

# ZAKĀT AND THE CONCEPT OF OWNERSHIP IN ISLAM: Yusuf Qaradawi's Perspective on Islamic Economics

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## **Abstract**

*Looking at the two functions of ownership which include the individual and social, Qaradawi explores such a relationship and analyzes its implication for social justice. Zakāt has multiple functions: the religious, economic, and social. It constitutes the earliest concept of mutual social responsibility proposed by Islam to achieve social justice. Zakāt serves as a means to both guarantee social security and strengthen social solidarity. From this perspective, Qaradawi moves forward to link up the concept of zakāt with the Islamic system of economics. The linkage between zakāt and the Islamic system of economics is visible in the ways Qaradawi investigates various aspects of ownership and zakāt in Islam. This can particularly be seen in his analysis that the concept of Islamic insurance coheres with the interpretation of al-ghārimīn, one of the groups deserving to the income of zakāt and in his emphasis that mutual social responsibility, which aims to fulfill the needs of adequate livelihood, can be supplied only by zakāt. This article argues that these views in turn confirm Qaradawi's concern with the importance of zakāt as the foundation of both the social and economic systems of Islam. This article also emphasizes that, for Qaradawi, different from voluntary charity that can only fulfill the minimum requirement of the needs of livelihood, zakāt can supply the answer to cover all the needs of livelihood of Muslim society.*

**Keywords:** *zakāt*, Islamic economics, Qaradawi, security, solidarity

## A. Introduction

Islamic economics is closely related to the concept of ownership according to Islamic doctrine. This can be seen by looking at the function of ownership, which serves not only the individual but also society. The social function of ownership can be found in the doctrine of *zakāt*, which should be paid by the owner of wealth to people deserving it. Yusuf Qaradawi has clear views on this issue as he has written a number of books discussing the system of Islamic economics, in general, and *zakāt* in particular. Qaradawi is a prominent scholar in the Muslim world. Despite his links with the Muslim Brotherhood (*Ikhwān al-Muslimīn*) in Egypt, he appears to be an independent, moderate scholar concerned with a variety of fundamental issues in Islam, including those of Islamic law and social justice. He wrote a number of books on Islamic jurisprudence (*fiqh*). Some of his books are influential and referred to by Muslims around the world. His lengthy volume on *zakāt* is one the most influential *fiqh* books among Muslims today.

This article attempts to provide an overview of the concept of *zakāt* and its relationship to the concept of ownership. It focuses on Qaradawi's thoughts on *zakāt*, which he believed to have multiple functions, including the religious, economic and social. Qaradawi's understanding of *zakāt* then gives insight regarding the earliest concept of mutual social responsibility (*al-takāful al-ijtimā'ī*) in Islam. For *zakāt* holds, in addition to its religious function as a ritual, roles of social security (*al-ta'mīn al-ijtimā'ī*) and social solidarity (*al-ḍamān al-ijtimā'ī*), both of which are, in turn, closely linked to the Islamic system of economics.

## B. Yusuf Qaradawi and His Concepts of *zakāt* and Ownership in Islam

Writing a number of books, Qaradawi has focused on social problems and how they should be solved. Considering that *zakāt* constitutes the most relevant means for solving such social problems, he dedicates most of his work to *zakāt*. Born in 1926, in Saft Turab, Gharbiyya Province, Egypt, he grew up among many famous *Shaykhs* and is known as a scholar, an author, and a researcher.

Having a broad concern for social questions and the struggle against poverty, he encourages rich people to care for the poor. He was

the first person who called for the establishment of the International Association of Islamic Relief to help Muslims who face poverty and disease.

He has written a number of books and articles. His articles and research papers have appeared in many Arabic and Islamic journals and magazines.<sup>1</sup> He has also issued many fatwas, some of which were published in the Majallat *al-Minbar*, which is published by the Ministry of Awqaf of Egypt and Majallat Nur al-Islam,<sup>2</sup> which is managed by the 'ulama' of Guidance and Counselling in Azhar.<sup>3</sup> Indeed, his writings have obtained general acceptance among all sectors of the Muslim world. For example, his book *al-Ḥalāl wa'l-Ḥarām fī'l-Islām* is taken as an important book by Malay Muslims and some other Muslim groups in deciding Islamic laws for the problems of daily life, like the problems of food and drink. This has led to translations of some of his works into languages other than Arabic. Some of them have been reprinted.<sup>4</sup>

In the Muslim world Yusuf Qaradawi is regarded as one of the most influential thinkers. In the 1980s and 1990s, he played a role in guiding the thoughts of Muslim youth.<sup>5</sup> He is a man of great principle, especially in the fight against external propaganda and internal deviation. He stands firm on the truth of Islam. He rejects deviation by fanatics and suppresses deviant teachings. He also opposes narrow interpretations

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<sup>1</sup> See Qaradawi, *Hudā al-Islām: Fatāwā Mu'āṣira* (Lebanon: Dār Afaq al-Ghad, 1401/1981), p. 8.

<sup>2</sup> This magazine is not to be confused with the first al-Azhār journal, the monthly *Nūr al-Islām* (Light of Islam), the first issue of which was published in 1930. When Al-Marāghī took office for the second time, the name was changed into *Majallat al-Azhār*. See Jacob Skovgaard Peterson, *Defining Islam for the Egyptian State: Muftis and Fatwas of the Dār al-ʿItā'* (Leiden & New York: E.J. Brill, 1997), p. 152.

<sup>3</sup> Qaradawi, *Fatāwā Mu'āṣira*, p. 8.

<sup>4</sup> J.J.G. Jansen recorded that the book *Al-Ḥalāl wa'l-Ḥarām fī'l-Islām* has been translated into other languages, amongst them Turkish. It also, he said, has been reprinted several times all over the Muslim world. See J.J.G. Jansen, *The Dual Nature of Islamic Fundamentalism* (London: Hurst & Company Ltd, 1997), p. 150.

<sup>5</sup> To illustrate this case, the letters of comments and supports for the website launched for Yusuf Qaradawi are, as I myself have found, mostly from the young Muslims. They have given great support and seemed to be interested in joining the membership for this project. See <http://www.Qaradawi.net>.

by ignorant people. He is an eminent Muslim figure with regards to his knowledge, thinking, *jihād* and *da'wa*. He is also involved in the media, for example on television in Qatar. By all accounts Yusuf Qaradawi is a popular author on the themes of Islamic jurisprudence. It is then not surprising that the 1997 award in the field of jurisprudence studies went to him.

His book *Fiqh al-Zakā* is probably the most comprehensive work in the area of *zakāt*. The well-known Pakistani writer and activist Abu al-'Ala al-Mawdudi commented on this book saying that it is the book of the century on Islamic jurisprudence (*fiqh*).

Literally, meaning “purification” and “growth”,<sup>6</sup> and taken from the verb *zakā* which signifies “to thrive”, “to be wholesome”, and “to be pure,”<sup>7</sup> according to Qaradawi, *zakāt* can be attributed to both thing and person. Referring to *al-Mu'jam al-Waṣīṭ*, he quotes *zakā al-shay'*, which means “something grows and develops”, and *zakā fulan*, which means “someone thrives and is proper (*ṣalāḥa*)”, to show the literal meaning of *zakāt*. Then, *zakāt*, from his point of view, literally means, besides “benediction”, “purification”, and “piety”, also “growth.”<sup>8</sup> The meaning of the “growth” and “purification” are not only attributed to the wealth but also to the person who performs the *zakāt*.

The word *zakāt* developed into a technical term meaning “giving a certain amount of wealth to the right owners.”<sup>9</sup> In this sense, *'ulamā'* from various schools of Islamic law have defined *zakāt* differently. They agreed, however, that *zakāt* means the action of fulfilling an obligation which is precisely fixed and which concerns one's possession.<sup>10</sup> For Qaradawi, *zakāt* applies to the fixed amount of wealth which God has defined for the right owners.<sup>11</sup>

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<sup>6</sup> See, for example, 'Abd al-Rahmān al-Jāziri, *al-Fiqh 'alā al-Madbāhib al-Arba'a* (Lebanon: Dār al-Kutub, 1986/1406), p. 590, and Wahbah al-Zuhayli, *al-Fiqh al-Islāmī wa-Adillatuhu*, Vol. IV (Damascus: Dār al-Fikr, 1997), p. 729.

<sup>7</sup> Zyril Glasse, (ed.), *The Concise Encyclopedia of Islam* (London: Cyril Glasse and Stacey International, 1989), p. 430.

<sup>8</sup> Qaradawi, *Fiqh al-Zaka* (Cairo: Maktabat Wahba, 1994), p. 53.

<sup>9</sup> See al-Jaziri, *al-Fiqh 'alā al-Madbāhib*, p. 590.

<sup>10</sup> Zuhayli, *Al-Fiqh al-Islāmī*, p. 731.

<sup>11</sup> Qaradawi, *Fiqh al-Zaka*, p. 53.

In the Qurʾān and the Prophetic tradition *zakāt* is called *ṣadaqa*.<sup>12</sup> Al-Mawardi even said that “*ṣadaqa* is *zakāt* and *zakāt* is *ṣadaqa*”, and “they differ in the name but meet in the meaning.”<sup>13</sup> Nevertheless, according to Qaradawi, *zakāt* has to be differentiated from *ṣadaqa*. *Zakāt*, which is commonly defined as a form of charity, almsgiving, donation or contribution, differs from *ṣadaqa*, which in later Islamic usage commonly means “voluntary alms”. In this respect, *zakāt* means the prescribed “legal alms”, whose amount is fixed.<sup>14</sup> The difference between *zakāt* and *ṣadaqa*, therefore, lies primarily in the fact that *zakāt* is a formal duty not subject to choice, and Qaradawi agreed that the word *ṣadaqa* denotes only voluntary alms. This is because, according to him, custom has corrupted its meaning. *Ṣadaqa* is then, for him, every gift given to the beggar or the deprived based on the feeling of the individual.

*Zakāt* is an obligation which lies in ownership. Ownership itself in Islam refers to *al-milk*, which differs from *al-mal*. *Al-māl* which literally means ‘wealth’ or ‘property’ is defined in different ways. The Shafi’ites, Malikites, and Hanbalites maintained that *al-māl* includes both usufruct (*al-manāfiʿ*) and the material (*al-aʿyān*). Different from them, Hanafites maintained that *al-māl* includes only the material, as it is only the material which can be possessed and utilized. Thus, in the opinion of the Hanafites, the usufruct can not be considered *mal*.<sup>15</sup>

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<sup>12</sup> The word *ṣadaqa*, which according to some ‘*ulama*’ means both obligatory (*zakāt*) and recommended *ṣadaqa*, has resulted in the dispute among the ‘*ulama*’ over the kind of *ṣadaqa* that the Prophet’s family is not allowed to take from. Because, it was stated in a *ḥadīth* that the Prophet’s family are not allowed to eat from *ṣadaqa*. So, it was the word *ṣadaqa*, and not the word *zakāt*, used in the *ḥadīth*. The *ḥadīth* states that the Prophet, when Hasan b. Ali took dates as *ṣadaqa* and ate them, asked him to throw them away and said that his family were not allowed to eat from gifts. Nonetheless, the majority of the ‘*ulama*’ agreed that it is the obligatory *ṣadaqa* (*zakāt*) that the Prophet’s family are not allowed to take from. For detailed discussion, see Rashid Rida, *Al-Manar* (*Majallat ʿIlmiyya Adabiyya*), Vol. VIII, 190, p. ‘21.

<sup>13</sup> See Qaradawi, *Fiqh al-Zaka*, p. 56. See also Nicolas P. Aghnides, *Mohammedan Heories of Finance* (New York: Columbia University, 1916), p. 204. For detailed discussion about Mawardi’s opinion on this matter see Mawardi, *al-Aḥkām al-Sulṭāniyya* (Lebanon: Dār al-Kutub al-ʿĀlamiyya), p. 145

<sup>14</sup> W. Montgomery Watt, *Muhammad at Medina* (Oxford: Clarendon Press, 1956), p. 369

<sup>15</sup> Al-Jaziri, *al-Fiqh*, 634.

Qaradawi was inclined to accept the definition of *al-māl* given by the Hanafites. For Qaradawi the definition given by the Hanafites is the closest definition to the literal meaning of *al-māl* mentioned in Arabic dictionaries. This definition, he argued, can be connected to Islamic principles of obligation of *ḥaḳāt*. He claimed that *ḥaḳāt* is only applied to the material (*al-a'yān*) and not to usufruct (*al-manāfi'*), because, in his view, usufruct can neither be kept in a public treasury (*bayt al-māl*) nor can it be distributed to the recipients of *ḥaḳāt*. It seems to be clear that Qaradawi defined *al-māl* as to connect it with the obligation of *ḥaḳāt*, which can only be levied on the material.<sup>16</sup>

The disagreement about defining *al-māl* has a connection with the confusion of the 'ulama' in defining *al-milk*. *Al-milk* is a legal term denoting ownership. It is taken from the word *malaka* meaning "to own".<sup>17</sup> The owner or the person exercising ownership is called *mālik*, but this word is rarely used.<sup>18</sup> *Rabb al-māl* or *ṣāhib al-māl* are preferred to it. Al-Jurjānī defined the term *al-milk* as "a legal relationship (*al-ittiṣāl al-shar'i*) between person and a thing (*shay'*), which allows that person to dispose of it to the exclusion of everyone else".<sup>19</sup> Classical Muslim jurists confused the right of ownership with the thing which is its object. For them, ownership is not a right (*ḥaḳq*), but a piece of property which has become ownership. The debate then arises in effect from the fact that in Islamic law, a piece of property can only be corporeal and material, and a thing which is not considered to be a piece of property cannot be the object of an act of disposition.<sup>20</sup>

Wahbah al-Zuḥaylī, on the other hand, defined *al-milk* as a thing that man owns whether it is material or usufruct. Based on this, he maintained that the Hanafites claim that *al-milk* is more general than property or wealth (*al-māl*) can be accepted.<sup>21</sup> Like al-Zuḥaylī, Qaradawi viewed *al-milk* as including the material and usufruct. Therefore, what he means by ownership in this discussion is the material (*al-māl*).

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<sup>16</sup> Qaradawi, *Fiqh al-Zaka*, p. 144.

<sup>17</sup> A.M. Declambre, "Milk", in *The Encyclopaedia of Islam*, Vol. VII, 1993, p. 60.

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*, p. 61.

<sup>21</sup> Al-Zuḥaylī, *al-Fiqh al-Islāmī*, p. 92.

### C. *Zakāt* as a Social Function of Ownership

Islam puts itself in an intermediate position toward ownership. This intermediate position of Islam toward ownership appears between the fanatic adherents of capitalism and socialism. This is what Qaradawi believed in regard to the permissibility of private ownership in Islam.<sup>22</sup> Islam, he taught, has permitted private ownership and deemed it to be a principle of the establishment of the economy.

According to Qaradawi, when a person receives wealth in legal ways according to the *sharī'a*, such as through work, he or she has authority over it. This authority is, however, within established limitations. He therefore reminds us that Islam prohibits the owners of wealth from using their wealth to wreak damage and danger on the earth. It also prohibits them from developing it in ways that contradict the *sharī'a* or Islamic values and ethics, like selling prohibited materials such as alcoholic drinks.<sup>23</sup>

Besides, Islam also reminds us that there are rights of other people to our wealth or ownership. Such rights have to be given to such people as indicated in the Qur'ān. *Zakāt* is one of the best examples of how such rights could be fulfilled and how the owners could make their wealth serve society. And Qaradawi makes clear arguments for it by stressing that *zakāt* has three functions. The first is that *zakāt* is a form of worship like prayer and fasting. The second is that *zakāt* is a source of income for the state in the financial and economic systems of Islam. The last is that *zakāt* is the first institution for a mutual social responsibility in Islam.<sup>24</sup>

The first function concerns *zakāt*'s basic religious value. Qaradawi stressed that the *Qur'ān* always mentions *zakāt* in conjunction with prayer (*ṣalāh*). This indicates a strong relation between the two obligations. He explained that prayer is the pillar of religion and *zakāt* is its bridge. If someone is able to cross this bridge, he will be saved. The call for *zakāt*, in the *Qur'ān*, is therefore always preceded by the call to prayer.<sup>25</sup> The second function stresses economic values, as paying *zakāt* brings money back into circulation. The third function in *zakāt* aims to free the community

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<sup>22</sup> Qaradawi, *Dawr al-Qiyām*, p. 109.

<sup>23</sup> *Ibid.*

<sup>24</sup> See Qaradawi, *Fiqh al-Zaka*, p. 7-8.

<sup>25</sup> Qaradawi, *Mushkilāt al-Faqr*, p. 68.

from poverty. Concerning the two last functions, Qaradawi noted that *zakāt* is not a mere obligation which is only related to religion but also is grounded in economics and social welfare.

Qaradawi insisted that *zakāt* in the Islamic system reveals its various functions in a Muslim society, including religious, economic and social functions. These three functions combined express the fact that the obligation of *zakāt* is rooted in ownership. As a religious function *zakāt* is a manifestation of the belief that God is the sole owner of everything in the universe. What men hold is a trust which God made and a deposit which God gave. In its economic function, *zakāt* gives strong support to the investment of wealth for the benefit of society, and leads us to stop hoarding wealth. As a result, the differences between classes and groups can be reduced. And in its social function, *zakāt* gives stability to social life. It eradicates class hatred within society and stimulates a feeling of brotherhood and solidarity instead.

It goes without saying that *zakāt* is concerned with ownership and its benefit is closely related to society and its economic life. It regulates the minimum contribution of wealth, making it a religious obligation from which the individual cannot free himself, or make concessions, since it is the right of society to be devoted to the benefit of the needy and disabled.<sup>26</sup>

The relationship between *zakāt* and the social function of ownership can also be traced back to the concept of giving vicegerency (*al-istikhlāf*). Qaradawi demonstrated that the basis of this concept is the teaching that states that God is the absolute owner of everything in earth. The *Qur'ān* states “Yea, to Allah belongs all that is in the heavens and on earth...” (al-Najm: 31) and “To Him belongs what is in the heavens and on earth, and all between them...” (Fāhā: 6). God is the creator and owner. What men have produced (*muntaj*) is a creation from God’s creation.

Qaradawi intended to clearly underline that people are only stewards (*mustakhlafūn*). They are only entrusted employees who have to develop and spend the wealth they get, and they have to benefit from it. Therefore, in his view, the wealth that people gain is a blessing from

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<sup>26</sup> Dr. Ebrahim M. A. El-Khouly, “Islam and the Pillars of its Faith”, in Salem Azzam (ed.), *Islam and Contemporary Society* (London and New York: Longman, 1982), p. 122.

God. People can claim that it is gained from their work and effort. However, he said, people are not to forget the spiritual power of God, the first cause of the universe. The *Qur'ān* says: "And Ye have no good thing but is from Allah..." (al-Nahl: 53). This teaching, he asserted, has to be applied in both individual and social life as faith, a doctrine and a way of life. Therefore, people should not be reluctant to give a fixed portion (obligatory *ṣadaqa* or *ḡakāt*) and another unfixed portion (other *ṣadaqa*) out of their wealth.

Qaradawi further believed that the concept of giving vicegerency (*al-istikhlāf*) influences social and economical life. This influence, according to him, explains the relationship between the obligation of *ḡakāt* and ownership. Notice the influence of this concept as pointed out by Qaradawi:

*Firstly*, this concept lessens a feeling of arrogance so that the rich will humbly get wealth from their work, for they are aware that the wealth belongs to God, and they are only the stewards who have to develop and take benefit from it. The wealth will be of little importance to its owners. As a result, they will easily disperse their wealth to relieve the poor. After all, they are more likely to accept Islamic rule and guidance concerning the management of wealth, for they also realize that Islamic rules are revealed by the true and original owner of wealth. *Secondly*, the concept of giving vicegerency gives the government justification for calling upon people to provide financial help, with which the state can cover the needs of the needy and fulfill both religious and government public interests. Besides, it also gives Muslim society a right of supervision (*raqāba*) over the wealthy. Muslim society in turn can take over authority of the wealth, if he is not able to control the limits of deputyship (*al-wakāla*). After all, it gives the poor and deprived encouragement to demand their rights from the rich and gives them awareness of the fixed portion of the wealth of the rich that God has entrusted to them.<sup>27</sup>

The first chain of influence is directed to the owners of wealth. Meanwhile, the second is directed to the state and society as the supervisors, and to the poor and the deprived as those who have a share in the wealth. From this point of view, Qaradawi intended to stress that the permissibility of private ownership does not negate the connection

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<sup>27</sup> Qaradawi, *Dawr al-Qiyām*, p. 49-52.

between wealth and its legal claims (*huqūq*), one of which is *zakāt*. Here thus also lies the relevance of the concept of *zakāt* within the system of economy in Islam, which Qaradawi further describes by saying that the wealth in people's hands is a "trust" (*amāna*) from God. The wealthy are the trustees. God is the trustor, to whom the trust should be returned. He claimed that it is completely wrong if people declare that wealth belongs absolutely to themselves.

It is interesting to mention here that, with regard to this, Qaradawi approvingly cited Auguste Comte, one of the founders of sociology, who, according to the Arabic translation used by Qaradawi, stated that richness is a social function.<sup>28</sup> Comte indeed asserted that the rich are employees in a social system (*al-niẓām al-ijtimā'ī*). This means that being employees, the rich must be responsible for their tasks. If they fulfill their tasks, they deserve to continue in their position as employees, but otherwise, they can be removed.<sup>29</sup> Qaradawi commented on this statement saying that it is an excellent idea. However, as a Muslim thinker, he immediately referred to the *Qur'ān* and said that such a function has also been established in Islam. The *Qur'ān* says: "And spend in charity out of the substance whereof He has made you heirs," (al-Ḥadīd: 7). Elsewhere the *Qur'ān* says: "If you are grateful, I will add more favors unto you, but if you show ingratitude, truly my punishment is terrible indeed," (Ibrāhīm: 7). He approved of the teaching that the rich are not to allowed to manage and use this wealth according to their own plans and wishes.<sup>30</sup> Nevertheless, by saying this he did not intend to indicate that Islam dismisses the right of private ownership and disapproves of something many people approve of. In fact, he reiterates that Islam calls upon people to collect wealth. Moreover, he believed that work is also considered to be an act of devotion (*'ibāda*) and struggle (*jihād*) for the sake of God.

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<sup>28</sup> *Ibid.*, p. 52. Yusuf Qaradawi's referring to Comte shows that he is not reluctant to borrow ideas from a Western scholar. Nonetheless, since he discussed the matter in the Islamic perspective, he also cited the *Qur'ān*.

<sup>29</sup> *Ibid.*

<sup>30</sup> Qaradawi, *Fiqh al-Zaka*, p. 1544.

Further Qaradawi emphasizes that work aims to create a good life. Attempting to create a good life, in his view, is human.<sup>31</sup> However, he believed that in order to reach a good life, not only material aspects but also spiritual aspects are of importance. These two aspects, according to him, can correspond to the fact that the wealthy, on one hand, should use their wealth in line with the *sharīʿa*, and that, on the other hand, they can enjoy the right of private ownership. In contrast to some teachings of Hinduism, Buddhism, and Christianity that aim at extreme asceticism for a number of special people like monks, Islam teaches that people in general can, within limits, enjoy the good life and its embellishments (al-Baqāra: 128).<sup>32</sup> However, for him, life can not rely only on material aspects. A good life can be achieved as well if people are close to God. To be close to God, in his view, is possible only through true belief and by doing good, not by abundant wealth.<sup>33</sup>

#### **D. *Zakāt*, Mutual Social Responsibility, and System of Islamic Economics**

##### *1. Zakāt and the System of Islamic Economics*

Different economic systems can be found in countries around the world. Qaradawi views such systems as communism, Nazism, and Fascism, as concentrating on one goal and ignoring the religious aspect.<sup>34</sup> Communism is, for example, rejected by Islam, as this system is seen as having subversive and destructive activities. With regards to Islam's rejection of this system, Qaradawi seems to be in agreement with Abu al-A'la al-Mawdudi, a well-known Muslim scholar from the Indian sub-continent. He said that "this system is by its very nature inhuman." Mawdudi stressed that this system, like Nazism and fascism, is absolutely not in accordance with the nature of Islam.<sup>35</sup>

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<sup>31</sup> Qaradawi, *Dawr al-Qiyām*, p. 66.

<sup>32</sup> *Ibid.*, p. 66.

<sup>33</sup> *Ibid.*, p. 77.

<sup>34</sup> *Ibid.*, p. 109.

<sup>35</sup> Mawlana Abu al-A'la al-Mawdudi, *Capitalism, Socialism and Islam*, translated by Sharif Ahmad Khan, 2nd Edition (Kuwait: Islamic Book Publishers, 1987), p. 72.

Focusing on the discussion on *zakāt*, Qaradawi traces the system of economics in Islam. As has been clearly mentioned above, *zakāt* is an established duty. It is a fixed legal claim laid on ownership. Meanwhile, other legal claims on wealth emerge when accidental needs arise. They do not have a definite amount nor a definite time. The Prophet Muhammad's saying: "Whoever sleeps soundly with a full stomach, while his neighbor is starving, is not a true believer (*mu'min*)" was believed by Yusuf Qaradawi to express the deep meaning of the teaching of mutual responsibility, as it is connected to a Muslim's faith.

Citing the statement by Ibn al-'Arabi (d. 638/1240) as transmitted by Imam Malik (d. 796), Qaradawi claims that, "society has priority to wealth over individuals" and he found that this well-known statement amongst Muslims perfectly sums up the beautiful teaching of mutual responsibility.<sup>36</sup> He thus believes that *zakāt* is the earliest concept of mutual social responsibility (*al-takāful al-ijtimā'ī*)<sup>37</sup> in Islam. He alleged that the concept of *al-takāful al-ijtimā'ī* had not been known by Western people before,<sup>38</sup> and only recently have begun to be aware of this concept. And their concept, in his view, is limited to fulfilling the demands of deprived groups in terms of food, clothing, housing and the like.<sup>39</sup>

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<sup>36</sup> See Qaradawi, *Dawr al-Qiyām*, p. 392.

<sup>37</sup> Many scholars have written many books on this concept which was expressed in different ways by the single call for social justice among the Muslims. The most important works are by the 'ulama' of al-Azhar. Mustafā al-Siba'i, for example, has written a book entitled *Ishtirākīyyat al-Islām*, which could be considered the most widely acclaimed by the Egyptian authorities. Another scholar, Mahmud Shaltut, Shaykh of the Azhar in Nasser's period, has written a book entitled *al-Islām wa'l-Takāful al-Ijtimā'ī* (*Islam and the Mutual Social Responsibility*), published by Maṭba'at al-Azhar, and an article "al-Ishtirākīyya wa'al-Islām" ("Socialism and Islam") in *al-Jumbūrīyya*, Cairo December, 22, 1961. A more recent book on the same concept entitled *al-Takāful al-Ijtimā'ī* is written by Muhammad Faraj Salim, a Professor in al-Azhar's faculty of Law. For the extract of al-Siba'i's work and Shaltut's article, see *Political and Social Thought in the Contemporary Middle East* by Kemal H. Karpat (ed.) (London: Pall Mall Press, 1968), p. 122-32. And also for the discussion of al-Siba'i's and Salim's works, see Sami A. Hanna, "al-Takāful al-ijtimā'ī and Islamic Socialism" in *The Muslim World*. Vol LIX (U.S.A: The Hartford Seminary Foundation, 1969), p. 275-288.

<sup>38</sup> Qaradawi, *Fiqh al-Zaka*, p. 934.

<sup>39</sup> *Ibid.* See also Sami A. Hanna, "Al-Takāful al-Ijtimā'ī and Islamic Socialism", an article reviewing Mustafā al-Siba'i's writing "Ishtirākīyyat al-Islām", in *The Muslim*

Connected closely to the Islamic system of economics, Qaradawi pointed out that *zakāt* plays a significant role in combating poverty. In regard to this, he states that there are many ways to combat poverty. He simplified the ways into two categories. The first is a responsibility of an individual, which is work. An individual is not supposed to only expect help from others. He should work to get property. The Prophet Muhammad, when he was asked about what is to be given in charity, is reported to have said, “Every Muslim must perform charity”, and to answer their further question of, “what if a person cannot find anything to give”, he stressed that, “he should work with his hands to benefit himself and give in charity.” When they asked again about what if he could not find that, Qaradawi taught that he should assist an aggrieved person in need and that he should do good and refrain from evil, which would be his charity.<sup>40</sup> The *ḥadīth* of the Prophet Muhammad above, according to Qaradawi, indicates that every individual must work for his living if he can and that giving in charity is not limited. An individual can give of his effort, his mind, his knowledge, his status and his money.<sup>41</sup>

Besides, the *ḥadīth* also identifies the fact that people have different capacities and abilities. Some of them can not cover their needs by their income from work. In fact, God calls upon the rich to give assistance to the needy. This leads other people to be responsible for their brothers. And this constitutes the second category in which the Muslim community, as well as the state, plays a role. Therefore, according to Qaradawi, the Muslim community should provide poor people with a guarantee. This guarantee takes the form of charitable gifts from relatives, the duties of neighborhood, *zakāt*, other duties laid on wealth, like vows (*nudhūr*) and expiation (*kaffārāt*), and voluntary almsgiving (*sadaqa*).<sup>42</sup>

This second category of combating poverty clearly indicates that Islam teaches mutual help. Indeed, Islam is not indifferent to poverty. Islam calls upon the rich to give financial support to the poor. While this support can be in the form of *zakāt*, charity, donation, voluntary almsgiving and etc, as has been mentioned above, *zakāt* is considered to

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*World*, Vol. LIX (USA: The Hartford Seminary Foundation, 1969), p. 276.

<sup>40</sup> Reported by al-Bukhari; see El-Khouly, “Islam and the Pillars”, p. 53.

<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid.*

be different from the others and its relationship to the system of economy is clearer than the others. Hence, Qaradawi is optimistic about *ḥakāt* and believes that it can solve the problems of poverty better than the other forms. This is especially true if, similarly, the state is responsible and contributes to covering the needs of its people.

## 2. *Zakāt as Social Solidarity and Security*

There are a number of characteristics of *ḥakāt* which differentiate it from other forms of financial assistance. *Zakāt* is not an individual piety or a voluntary almsgiving (*sadaqa*), but an established duty. The amount on which *ḥakāt* is levied, the kind of wealth subject to it and the groups of recipients are all fixed. Apart from this, no matter how one looks at *ḥakāt*, be it from a legal, ethical or religious point of view, it is always compulsory. This is because, *ḥakāt*, he argued, is a form of worship like prayer and fasting, with which the Muslims approach their God. Finally, *ḥakāt* is a Prophetic practice. It is an almsgiving of part of the wealth of one group of society, which is represented by the rich, to the other, the poor. Thus, it is from society (*umma*) to society –from the wealthy hands to the needy hands. The two hands form one unit-Muslim society.<sup>43</sup>

From this concept of *ḥakāt* appears a beautiful teaching of mutual responsibility in Islam, which includes all material and spiritual aspects of life. From those two aspects, ten types of mutual responsibility (*al-takāful*) develop. The ten types of responsibility concern social manners, education, politics, defense, safety, ethics, economy, worship, civilization, and living, *al-takāful al-mā'ishī*.<sup>44</sup> The last type of mutual responsibility, namely mutual responsibility regarding living, is according to Qaradawi, equal to the “mutual social responsibility or *al-takāful al-ijtimā'i*.”<sup>45</sup> This is due to the fact that mutual responsibility of living is the closest form of social responsibility, as it is concerned with providing people with a life suitable to the dignity of man.

Qaradawi is not alone in promoting the concept of mutual social responsibility. Muṣṭafa al-Sibā'i is concerned also with the concept and

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<sup>43</sup> Qaradawi, *Dawr al-Qiyām*, p. 385-387.

<sup>44</sup> These ten types of mutual responsibility are also to be found in the article of Mahmud Shaltut “al-Islām wa'l-Takāful al-Ijtimā'i.”

<sup>45</sup> Qaradawi, *Fiqh al-Zaka*, Vol. II, p. 934.

even traced the root of the concept of mutual social responsibility from the five rights (*al-ḥuqūq al-khamsa*). He argued that Islamic socialism rests on five fundamental rights, namely the right to life, the right to liberty, the right to knowledge, the right to dignity and the right to property. And these must be guaranteed to all citizens.<sup>46</sup> Another scholar, Mahmud Shaltut, was of the same opinion and said that the concept of social solidarity or responsibility in Islam is conceived in the widest and most complete sense. It is then not limited to the needs of food, housing, and clothing. It stretches further to preserve the five rights of man, namely religion (*al-dīn*), life (*al-naḥs*), children (*al-nasl*), possessions (*al-māl*) and reason (*al-ʿaql*). Shaltut argues that man's dignity is not complete, if one of these five rights is not protected.<sup>47</sup>

As to the originality of the concept, Qaradawi tried to convince Muslims that mutual social responsibility is different from any similar Western concepts. He alleged that the concept of mutual social responsibility of Islam is always compulsory. The fact that this mutual social responsibility of Islam involves both smaller units of society -the individual, family and neighborhood- and bigger units of society- the state-, is believed by Qaradawi to be a concrete difference between the understanding of mutual social responsibility in Islam and that found in the West. The universality of mutual social responsibility in Islam is another point differentiating it from similar Western concepts. He argued that mutual social responsibility is always relevant, in all periods and places, and stressed that the advantage of *zakāt* extends to all societies in the world, as its distribution reaches all parts of the world.<sup>48</sup>

It is very clear that Qaradawi made a major point of *zakāt* in its relation to mutual social responsibility. The major point is that *zakāt* plays an important role in realizing mutual social responsibility as illustrated by its roles in social security (*al-ta'mīn al-ijtimā'ī*) and social solidarity (*al-ḍamān al-ijtimā'ī*), both of which have clear links with the system of economics

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<sup>46</sup> For a detailed explanation see Mustafa al-Siba'i "Islamic Socialism" (the extract of his book *al-Waḥda al-Kubrā*) in Kemal H. Karpat, (ed.), *Political and Social Thought*, p. 123-4.

<sup>47</sup> For a detailed explanation see Mahmud Shaltut "Socialism in Islam", p. 128, and Mahmud Shaltut, *Al-Islām wa'l-Takāful al-Ijtimā'ī*, p. 6.

<sup>48</sup> Qaradawi, *Dawr al-Qiyām*, p. 401.

in Islam.<sup>49</sup> But when does *zakāt* play a role in social security and in social solidarity? *zakāt* serves as social security (*al-ta'mīn al-ijtimā'ī*) for people who pay *zakāt*. In this context, *zakāt* becomes an investment which may pay off in the future in case of financial weakness. Qaradawi describes this, being aware that there are many people who give their *zakāt* one year, but another year, because of, for example, lack of wealth, or because of being far away from their country of origin with limited finances, they cannot pay *zakāt*. Under those circumstances they become recipients of *zakāt* (*mustahiqqūn*) instead. *Zakāt* in this case is thus considered to be social security *al-ta'mīn al-ijtimā'ī* for their economic life.

In the same way, Qaradawi realized that there are many people for whom, because of a continuous lack of wealth to cover their needs, *zakāt* is not obligatory. He recognizes these people to be poor people and so they continuously become recipients of *zakāt*.<sup>50</sup> Therefore, for them, *zakāt* functions as social solidarity (*al-damān al-ijtimā'ī*).<sup>51</sup>

It is then obvious that Qaradawi intended to convey that *zakāt* is not only a guarantee for the poor but also for those who may be poor in the future. From his point of view, the relation between *zakāt* and mutual social responsibility as well as the Islamic system of economics becomes very clear. Their relationship becomes more apparent when he relates these two factors or roles embodied in *zakāt* to the Islamic system of insurance. He wrote that “the greatest form of insurance which Islam has legislated for its followers among those deserving to receive *zakāt* funds relates to the category of *al-ghārimīn* (those in debt).”<sup>52</sup> Therefore, the Islamic system of insurance, according to him, can be found in *zakāt*, particularly in the category of *al-ghārimīn* recipients. Some of the early interpreters of the word *al-ghārimīn*, he maintains, indeed said that, “it denotes one whose house has burned down or whose property or trade has been destroyed by flood or disaster.”<sup>53</sup> Thus, he does not doubt that

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<sup>49</sup> *Ibid.*

<sup>50</sup> For a detailed explanation, see Qaradawi, *Fiqh al-Zaka*, p. 935.

<sup>51</sup> *Ibid.*

<sup>52</sup> Yusuf Qaradawi, *The Lawful and the Prohibited in Islam*, translated by Kamal El-Helbawy (Kuwait: International Islamic Federation of Students Organizations, 1992), p. 277.

<sup>53</sup> *Ibid.*

*zakāt* can solve contemporary economic problems.

When we understand Qaradawi's views on the Islamic system of insurance, we can also relate them to contemporary problems. Ibrahim M.A. El-Khouly said that, as the Qur'an laid down, *zakāt* solves the problem of freedom, of indebtedness which threatens an individual with bankruptcy, hardship, stress, of defense and security of Muslim land against external threat and such matters, and of those who are away from their home seeking knowledge.<sup>54</sup> Moreover, Qaradawi held the opinion that mutual social responsibility does not merely aim to cover the minimum limit of the needs of livelihood (*al-ḥadd al-adnā li'l-mā'isha*). It aims to fulfill the needs of adequate livelihood (*tamām al-kaḥāya*). In his opinion fulfilling the minimum limit of the needs of livelihood is only to help people when they are in a critical situation or emergency.<sup>55</sup> From this point of view, Qaradawi wanted to convey the idea that, while voluntary charity can only fulfill the minimum requirement of the needs of livelihood, *zakāt* can supply the answer to cover all the needs of livelihood for the indigent. Here, he again showed the close relation between *zakāt* and the concept of mutual social responsibility and in turn the system of economics in Islam.

## E. Conclusion

*Zakāt*, for Qaradawi, makes a fair contribution to social and economic stability. It is not used to merely meet the present needs of the poor and needy, but serves other functions that profoundly contribute to social life in a broad sense of social justice. Social justice, which is the ultimate goal of *zakāt*, can be seen in the way *zakāt* puts an end to the various causes of class hatred and creates space for brotherhood and solidarity. An attempt to achieve such social and economic stability does not depend on the personal feelings of the wealthy. It is rather based on a firmly established right, i.e., *zakāt*.

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<sup>54</sup> El-Khouly, "Islam and the Pillars", p. 55.

<sup>55</sup> Yusuf Qaradawi defined and restricted *al-kaḥāya* to the need of food, clothing, accommodation and others. The other Islamic jurists even said that providing students with books is included in the needs of adequate living. Further they also included marriage. That is why the jurists of the Islamic law maintained that the revenue of *zakāt* can be distributed for both spiritual and material needs of the Muslim society.

Above all, Qaradawi is of the opinion that *zakāt*, which encompasses the dimensions of social security (*al-ta'mīn al-ijtimā'ī*) and social solidarity (*al-ḍamān al-ijtimā'ī*), has a close relationship to the notion of mutual social responsibility (*al-takāful al-ijtimā'ī*) and the system of Islamic economics. His approach, that the concept of Islamic insurance can be adjusted to the interpretation of *al-ghārimīn*, and that mutual social responsibility aims to fulfill the needs of adequate livelihood, which can be supplied only by *zakāt*, confirms his concern with the importance of *zakāt* as the foundation of both the social and economic systems of Islam.

Nonetheless, a number of critical points need to be addressed here. Qaradawi is not quite clear about how this idealistic vision of *zakāt* can function perfectly. He, for example, did not give a clear position on how the state must be involved in the management of *zakāt*. He just said that *zakāt* takes the place of mutual social responsibility, and hence, its application is the duty of the society, through the state. However, he continues to insist on its religious value; therefore he does not suggest the extent to which the state should play a role in the application of *zakāt*. For him, an individual can pay his *zakāt* directly to the recipients, if he sees it fit. Neither did he discuss clearly how *zakāt* can be collected and allocated or distributed to reach all parts of the worlds to achieve the two functions, social solidarity and security, particularly social security related to the Islamic concept of insurance.

Above all, when he differentiates mutual social responsibility in Islam from similar Western concepts, Qaradawi merely alleged that the concept of mutual social responsibility of Islam is always compulsory and that it involves the responsibility of both smaller units of society -the individual, family and neighborhood- and bigger units of society- the state- without looking closely at how the Western concept works out. Taking the universal character of mutual social responsibility in Islam to differentiate it from similar Western concepts is too apologetic, as Western concepts of mutual responsibility similarly extend to all societies. In other words, to gauge the excellent concept of *zakāt* in Islam, he did not have to take pains to compare it with other concepts.

The fact that Qaradawi rarely mentioned the doctrine of justice when he spoke of *zakāt* is another point that needs to be questioned here. He did discuss the doctrine of justice, but he did not directly relate it to its

social dimension. He instead discussed it in the context of how to apply *zakāt* in a fair way, as justice is a basic foundation in ethical behaviour. In his *Dawr al-Qiyām wa'l-Akhlāq fī'l-Iqtisād al-Islāmī*, he discussed “justice”, which connotes a social aspect. However, in contrast to other scholars, such as Qutb, he did not express the social connotation of justice in the Arabic term of social justice, i.e., *al-'adāla al-ijtimā'īyya*. This is apparently related to Qaradawi's attempt not to be trapped in the revolutionary discourse developed by Qutb and remain in a middle position to campaign for Islam's relevance to contemporary social issues.

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