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Distributive Justice In Islamic Thought

The Justification for Zakat & its Enforcement

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Distributive Justice in Islamic thought: The Justification for Zakat and its Enforcement by the State by Mohamed Al Qadhi

Abstract

It is common to claim that distributive justice is a western concept that developed in the mid-nineteenth century. But to do so ignores a wealth of evidence that suggests otherwise; for what do Islamic institutions like zakat, inheritance laws or market regulations stand for if not for distributive justice?

Contrary to common belief, distributive justice is not an exclusively western concept nor is it a modern idea. Its history can be traced back to many regions in the world including the Arab peninsula in 7th century AD as a central creed to Islamic thought, enshrined in the pages of the holy Quran and the practices of the prophet Muhammad. This article attempts to expose these roots. More specifically, it aims to show that the justification behind the practice of zakat stems from distributive justice ideals. Doing so will not only correct the current historic narrative on the origins of the concept, but it has far-reaching implications for states that adopt elements of Islamic law: that state intervention in enforcing zakat is not only warranted but needed to fulfil justice.

Distributive Justice and Zakat

1. What is Distributive Justice?

Distributive justice can be defined as the “moral guidance for the political processes and structures that affect the distribution of economic benefits and burdens in societies” (Stanford Encyclopedia of Philosophy, 1996). Economic benefits can take the form of utility, job opportunities, wealth and income¹. The latter two are the most contested items and are the subject of this article.

Many authors trace the origins of distributive justice to the mid-nineteenth century. It is at that time when philosophers and economists began pondering about the type of societal institutions needed to ensure a just distribution of economic outcomes. Some of the most prominent ideas include those raised by Marx, Rawls and Nozick, all of which have opposing views that are debated till this day; debates that strive to create a just society based on just institutions. The results of such debates have led to a range of redistribution policies we are all familiar with, for example, proportional and progressive taxation used to fund poverty relief programs and universal healthcare and education. The effect of these policies ensures the redistribution of income and/or wealth from the rich to the poor.

¹ This list is not exhaustive

2. What is Zakat

From an Islamic perspective, redistributive policies are not new as seen by various ancient practices, the most important of which is zakat². Zakat is one of the five core pillars of the Islamic faith. It is a wealth tax in which individuals pay 2.5% of their total wealth on a yearly basis to help the poor³. The poor are exempt from such payments.

Note that zakat is different from the concept of charity found in most religions. Charity in Islam is called “sadaqa” in which one voluntarily gives money or goods and services to a poor person. Though sadaqa is highly encouraged, it is not mandatory nor is it defined as either a fixed sum or percentage. This differs from zakat which is compulsory and due on a yearly basis with defined contribution and beneficiaries. Furthermore, zakat was enforced through direct coercion at various times in the ancient Islamic world, the most famous example of which, and the first instance, was during the reign of the first Caliph, Abu Baker Al Sidiq. All this shows that zakat is not a form of charity but an obligation, duty and an institutionalized redistributive mechanism of wealth.

Having that said, does the presence of this mandatory wealth redistributive mechanism like zakat infer that distributive justice is a concept championed by Islam? The answer is no because redistributive policies do not necessarily stem from distributive justice. Redistribution could be justified for other reasons (other than justice) such as harmony of the community, economic growth, altruism, along with a range of other motives. In order to prove that distributive justice is an ideal promoted by Islam, we must show that the justification behind zakat is partly based on a concept of justice. I say “a concept” because there are several conceptions in which justice can be defined such as desert, fairness, upholding rights, etc. Can any of these conceptions of justice be used to justify zakat?

3. Zakat: Distributive Justice as Desert?

If zakat were to be justified based on distributive justice ideals, then desert principles maybe the most likely candidate as an explanation. Desert justice is based on the view that people should be rewarded or punished based on what they deserve in light of their actions. It is the most prominent and cited characteristic of Islamic justice and is heavily featured in the Quran. God, it is said, will judge people based on their actions, with the reward being heaven, and punishment taking the form of hell. Thus heaven and hell can be thought of as the desert in this situation. An example of such verses can be seen below:

Then shall anyone who has done an atom's weight of good, see it! (7) And anyone who has done an atom's weight of evil, shall see it. (99-8)

² In fact, scholars have argued that redistributive policies can be found in other religions and cultures

³ The amount payable on total wealth varies based on use, type of wealth (capital goods vs other goods), and other considerations

Surely, Allah does not wrong (anyone), even to the measure of a particle. If it is a good deed, He multiplies it, and gives a great reward out of His Own pleasure (4-40)

While the idea of desert is prominent in dealing with the afterlife, can we use the same concept to justify zakat?

If one were to adopt desert as the guiding principle behind distributive justice, then she would see a just system as one that distributes economic outcomes based on what people deserve in light of their actions. However, we know that the current market system does not achieve this: people are born with different abilities because of their different genetic code, are raised in different environments based on which family they are born into, and may experience different degrees of luck, all of which have a profound impact on their economic outcomes.

In other words, though some people make better choices than others, a large part of their earnings can be explained by factors that are out of their control and thus may not deserve all the differential in wealth in comparison to a disadvantaged person. Philosophers use the word “unequal opportunity” to describe this situation. Individuals with better genes and/or are born into a higher socio-income status are more likely to achieve economic success in the future. This is echoed in the Quran where God attributes economic outcomes of people to his design (the genes we were born with, the families we were born into, our “luck”) rather than reward for their hard work:

O you who believe! Spend of that with which We have provided for you (2, 254)

If the current economic outcomes are not based on what people deserve, but on a range of factors that are out of their control, then the system for economic distribution is unjust from a desert justice perspective. Can this thus justify redistribution of wealth in the form of zakat? This is the same line of argument used by some to justify progressive taxation in secular countries.

At the surface, it appears to be a sound justification of zakat. However, it runs into two serious challenges:

First, if economic outcomes in Islam should be distributed according to desert principles, why has God not interfered to do so? Why is our world designed in such a way that unequal opportunities prevent the achievement of this goal? I will investigate this point in future articles.

More importantly, adopting the desert argument for economic outcomes infers a materialistic conception of this world where wealth and income are important goals that individuals should strive to achieve. This is aligned with western thought but not with Islamic theology. Wealth in Islam is not seen as an important goal that should dictate our lives; it is not the “desert”, but an enabler to a better life that would guarantee sufficiency, a good education and good health. As a matter of fact, wealth is not equated with heavenly favor or with preferential standing in the eyes of the Lord or the community. Rather, wealth, or the lack of, is viewed as a test of character that could be a blessing or a curse in disguise:

As for man, when his Lord tests him, and thus gives him honour and bounties, he says, "My Lord has honoured me." (15) But when he tests him, and thus straitens his provision for him, he says, "My Lord has disgraced me." (16) No! (89, 15-17)

And know that your possessions and your children are a test (8-28)

It is not your wealth nor your sons, that will bring you nearer to Us in degree: but only those who believe and work Righteousness (34-37)

Since wealth cannot be viewed as a form of desert, we must investigate other possible conceptions of justice that may explain the link between zakat and justice. There are two conceptions, that together can provide this: upholding individual rights and protecting property rights.

4. Rights and Distributive Justice in Islam

Rights are "entitlements (not) to perform certain actions, or (not) to be in certain states; or entitlements that others (not) perform certain actions or (not) be in certain states" (*Stanford Encyclopedia of Philosophy*). One can have a right to life, right to property, right to equal treatment before the law and so forth.

Different countries and cultures at different times have had varying and sometimes conflicting conceptions of rights. For example, freedom of expression is seen as a right for people living in the UK, though this need not be the case in other parts of the world like modern China or 9th century Britain.

Having that said, most if not all cultures have always believed in some form of a right to life. In the past few centuries, this right has sometimes been used to justify redistribution of economic resources to the poor in order to ensure their sustenance. In certain societies like Nordic countries, universal rights to education and health have provided further justification for redistribution of income. Thus, it is perceived that redistribution of economic resources is needed to guarantee people's rights, and guaranteeing these rights ensures justice.

Islam is no different in that humans have the right to life (among other rights). One can use this right to justify zakat but doing so is unnecessary because there is an Islamic right that establishes a more direct link to justify redistribution; the right of the poor to some of the rich's wealth.

There are several verses that state that disadvantaged groups like the needy have a direct *haq* (right) to a proportion of the affluent's wealth. This proportion is moderated by the laws of zakat along with other instruments. This means that redistributive wealth mechanisms such as zakat are used to protect a direct right of disadvantaged groups and are thus partly driven by justice principles.

"And those in whose riches there is a specified right (24) For the one who asks and the one who is deprived" (70-24 & 25)

"And in their wealth there was the right of the Sa'il (the beggar who asks), and the Mahrûm (the poor who does not ask the others)" (51- 19)

“So give to the kinsman his right, and to the needy and the wayfarer. That is better for those who seek Allah’s pleasure, and it is they who will be successful” (30- 38)

Since this right is clearly stated in the Quran, it is legitimized by a divine directive and cannot be questioned by a believer. Nonetheless, it is natural for some, and perhaps helpful, to question this right, not on its origins but on whether it is fair: after all, I may not have deserved my wealth (see section 3 that discusses desert), but Islam guarantees my right to property. How can the right of the disadvantaged described above be reconciled with another individual’s property rights?

5. Property Rights and Zakat

Property rights are a powerful tool used by libertarians such as Nozick, a 21st century philosopher, to oppose enforced redistribution of wealth. Though an individual is free and perhaps encouraged to do so voluntarily, mandatory redistribution of economic resources, such as the taxation of the rich to help the poor, infringes on our property rights, forcefully seizing our fruits of labor. This is seen by Nozick as tantamount to slavery! But such an argument makes a key materialistic assumption: that our wealth is owned by us.

John Locke, a philosopher of the 17th century which Nozick draws on heavily in his account of distributive justice, argued that murder is morally wrong because it violated property rights. In his account, because the universe exists, something must have created it, and thus that something, “the creator”, has a property right to the universe including ourselves. By murdering a fellow human being, I am injuring the property rights of the creator. In similar fashion, Islamic theology believes that Allah⁴ is the creator and owner of the universe. As such, he has a property claim to everything within in it, including what we have defined as our property, such as money, land, etc. Our rights to property are not defined by ownership since God is the owner, but by a trust mechanism called “*amana*”.

We are entrusted with “our” property in the form of temporary ownership, but this trust, similar to an investment fund, is governed by rules. I can consume, trade or transfer the property I’m entrusted in provided it is done within the governance framework set out by the trust’s owner. Breaking these rules would break the “trust”, which is not only inherently unfair, but also a violation of the rights of the owner.

There are a number of trust rules that govern our behavior in dealing with property, one of which is zakat. As the manager of a trust, a Muslim is required to pay 2.5% of the trust’s total value to help the disadvantaged. Thus, payment of zakat to uphold the right of the disadvantaged is not only justified because we don’t fully own our property (it’s God’s property and he has given the disadvantaged a right to use part of it), but also because paying it would ensure that the payer abides by the trust’s rules, the breaking of which would entail a grave injustice. Consequently, one can arrive at the conclusion that zakat is indeed founded, in part, on justice ideals and is an expression of distributive justice in Islam

⁴ God is referred to as Allah in the Arabic language (among Arab Muslims and Christians alike)

Zakat and State Intervention

After the death of the Prophet Muhammad, the new Caliph, Abu Baker Al Sidiq, faced an immense crisis: some of the Arab-Muslim tribes of the region had taken the opportunity to declare that they will no longer pay zakat⁵. A heated discussion developed between Abu Baker and Omar (Omar was elected Caliph after Abu Baker's death 2 years later).

Abu Baker argued for the necessity of going to war with these tribes and ensuring that the zakat payment is enforced while Omar favored restraint. The irony of the situation can be appreciated by anyone who knows the character of both men; the former, a peaceful, soft spoken individual while the latter was known at that time for his strictness, temper and hard ironed personality. What drove the gentle character of Abu Baker to push for war? Against fellow Muslims nonetheless?

At the heart of the argument was the idea of whether zakat should or should not be enforced by the state. For some, zakat was perceived as an act of worship, similar to prayer, in which the state should not intervene. For Abu Baker and others (Omar was eventually convinced of this line of reasoning), the dissention wasn't just threatening the state's integrity or offending God, but was a profoundly unjust act that deprived the disadvantaged of their rights and welfare. Since the state's responsibility is to protect certain rights and to ensure social justice, zakat must be enforced. It is important to note that the consequences of abstaining for zakat payments are not similar to abstaining from praying; the latter is a choice that will not affect anyone but one's self but the former will have a drastic impact on the lives of others including their survival. The necessity of enforcing zakat payments are signaled by the following verse:

"Take obligatory alms out of their wealth through which you may cleanse and purify them, and pray for them. Indeed, your prayer is a source of peace for them. And Allah is (All-) Hearing, (All-) Knowing. (9 - 103)

Conclusion

The concept of distributive justice lays at the heart of Islamic philosophy. Redistributive mechanisms like zakat offers ample evidence of this. Zakat is not only driven by altruistic motivations, but by a concern for social justice; a need to protect the right of the disadvantaged to access a portion of the affluent's total wealth. This right does not conflict with the Islamic interpretation of property rights, which are seen as trusts operated by human agents under the rules of the owner; God. States willing to adopt some form of Islamic laws or values must enforce the rights of the disadvantaged to the wealth of the rich. Failure to do so would undermine social justice in a community, which is in itself a cherished Islamic value, and is a prerequisite for a safe and prosperous society.

⁵ Most of these tribes did not refute other principles of the Islamic faith