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The 2009 Military Intelligence Corps Association scholarship campaign recently concluded. Once again, this year, all of the submitted application packets were well prepared and extremely competitive. All applicants should be justifiably proud of their achievements. We wish all of you the very best in your future academic endeavors and encourage you to apply for the scholarship again in 2010.

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ZAKAT: A Warfare Funding Mechanism

By William Gawthrop

This article examines zakat, commonly thought to be charitable alms giving, as an asymmetrical warfare funding mechanism.

Zakat: A Pillar of Islam

Zakat is one of the five Pillars of Islam¹ and as a commonly perceived source of charitable alms giving, may escape the critical analysis necessary for fully understanding Islamic warfare funding. This article provides background for analysts to comprehend the genesis of the money stream related to the funding of Islamic terrorist, insurgent, and supporting activities.

“The meaning of Zakat is ‘to increase and to become pure’. Because the payment of Zakat leads to an increase in wealth and considered a reason for its cleansing, this obligation has been named Zakat by the Sharia (Islamic Law). Zakat was declared an obligation in the year 2 H.(624 AD), prior to the proclamation of the ruling concerning fasting.”²

The authority and basis for zakat is found in the Quran, Surat 9 At-Taubah, 60:

*As-Sadaqat (here it means Zakat) are only for the Fuqara (poor), and Al-Masakin (the poor) and those employed to collect (the funds); and to attract the hearts of those who have been inclined (towards Islam); and to free the captives; and for those in debt; and in Allah’s Cause (i.e. for Mujahidin-those fighting in a holy battle), and for the wayfarer (traveler who is cut off from everything); a duty imposed by Allah. And Allah is All Knower, All Wise.*³

Zakat is traditionally thought to be, as the third pillar of Islam, simply charitable almsgiving. It is considerably more. “Zakat is rather a social welfare institution supervised by the state and an organized tax administered by a specific governmental body.”⁴ Zakat is both a divine duty and a source of revenue and has its own fiscal mechanism.⁵ As such, zakat is “a legal obligation and a particular kind of charity” that is a “pure right of God.”⁶ Contributions are obligatory with punishments awaiting in the physical world and the hereafter for evasion.⁷

Collections. Zakat is payable by all Muslims who are sane, reached the age of puberty and have “zakatable” property. It is not required of non Muslims.⁸ The tax is levied annually on two kinds of wealth: manifest (crops, cattle, property) and hidden (gold, silver,

merchandise)⁹ and rates varying from 2 ½ percent to 10 percent depending on wealth, local conditions and interpretations of applicable law.¹⁰

Disbursement. Disbursement of zakat may be made by the Imam appointing the zakat collector, the zakat collector himself,¹¹ or directly by those from whom the zakat would be normally collected.¹² Zakat should be distributed in the locality from which the revenue was collected. Excess funds may be transferred to another location only if all the eight categories have been adequately resourced.¹³ It is recommended that zakat distribution, and possibly attending accounting of the distribution, be concealed.¹⁴

Categories of disbursement. There are eight obligatory categories of disbursement for Zakat: the poor; those short of money; zakat workers; those whose heart are to be reconciled; those purchasing their freedom; those in debt, those fighting for Allah; and travelers needing money.¹⁵

Those Fighting for Allah. Zakat is obligated to pay those participating in Islamic military operations if their salary has not been provided for by other means. Fighters (irregulars, volunteers, etc)¹⁶ may be paid with zakat funds to purchase weapons, vehicles, clothing, expenses and the expenses associated with travel from their home to the fighting and their return home.¹⁷ Additionally, zakat may be used to defray some expenses of the fighter’s family during this period.¹⁸

Interpretations according to various schools of Islamic Law

While zakat is rooted in the two primary sources of Islamic Law, the Quran and the haddith, the topic is subject to interpretation. Within the Sunni tradition, the four major schools are Hanafi, Maliki, Shafi, and Hanbali. Within the Shia tradition, two major schools are the Jarafi and Zaydi tradition. Each legal tradition has variant interpretations with regard to the basic provisions on Zakat.

The Hanafi (Sunni) view. Fighters who do not have sufficient funds for mounts (vehicles) and expenses may be eligible for zakat if the financial shortage adversely affects their ability to fight. Additionally, sadaqa¹⁹ may be paid to fighters even if they are able to earn and income “since working would deter them from fighting.”²⁰

The Maliki (Sunni) view. Food, arms, and equipment may be paid by sadaqa and this includes supporting operations against those invading Muslim lands.²¹ “Zakat can be given to fighters and border guards and to buy war equipment, such as weapons and horses. Fighters may take zakat even if they are rich, since they

are given it because they are fighting for the sake of Allah and not because of poverty. Spies can also be given zakat, even if they are unbelievers."²²

The Shafi'i (Sunni) view. Because there are eight obligatory categories of disbursement for zakat, the Shafi'i's hold that one eighth of the total proceeds of zakat can go to the fighter.²³

Zakat may be paid to fighters who do not receive pay from the government because their sacrifice is greater "than salaried soldiers and deserve to be given what helps them undertake this duty, even if they are rich."²⁴

Nonfighters may be paid with zakat funds if they defend or guard the fighters or "prevent unbelievers from attacking them."²⁵

"Fighters can be given their expenses and clothing for the period from the time they leave to fight until the time they come back, even if they stay at border points for a long period. ... A fighter may also be given money to buy a horse, weapons, and other tools of war (and) what he buys becomes his permanently."²⁶

The Hanbali (Sunni) view. Zakat can be expended on two kinds of people: those who need zakat and those who are needed by the Muslims, such as fighters, people whose hearts are to be reconciled, and people in debt as a result of their efforts in mediating between disputing groups.²⁷

Zakat may be used to pay volunteer fighters (who receive no regular salary) and border guards and purchase of equipment.

The Ja'fari (Shia) view. " 'In the cause of Allah' includes everything that benefits Muslims or brings them closer to Allah, such as pilgrimage, fighting and building irrigation systems. Some Ja'fari say it (In the Cause of Allah) only relates to jihad."²⁸

The Zaydi (Shia) view. Zaydi scholars contend that zakat should not be spent for coffins or building mosques but expenditures for fighting and that which brings a Muslim closer to Allah are permissible.²⁹

Comments on the Sunni and Shia views.

The debate in the Ja'fari and Zaydi Shia tradition is not so much whether zakat funds "In the cause of Allah" can be expended for war fighting but whether the term (In the cause of Allah) includes non-fighting expenditure categories. The holdings of the four Sunni schools and the two Shia schools of law demonstrates that expenditure of zakat on warfighting is not only permissible, but obligatory.

Implications

Zakat is an institutionalized and enduring fundraising mechanism within Islam that is capable of raising considerable sums of money on an annual basis. Rough, conservative, calculations for potential zakat funds annually available for warfighting within a geographic area can be determined by computing 2.5 percent of the GDP-per capita of the employed labor force and dividing the product by eight (8). For Iraq, the annual warfare funding through zakat may be estimated at about \$97 million,³⁰ while for Afghanistan it is estimated at \$47 million.³¹

Recommended Intelligence Collection Priorities.

Some recommended Unclassified Intelligence Collection Priorities on Zakat and operations funding include the following:

"What is the annual zakat potential for a geographical area?"

"How is zakat collected in an area of operations?"

"Who are the collectors?"

"Where and how are the Zakat funds banked until distributed?"

"Who has the distribution authority?"

"To whom are the distributions being made?"

Endnotes

1 The Five Pillars are Testimony of Faith (Kalikma); Prayer (Salat); Almsgiving (Zakat); fasting (Sawm) and Pilgrimage (Hajj). Ali, Maulana Muhammad, *The Religion of Islam, A Comprehensive Discussion of the Sources, Principles and Practices of Islam*, Lahor, Pakistan.(1936). Passim. See also al-Misri, Ahmad ibn Za'qib. *Reliance of the Traveller: A Classic Manual of Islamic Sacred Law*, Aman Publications, Beltsville, MD: (1994) p. 808.

2 Al-Sanani, Muhammad bin Ismail, *Bulugh Al-Maram: Attainment of the Objective According to Evidence of the Ordinances*. Darussalam, Riyadh, Saudi Arabia 2002. p. 191.

3 Khan, Dr Muhammad Muhsin and Dr Muhammad Taqi-ud-Din Al-Hilali, *Interpretation of the Meanings of the Nobel Quran in the English Language*, Dar-us-Salam Publications, Riyadh-Saudi Arabia: (1996), Sura 9:60, p. 280. This is a verbatim quote taken from a pre-9-11 Saudi translated English version of the Quran.

4 al-Qardawi, Yusuf, *Fiqh az-Zakat: A Comparative Study*, Dar Al-Tawwa, Ltd, London: (1999) p.474

5 Azmi, Sabahuddin. *Islamic Economics*. Goodword Books, New Delhi: (2002) p. 69. Currently, one of the better references for understanding the mechanisms associated with Zakat is Yusuf al-Qardawi's *Fiqh az-Zakat: A Comparative Study*, Dar Al-Tawwa, Ltd, London: (1999).

6 Kamali, Mohammad Hashim, *Principles of Islamic Jurisprudence*, Islamic Texts Society, Cambridge, UK: (2003), p.

222 and 448. "Firstly, acts that exclusively consist of the right of God, such as acts of devotion and worship, include salah and jihad, which are the pillars of religion and are necessary for the establishment of an Islamic Order. These, which are often referred to as huquq Allah al-khalisha, or 'pure Rights of God', occur in eight varieties: (a) rights of God, which consist exclusively of worship, such as professing of faith (iman), salah, zakah, the pilgrimage and jihad. ..." See also: Lippman, Matthew, Islamic Criminal Law and Procedure: An Introduction. Prager, New York 1988, p. 97, which identifies zakat as a legally enforceable obligation.

7 al-Qardawi, Yusuf, Fiqh az-Zakat: A Comparative Study, p. 27-29.

8 al-Misri, Reliance of the Traveller: A Classic Manual of Islamic Sacred Law, p. 246.

9 Abu'l Hasan al-Mawardi, Al-Ahkam As-Sultaniyyah: The Laws of Islamic Governance. Ta-Ha Publishers, London (1966). p. 168

10 Ibn Rushd, The Distinguished Jurist's Primer, Vol 1. Garnet Publishers, Reading: (2000). p. 282-323

11 al-Mawardi, Al-Ahkam As-Sultaniyyah: The Laws of Islamic Governance, p. 185

12 al-Mawardi, Al-Ahkam As-Sultaniyyah: The Laws of Islamic Governance, p. 186

13 Azmi, Islamic Economics, p. 124. See also al-Mawardi, Al-Ahkam As-Sultaniyyah: The Laws of Islamic Governance, p. 182-183

14 Ibn Sallam, The Book of Revenue, p. 522. " (1812) He said Abd al-Rahman related to us from Sufyan from Aby Hashim from Ibrahim and al-Hasan, and both said: 'Distribute it among the prescribed beneficiaries, but keep it concealed.'"

15 Bakhtiar, Laleh. Encyclopedia of Islamic Law: A Compendium of the Major Schools, Kazi Publications, Chicago: (1969), p. 238-241. See also, Ibn Sallam, The Book of Revenue, Garnet Publishing, Reading, UK: (2003), p. 525, 526.

16 Azmi, Islamic Economics, p. 123

17 Al-Mawardi, The Ordinances of Government, Garnet Publishing, Reading, UK: (1996), p,137. "The seventh share, going towards the cause of God Almighty, must be paid to Muslim fighters according to what they need in their Holy War. If they are to remain stationed in border towns, they must be paid the cost of the outward journey and as much as possible of their boarding expenses, but those destined to come back upon completion of their mission should receive the cost of the return trip." For a discussion on the distribution of zakat see also Azmi, Islamic Economics, p.122-124; al-Mawardi, Al-Ahkam As-Sultaniyyah: The Laws of Islamic Governance. p. 182.

18 al-Misri, Reliance of the Traveller: A Classic Manual of Islamic Sacred Law, p. 272. See also, Bearman, P.J., Thomas Bianquis, C.E. Bosworth, E. Van Donzel, and W.P. Heinrichs, eds. The Encyclopaedia of Islam, Vol XI, Brill, Leiden: (2002) p. 416. There is historical precedence for a further delineation of divisions with his category. "One-fourth ...will go to those soldiers to whom it is regularly assigned. The temporary soldiers and the poor will get another fourth (each). One-fourth of it will go to the war veteran in God's cause who is faced with dire

need." See Ibn Sallam, The Book of Revenue, p. 528.

19 Al-Mawardi, The Ordinances of Government. p,127. "The two terms sadaqa and zakat are synonyms for one and the same thing, indicating the only mandatory claim on a Muslim's property." See also al-Mawardi, Al-Ahkam As-Sultaniyyah: The Laws of Islamic Governance. p. 168.

20 al-Qardawi, Yusuf. Fiqh az-Zakat: A Comparative Study, Dar Al-Tawwa, Ltd, London: (1999) p. 407.

21 al-Qardawi, Fiqh az-Zakat: A Comparative Study, p. 408.

22 Ash-Sharh al-Kabir with Hashiyat ad-Dusuqi, Vol 1, p.497

23 al-Qardawi, Fiqh az-Zakat: A Comparative Study, p. 411.

24 Tuhfat al-Muhtaj, with Sharh al-Minhaj, vol 3, p. 96, and Nihayat al-Muhtaj, vol 6, p. 155-56.

25 Al-Umm, Vol 2, p. 60.

26 Ar Rawda, Vol 2, p 326-327.

27 al-Qardawi, Fiqh az-Zakat: A Comparative Study, p. 412

28 al-Qardawi, Fiqh az-Zakat: A Comparative Study, p. 414-415

29 al-Qardawi, Fiqh az-Zakat: A Comparative Study, p. 415

30 World Fact Book, 2009. Iraq: GDP – per capita \$4000 multiplied by 2.5% = \$100 multiplied by a workforce of 7.74 million = \$774 million divided by the 8 categories of disbursement (assuming equal apportionment among the categories) = \$96,750,000 available annually for expenses associated with warfighting.

31 World Fact Book, 2009. Afghanistan: GDP – per capita \$1000 multiplied by 2.5% = \$25 multiplied by a workforce of 15 million = \$375 million divided by the 8 categories of disbursement (assuming equal apportionment among the categories) = \$46,875,000 available annually for expenses associated with warfighting.

William Gawthrop is a frequent contributor to The Vanguard

