Meerut, 2014-05)

While Mr. Jalaluddin's thoughts reflect a specific Jamaat-e-Islami reformist ideology, the idea that social work had not been a priority in the past was expressed by other volunteers as well.

Other workers and volunteers blamed the *ulama* for putting too much focus on religious orthopraxy at the expense of other important dimensions of Islam. While lay Muslim charitable workers were often critical of religious clerics and institutions, these critiques were shared by some members of the *ulama* themselves. Many religious clerics were involved in religious NGOs and shared similar ideas, namely that Muslim institutions did not adequately support the social and economic needs of underprivileged Muslims in the region. As a result, many believed that organized Islamic charity could be a productive model to provide more efficient help.

Moreover, the desire to develop organized forms of charity also stemmed from an attempt to not just give donations, but also have a transformative effect and bring about social progress. Although Islamic charity practiced outside NGOs has always, to a certain extent, combined its spiritual aims with social aims, the latter were not necessarily explicitly focused on creating permanent social

transformation and improvement (Iqtidar 2017; Singer 2013, 2008). This was different for the NGO founders I met. For example, they were particularly alarmed by Muslims' lack of access to education – let alone quality education – and all of them believed that Islamic donations should be invested in this field. While the importance given to education as a means of economic development is not particular to these organization founders, it was nevertheless at the core of how they conceptualized new forms of organized, efficient Islamic charity. The following statement from a wealthy real-estate dealer in Lucknow who had started his own charitable organization about fifteen years ago summarizes these shared views on education:

"Kids are poor. They cannot study. They keep roaming around. If out of twenty kids [that receive financial support from the organization], two kids come out and are able to do well in their studies, so that will be a lot for me, it will be a lot for the society. Who knows, if out of all, an engineer comes out, a doctor comes out, so that will be a lot! (…) With education, somewhere at some point a job will come, no?" (Lucknow, 2014-03)

For this real estate dealer, using religious donations to support education was the ultimate solution for bringing Muslims out of poverty, even if he himself had pursued little studies. It was a way to help Muslims access better employment in the future, beyond immediate charity. Studies on contemporary Islamic charitable organizations in other geographical contexts have also highlighted how this focus on long-term reform and development is now actively integrated in organizational agendas (Mouftah 2017; Taylor 2015; Atia 2013; Khan 2012; Osella and Osella 2009; Benthall and Bellion-Jourdan 2003). For several Muslim volunteers, this attention to long-term progress and development was one of the elements that characterized their new forms of formal, organized Islamic charity.

   Overall, the reasons given by different organization founders to explain their initiative show how, with the emergence of new institutional frameworks for the practice of Islamic charity, the spiritual purposes and familial traditions that used to inform customary informal Islamic charitable practices merge with aspirations for 'modern' efficiency, development, and change.

Working for 'the Public'

In addition to the function of NGOs as a modern efficient structure of Islamic charitable aid that is distinct from other modes of doing religious charity, another interesting dimension of charity practiced in an NGO institutional setting was the notion of working for a broad public. With the transition to NGO institutional structures and 'public welfare', Islamic NGO founders and volunteers revisited the meanings of a number of Islamic charity rules and customs, notably regarding the prioritization of Muslim recipients.

   Usually, the Muslim organizations I surveyed tended to prioritize coreligionists in their donations, but there was no consensus on this matter among workers and volunteers. In general, most of them were uncomfortable saying that they mainly worked for members of their own religious group, even if most people seeking out services from their organizations were Muslims. Most Lucknow-based organizations were in the older part of the city, where the Muslim population is larger – so participants largely shared the same religious background, though this was not the

case for all of them.[16] This discomfort with saying that they mostly work for Muslims seems in part influenced by the fact that Islamic charity is practiced within the framework of an NGO, and by the concept of 'public charity' produced by the laws on charitable institutions. Consequently, workers and volunteers I met had divergent opinions on whether Islamic charity is a form of selective care, or whether it shares the ideals of universal care conveyed in Christian-based, Western notions of humanitarianism (Barnett and Stein 2012; Fassin and Gomme 2012; Bornstein and Redfield 2011).

Muslim organizations collecting religious donations usually focus on specific categories of beneficiaries that are associated with *zakat* donation norms and principles, even though *zakat* forms only a part of their organizational funding. The Quran (9.60) indicates eight types of beneficiaries on which *zakat* can be spent; donations should be used for "the poor and the needy, and those employed to administer the (funds); for those whose hearts have been (recently) reconciled (to Truth); for those in bondage and in debt; in the cause of Allah; and for the wayfarer".[17] These categories are interpreted in different ways in Islamic jurisprudence, and some of them, such as paying *zakat* to free slaves (those in bondage), have become less used today (Benthall 2012b; Singer 2013), at least in the Indian context.[18] In Lucknow, studies of Muslim charitable organizations, including mine, indicate that religious donations were mainly used for the "poor and the needy" (Taylor 2015).[19] More specifically, the organizations typically focused on providing financial or material support to orphans, widows, destitute or elderly women; funding education; organizing emergency relief after natural or man-made disasters; and providing other assistance to the poor (donating food, clothing, household material, and basic medical consultation services) (see also Taylor 2015; Atia 2013; Khan 2012; Deeb 2011; Benthall and Bellion-Jourdan 2003).

Whether *zakat* should be reserved only for Muslims belonging to these categories is a contested issue, not only for the founders and volunteers I met, but among Islamic scholars, as well. Some Islamic scholars argue that *zakat* must be given only to Muslims, while others argue that the terms "poor" and "needy" mentioned in the ninth surah can include "any poor" (cf. Benthall and Bellion-Jourdan 2003). Both interpretations are represented among the organizations presented in Atia's (2013) study on transnational Muslim NGOs. Benthall's extensive research on international Muslim

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[16] It is difficult to assess this information for all organizations. In the case of those I followed more closely during my fieldwork, non-Muslims did seek services, but they remained a minority. More than ideological reasons, geographical factors play a significant role: organizations distributing funds and goods tend to attract a large neighborhood-based population, which mostly hears about the services through word of mouth. However, Shia and Sunni organizations generally work with relatively distinct population groups since divisions between Shias and Sunnis in the city are sharper than between Muslims and other groups (Jones 2011).

[17] For additional information on the interpretation of the eight categories, I cite here the explanations provided by Jonathan Benthall and and Jérôme Bellion-Jourdan (2003: 10):

"1. The poor (*al-fuqara*). 2. *Al-masakin*: usually interpreted as the needy or very poor, a word paraphrased in Q.90.16 as 'those down in the dust' (*dha matrabatin*). 3. 'The officials appointed over them' (*al-'amalina 'alayha*), usually interpreted as the people appointed to administer the *zakat* and negotiate with outlying groups. 4. 'Those whose hearts are made to incline [to truth]' (*al-mu'allafati qulubuhum*), interpreted as being to help those recently or about to be converted, and/or to mollify powerful non-Muslims whom the State fears, as an act of prudent politics. 5. Most Islamic commentators seem to have thought that 'captives' means Muslims captured by enemies who needed to be ransomed, but Décobert argues (1991: 226) that it means men from other tribes enslaved by the early Meccans and Medinans. 6. Debtors: particularly, argues Décobert, because those who cannot repay their debts lose rank and become clients of their creditors. 7. Those in the way of God, that is to say in jihad, teaching or fighting or in other duties assigned to them in God's cause. 8. 'Sons of the road' (*ibn al-sabil*) i.e. travelers."

[18] See Biro's (2019) work on *zakat* in Malaysia for a good example and analysis of the contemporary usage of the recipient category of 'slaves'. Biro shows how Muslim transgender communities and other groups become eligible *zakat* recipients because they come to be viewed as belonging to the 'slaves' category insofar as they are "enslaved by their sins".

[19] Some also kept funds to pay organization employees under the category 'collectors'. For additional details on how *zakat* can be used to pay those who collect *zakat*, see Benthall and Bellion-Jourdan (2003) and Singer (2008).

organizations suggests that charitable organizations are increasingly flexible regarding whom *zakat* should be donated to (Benthall and Bellion-Jourdan 2003; Benthall 2012a; Khan 2012).

Among the Muslim charitable organization workers I met, a majority referred to the Islamic textual prescriptions that *zakat* should be first distributed to the immediate family, then neighbours, and only then to the larger community. But the notions of neighbours and community left considerable space for interpretation. Most workers suggested that neighbours and community could include anyone, and that if a person's neighbour is in need and happens to be Hindu or Christian, he should receive *zakat*. The thoughts of Lucknow's Jamaat-e-Islami unit leader express well what others told me:

> "In the Quran *majeed*, there is one *surah*, a section, *At-Taubah*, and in its sixtieth sentence, *ayat* number sixty, it is written that *zakat* can be spent on eight categories. When you expand this, then it reaches all *mankind* (…). And if you *squeeze* these categories, their reach remains limited to Muslims. Both are possible. (…) We don't work only for the good of Muslims, we work for the benefit of the entire humanity [*insaniyat*]. The categories are not a question of Muslims or non-Muslims [*gair-Muslims*], the categories are about who is most worthy [*mustahiq*], who is most in need [*zarurat*]." (Lucknow, 2014-07)

In this interview passage, the Jamaat worker insists on Islam's universal quality and suggests that while some might limit *zakat* to Muslims, it is possible to do otherwise. Other organization workers solved the *zakat*-giving dilemma by arguing that *zakat* should be prioritized for Muslims, but that their organization also received many other forms of donations apart from *zakat* that could be distributed to other people.

When organizations acknowledged that they did practice selective care, workers mostly resorted to 'social' evidence-based arguments rather than to religious or cultural principles to explain why they worked mostly with/for Muslims. For example, Mr. Khan, another businessman running a charitable organization, unapologetically stated that his organization's services were directed exclusively at underprivileged Muslims. However, he argued that working for Muslims was not religiously motivated, but rather prompted by the fact that Muslims are among the most economically disadvantaged of all religious groups in India.

The logic of prioritizing Muslims because they are among the poorest was also applied at Community Trust,[20] a small organization headed by retired Muslim university professors and doctors; it ran a health clinic and financially supported the residents of a small slum not far from the old Lucknow. On one occasion, I noted that poor Muslims who came to the organization requested to be given a "part" (*hissa*) during Ramadan, and I asked the treasurer if the *hissa*, a food donation generally offered to break the fast, necessarily needed to be given to someone practicing the fast and thus a Muslim. She responded affirmatively, adding that any religious donations had to be given only to Muslims. Overhearing our conversation, Taheera, the coordinator, interjected in an authoritative tone, saying that religious donations were not in fact reserved for coreligionists. She went on to say that the organization had decided to serve mainly Muslims because they happened to be among the most socio-economically disadvantaged groups in India. "Look around you", she said defensively, pointing towards the crowd begging for money, "don't you see how necessary it is to work for Muslims?" On websites and promotional material, many organizations described

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[20] The name of the organization is a pseudonym.

their work similarly, by stating that they work for the general interest, but especially for Muslims and other marginalised minorities.

I suggest that the organizations emphasized their 'universal' approach to care (despite the fact that aid beneficiaries were largely Muslim) or used socioeconomic justifications for practicing selective care partially due to the requirements about 'public benefit' spurred by the regulations on charitable activities from the colonial and postcolonial period. Moreover, since Muslims form a minority that is often pressured to prove its allegiance to the Indian nation, it is likely that the principle of providing care that benefits 'all Indians' has a unique impact on Muslim NGOs' work. Muslim organizations are often accused of being 'communal' and anti-national, and thus put a lot of effort in strategically cultivating a positive public image for the media, other organizations, and, incidentally, researchers like me. Using socioeconomic, evidence-based justification to prioritize aid for their own religious group was deemed more 'acceptable', because making the argument on religious grounds could reinforce the common bias that Islamic charitable organizations are less secular and therefore incapable of integrating into society. Not every Muslim charitable worker shares this position, of course. One founder of a major NGO rightly pointed out to me that caring for one's own community is not an uncommon thing in India and it should not need to be concealed: "If you go to many other non-Muslim charities, there is hardly anybody not belonging to their particular religion. Everybody does it, it is just like that and there is no harm in that" (Delhi, 2014-07).

Disagreements around the proper recipients of *zakat* and other Islamic donations are important because they highlight how Islamic charity takes on new forms within the framework of NGOs. They also illustrate how these organizations constantly interpret and strategically frame religious principles and practices of aid in light of changing social and legal contexts.

Islamic Charitable Organizations: a new secularized mode of giving?

The goal of this paper was to examine some of the transformations of Islamic charity practiced in NGO structures. I have shown that the institutionalization of Islamic charity and its organization into NGOs has partly reshaped this form of giving in ways that adopt efficient, development-oriented and public-oriented approaches to community welfare. The series of laws governing charities and the discourses on modern scientific philanthropy and development accompanying them have created different spheres of charitable action, marking a distinction between unregulated 'traditional' private forms of religious giving and 'modern' public humanitarian and development approaches regulated by the state. While Bornstein (2012) emphasizes how this has led to the creation of a semiautonomous social field of religious charity, distinct from the formal sphere of secular organizations, I rather focus on religious organizations that complexify these distinctions. I show how these laws and accompanying conceptualizations of philanthropy have partially configured organized Islamic charity into a modern form of general public welfare without completely reshaping it either.

Muslims leading formal organizations readjust certain dimensions of their work, such as who donations should go to and what the functions of charity are. Some of the volunteers' and founders' motivations for getting involved in an NGO reflect these new avenues. For example, some of them distance themselves from customary, informal modes of doing charity; they are critical of what they perceive as these methods' relative lack of social and economic transformative power. Formally organized charity is perceived as opening new possibilities, such as making a more

efficient use of religious donations. NGOs also constitute a way to centralize donations for those who do have neither the time nor the knowledge to properly distribute their alms. Finally, formally organized charity represents a way to perform concrete actions that go beyond the simple act of giving: NGO workers and volunteers favour long-term initiatives, mainly in the field of education, that rest upon social, moral, and economic reforms and are formulated against the backdrop of India's global path towards 'progress'.

In this sense, Muslim charitable organizations share many features and goals of non-religious local and transnational NGOs. Yet, this does not mean that the Islamic charity practiced within NGO institutional structures is secularizing, and that the boundaries between modern, secularized form of humanitarianism and religious traditions of charitable aid are now clearly delineated. In fact, organizations carry on customary practices and promote the fundamental principles of Islamic charity, such as giving to specific categories of *zakat* recipients. Reasons for engaging in Muslim NGOs remain rooted in the spiritual and social preoccupations that also inform other modes of practicing Islamic charity; these include fulfilling a religious duty, securing a better afterlife, and keeping up with familial traditions. Moreover, for some organization founders who believe that *zakat* should be provided only to fellow Muslims, the resort to discourses emphasizing public, universal charity seems to indicate more a rhetorical strategy than a deep transformation in their conceptions of Islamic giving. Overall, while they distance themselves, to a certain extent, from customary forms of informal religious giving, the approach they propose is no less consistent with religious principles of giving: it reflects desires to find the best ways to perpetuate the traditions of Islamic charitable giving in changing contexts. Charitable workers and volunteers are thus not selectively choosing elements of different normative orders or setting aside Islamic principles in certain contexts to favour more secular, development-oriented ethics. On the contrary, the workers try to combine these "complex moral landscapes" in a way that is coherent with their religious values (cf. Deeb and Harb 2013: 10; Fadil and Fernando 2015; Asad 1996).

Finally, while new models of aid are valued and sought for by some volunteers, they also raise dilemmas. Islamic charitable founders and volunteers were also very critical of formally organized, development-oriented modes of Islamic charity. As a matter of fact, the growing space occupied by formal Islamic organizations in India has not erased informal modes of giving. Several volunteers whom I met did not donate the totality of their *zakat* to the organization in which they were involved. They divided their alms between different recipients: one part went to the organization, while the other was distributed personally.

There are many reasons why people may still hesitate to give religious donations to formal organizations. Among other things, some believe that the donation might bring a greater reward if given personally to relatives and close neighbours in need. Some of my interlocutors also preferred continuing traditional familial donation practices that predated the constitution of most formal Islamic organizations. Several Muslim charitable workers were also critical of modernist scientific philanthropy, stating that it attaches too many conditions to the donations and overshadows the principle that alms are the 'right of the poor'.

The examples presented in this paper thus call for more attention to the re-articulations of religious charity in light of the broader transformations of global humanitarian ideas and structures. A focus on actors' own strategies and aspirations can demonstrate the particular, localized ways in which religious traditions of giving reconceptualize themselves beyond formal structures and frameworks that tend to organize and shape charitable traditions into distinct spheres.

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