

PHILANTHROPY, GOVERNANCE, AND MUSLIM CHARITABLE PRACTICES IN INDIA

Analyzing the Relationship Between Religion and Politics¹ Through Giving

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Introduction

In many countries, religious associations are often involved in the provision of social care and services, alongside the state and secular, non-governmental organizations (NGOs). However, not all of these groups necessarily have the same distribution rationale. Like secular humanitarian aid, all religious traditions convey a certain ethic of giving and helping. They have, in particular, their own conceptions of “appropriate” ways to give and of which type of beneficiaries deserve this help. For example, the humanitarian approach that dominates the international aid community is rooted in a universal view of aid and sees the “suffering body” – which transcends differences in class, religion, and nationality – as its main focus (Calhoun 2008; Fassin 2010). It is the common humanity of people experiencing physical and psychological suffering that motivates its initiatives. In Hindu traditions, the main beneficiaries of religious gifts (*dana* or *daan*) tend to be ascetics and renunciants who reject the material world to devote themselves to their spiritual quest. The main purpose of *daan* is not necessarily to alleviate human suffering, but rather to purify the giver (Parry 1986; Bornstein 2012a; Eck 2013). On the Islamic side, the distribution of *zakat*, the compulsory alms that Muslims are obliged to give each year, also reflects different priorities. As stated in the Quran (9:60), *zakat* is not meant for anyone; rather, it is to be reserved for specific categories of recipients.² How are these different traditions of giving managed in modern secular states? Are they changing and, if so, how are they maintaining their legitimacy?

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1. **This text was originally published in French:** Catherine Larouche, « Gouvernance de la philanthropie et pratiques caritatives musulmanes en Inde. Les rapports entre religieux et politique vus à travers le don », *Anthropologie et Sociétés*, vol. 45, no 3, 2021 : 27-45.
 2. *Zakat* can be spent on people from the eight following categories: 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 (Surah 9, verse 60).

This article examines the relationship between religion and politics by focusing on the governing of philanthropic practices by the Indian secular state. More specifically, I examine how different Muslim philanthropic organizations are moving from a selective to a universal aid approach in order to adjust to the legal and political context in which they are operating. By showing how these organizations navigate between the demands of the state and their own principles regarding the use and distribution of donations, this article demonstrates how attempts to regulate religion are shaping, but only in part, new religious traditions of giving and aid.³

The data in this article are based on ethnographic research with about 20 Muslim philanthropic associations, mainly in Lucknow, the capital of Uttar Pradesh, and, to a lesser extent, in Delhi.⁴ Lucknow is a particularly interesting site for the study of these associations because the city has a large Muslim minority and holds a unique place in the history of Islam in South Asia. Indeed, in the Lucknow district, Muslims make up a larger portion of the population (21%) than in the rest of the country (14.2%) (GOI 2011). The city was one of the main centres of Persian-Islamic culture, arts, and intellectual life in the XVIII and XIX centuries and remains an important place for Shia and Sunni social and political life (Robinson 2001; Susewind and Taylor 2015). As is now the case in many other parts of northern India, there is a growing economic disparity between the Muslim population and the rest of the population (GOI, no date). Similarly, a higher percentage of Muslims work in unskilled jobs and the informal economy (GOI 2006, 2013). Furthermore, due in particular to the rise of Hindu nationalism and increasing discrimination against Muslims, urban ghettoization between Hindus and Muslims is increasing in several cities in northern and western India (Gayer and Jaffrelot 2012; Chatterji et al. 2019). More and more groups and NGOs are being formed in this context to support disadvantaged Muslim populations and to defend their rights as a religious minority. From 2014 to 2018, I had the opportunity to meet the founders, staff, and volunteers of Muslim philanthropic organizations. The findings in this article come from interviews with members of these organizations but also from more informal interactions and observations that occurred during my participation in their charitable activities.

After discussing the flexibility of religious traditions, I will draw a portrait of India's governance of philanthropy, and of an emerging, modern "public" and "universal" philanthropy that is distinct from traditional, religious forms of

3. This article is based on a working paper (Larouche 2019), in which I discuss in more detail the evolution of legislative measures governing religious and non-religious organizations in India. While this article focuses on the selective versus universal dimensions of giving, the working paper sets this issue in the broader perspective of the various professional and modern forms that Islamic philanthropy is taking in India.

4. Some of the organizations discussed in this article are also located in Muzaffarnagar, a mid-sized city in Uttar Pradesh located a few hours from the Indian capital.

giving. Using ethnographic examples, the article will then discuss how different Muslim philanthropic organizations reformulate their giving practices to fit this new context, while trying to preserve their religious principles of aid.

The malleability of religious giving practices

While there is little research per se on changing giving practices in Muslim philanthropic organizations in India, a growing number of studies are now focusing on the malleability and variability of charitable practices associated with different religious traditions over time and space (Barnett and Gross Stein 2012; Sezgin and Dijkzeul 2015; Benthall 2016; Rudnykyj and Osella 2017; Feener and Wu 2020). At first glance, charitable practices and the meaning attributed to them often vary within the same religious tradition. For example, the interpretations surrounding the collection and distribution of *zakat* in Islam are subject to all sorts of debate. Although the Quran specifies eight categories of beneficiaries, the precise boundaries between these categories and their application in the contemporary world are interpreted in diverse ways in Islamic legal traditions. Certain categories, such as the *zakat* given to slaves for their emancipation, have a more ambiguous meaning today and are less commonly used (Benthall 2012; Singer 2013). Moreover, the question as to whether or not the categories of beneficiaries who can receive *zakat* should also include non-Muslims is also debated. Many argue that *zakat* must only be given to Muslims (at least in the case of certain categories), while others believe that the categories of “poor” and “needy” mentioned in the ninth Surah can include anyone in need, without regard to their religious affiliation (Benthall and Bellion-Jourdan 2003; Atia 2013).

In addition to variations within a given religious tradition, the historical and political context of giving often leads to new interpretations and ways of doing things (Feener and Wu 2020). Studies analyzing new forms of giving and helping ethics in contemporary secular states result in different findings in this regard. While some suggest that regulating charitable practices in these states increases the distinction between a traditional, private form of religious giving and a modern, public form of non-religious philanthropy (Bornstein 2012b), other studies, such as this article, focus on the adaptation of religious giving ethics in modern secular states. In her study on *waqfs* (inalienable endowments) in Turkey, Gizem Zencirci (2015) points to, among other things, the profound changes in religious charity in Turkey and its merging with the modern, secular forms of social assistance put forward by the Turkish state.⁵ The author demonstrates how the dominant discourses on development and the Turkish state’s new governance

5. In Islam, *waqfs* are inalienable endowments, such as land or buildings, used for religious or social purposes such as the construction of mosques, Shia *imambaras* (shrines), educational institutions, and hospitals. The *waqf* is a common charitable practice throughout the Muslim world, but with many local variations (Moumtaz 2012: 18).

models have contributed to a reshaping of the Turkish Islamic institution of *waqf*. Once private religious institutions, *waqfs* have been – or are being – transformed into NGOs that are providing Turkish citizens with social services, thereby supporting both Turkey’s modernization efforts and its economic development. A growing literature is also documenting the “neo-liberalization” of Islamic charitable practices and other religious traditions (Osella and Osella 2009; Atia 2013; Iqtidar 2017). These papers show how philanthropic practices are becoming more professional and how donations are being used to better integrate the poorest into the market economy. Focusing more specifically on the case of international Muslim philanthropic organizations based in Europe, Jonathan Benthall (2012), Ajaz Ahmed Khan (2012), and Marie Juul Petersen (2016) also show that some of them are becoming increasingly flexible in their understanding of *zakat* and its distribution because they operate in a milieu with large, secular, international, humanitarian organizations whose core principle is the universality of aid.

In the same vein, this article suggests that, in order to meet the demands of the Indian secular state and adjust to contemporary political conditions, the charity ethic of Indian Muslim organizations is blurring the distinctions between religious and secular charity. Islamic organizations do not confine themselves to a distinct area of religion. Instead, they are developing a notion of “universal” aid that corresponds to the principles of modern, secular, public philanthropy put forward by the state. At the same time, these organizations still carry out specifically Islamic traditions of giving. The examples presented in this article thus show that, far from being rigid, religious giving traditions are always integrating new ways of thinking about and doing things without, however, entirely adopting the reforms and guidelines imposed by the state.

Governance of Muslim philanthropic organizations in India

As elsewhere in the Muslim world, Indian Muslims have developed elaborate traditions of giving and helping others, including the collection and distribution of *zakat* and *sadaqah* (voluntary alms). Up until recently, donors gave their alms mainly to mosques, madrasas (religious schools), and directly to people in need. *Waqfs* were also one of the common forms of Muslim charity in India (Kozłowski 1985; Beverley 2011). In Lucknow, where I conducted most of my ethnographic research, *waqfs* were mainly founded by wealthier families who were part of the local nobility (Jones 2011).

Even though these charitable practices still persist, they are now also accompanied by more professional, institutional forms of collecting and distributing religious alms. Indeed, since the late 1980s, a growing number of Muslim NGOs have been established that are also involved in distributing donations. In the early 1990s, India, like other countries, underwent a period of economic liberalization, changes in the state’s role, and an expanding non-

governmental sector (Corbridge et al. 2012). Most of these organizations were founded and are run by middle-class or elite individuals, who are either clergy, citizens, pensioners, or entrepreneurs. They generally provide financial and material support to orphans, widows, the elderly, and the poor. Some also support schools and health facilities and provide emergency humanitarian aid in times of natural and man-made disasters. These organizations belong to different branches of Islam, but those studied for this research were predominantly Sunni and were mostly linked in varying degrees to the Deobandi movement, a reformist strand of Islam in South Asia that seeks to sanitize Islam from external influences and return to a stricter and more literal interpretation of Islamic principles (Metcalf 2014; Ingram 2018). The work of these organizations does not, however, represent a simple continuation of giving practices that were and still are used outside of this associative environment. An overview of the legal and political system in which they operate provides a better understanding of how this system shapes, at least in part, new conceptions of aid.

Given that India is a secular state and the Indian Constitution protects the freedom to practice religion (Article 25) and to manage religious affairs (Article 26), religious communities are free to govern their own religious and educational institutions without, in theory, interference from the state. This legal context implies, among other things, that religious institutions such as temples, shrines, and *waqfs* may be governed by legal systems specific to each religious tradition. Moreover, people who give alms and other donations to these institutions are generally not entitled to tax deductions. A large part of charitable donations are thus directed through temples, mosques, or from person to person and remain relatively unregulated. They represent, in a sense, a form of religious donation on the margins of the state (Appadurai and Appadurai Breckenridge 1976; Bornstein 2012b; Eck 2013).

Even though they collect religious donations, numerous contemporary Islamic charities – like many other religious NGOs – are registered with the state. Those studied here were almost all registered under the Societies Registration Act (1860), one of the most common national laws for regulating NGOs.⁶ Most of them had also applied for and obtained a tax exemption certificate (80G) allowing donors to benefit from tax deductions. In registering, organizations must comply with the regulations that govern all the other NGOs, whether they

6. There are no uniform rules for the registration of NGOs in India, and organizations can be registered under national or regional laws. Some of the main national laws for obtaining 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 (various public trust laws in each state) (SICP 2004; Kudva 2005: 236; Sharma 2006: 85). In addition, non-profit organizations are also governed by the Income Tax Act (1961) and the Foreign Contributions (Regulation) Act (1976).

consider themselves religious or not. In concrete terms, this means that charities cannot work only for the benefit of a particular caste or community and that their charitable activities must serve the general public interest.

As I explained elsewhere (Larouche 2019), Ritu Birla (2008, 2018) and Erica Bornstein (2012b), two authors who have worked on the practice of philanthropy in India, suggest that it was from the nineteenth and twentieth centuries onwards that the Indian state began to draw distinctions between “modern” philanthropy – more akin to the secular forms of humanitarian aid that were emerging in nineteenth-century Europe – (Calhoun 2008; Bornstein and Redfield 2011) and traditional “customary” charity, which was primarily associated with the religious world. These distinctions were much less obvious before this period. As mentioned in the introduction, these forms of religious charity in India have for a long time been very distinct from the Western secular humanitarian approach, which focuses firstly on universalist principles of aid. For example, in her studies on trusts established by the Parsis in Mumbai – communities which originated from Persia (Iran) and which practise Zoroastrianism – Leilah Vevaina demonstrates that the Parsis’ charitable donations were primarily used to support community members and solidify ties between them (Vevaina 2018). Similarly, in Muslim communities, individual religious donations to madrasas, mosques, and directly to those in need usually involved broader social objectives intended for the larger population as well as private family objectives. When asked about how they determine who to donate to, most Muslim residents I spoke to indicated that they followed Islamic principles on the subject and therefore prioritized family members who were eligible for donations, followed by people with ties to the family, neighbours in need, and so on.⁷ These donations consequently serve a social purpose in that they are given to people in need but, at the same time, are closely linked to kinship and community networks.

A series of laws governing charitable and religious organizations that were adopted from the late nineteenth century onwards introduced new concepts of giving and aid that partly explain the current approaches of Islamic philanthropic organizations. Many of these laws, stemming from British colonialism, established boundaries between “modern” philanthropy, based on the idea of a formal, contractual relationship between donors and recipients, and “customary” religious traditions of giving, based on caste, community, and religious ties (Haynes 1987).⁸ These laws also drew a clear distinction between private (family) welfare and public welfare (Birla 2008; Bornstein 2012b), thereby introducing the notion of an “abstract public” into the charity field. Current tax laws governing NGOs are partly based on this notion of a “public,” free of

7. See Nada Moumtaz (2012: 239) on the passages in the Quran and hadith that prioritize family support. See Christopher Brennan Taylor (2015) for detailed information on how Muslims pay alms in Lucknow.

8. See in particular the Societies Registration Act (1860) and the Charitable Endowments Act (1890).

religious, ethnic, and caste markers. The Income Tax Act (1961) thus stipulates that organizations working for the benefit of a particular caste or community cannot be granted an 80(G) certificate, which allows organization donors to obtain tax deductions for their donations (ICNL 2021).⁹

The colonial and post-colonial legal context has thus significantly shaped the field of charitable work in India. Even though, as Bornstein (2012) argues, a substantial part of religious donations are currently in the realm of religion and private affairs and do not fall under charity laws, the Muslim philanthropic organizations discussed in this article occupy a more ambiguous position along these religious-secular and public-private lines by being officially registered. As illustrated in the next section, they also adopt the discourse of universal aid, in line with the state-defined principles of modern secular philanthropy.

Beyond the legal system progressively put in place during British colonisation, the Indian political context has also substantially contributed to shaping the field of charity. A Hindu-majority country, India has experienced a rise in Hindu nationalism since the late 1980s, which has had a considerable impact on the space allotted to religious minorities, particularly Muslims, the largest religious minority in the country. In the prevailing rationale of Hindu nationalism, the notion of a “universal,” “secular,” and “abstract” public tends to be increasingly equated with that of a Hindu public. Expressing differences is therefore less and less tolerated. The appropriate donation in this context becomes that which benefits the majority group.

Since the election of the Bharatiya Janata Party (Indian People’s Party) in 2014, the regulation of NGOs and forms of giving and aid deemed appropriate in the public domain reflects, in part, this ideological shift. Indeed, since Narendra Modi came to power, there has been increased surveillance and control over NGO activities, especially through a tightening of the laws governing their funding. In its first term, the Modi government began to more strictly enforce the Foreign Contribution Regulation Act (2010), which stipulates that NGOs need a certificate (FCRA) granted by the state to receive international funding. Thousands of NGOs have had their certificates withdrawn in recent years. While the main reason given by the government for these new measures was to reduce corruption and irregularities in the non-governmental sector, some organizations have instead lost their certificates due to activities deemed “anti-national” (against the interests of the nation). Organizations such as Greenpeace and the Ford Foundation, but also several local organizations working for the rights of religious minorities, can no longer obtain foreign funding.¹⁰ Introduced by a party sympathetic to Hindu nationalist movements, this new application of

9. This law applies to all voluntary organizations registered as trusts, corporations, or companies. The law provides a full tax deduction for donations to specific government-sponsored programs or half the maximum deduction for donations to charities with an 80(G) certificate.

10. See Firstpost Staff 2016 and Tripathi 2019.

the law is therefore feared by organizations working with Muslims and other minorities, and who have become increasingly careful in their work, as will be shown in the following sections.

Donations for all: the practices of Indian Muslim philanthropic organizations

As in Muslim philanthropic organizations elsewhere in the world, the views of staff and volunteers that I met were generally mixed regarding the possibility of offering *zakat* to people of a different faith. However, there was a fairly strong tendency among the organization members to still insist on the universality of their organization's aid and giving practices.

On the one hand, some of them considered that the sacred texts did not specify that *zakat* should be given only to the Muslim "poor" and "needy" and that they could therefore do otherwise. These stakeholders felt that *zakat* should first be distributed to the immediate family and neighbours before being given to the wider community, but that the notions of "neighbourhood" and "community" left considerable room for interpretation. Many people thus considered that these notions could include people of different faiths. For example, if an immediate neighbour in need is Hindu or Christian, he or she should, in their view, be eligible for *zakat*.

In this regard, one of the coordinators of one of the largest Muslim organizations in the country told me that the rules for *zakat* distribution can be interpreted as either selective or universal, depending on one's perspective. However, he insisted that the most important criterion for granting aid was to help those who were most dignified and in need.

The idea of a common "humanity" was also recurrently mentioned by several members of various organizations. For the director of one of the oldest Muslim women's associations in the state of Uttar Pradesh, it was crucial to assert the universal nature of her association's activities. At our first meeting, she explained her position to me as follows:

I'm going to say things as they are: I work for humanity. The association has been established since the 1930s. I don't just work for Muslims; I work for everybody who comes to me. Even people from the Hindu community and the Christian community come to us and we help them. We work for those who most need our help.

Like this director, for many it is the universal approach to giving and the fact of belonging to the same "humanity" that takes precedence over religious differences.

For the few staff and volunteers who felt that *zakat* should be given primarily to Muslims, the universal ethic of religious giving was justified in another way. Many explained, for example, that philanthropic organizations

receive multiple types of donations and that donations in the form of *zakat* often represent a small fraction of their income. Thus, while *zakat* could be reserved for specific categories of beneficiaries, all other donations received could be distributed in a much more flexible manner. On the whole, an organization could, in their view, take a universal view towards aid while respecting the Quranic provisions regarding *zakat*. A statement by Z., the founder of a very active philanthropic organization in Delhi, illustrates this position:

You know, *zakat* is only a small part of our funds. In fact, of all the donations we receive, less than 50% is *zakat*! Most of our funds come from donations for specific purposes. For example, people will give us money to train students for the civil service. That's why we now run a training institute dedicated to helping people pass their civil service exams. [...] We provide a lot of emergency aid; we helped the tsunami victims, the people displaced due to the floods in Bihar; we also provided help after the earthquakes in Kashmir. We are a charitable organization for all of India: no matter who is in need, we are there to offer support.

On the other hand, members of other philanthropic organizations claimed that they practised a form of selective aid, but did not consider their approach to be in contradiction with the notion of “public” or “universal” aid. Indeed, volunteers who preferred to focus on helping Muslims justified this position with socio-economic rather than religious arguments. For example, in a meeting with M., a businessman running a charity, he openly told me that his organization's services were meant exclusively for underprivileged Muslims. However, he insisted that his desire to work with Muslims was not motivated by religion, but rather by the fact that Muslims were the most economically disadvantaged group in his neighbourhood. In this case, the selection process based on “socio-economic evidence” is more akin to the secular and universal humanitarian approach focusing on the suffering body than to a faith-based approach focusing on the religious affiliation of the potential beneficiary. The rationale of prioritizing aid to Muslims because they are the poorest was also applied by Community Trust,¹¹ a small organization run by retired women, formerly doctors, university professors, and housewives, all of whom come from relatively affluent backgrounds. The organization ran a small medical clinic and provided financial support to the inhabitants of a small slum not far from Old Lucknow, populated mainly by Muslim families. Each week, impoverished people in the neighbourhood came and explained their needs in the hope of receiving goods and money from members of the organization. During one of these distribution sessions, in the month of Ramadan, I noticed that the impoverished people were asking the organization to give them their “share” (*hissa*). I then asked the treasurer whether this “share,” a food gift usually offered to break fast during Ramadan, should necessarily be given to someone who fasts and is therefore Muslim. The treasurer

11. In order to preserve anonymity, the name of the organization has been replaced by an alias.

replied in the affirmative, adding that all religious donations should be given to Muslims. Overhearing our conversation, Ms. T., the coordinator, intervened in an authoritarian tone to clarify that religious donations were not in fact reserved for co-religionists. She went on to say that the reason the organization had decided to serve mainly Muslims was because they were among the most socio-economically disadvantaged groups in India. "Look around you," she added defensively, pointing to the crowd begging for money at the organization's office. "Don't you see how much we must work for Muslims?" Like Mr. M., Ms. T. also invoked "secular" socio-economic reasons rather than religious principles to explain her views. The fact that Ms. T. reacted this way in front of me, a foreign anthropologist, was not a mere trifle. It reflects the desire of organizations to convey an inclusive and universal "image," regardless of current aid practices. I will come back to this point later.

The tendency to focus on economic marginalisation rather than religious identity was also evident in the organizations' official documents and promotional tools such as websites, leaflets, annual reports, and constitutional statutes. The terms *minorities* (without specifying religion or ethnicity) and *economically disadvantaged people* were systematically used to designate the recipients of the organizations' donations. Another example illustrates this tendency. On one occasion, Maulana I., with whom I had developed a good relationship in Lucknow, asked me to help him prepare the constitutional statutes and registration certificate of a philanthropic organization he was setting up. Maulana I. was very active in the local Muslim community and wanted to use his influence with young Muslims to encourage them to do volunteer work. In order to establish an official organization, he had obtained a copy of the documents of another Muslim philanthropic organization and intended to adapt them so as to register under the Societies Registration Act (1860). As the documents were written in English and Maulana I.'s command of the language was poor, he sought my help to ensure that he understood the contents of the documents. He had two main concerns. First, he wanted to ensure that the stated aims and objectives of the NGO were sufficiently "progressive" (i.e., he wanted his NGO to focus specifically on supporting education rather than handing out donations with no specific objectives as do Muslims, he believed, when they give alms informally). Second, he wanted to ensure that the document stated that his NGO was "secular" and not just for Muslims. The aims and objectives of the NGO's constitutional statutes had to specify that the organization would work for the benefit of all Indian citizens, a concern that was shared by most other organization founders.

It is nonetheless quite likely that this insistence by the philanthropic organizations' volunteers and staff on the universal nature of their giving practices is in part strategic. Practically speaking, these organizations were mostly located in predominantly Muslim neighbourhoods and there were few occasions when people of other faiths came to them for support. Furthermore, this pattern of aid

is not unique to Muslim organizations. In India, giving and helping relationships are often forged within the same religious community, caste, or ethnic group (Osella 2018; Vevaina 2018). The founders of the organizations were well aware of this Indian characteristic and many did not consider it to be an issue.

However, the universal ethos of giving and helping allows organizations to meet the legal system's requirements and thereby provide deductions to donors and avoid becoming a target of Hindu nationalism. As Muslims are a minority group who are often forced to prove their allegiance to the Indian nation, the principle of providing care to "all Indians" is likely to have particular resonance in the Muslim philanthropic community. These organizations are often accused of being "communal," "anti-national," and against the secular values of the state. They thereby strategically strive to cultivate a positive and inclusive public image for the media, for other organizations and, incidentally, for researchers like myself. In addition to being portrayed by Hindu nationalist movements as a "threatening" minority that puts national unity at risk, Muslims have also had to contend with collective suspicion about their allegiance since the international fight against terrorism began. The mistrust and surveillance of Muslim communities around the world over the past two decades has also fuelled anti-Muslim rhetoric by Hindu nationalist networks as further evidence of the Muslim "threat." This excerpt from an interview with Ms. H., the director of an organization for Muslim women, expresses the impact of these negative perceptions:

One day I applied for funding from the Ford Foundation; there was a long list of questions to answer... In the end they said no because my organization looked too "communal." I am not exactly Al-Qaeda! It's the same with UNICEF and USAID: they all say no. In short, our work is considered controversial.

Faced with this mistrust, the director has to try even harder to demonstrate the inclusive nature of her organization and downplay the fact that she works mainly with Muslim women. For similar strategic reasons, the use of socio-economic arguments based on empirical data to justify the maintenance of intra-religious aid therefore seems more acceptable to some members of these organizations (such as Ms. T.) within the confines of the Indian secular state and the current national and international geopolitical context. Conversely, invoking religious motives is potentially seen as reinforcing common prejudices that Islamic charities are less secular and less likely to contribute to the Indian collective. This "strategic universalism" is similar to what Khan (2012) observes in his study of Islamic Relief Worldwide, a UK-based international humanitarian organization. Khan's report indicates that a considerable proportion of donors believe that the *zakat* they pay to the organization should be distributed exclusively to Muslims. However, due to the growing prejudice and negative perceptions of Muslims since the attacks on the World Trade Center in 2001, many also want the organization to engage in humanitarian projects that do not

exclusively focus on Muslim populations in order to help build a positive image of Islam and Muslims in the world. Islamic Relief Worldwide does not restrict its activities to the Muslim world and distributes humanitarian aid in different contexts, such as after the 2010 earthquake in Haiti.¹²

However, the employees' and volunteers' comments should not be interpreted solely in terms of strategy. The giving and helping ethos of these organizations is not static. It adjusts according to legal and political constraints, to contemporary global discourse on humanitarian aid, to interactions with other religious and secular organizations, and to relationships with individual recipients. The differences in approaches and strategies deployed by these organizations demonstrate the dynamic nature of religious traditions, which change according to historical and political contexts.

Conclusion

The aim of this article was to explore the relationship between religion and politics by examining how the religious ethics of giving and helping are being adjusted to the contemporary secular Indian state's requirements. I have shown that the legal and fiscal framework for religious and secular charity has in part contributed to the emergence of new conceptions of giving that are closer to the universal perspectives of humanitarian aid. Muslim philanthropic organizations wishing to offer tax benefits to their donors thus choose to register and abide by the state's terms. I have also shown that with the rise in Hindu nationalism, the space left for the distinctive practices of religious minorities is gradually shrinking, forcing organizations to emphasize their inclusiveness, even though all of them implicitly recognize that aid in India is most often provided for religious and caste communities. Muslim philanthropic organizations have thus developed new rationales to justify their distribution; in particular, they favour universal interpretations of *zakat*, emphasize a broader conception of Muslim religious giving than the specific rules of *zakat*, and justify their charitable practices on socio-economic rather than religious grounds. Outside of the strictly religious domain, it is thus the forms of aid and solidarity that are changing.

Nonetheless, these adaptations to the religious tradition are not ruptures. Nor do they mean that Islamic charity practised within state-regulated institutional structures is becoming completely secularized and that the distinctive aspects of Islamic aid are being erased. In fact, the organizations' staff and volunteers continue to promote the basic principles of Islamic charity such as giving *zakat* to specific categories of recipients. Some members simply favour a universal interpretation of these categories, while others use different types of gifts for non-Muslims. The majority of donations continue to be distributed to poor Muslim

12. See also Grewal (2017) for similar findings on the strategies adopted by Muslim philanthropic organizations in the US since 2001.

communities; likewise, the reasons for working with these Muslim organizations also reflect the same spiritual and social concerns that motivate other ways of giving (through mosques, madrasas, or directly to people in need). Furthermore, while the aid models put forward by Muslim philanthropic organizations were appealing to the staff and volunteers I met, many chose not to donate all of their *zakat* to the organization they worked with. Instead, they divided their alms between different recipients: one part went to their organization while other parts were distributed personally to those in need or given to mosques. Indeed, the growing presence of NGOs in India has not led to the disappearance of more informal modes of giving. Some volunteers and staff considered that their donations could provide a greater heavenly reward if they were distributed directly to relatives and close neighbours in need. Others simply preferred to perpetuate customary practices of family giving as they used to do before the founding of formal Muslim philanthropic organizations. Several volunteers also reminded me that almsgiving in Islam is the “right of the poor” and that, by giving outside of NGOs, they were seeking to emphasize a practice of free and unselfish giving, which does not necessarily provide tax deductions. The examples presented in this article thus call on readers to lend more attention to the power relations existing between religion and politics in modern secular states. And even though philanthropy governance is slowly changing religious aid, the latter still retains its unique characteristics.

References

- APPADURAI A. et C. APPADURAI BRECKENRIDGE, 1976, « The South Indian Temple: Authority, Honour and Redistribution », *Contributions to Indian Sociology*, 10, 2 : 187-211.
- ATIA M. A., 2013, *Building a House in Heaven. Pious Neoliberalism and Islamic Charity in Egypt*. Minneapolis, University of Minnesota Press.
- BENTHALL J., 2012, « “Cultural Proximity” and the Conjuncture of Islam With Modern Humanitarianism » : 65-89, in M. N. Barnett et J. Gross Stein, 2012, *Sacred Aid Faith and Humanitarianism*. Oxford et New York, Oxford University Press.
- , 2016, *Islamic Charities and Islamic Humanism in Troubles Times*. Oxford, Oxford University Press.
- BENTHALL J. et J. BELLION-JOURDAN, 2003, *The Charitable Crescent: Politics of Aid in the Muslim World*. Londres et New York, I. B. Tauris.
- BEVERLEY E. L., 2011, « Property, Authority and Personal Law: Waqf in Colonial South Asia », *South Asia Research*, 31, 2 : 82-155.
- BIRLA R., 2008, *Stages of Capital: Law, Culture, and Market Governance in Late Colonial India*. Durham, Duke University Press.
- , 2018, « C=f(P): The Trust, “General Public Utility”, and Charity as a Function of Profit in India », *Modern Asian Studies*, 52, 1 : 132-162. Consulté sur Internet (<https://doi.org/10.1017/S0026749X17000087>), le 21 mai 2021.

- BORNSTEIN E., 2012a, *Disquieting Gifts: Humanitarianism in New Delhi*. Stanford, Stanford University Press.
- , 2012b, « Religious Giving Outside the Law in New Delhi » : 140-165, in M. Barnett et J. Stein (dir.), *Sacred Aid: Faith and Humanitarianism*. Oxford et New York, Oxford University Press.
- BORNSTEIN E. et P. REDFIELD (dir.), 2011, *Forces of Compassion: Humanitarianism Between Ethics and Politics*. Santa Fe, SAR Press.
- CALHOUN C., 2008, « The Imperative to Reduce Suffering: Charity, Progress, and Emergencies in the Field of Humanitarian Action » : 73-97, in M. Barnett et T. G. Weiss (dir.), *Humanitarianism in Question: Politics, Power, Ethics*. Ithaca et New York, Cornell University Press.
- CHATTERJI A. P., T. BLOM HANSEN et C. JAFFRELOT (dir.), 2019, *Majoritarian State: How Hindu Nationalism is Changing India*. Oxford, Oxford University Press.
- CORBRIDGE S., J. HARRISS et C. JEFFREY, 2012, *India Today: Economy, Politics and Society*. Cambridge et Malden, Polity.
- ECK D. L., 2013, « The Religious Gift: Hindu, Buddhist, and Jain Perspectives on Dana », *Social Research*, 80, 2 : 79-359.
- FASSIN D., 2010, *La raison humanitaire : une histoire morale du temps présent*. Paris, Gallimard.
- FEENER R. M. et K. WU, 2020, « The Ethics of Religious Giving in Asia: Introduction », *Journal of Contemporary Religion*, 35, 1 : 1-12.
- FIRSTPOST STAFF, 2016, « From Greenpeace to Ford Foundation: Modi Govt's Controversial Crackdown on NGOs », *Firstpost*, 2 juin 2016, consulté sur Internet (<https://www.firstpost.com/india/from-greenpeace-to-ford-foundation-modi-govts-controversial-crackdown-on-ngos-2812196.html>), le 20 novembre 2021.
- GAYER L. et C. JAFFRELOT, 2012, « Introduction. Muslim of the Indian City: From Centrality to Marginality » : 1-22, in L. Gayer et C. Jaffrelot (dir.), *Muslims in Indian Cities: Trajectories of Marginalization*. Londres, Colombia University Press.
- GOVERNMENT OF INDIA. PRIME MINISTER'S HIGH LEVEL COMMITTEE. CABINET SECRETARIAT (GOI), 2006, *Social, Economic and Educational Status of the Muslim Community in India. A Report*. New Delhi, Government of India.
- , OFFICE OF THE REGISTRAR GENERAL & CENSUS COMMISSIONER, INDIA. MINISTRY OF HOME AFFAIRS, s.d., *List of Minority Concentration Districts (Category A & B). Ministry of Minority Affairs*. Consulté sur Internet (http://www.minorityaffairs.gov.in/sites/default/files/MCDs_category.pdf), le 27 octobre 2017.
- , 2011, *2011 Census Data*. Consulté sur Internet (<http://www.censusindia.gov.in/2011-Common/CensusData2011.html>), le 27 octobre 2017.
- , 2013, *Sachar Committee Report & Status of Follow Up Action (as on 31.01.2013)*. New Delhi, Government of India.

- GREWAL I., 2017, *Saving the Security State: Exceptional Citizens in Twenty-First-Century America*. Durham, Duke University Press.
- HAYNES D. E., 1987, « From Tribute to Philanthropy: The Politics of Gift Giving in a Western Indian City », *The Journal of Asian Studies*, 46, 2 : 339-360. Consulté sur Internet (<https://doi.org/10.2307/2056018>), le 20 novembre 2021.
- INGRAM B. D., 2018, *Revival From Below: The Deoband Movement and Global Islam*. Oakland, University of California Press.
- INTERNATIONAL CENTER FOR NOT-FOR-PROFIT LAW (ICNL), 2020, *India. Philanthropy Law Report*. Consulté sur Internet (<https://www.icnl.org/wp-content/uploads/India-PLR-report-July-2021.pdf>), le 20 novembre 2021.
- IQTIDAR H., 2017, « How Long Is Life? Neoliberalism and Islamic Piety », *Critical Inquiry*, 43, 4 : 790-812.
- JONES J., 2011, *Shi'a Islam in Colonial India: Religion, Community and Sectarianism*. Cambridge, Cambridge University Press.
- KHAN A. A., 2012, « Religious Obligation or Altruistic Giving? Muslims and Charitable Donations » : 90-114, in M. Barnett et J. Stein (dir.), *Sacred Aid: Faith and Humanitarianism*. Oxford et New York, Oxford University Press.
- KOZLOWSKI G. C., 1985, *Muslim Endowments and Society in British India*. CUP Archive.
- KUDVA N., 2005, « Strong States, Strong NGOs » : 233-266, in R. Ray et M. F. Katzenstein (dir.), *Social Movements in India: Poverty, Power, And Politics*. Lanham, Rowman & Littlefield.
- LAROCHE C., 2019, « Blurring Boundaries: The Regulation of Non-Profit Organizations and Transformation of Islamic Charitable Work in Uttar Pradesh, India », *Max Planck Institute for Social Anthropology*, Working Paper 195.
- METCALF B. D., 2014, *Islamic Revival in British India: Deoband, 1860-1900*. Princeton, Princeton University Press.
- MOUMTAZ N., 2012, *Modernizing Charity, Remaking Islamic Law*. New York, The City University of New York.
- OSELLA F., 2018, « Charity and Philanthropy in South Asia: An Introduction », *Modern Asian Studies*, 52, 1 : 4-34. Consulté sur Internet (<https://core.ac.uk/reader/157768000>), le 20 novembre 2021.
- OSELLA F. et C. OSELLA, 2009, « Muslim Entrepreneurs in Public Life Between India and the Gulf: Making Good and Doing Good », *Journal of the Royal Anthropological Institute*, 15, 1 : S202-S221.
- PARRY J., 1986, « The Gift, the Indian Gift and the "Indian Gift" », *Man*, 21, 3 : 453-473. Consulté sur Internet (<https://doi.org/10.2307/2803096>), le 20 novembre 2021.
- PETERSEN M. J., 2016, *For Humanity or for the Umma? Aid and Islam in Transnational Muslim NGOs*. Oxford, Oxford University Press.
- ROBINSON F., 2001, *The 'Ulama of Farangi Mahall and Islamic Culture in South Asia*. Londres, C. Hurst.

- RUDNYCKYJ D. et F. OSELLA, 2017, *Religion and the Morality of the Market*. Cambridge, Cambridge University Press.
- SAMPRADEAN INDIAN CENTRE FOR PHILANTHROPY (SICP), 2004, « A Review of Charities Administration in India ». New Delhi, Planning Commission, Government of India.
- SEZGIN Z. et D. DIJKZEUL, 2015, *The New Humanitarians in International Practice: Emerging Actors and Contested Principles*. Londres et New York, Routledge.
- SHARMA A., 2006, « Crossbreeding Institutions, Breeding Struggle: Women's Empowerment, Neoliberal Governmentality, and State (Re)Formation in India », *Cultural Anthropology*, 21, 1 : 60-95.
- SINGER A., 2013, « Giving Practices in Islamic Societies », *Social Research*, 80, 2 : 58-341.
- SUSEWIND R. et C. B. TAYLOR, 2015, « Introduction. Islamicate Lucknow Today: Historical Legacy and Urban Aspirations », *South Asia Multidisciplinary Academic Journal*, 11. Consulté sur Internet (<https://journals.openedition.org/samaj/3911>), le 20 novembre 2021.
- TAYLOR C. B., 2015, « Islamic Charity in India: Ethical Entrepreneurism & the Ritual, Revival, and Reform of *Zakat* Among a Muslim Minority ». Thèse de doctorat, Graduate School of Arts and Sciences, Ann Arbor. Consulté sur Internet (https://open.bu.edu/bitstream/handle/2144/13993/Taylor_bu_0017E_11331_WEB.pdf?sequence=9&isAllowed=y), le 20 novembre 2021.
- TRIPATHI R., 2019, « MHA Cancels FCRA Licences of 1,300 NGOs », *The Economic Times*, mis à jour le 8 novembre 2019, consulté sur Internet (<https://economictimes.indiatimes.com/news/politics-and-nation/mha-cancels-fcra-licences-of-1300-ngos/articleshow/71964523.cms?from=mdr>), le 20 novembre 2021.
- VEVAINA L., 2018, « Good Deeds: Parsi Trusts from “the Womb to the Tomb” », *Modern Asian Studies*, 52, 1 : 238-265.
- ZENCIRCI G., 2015, « From Property to Civil Society: The Historical Transformation of “Wakifs” in Modern Turkey (1923-2013) », *International Journal of Middle East Studies*, 47, 3 : 54-533.

RÉSUMÉ — ABSTRACT — RESUMEN

Gouvernance de la philanthropie et pratiques caritatives musulmanes en Inde. Les rapports entre religieux et politique vus à travers le don

Dans nombre de pays, diverses associations religieuses participent souvent à la prestation de soins et de services sociaux, aux côtés de l'État et des organisations non gouvernementales séculières. Cependant, ces groupes religieux ne partagent pas nécessairement les mêmes logiques distributives, notamment en ce qui a trait aux critères de sélection des bénéficiaires. Par exemple, dans la tradition musulmane, les avis sont partagés sur la question de la possibilité pour les non-musulmans de bénéficier de la zakat, l'aumône religieuse obligatoire que les musulmans doivent verser aux plus démunis. Comment ces dons sont-ils encadrés dans les États séculiers modernes et quelles sont les répercussions

de cet encadrement sur la légitimation de différentes pratiques philanthropiques ? L'article répond à ces questions en discutant des mesures législatives s'appliquant aux associations caritatives dans le nord de l'Inde et de l'adaptation des pratiques distributives d'organisations philanthropiques musulmanes indiennes. En montrant comment les organisations musulmanes naviguent entre les exigences de l'État et leurs propres principes en matière d'utilisation et de distribution des dons, cet article aborde les rapports de pouvoir entre l'État et le religieux et démontre comment la régulation du religieux façonne de nouvelles formes d'entraide.

Mots clés : Larouche, don, philanthropie, législation, organisations religieuses, musulmans, État, Inde

Philanthropy, Governance, and Muslim Charitable Practices in India. Analysing the Relationship Between Religion and Politics Through Giving

In many countries, various religious associations are often involved in the provision of social care and services, alongside the State and secular non-governmental organizations. However, these religious groups do not necessarily share the same distributive logics, such as regarding beneficiary selection criteria. For example, among Muslims, there is disagreement about whether non-Muslims can benefit from the zakat, the obligatory religious alms that Muslims must give to the poorest. How are such donations practices framed in modern secular states, and what implications this has on their legitimation? This article addresses these questions by discussing the legislative measures that apply to charities in North India and the various ways in which Indian Muslim philanthropic organizations adapt their distributive practices. By examining how Muslim organizations navigate between the demands of the state and their own principles regarding the use and distribution of donations, this article investigates the power relations between the state and religious groups and demonstrates how the regulation of religion is shaping new forms of mutual aid.

Keywords: Larouche, donation, philanthropy, legislation, religious organizations, Muslims, state, India

Gobernanza de la filantropía y prácticas caritativas musulmanas en la India. Las relaciones entre lo religioso y lo político visto a través del don

En muchos países, diversas asociaciones religiosas con frecuencia participan en el suministro de asistencia y servicios sociales, al lado del Estado y de las organizaciones no gubernamentales seculares. Sin embargo, dichos grupos religiosos no comparten necesariamente las mismas lógicas distributivas, principalmente en lo que concierne a los criterios para seleccionar a los beneficiarios. Por ejemplo, en la tradición musulmana las opiniones están divididas en lo concerniente a la cuestión de la posibilidad de que los no musulmanes puedan beneficiar de la *zakat*, la donación religiosa obligatoria que los musulmanes deben dar a los más necesitados. ¿Cómo están encuadradas dichas donaciones en los Estados seculares modernos y cuáles son las repercusiones de dicha supervisión sobre la legitimación de las diferentes prácticas filantrópicas? Este artículo ofrece una respuesta a dichas cuestiones a través el examen de las medidas legislativas que se aplican a las asociaciones caritativas en el norte de la India y de la adaptación de las prácticas distributivas de organizaciones filantrópicas musulmanas hindúes. Al mostrar cómo las organizaciones musulmanas navegan entre las exigencias del Estado y sus propios principios en materia de

utilización y distribución de donaciones, este artículo aborda las relaciones de poder entre el Estado y lo religioso y demuestra como la regulación de lo religioso moldea nuevas formas de asistencia.

Palabras clave: Larouche, don, filantropía, legislación, organizaciones religiosas, musulmanes, Estado, India

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