

The Zakat Institution, the United Kingdom Charities Law and the British Muslim Charitable Organizations: The Civil Society Perspective

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In this paper, I am concerned with the institution of Zakat as this stands as a core tenet of the Islamic faith and as a central principle of Islamic jurisprudence. The particular focus for the discussion of the Zakat institution that I adopt is that of Zakat in relation to the Muslim charities that are established in the United Kingdom of Great Britain and Northern Ireland, and with this involving the examining of the issue of the Zakat donations made by British and other Muslims for the funding of the British-based Muslim charitable organizations. The British Muslim charities, and the persons making Zakat payments to them, are at all times subject to the laws of the United Kingdom both generally and with respect to what are their specifically charitable activities. In regard to this, I shall be describing a key component part of the containing legal framework within which the British Muslim charitable organizations function and within which Zakat donations are submitted to them as by private individuals. This is the Charities Act of 1993, and with this being the law that within the United Kingdom states the fundamental rules and statutory requirements relating to the public regulation of the charities and relating to their legal status and their organizational structure.

In Part 1 of the paper, I give a brief summary explanation of the institution of Zakat through reference to the essentials of Islamic jurisprudence. In Part 2, I describe the essentials of the legal framework for charitable organizations based in the United Kingdom that is given in

the Charities Act 1993. In Part 3, I turn to the consideration of the matter of the Muslim charities that are established in the United Kingdom. I proceed with this through the detailed examination of two principal case studies, and with these being Muslim charitable organizations whose office premises I visited, and the representative officials of which I interviewed, in the course of a fieldwork trip that I made to the United Kingdom during July and August of 2005. Finally, there is the Conclusion to the paper, where I draw out certain of the implications of the treatment that it provides of Zakat, the United Kingdom law on charities and the British Muslim charitable organizations. Here, I point to the success of the British Muslim charities in advancing the development of civil society within the United Kingdom context, and in this as consistent both with the terms of the Islamic jurisprudence relating to Zakat and with the terms of the United Kingdom legal framework for charitable organizations as this has been set and maintained by the state authorities.

1. The Zakat Institution

Zakat or the compulsory religious alms tax stands as one of the five core and defining principles of the Islamic faith, and with the others standing as faith in God and belief in His Unity, prayers, fasting and pilgrimage. In its status as a basic and defining principle of Islam, Zakat involves an obligation that possesses a strict binding force for all practising Muslims. The obligatory character of Zakat is underlined with the central position that it holds in the system of jurisprudence that is specific to Islam. The foundation of Islamic jurisprudence, and the primary source for the laws and legislation that it comprehends, is of course the Holy Quran, and with this being the book that is accepted by Muslims as the authoritative statement, or recital, of the Infallible Word of God as revealed to the Prophet Mohammad who was born around 570 AD and who died in 632 AD. In addition to the Holy Quran, there is the primary source of Islamic

law and legislation that is known as the Sunna. This consists in the various practices and instructions that are attributable to the Prophet Mohammed as through the record of his actual words and deeds. The essential record for the Sunna comes in the form of the sayings of the Prophet that were written down by those of his associates who carry the name of the Eminent Companions and which as such are referred to as the Hadiths of the Prophet.^[1]

The obligation falling on Muslims to pay Zakat relates to the primary sources of Islamic law and legislation. Thus the obligation in its fundamental terms is stated in the Holy Quran, and with the substantive rules that govern Zakat as an institution being given in the Hadiths which pertain to the Sunna. The rules on Zakat are highly detailed, and they concern such matters as the form of the compulsory religious alms tax, the assets on which it is payable, the persons who are liable for its payment, and the persons who are eligible to receive it.

As to its form, Zakat is not an income tax, but a tax on individual savings that are held for the duration of a full lunar year. The assets that are taxable for the purposes of Zakat include gold and silver and paper money, as well as the assets of commercial business enterprises that are purchased with a view to resale for profit. With these assets, the Zakat due is calculated at a rate of 2.5% of their actual value. There are different percentage rates of Zakat payable in respect of other assets, as with such livestock as cows, sheep and camels and as with such forms of treasure as the mineral wealth that is extracted from the land. Certain personal assets are exempt from Zakat, as with personal residences and household assets, and there is no Zakat due on commercial premises and industrial plant and factories, land held for rental purposes, and the fixtures, machinery and other like assets which are essential for the functioning of commercial business enterprises. The category of persons who are liable to pay Zakat comprises Muslims who are adult, free and of sound mind. As for the persons eligible to receive Zakat donations, these are as follows: 1. the working poor; 2. the destitute; 3. slaves - that is, persons whose freedom

is to be obtained by purchase; 4. debtors - that is, persons in need who have just debts that are not incurred for unIslamic purposes; 5. stranded travellers; 6. prisoners of war who are taken fighting in a just war (Jihad); 7. soldiers as engaged in Jihad; 8. Zakat collectors - that is, the officials appointed by the public authorities for the purposes of the collection and distribution of Zakat funds; 9. new Muslim converts who are in need of the basic necessities for life. The persons not eligible to be recipients of Zakat are primarily non-Muslims, the rich, family members and institutions.^[2]

As it is clear from the detailed rules relating to it, Zakat is an institution that has many practical social and economic dimensions. In this connection, it is to be observed that the obligation falling on Muslims in respect of Zakat is to be taken as supplementary to family obligations but yet as distinct from these. For Zakat is to be paid to the poor and destitute as such and not to family members (save where family members are themselves poor and destitute), and with the Zakat donations being made with a view to the amelioration of poverty and the preservation of a just social and economic distributional order among the collectivity of the individuals who form the whole community. The Islamic system of jurisprudence is one where proper recognition is given to the rights and interests of private individuals. This is so with property ownership rights,^[3] and with the rights and interests involved in trade and commerce as conducted in accordance with the principles of just dealings given in the law of contract and in the law relating to standards such as weights and measures.^[4] Nevertheless, the Islamic system of jurisprudence is also one where private rights and interests are qualified by the public rights and interests pertaining to the community, and to the order of justice bound up with the community-based claims of public rights and interests. The Zakat institution is here crucial in the qualifying of private rights and interests, and in this respect Zakat is closely linked with other related principles of Islamic jurisprudence where private rights and interests are made subject to considerations to do with the public rights and interests of the community, as so with the prohibition on hoarding^[5] and the prohibition

on usury.^[6]

The formal principles governing the Zakat institution, as set out in Islamic jurisprudence, correspond in large part to the principles of the modern welfare state as these are to be found adopted in the advanced secular liberal democracies within the contemporary world. However, there are two crucial differences between the Zakat institution and the modern welfare state. First, the Zakat institution involves charity for Muslims, and so restricts the recipients of the form of wealth redistribution that it makes possible to persons in need who stand to their benefactors as co-religionists. In contrast to this, the modern welfare states involve a universal and faith-neutral social security system, where wealth is redistributed to meet the needs of the poor and deprived but without regard to the matter of the religious faith, if any, which they profess. Second, the Zakat institution gives rise to an obligation to make payments for charitable purposes that is inescapable only for practising Muslims, and where the fulfilment of this religious obligation, as from the external point of view of state and society, remains a purely voluntary matter. In the modern welfare states, on the other hand, the financial contributions that are required to fund them are obtained from citizens through ordinary taxation as a matter of state law, and with the legal obligation thus falling on citizens to participate in this state-based wealth redistribution system being inescapable in the respect of its being supported by the machinery of coercive sanctions which is available to modern states and governments to ensure compliance with the laws.

The features of faith-exclusivity and voluntarism that go to mark off the Zakat institution from the modern welfare state are such as to underline that the Zakat institution belongs not to the sphere of the state, but rather to the sphere of society or, more properly, to the sphere of civil society. For it is to civil society, as by definition, that we are to assign those non-state and hence private actors, whether individual or institutional, whose associational practices and relationships are voluntary and faith-based as to their origin and their maintenance. This assigning of the Zakat

institution to civil society may not hold in strict terms for Muslim societies where the relevant state authorities assume a direct responsibility for the collection and allocation of Zakat funds. However, it is certainly the case that Zakat pertains to the civil society sphere, as opposed to the state, as where Zakat is practised by the Muslim communities that are established within the advanced secular liberal democratic states. Here, charity is formally distinguished from public welfare provision, and the state authorities concern themselves with charitable giving by non-state parties, such as with Zakat, not with a view to appropriating it for the state, but with a view to effecting its proper administrative regulation as an integral component part of the civil society order. This at any rate is how the state authorities in the United Kingdom concern themselves with Zakat as it is practised by British Muslims, and by resident non-British Muslims, and with the British Muslim charities through whose agency the Zakat fund donations in question are collected and distributed. As to the mode of the state regulation of Zakat in the United Kingdom, this comes in the form of the regulatory framework that is embodied in the law relating to the charities.

2. The United Kingdom Charities Law

Charitable giving was widespread in the British Isles during the period of the Middle Ages, at which time the Church played the leading role in the organization of charity. The Reformation in the sixteenth century saw charitable giving develop in a more secular institutional context and with a more general anti-poverty thrust to it. This is reflected in the measure that was adopted towards the end of the reign of Queen Elizabeth I and that remains a key point of reference in the establishing of a legal framework for charities: the Statute of Elizabeth, or the Charitable Uses Act, of 1601. The legal framework for charities was to evolve progressively after 1601, and with a further landmark reference point being the abolition in 1853 of

the 1601 Act and the adoption in the same year of the Charitable Trusts Act. At present, the practice of charitable giving in the United Kingdom is governed by the Charities Act of 1993, which statute consolidates the Charitable Trustees Incorporation Act of 1872 and, apart from certain spent or temporary provisions, the Charities Act of 1960 and Part 1 of the Charities Act of 1992.^[7]

The Charities Act 1993 comprises 100 Sections organized in 10 Parts, and with there being an additional 8 Schedules that include one that sets out the constitution for the public body which is central to the regulation of the charitable sector: the Charity Commission for England and Wales. Part 1 (Sections 1-2) of the Act concerns the Charity Commissioners and the official custodian for charities. Part 2 (Sections 3-7) sets out the rules relating to the registration and names of charities. Part 3 (Sections 8-12) describes the information powers of the Charity Commissioners, and Part 4 (Sections 13-35) sets out the rules relating to the application of property *cy-près* and to the assistance and supervision of charities by the courts and by the Charity Commissioners. Part 5 (Sections 36-40) concerns charity land, and Part 6 (Sections 41-49) concerns the accounts, reports and returns of the charities. Part 7 (Sections 50-62) sets out the rules relating to the incorporation of charity trustees, and Part 8 (Sections 63-69) sets out the rules relating to charitable companies. Part 9 (Sections 70-83) deals with such miscellaneous matters as investment powers, small charities, local charities and administrative provisions about charities. Part 10 (Sections 84-100) sets out a number of supplementary provisions, including ones to do with the Charity Commissioners. The Charities Act 1993 is not a perfect document, and, as a legal source material, it is somewhat indeterminate as in relation to the subject of the lawful organizational structures for charities. In discussion of this subject-matter, I therefore rely not only on the Charities Act 1993, but also on the relevant publications of the Charity Commission, and those of the Charity Law Association, where there is provided a detailed statement as to the different options for the United Kingdom charities as in regard to their

lawful organizational structure.

As to its first principles, the foundation of the United Kingdom law on charities lies not in a formal definition of charity, but rather in a specification of charitable purposes and with the key consideration, as with charitable purposes, being that of what is now commonly referred to in discussion as public benefit. In this connection, the specification of charitable purposes that is now generally accepted, and that is presupposed and relied on in the current legislation, is the one set out by Lord Macnaghten in 1891 in *Pemsel's* case. Here, the recognized charitable purposes were classified under the following four heads: the relief of poverty; the advancement of education; the advancement of religion; and other purposes beneficial to the community (and with these including such purposes as the relief of the aged and the disabled, the relief of distress, the promotion of public health, the protection of human life and property, and the promotion of the arts).^[8]

As for the regulatory framework described in the charities law, this, as in regard to the Charities Act 1993, is structured around the Charity Commission for England and Wales as the body that serves to bring the charitable organizations under the law-based control and supervision of the state and the administrative authorities. The Charity Commission is not a government department. It is, however, a public regulatory body, and with the Charity Commissioners being civil servants who are appointed by the Home Secretary and with the powers, as belonging to them, being statutory powers with an explicit warrant in the Charities Act. It is laid down in the Charities Act that the general function of the Charity Commission consists in the promotion of the effective use of charitable resources through encouraging the development of better methods of administration, through providing charity officers with advice and information on matters affecting their charities, and through investigating and checking abuses (Section 1, paragraph 3). The regulatory powers exercised by the Charity Commissioners in furtherance of this general function are extensive and they include specifically supervisory powers.

will, who transfers property on trust to some other persons for wholly charitable purposes, and with the transferees being the trustees. The charitable trust so created is based in a governing document, and with this governing document standing as the trust deed, or trust instrument, in which will be stated the express purpose of the trust and the administrative powers of the trustees. The charitable trust, as so established, is to be registered with the Charity Commission as appropriate. The trustees of the charitable trust are required to carry out the purposes of it, as these are detailed in the trust instrument and as in line with the duties and powers specific to trustees under the general law of trusts. A charitable trust, in being a trust, involves only an obligation imposed on the trustees to hold property for charitable purposes, but it does not create an institutional entity that possesses a distinct legal personality. Hence the contracts entered into by trustees in regard to charitable funds are entered into on a personal basis, and with the trustees bearing personal liabilities on such contracts. This is a considerable limitation of the trust form of charitable organizational structure, and one that becomes particularly evident where the charities adopting it find themselves entering into major contracts with third parties or taking on staff and workers in significant numbers.^[11]

In contrast to charitable trusts, there are the charitable corporations, and with the chief point of contrast being that corporations possess, as trusts do not, a legal personality that is distinct and separate from the personal status of their members. It is to be noted also that the charitable corporation does not have charitable purposes, as in the manner of charitable trusts, but rather has charitable objects, and with the charitable status belonging to a corporation depending on its objects being charitable on a whole and exclusive basis. The majority of charitable corporations in the United Kingdom base their corporate structure in the relevant provisions of the United Kingdom Companies Acts 1985-1989, although the specifically charitable status of such corporations will of course depend on their satisfying not only the requirements of the Companies Acts but also the requirements stated in the Charities Act 1993. As in

accordance with the terms of the Companies Acts, the most appropriate form for a charitable corporation is that of the company limited by guarantee. This is a company where the liabilities of its members are limited to an amount that the members undertake, or guarantee, to contribute to the assets of the company in the event of its being wound up. In the case of charitable companies, these will be companies limited by guarantee without a share capital, given that the presence of a share capital would imply the possibility of profits as for the private benefit of company members that are inconsistent with the nature of charitable purposes as such.

Companies limited by guarantee are formed when two or more persons, associating together for a lawful purpose, subscribe their names to an instrument of association and comply with the relevant requirements set out in the Companies Act 1985 as relating to the registration of companies. The creation and registration of companies limited by guarantee will involve the preparation and filing of two documents: the memorandum of association and the articles of association. The memorandum of association describes the basic nature of the company concerned, such as its name, the location of its registered office and its objects. The articles of association relate to the internal management structure of the company. The memorandum of association and the articles of association, together with a statement giving the names of company directors and the first secretary, are to be deposited with the Registrar of Companies for England and Wales (as relative to the location of the registered offices). If satisfied that all the due requirements are met, the Registrar will register the memorandum and articles of association and then proceed to issue the applicant company with a dated certificate which states that it is from thenceforth a company limited by guarantee. Where a company limited by guarantee has a charitable status, as by virtue of its having specifically charitable objects, then it is to be registered as a charitable company limited by guarantee with the Charity Commission.

In the creation of charitable companies limited by guarantee, the

memorandum of association is the crucial document. The articles of association are crucial in providing for such matters to do with internal management as the position of company members, the general meetings of members, the appointment, retirement and removal of directors, and the proceedings of directors and their powers. The relevant provisions, as contained in the draft articles of association for charitable companies proposed by the Charity Law Association, are too detailed for full elaboration here. However, it may be observed that it is proposed that it be required, as in line with the Companies Acts, that charitable companies hold an annual general meeting of members and with written notice given of it. As regarding directors, the proposal is that it be required in the articles of association that the directors hold a set minimum annual number of board meetings. It is also to be stated how the boards of directors and the general meetings of members are to divide their respective powers and responsibilities.

It is often the case that charitable companies limited by guarantee will come into being through the incorporation of an existing charity, such as a charitable trust, which lacks corporate status. The method to be followed in this involves creating the corporation, having it registered with the Charity Commission as appropriate, and then transferring the assets of the former charity, together with the employment contracts of its staff, to the newly established charitable corporation. The incorporation procedure for charities is more expensive than the procedures to be followed for the creation of charitable trusts and unincorporated charitable associations, and the form of organizational structure that it brings into being is certainly more complex than with the other charities. Even so, there remain very real advantages open to the charities that opt for incorporation. Thus the principal advantage of the corporate form of the company limited by guarantee for charitable organizations is that, the liability of members being limited, there is potential for the charities to embark on substantial fund-raising activities, to engage in substantial commercial activities based in wide-ranging contractual agreements, and

to employ staff and workers in large numbers, but without this exposing members of the charities to the risk of personal liabilities. There is the additional advantage that, as in accordance with the general principles of company law, the directors of charitable companies limited by guarantee stand in a fiduciary position as with their companies. This means, among other things, that the remuneration received by directors is limited to what is expressly provided for in the company constitution. As a final consideration, charitable companies limited by guarantee differ from charitable trusts in that they are not subject to restrictions on excessive accumulations of income.^[12]

3. THE BRITISH MUSLIM CHARITABLE ORGANIZATIONS

There are now numerous Muslim charitable organizations established in the United Kingdom, and with these discharging important functions within the British Muslim community, within the Muslim community worldwide and within British society as a whole. To understand the functions of the British Muslim charitable organizations, I focus on two such charitable organizations as principal case studies, and basing my observations regarding their history, structures and fund-raising methods largely on my interviews with the officials of the charities in question. The charities selected for study are Muslim charities. However, they are also among the largest faith-based charities operating within the United Kingdom, as ranked in terms of their income and scope of operations. The first of the principal case study charities is Islamic Relief, or more strictly and as it now is Islamic Relief Worldwide. The discussion of this charitable organization is followed, as for the purposes of comparison, with brief details on two further Muslim charities, and with these being Muslim Aid and Muslim Hands. The second of the Muslim charitable organizations picked out as a principal case study is that of Islamic Aid.^[13]

The British Muslim charities referred to as principal case studies are

registered with the Charity Commission for England and Wales, and they were established in accordance with the terms of the relevant companies legislation and the relevant legislation for charities. It is to be noted that these are charities that are devoted to the fulfilling of proper charitable purposes, and with poverty and humanitarian relief figuring prominently among their stated objectives. Also, they are charities whose establishment came at the initiative of United Kingdom citizens of the Muslim faith and drawn from the ethnic minority population groups. Further, they are charities that either rely on Zakat donations for the greater part of their funds, or that originally relied on Zakat donations at the start of their operations and subsequently diversified the sources for their funds. The diversification in the sources of funding is a remarkable feature of the Muslim charities under discussion, and with this diversification involving the soliciting of funds on the part of the charities from such non-Muslim-exclusive sources as the general public, large commercial corporations and government agencies and departments. As a last observation, the charities have adopted, and are exemplary of, the basic forms of lawful organizational structure for charities that we have seen to be commended within the legal framework for charitable organizations in the United Kingdom: the charitable trust and the charitable company limited by guarantee.

Islamic Relief Worldwide was founded in February 1984 by the then medical students (and now qualified medical practitioners) Dr Hany El Banna and Dr Ihsan Shbib of Birmingham University. The charity was established by its founders in response to the 1984 famine crisis in the Sudan, and with its main source for donations coming originally from members of the resident United Kingdom Muslim community. It was accordingly registered with the Charity Commission as a small charity dedicated to poverty relief, and with the location of its offices being Birmingham from where it still maintains its head office. In the years since 1984, Islamic Relief Worldwide has transformed itself from a small-scale charitable organization to a large-scale charitable corporation that

pursues its philanthropic activities in over 40 countries, mainly in the poor regions of Asia and Africa, and with its four principal relief sectors being those of emergency relief aid, development aid, the relief of orphans and Waqf (that is, the application of property for charitable purposes in the service of God). Thus Islamic Relief Worldwide is now registered under the Companies Act 1985 as a company limited by guarantee without a share capital. According to its memorandum and articles of association, the company has five trustees or directors who are responsible for all its administrative functions. There are in addition some 24 permanent staff and workers based in the head office, and with many more being permanently employed worldwide in poverty relief and in the other concerns of the company. The employees who operate in the field for Islamic Relief Worldwide are in general persons who possess a high level of professional attainment, such as doctors and engineers.

In its institutional form as a charitable company, Islamic Relief Worldwide comprises two main organizational sections: one responsible for the management of fund-raising and for policy-making, and the other responsible for the management of actual field operations. In line with this two-part sectional responsibility management structure, there are contained within the company two distinct types of agencies. First, there are the agencies that relate to the fund-raising and policy-making areas, which agencies are located primarily in the United Kingdom, France and the United States. It is these agencies that are engaged in the soliciting of funds from the Muslim communities resident in the three countries as named, and from the general public, the commercial corporations and the relevant government agencies and departments. The second section of the company comprehends the field operations agencies as located in the 40 or so countries where its poverty and humanitarian relief missions are carried out, as with for example the poor regions of Afghanistan, Bangladesh, Niger, Pakistan and Sudan. Here, the countries involved will be those where the domestic governments have failed to meet the basic needs of the poorest citizens, and with the field operatives of the company

fulfilling the objectives for poverty and humanitarian relief through investing in, and developing, hospitals and clinics, schools, water supply infrastructure, agricultural projects and so on.

The registered income of Islamic Relief Worldwide now runs into millions of pounds sterling per annum. To maintain this income level, the company utilizes a wide variety of methods for fund raising. Thus there are the United Kingdom Muslim donors, who as Muslims pay their Zakat and other Sadaqua or alms to the company for it to distribute according to the stipulations of Islamic law as it relates to the Zakat institution. Then again, the company relies on appeal letters sent out to its donors and makes appeals to the general public for over-the-counter donations. There are also bazaars and charity shops where the company sells old clothes and accepts donations of the same from the general public. The company now purchases lists of potential donors from corporations in the fund-raising sector, and it has recently advertised a position for a corporate manager who is to specialize in the soliciting of funds from the major commercial corporations.

As further evidence of the scale of Islamic Relief Worldwide as a charitable company, there may be cited the extent of its active involvement with other agencies and institutions and the extent of its overseas involvement in Muslim countries and with the Muslim communities of various non-Muslim countries. For example, Islamic Relief Worldwide has a consultative status role with the United Nations Economic and Social Council. Also, the charity co-operates closely with the United Kingdom government, as through its strong working relationship with the Department for International Development. The latter government department has been highly supportive of Islamic Relief Worldwide, as has the United Kingdom government as a whole. Islamic Relief Worldwide is of course a non-governmental organization, and as such it is a member of the United Kingdom organization known as the British Overseas Non-Governmental Organizations for Development (BOND), as well as being a signatory of the Code of Conduct for the International Red Cross and Red

ideal of charity that transcends religious, cultural and political barriers. Thus it is that the charity no longer restricts its objectives to the relief of poverty in Muslim countries and among Muslim communities. For it now states its object, as in its constituting documents, to be the relief of poverty in any part of world and so without restriction. That this is so points not only to the diversification in the sources for funds for the charity, and with this involving a move away from reliance on strict Zakat-status donations where the Muslim status of beneficiaries is requisite. It points also to something of the high degree of the assimilation of what is a British faith-based Muslim charity within the secular milieu of the social and political order of the United Kingdom as through the framework of the charities law.^[14]

The status of charitable company limited by guarantee that belongs to Islamic Relief Worldwide has come to be common among British Muslim charities which have sizeable incomes and budgets to administer and which have wide-ranging operational capabilities and commitments. This is true of Muslim Aid, which was established as a charitable trust in 1985 and which is at present registered with the Charity Commission as a charitable company limited by guarantee. As in accordance with the stated charitable purposes for which it was originally founded as a charitable trust, Muslim Aid is directed towards poverty relief on an international basis, and with this relating to the relief of children and the elderly and to the relief of the victims of natural disasters, such as floods, earthquakes, famines and droughts, and the victims of war. Muslim Aid now stands as a large-scale charitable company, and the appropriateness of this is underlined with the extent of its finances, as where, as for 2004, the annual income of the charity is registered with the Charity Commission as £4,806,382 and with a total expenditure of £5,529,755 being registered. At the same time, the charitable company status is underlined as appropriate for Muslim Aid given the scope of its poverty relief operations, and with these including the making of grants to individuals and to institutional bodies, such as schools and hospitals, and with their being conducted

worldwide and with a particular focus on Asia and Africa.^[15]

As a further case of a British Muslim charity with charitable company status, there is Muslim Hands, which was founded as a charitable trust in 1993 and which, having been incorporated in 2004, is now registered with the Charity Commission as a charitable company limited by guarantee. Muslim Hands is a faith-based charitable organization that is funded primarily through donations from Muslims, as with Zakat donations, although the charity also receives donations from non-Muslim members of the general public. As it is listed in the register of charities maintained by the Charity Commission, Muslim Hands describes itself as pursuing the three charitable purposes that are standard in the United Kingdom charities law: first, the relief of poverty, as with the relief of the victims of war and natural disaster and with the provision of food supplies, medicines and hospital facilities; second, the advancement of education, as with the attending to the educational needs and interests of orphans; third, the advancement of religion, as in respect of which purpose Muslim Hands is committed to the propagation of Islam as through the funding of the distribution of the relevant literature. The sphere of the operations of Muslim Hands, as per potential beneficiaries of its charitable work, comprehends both the United Kingdom and overseas countries, and consistent with the international projecting of its operations the charity at present has branch offices in about 40 countries in addition to its having permanent development projects established in more than 20 countries. As is so with Muslim Aid, the finances of Muslim Hands are substantial, and with this according with its charitable company status. Thus it is that as for 2004 the annual income for Muslim Hands is registered with the Charity Commission as being £4,551,519 and with a total expenditure of £3,521,510 being registered.^[16]

The second of the principal case studies among the British Muslim charitable organizations examined in this paper is Islamic Aid. This charity was founded in 1999 by Mr Mahmood Hassan and Ms Rubina Gul as a charitable trust and registered as such with the Charity Commission.

The purpose of the trust, as stated in the deed of trust that stands as the governing document for the charity, is exclusively charitable, and with this being specified as poverty relief considered as the alleviation of poverty anywhere in the world. At present, Islamic Aid has five trustees. The trust deed for Islamic Aid provides that there must be one annual general meeting for the trustees, with the required quorum to stand as two-thirds of the total number of trustees, and in practice such annual meetings have taken place with due regularity. It is also provided in the trust deed that the trustees can delegate the management powers for Islamic Aid to such agents as it may employ. Thus Islamic Aid now has some 25 full-time staff, 12 volunteers and two part-time staff employed in the United Kingdom, together with a large number of volunteer workers employed in Bangladesh, Pakistan and other countries.

The original purpose of the founders of Islamic Aid was for the charity to provide a conduit for the application of the Zakat donations made by Muslims resident in the United Kingdom. However, the scale of the Zakat donations from United Kingdom Muslim benefactors compelled Mr Hassan, as a trustee, to abandon his existing occupation and to devote himself entirely to the administration of Islamic Aid. As a result of the hard work of Mr Hassan and the other trustees, Islamic Aid has become very successful as a charitable trust which solicits funds from the British Muslim population on what has proved to be an increasingly diversified basis. Thus there has since 2000 been a steady rise in the proportion of the total funds of the charity coming from non-Zakat form donations, as relative to the conventional Zakat form of charitable donations. In 2000, Zakat donations amounted to 52.08% of total funds, and with non-Zakat donations amounting to 47.92% of total funds. By 2005 the situation was transformed, with Zakat donations amounting to 33.69% of total funds and non-Zakat donations amounting to 66.31% of total funds. The diversification in the funding sources has not as yet led Islamic Aid to move beyond the private sector of donors, so that, in contrast to Islamic Relief Worldwide, the charity has not attempted to involve the United

Kingdom government, or other governments, in its overseas poverty and humanitarian relief and development projects. Even so, the expansion in fund-raising schemes has proved so effective that, in the judgment of Mr Hassan, Islamic Aid ranks as one of the fastest growing charities among the British Muslim charitable organizations. So, for example, it was to take Islamic Aid but two years of active fund-raising for it to achieve an annual turnover of more than £1 million, whereas this threshold was reached only after some five years of active fund-raising as in the case of Islamic Relief Worldwide. In line with all of this, Islamic Aid is currently engaged in acquiring corporate status, through converting from a charitable trust into a charitable company limited by guarantee.

The case of Islamic Aid is particularly instructive, in relation to the concerns of this paper, for the insight that the study of it provides as to the manner in which a British Muslim charitable organization utilizes Zakat donations within the framework of the United Kingdom charities law. To repeat, Islamic Aid began as a conduit for the application of Zakat donations coming from United Kingdom resident Muslims. In this, the charity disposed of the Zakat funds in accordance with the strict terms of Islamic law as to their purposes. However, the matter of the disposal of the Zakat donations becomes more complicated when it is considered in reference to the distinction central to the United Kingdom charities law as between restricted and unrestricted funds. According to this distinction, charitable donations can be counted as restricted funds, as where the donors specify on an individual basis the restrictively designated purposes for which the donations were made, as say with the specification of beneficiary countries and/or beneficiary projects and programmes. On the other hand, charitable donations can be counted as unrestricted funds, as where the donations are not tied as to their application to specific purposes as designated by the donors.

In principle, it would appear that Zakat donations should rank as restricted funds, given that Zakat donations are tied to the purposes designated in Islamic law even where not tied necessarily to donor

intentions. As it happens and consistent with the standpoint of the United Kingdom charities law, Zakat donations are categorized by Islamic Aid as comprising part of its unrestricted funds, and with this meaning that the disposal of the donations is to be at the discretion of the charity trustees as to the matter of uses and purposes. This arrangement has proved to be highly advantageous for Islamic Aid in its charitable operations, since it has enabled the charity to devise new methods for the disposal of Zakat donations in order to ensure the most efficient utilization of the funds relative to the actual needs of the poor and indigent. One such method has been where the Islamic Aid trustees borrow monies from their Zakat-specific donated fund with a view to financing sustainable development projects, rather than offering financial assistance on a basis involving no more than the provision of temporary relief as though through irregular alms giving. As an example of this, there is the scheme for the use of Zakat donations in relation to the rite of Qurbani as developed by the Islamic Aid trustees.

The rite of Qurbani is the sacrifice of animals that are unblemished and of full age, such as a goat, sheep, cow or camel, on the tenth day of Zul Hijjah as one of the basic religious obligations falling on all sane and income-earning adult Muslims to perform as during the period of Eid-ul Azha. As such, Qurbani forms part of the essential ritual practices relating to the Makkah pilgrimage, and the obligation that it involves is one that has the full force of Islamic law as deriving from the stipulations contained in the Holy Quran. In the event, the laws of the United Kingdom relating to animal slaughter and ritual sacrifices are such that Muslims resident in the United Kingdom are not permitted to practise Qurbani direct, with the result that United Kingdom resident Muslims perform this obligation indirectly by means of donations to registered Muslim charities which then arrange for the sacrifice to be carried out on their behalf. In the case of Islamic Aid, the trustees have used the Zakat donations made to the charity to establish a Qurbani project in the poor remote village town of Mian Channu in Pakistan, and with the intention of generating

a permanent source of income for the population. Within this project, Islamic aid uses the Zakat fund to purchase sacrificial animals to give to the poor Mian Channu families, and for them then to rear the animals for the Eid Qurbani. When the animals are matured and the Eid Qurbani period approaches, Islamic Aid will buy the animals back at the going market rate and perform the Qurbani sacrifice on behalf of the United Kingdom resident Muslims who originally supplied the Zakat donations. This scheme is virtuous in its creating an economic incentive for the poor families in Mian Channu to rear the Qurbani-designated animals as part of their own property, and so to work to gain a significant financial return under market conditions. In this way, Islamic Aid has applied the Zakat donations that it controls in order to establish what is to stand as an enduring poverty alleviation programme set in the local circumstances of the poor rural areas of one of the developing countries. The scope for such novel innovation, as in the application of Zakat donations, will no doubt increase as Islamic Aid moves to acquire charity company status.^[17]

CONCLUSION: THE CIVIL SOCIETY PERSPECTIVE

The emergence of the British Muslim charitable organizations has had, and is continuing to have, a profound impact on society and politics in the United Kingdom, and, as such, it is a phenomenon that relates directly to an agenda that is at present prominent in the social and political sciences. This is the agenda to do with the issue of civil society and that is focused on the theorizing about, and the empirical investigation of, the condition of civil society in the contemporary world. The concern for civil society that is reflected in this agenda is a concern for a condition of society that is understood to be distinct from the state and the individuals comprising it. It is also a condition of society that is understood to be embodied in the voluntary institutions and associations that are intermediate between the state and the individual, and in the practical relationships among

individuals which have legal, political and economic, and hence civic, components, but which are voluntary in character and so distinguishable from the basic relationship obtaining between individuals as citizens and the state itself. The theoretical question that is currently central to the civil society issue is to do with the inclusiveness of civil society, and, in particular terms, with whether the sphere of civil society extends to conduct that is self-interested in its motivation and that therefore involves relationships and associational practices that are market economic in their form and principles, as with the relationships defined through rights in property and contract. In respect of this question, it has become common for civil society to be presented as the sphere of conduct that is altruistic and other-directed, and that possesses a public aspect through its being non-self-interested as to its motivation. In consequence, commentators are now apt to distinguish civil society from the economic market, as much as from the state, and to consider the inner logic of civil society as something made manifest in the institutional and associational forms, and practical relationships among individuals, which are indifferent to the ends of economic advantage, as with, in an exemplary sense, what are referred to as the non-profit organizations.^[18]

The extent of the inclusiveness of civil society is no doubt a crucial question. However, it is not a question that bears decisively on the subject-matter of this paper. For it is clear that whether or not civil society includes the economic market and the doings of economically self-interested actors, this as such involves no qualification of the self-evident truth that charitable organizations are to be taken as belonging centrally within the sphere of civil society as in accordance with the classical understanding of it. To begin with, charitable organizations are voluntary organizations, and this is so by definition in the circumstances of modern states given that charitable benefaction is distinct from state-sanctioned taxation in its being based in giving which is free and non-compulsory. Then again, charitable organizations are by definition non-profit organizations, and also non-profit organizations that possess a formally

public character in the respect that, as organizations devoted to charitable purposes, they are constituted and administered for the public benefit and in order to promote public goods. As a final consideration, charitable organizations are by definition organizations that are intermediate as between the state and individual citizens. For in addition to much else, charitable organizations presuppose the presence of strong bonds of social solidarity among individual citizens, which social solidarity they function to cement, but with this form of social solidarity being distinct from the more formal principles of association among individual citizens which derive from their common subjection to the obligations imposed through the state authorities. The intermediate status of charitable organizations, as relative to the state and to individual citizens, is important in itself, and likely to grow in importance as modern states in the developed categories move to scale down yet further the apparatus of state welfare provision, and so create increasingly larger social spaces to be occupied by the voluntary charity sector as a substitute provider of welfare.

The Zakat institution that we have focused on in this paper is a quite particular form of charity. This is so in the respect that Zakat is thought of as being a charity tax and as such compulsory, albeit that the compulsion attaching to it is conditional on the profession of a religious faith rather than on the status of citizenship or subject-hood as in relation to the state. The compulsory character of Zakat as regarding practising Muslims is bound up with its being an obligation which is imposed in Islamic law. Here, it is to be observed that the system of Islamic jurisprudence, as where the Zakat institution forms an integral part, is a system of law that sets out what is fully intelligible as a legal framework for a functioning civil society. Thus there is provision made within Islamic law for property rights and contract, and for principles of fair dealing in trade and commerce, and with these matters being essential for the maintenance of effective economic markets within society. On the other hand, there is the Zakat institution as an institution for welfare provision within society that is based in altruism and to the exclusion of self-interest, and which, as an

essentially non-profit-directed component of society, goes together with such other parts of Islamic law as the prohibitions on hoarding and usury to underline the primacy of community-based public rights and interests in the organization of society as in relation to the private rights and interests of individuals. The presence of a civil society framework as among the elements of Islamic jurisprudence is something that contrasts very strikingly with the relative under-describing, as within this jurisprudence, of the principles of the state and of the fundamental state-governmental structures and institutions. This feature of Islamic jurisprudence, it may be said, answers to the actual condition of contemporary Muslim nations and societies. For with these, as it would appear, civil society processes and structures are well in place, but with the containing state systems being in many cases distinguished by being those of failed, or but primitively developed, states in which the procedures of law and legislation are weak and the regulatory institutional arrangements for the overall government and administration of society remain corrupt and inefficient.

These latter considerations are well underlined through reflection on what, as with this paper, we have examined as the operationalizing of the Zakat institution on the part of the British Muslim charitable organizations as within the context of the United Kingdom charities law. Here, it is to be noted that Islamic law commands Zakat, as an obligation inescapable for all Muslims, but that it says little that is determinate about the appropriate legal-institutional structures within which Zakat may legitimately, and effectively, be collected and distributed. It is to be noted also, and in contrast to this, that the law of charities in the United Kingdom prescribes due framework legal-institutional structures and arrangements for the proper organization of charitable activities, and that these are, and have proved to be, most propitious for the legitimate utilization of Zakat donations. Thus it is that the United Kingdom charities law describes the purposes that are accepted to count as charitable purposes and the lawful organizational structures for the charities. So too does it set out a regulatory framework for the charities, as based in the Charity

Commission for England and Wales, while going together with other parts of the general law in the providing of support and recognition for the charities as through the arrangements for their exemption from certain categories of taxation.

As to the matter of charitable purposes, it is evident that there is an essential identity as between the purposes that are designated as legitimate for Zakat donations, as within Islamic law, and the purposes that are accepted as charitable as within the framework of the United Kingdom charities law. There may be formal difficulties from the standpoint of United Kingdom law as to the permissibility of charitable donations being made to debtors, Jihadists or Zakat collectors. However, the remaining categories of Zakat beneficiaries are plainly covered under the charitable purposes heads, as specified in the United Kingdom charities law, of the relief of poverty, the advancement of education and the advancement of religion. Regarding the lawful organizational structures to be adopted by charities under the United Kingdom charities law, it needs to be said only that these are fully compatible with the institution of Zakat as to first principles, and that, as we can confirm from the case studies set out in this paper, the prescribed lawful organizational structures of the charitable trust and the charitable company limited by guarantee have in fact been adopted by the British Muslim charities in the application of those of their funds as deriving from the Zakat donations.

Beyond this, it is of course the adoption of the prescribed lawful organizational structures that has served to bring the British Muslim charities within the regulatory framework based in the Charity Commission, and thereby ensuring that the charities concerned take full advantage of their charitable status in the enjoying of the privileges and exemptions which under the United Kingdom law are extended to them. In the event, the subjection of the British Muslim charities to the laws of the United Kingdom, and to the due legal forms of administrative regulation, has involved for them less a regime of policing and coercive supervision than a process of concrete advice, guidance and encouragement which

has enabled the charities to fulfil their objectives as British Muslim charitable organizations. Thus it is that with the British Muslim charities in the United Kingdom, it is the state, as acting through the laws and the public administrative authorities, that has been decisive in nurturing and sustaining civil society and in the bringing to completion and full realization of the potential implicit in the forms of institutional order which are embodied in the civil society processes and structures. To this the further observation is to be added that in the case of the British Muslim charities in the United Kingdom, the state bound up in the nurture and sustaining of civil society is a state which is based in secular liberal principles of justice and political morality, and one which in consequence aims at the promoting and comprehension of an irreducible diversity in religious practice and faith-based associational life as within the social sphere. As for the condition of the civil society in the United Kingdom that emerges from this form of state involvement, this is a condition of civil society that is distinguished by the pluralism in matters of religious faith and observance that is associated with the principles of human rights and democratic politics which are now commonly taken together to be definitive of the ideal of civil society as such. To the extent that the British Muslim charities have accommodated themselves to, and have been accommodated within, the civil society now present in the United Kingdom, then to this extent we do well to resist any assumption as to the necessary opposition between Islam and the Western legal and political order.^[19]

Notes and References

The paper here published comprises a substantially enlarged version of the text of a lecture that I delivered in contribution to the Seminar Series of the Special Research Project on Civil Society, the State and Culture in Comparative Perspective in the University of Tsukuba on 20 December 2005. The greater part of the empirical research forming the basis for the lecture and this paper was conducted in the course of the fieldwork trip that I made to the United

Kingdom during July and August of 2005. The fieldwork trip was made under the auspices of the Special Research Project on Civil Society, the State and Culture in Comparative Perspective, and I am particularly grateful to the Project Director, Professor Yutaka Tsujinaka, for the allocation of a grant to fund the trip. I am also very glad to have here the opportunity to record my gratitude for the invaluable advice and information that I received while in the United Kingdom from the following: Mr Ted Baker of the London Head Office of the Charity Commission for England and Wales; Mr Abdul Aziz Rajab Ali, the London Manager of Islamic Relief Worldwide; Mr Mahmood Hassan, one of the founding trustees of Islamic Aid. Finally, there is my husband Dr Charles Covell, to whom I am grateful for the benefit of his advice on various aspects of the United Kingdom charities law. Shahzadi Covell: 3 January 2006.

- [1] For a general account of the principles of Islamic law and jurisprudence, see: Joseph Schacht, *An Introduction to Islamic Law* (1964) (Oxford: Clarendon Press, 1982).
- [2] Concerning the primary sources of Islamic law on Zakat, as the compulsory religious alms tax, see particularly verses 43, 83, 110, 177 and 277 of the second part, or rather Sura II, of the Holy Quran. See also the verses of the Holy Quran as follows: S.IX, v. 11; S.XXIV, v. 56; S.XXXI, vs. 2-4; S.LVIII, v. 13; S.LXXXIII, v. 20; S.XCVIII, v. 5. For the substantive rules on Zakat as derived variously from the Holy Quran and the Sunna, see for example the Five Pillars of Islam-Zakaah (charity) section on the viewislam.com internet website: <http://www.viewislam.com/pillars/pillar4.htm>. There is also the Purifying Charity (Zakat) section on the modernreligion.com internet website: <http://www.themodernreligion.com/basic/fiqh/fiqh-Zakat1.html>. For a further specification of the substantive rules on Zakat, see the Islamic internet website as follows: <http://www.islam.tc/alhilaal/site/zakat.html>. For a first statement of position by the present author regarding the subject of Zakat, see: Shahzadi Covell, 'The Institution of Zakat and its Functions in Contemporary Muslim Societies: Preliminary Findings', *Report of the Special Research Project on Civil Society, the State and Culture in Comparative Perspective: Heisei 16* (University of Tsukuba: Special Research Project on Civil Society, the State and Culture in Comparative Perspective, March 2005), pp. 333-42.
- [3] For the primary sources of Islamic law regarding property rights and the penalties for property rights violations, see the verses of the Holy Quran as follows: S.II, v. 188; S.V, v. 37.
- [4] The practice of trade and commerce is commended in the verse of the Holy Quran as follows: S.IV, v. 29. There are detailed rules on the law of contract given in the Holy Quran in the following verses: S.II, vs. 282-283. For the requirement that justice is to be observed with weights and measures, see the verses of the Holy Quran as follows: S.VI, v. 152; S.XI, v. 85; S.XXVI, vs. 181-183; S.LXXXIII, vs. 1-4.
- [5] As concerning the hoarding of wealth and the prohibition on it, see the verses of the Holy Quran as follows: S.III, v. 180; S.IV, v. 37; S.IX, vs. 34-35; S.XVII, v. 29; S.LIX, v. 7.
- [6] For the prohibition on usury in the Holy Quran, see the following verses: S.II, vs.

275-276, 279-281; S.III, v. 130; S.IV, v. 161; S.XXX, v. 39.

- [7] The Charities Act 1993 consolidated most of the prior legislation in force relating to charities. However, the consolidation did not extend to Part 2 and Part 3 of the Charities Act 1992 as concerning, respectively, the principles governing fund-raising and the principles governing public charitable collections, with the result that Part 2 and Part 3 of the Charities Act 1992 are retained, and remain in force, as part of the basic charities law in the United Kingdom. For the text of the relevant parts of the Charities Act 1992 and for the full text of the Charities Act 1993, see: *Butterworth's Charity Law Handbook*, ed. Michael Scott and Simon Wethered (London, Edinburgh and Dublin: Butterworths, 2000), pp. 738-65, 765-871. For an authoritative commentary on the United Kingdom charities law, see: Peter Luxton (with consultant editor Judith Hall), *The Law of Charities* (Oxford: Oxford University Press, 2001). The defects of the Charities Act 1993 were much attended to by law-makers and interested parties in the years following its coming into effect. In consideration of this, the United Kingdom Prime Minister Mr Tony Blair acted in July 2001 to commission a wide-ranging departmental review of the law of charities and other non-profit organizations. This resulted in the United Kingdom Government moving in May 2004 to publish a draft Charities Bill. At the time of writing, this Bill is in the process of going through the United Kingdom Parliament, and with the current expectation being that there will be a new Charities Act adopted by the Summer of 2006. For internet details on the new proposed Charities Bill, see: <http://www.charity-commission.gov.uk/news/charbill.asp>.
- [8] For discussion of the relief of poverty, the advancement of education, the advancement of religion and the various other purposes beneficial to the community as the principal charitable purposes as recognized from the standpoint of the United Kingdom charities law, see: Luxton, *The Law on Charities*, Chapter 4, Sections A-D.
- [9] Regarding the Charity Commission for England and Wales, see the relevant sections of the Charities Act 1993 and the Schedule 1 for the Act where the basic Constitution of the Commission is to be found set out. See also the Charity Commission Corporate Plan 2003-2006, as published by the Charity Commission. For a general survey of the organization, work and powers of the Charity Commission, see: Luxton, *The Law on Charities*, Chapter 10.
- [10] On charity as involving the effectual dedication of property for charitable purposes and with this necessitating the presence of lawful organizational structures, see: Luxton, *The Law of Charities*, Chapter 8, Section A.
- [11] For details on the charitable trust form of lawful organizational structure and for the text of the model trust deed for a charitable trust as prepared by the Charity Law Association, see: Luxton, *The Law on Charities*, Chapter 8, Section B and Appendix B(1). See also the pamphlet *GD2 Model Declaration of Trust for a Charitable Trust*, as published by the Charity Commission for England and Wales (November 2004).
- [12] For details on the form of lawful organizational structure particular to charitable companies limited by guarantee and for the text of the model memorandum and articles of association for a charitable company limited by guarantee as prepared by the Charity Law Association, see: Luxton, *The Law on Charities*, Chapter 8, Sections

G and Appendix B(3). See also the pamphlet GD1 *Model Memorandum and Articles of Association for a Charitable Company*, as published by the Charity Commission for England and Wales (June 2003).

- [13] The two case studies that I have selected for discussion are representative of the British Muslim charitable organizations, but not so in any sense that is exhaustive of what is their broad range and character. As of late July 2005, the Charity Commission for England and Wales listed around 296 Muslim charities, the details of which are to be obtained through clicking the Muslim charities keyword search on the internet portal for the Charity Commission: <http://www.charity-commission.gov.uk/registeredcharities>. There are details of Muslim charities on the internet portal for the British Muslim Association: <http://www.mcb.org.uk>. See also the internet portal for the Salaam Organization: <http://www.salaam.co.uk/charities/list.php>.
- [14] For internet details on Islamic Relief Worldwide, see: <http://www.islamicrelief.org.uk>. See also the official introductory guidebook for the charity: *Islamic Relief Projects 2004: 20 Years of Serving Humanity*. I based my information for Islamic Relief Worldwide on my interview with Mr Abdul Aziz Rajab Ali, who is the London Manager of the Charity.
- [15] For internet details on Muslim Aid, see: <http://www.muslimaid.org.uk>.
- [16] For internet details on Muslim Hands, see: <http://www.muslimhands.org.uk>.
- [17] For internet details on Islamic Aid, see: <http://www.islamicaid.org.uk>. I based my information for Islamic Aid on my interview with Mr Mahmood Hassan, who, as I state in the paper, is one of its original founding trustees.
- [18] On the general issue of civil society and the market, see for example: Victor Pérez-Díaz, 'The Possibility of Civil Society: Traditions, Character and Challenges', in *Civil Society: Theory, History, Comparison*, ed. John A. Hall (Cambridge: Polity Press, 1995), pp. 80-109 - especially pp. 81, 91-2. For an indication of how, as in much modern scholarly discussion of it, the term civil society is used in reference to a sphere of social order that is understood to be distinct from the economic market as well as from the state, see: *The State of Civil Society in Japan*, ed. Frank J. Schwartz and Susan J. Pharr (Cambridge: Cambridge University Press, 2003).
- [19] It is to be emphasized that the discussion in this paper of the civil society issue as in relation to the British Muslim Charities, and to the principles of charity and charitable organizations in general, is not to be taken to disprove the general theoretical position to the effect that civil society is to be thought of as bound up inseparably with the economic market. For an account by the present author of the civil society issue as in relation to the subject of modern Chinese law and politics and where it is assumed that the economic market is a decisive factor in the formation of the civil society sphere, see: Charles Covell and Shahzadi Covell, 'Judicial Review and the Civil Society Question in the People's Republic of China', *Tsukuba University Journal of Law and Political Science*, 39 (September 2005), pp. 25-60.

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