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Reconceptualising Zakat in Indonesia: Worship, Philanthropy and Rights

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Abstract

In the past few decades, in Indonesia as well as elsewhere in the Muslim world, the practice of *zakat* has been repositioned from an annual, obligatory ritual of worship to a fundamental instrument for achieving socio-economic justice. The current paper explores key discourses relating to this reconceptualization and the alternatives to both capitalist accumulation and socialist utopia they point towards. The paper also seeks to problematize the very grounds this repositioning has been conducted on, arguing that the recent conception of zakat as philanthropic giving side lines and downplays other, alternative understandings of it as a right. The paper also argues that this reconceptualization ultimately rests on a political perspective which privileges the transcendental character of obligations and sides with zakat payers at the expense of the immanent presence of others to whom zakat is owed as a due.

Keywords: zakat, justice, poverty, Indonesia, Islam

'There is only a seeing from a perspective, only a "knowing" from a perspective'
Nietzsche

'Amerindian ontological perspectivism proceeds along the lines that the point of view creates the subject: whatever is activated or 'agented' by a point of view will be a subject' Viveiros de Castro

Imagine the following scene! Java in the early 1960s, a valley extending as far as the tropical horizon reaches, a golden sea, rice fields. It is the time of the harvest. People are everywhere; they need to move quickly to reap the crops. It has already been five months and everyone's stock has been running low. At one corner, some four hundred women are lining the border of a *sawah* (irrigated rice field) waiting for the signal to begin the harvest. Among them, some are the owner's relatives, some his neighbours; some have come from nearby villages; some from the surrounding hills. Despite their large number, none is turned away; all who wish to join in the reaping are permitted to do so for, according to the *bawon* system, harvests are open.¹

Each category of women gathered has differential rights to the crop; yet, they are all entitled to a portion of the harvest, however small or miniscule. In any case, their differential rights index the relationship they enjoy with the field's owner. On the first day of the harvest, participation is limited to members of the landowner's household, close kinsmen, and relatives. Such people are to receive a portion of what they cut with the portion varying from a quarter to a twelfth. This division proceeds by bundles, not by weight, and women are allowed to choose the bundles they want to take back home. During the second and successive days, more distantly related kin as well as unrelated people and newcomers from distant places are allowed access to the standing crop, or what is left of it for, in any case, they are also granted permission to glean the field. The share for female harvesters belonging to the latter category is normally one-tenth of the rice they cut, and could fall as low as one twenty sixth for unrelated non-villagers.

¹ This scene from the *bawon* system draws on materials from Alexander & Alexander 1982, Collier *et al* 1973, Geertz 1963, Manning 1988, Stoler 1977, White 1976. The *bawon* slowly disappeared as a result of the Green revolution in the 1970s.

I asked you to imagine this scene for witnessing a Javanese rice harvest has had an immediate and lasting impact on the anthropological imagination, having fuelled a debate that I want to briefly revisit. The debate was conducted in the 1970s, during the heyday of the Green Revolution, and concerned peasant economic behaviour. In the right corner was Clifford Geertz (1963) with his version of moral economy; in the left corner were Jennifer and Paul Alexander (1982) with their version of political economy.

Geertz saw Javanese practices such as open harvesting, extensive share-cropping and intensive labour-exchanging as income redistributing mechanisms that contributed to Javanese villages exhibiting a 'comparatively high degree of social and economic homogeneity' (1963: 97). This assumed homogeneity he conveyed through the somewhat oxymoronic yet captivating notion of 'shared poverty'. This concept referred at once to behaviour patterns which made sure the agricultural product was distributed 'if not altogether evenly, at least relatively so, throughout the huge human horde which was obliged to subsist on it' (1963: 97), and to a distinctive ethos. This ethos committed and predisposed Javanese peasants to respond to resource scarcity by sharing work and income rather than competing for them.

This picture of a tropical moral haven the Alexanders countered both with the undeniable and pervasive hierarchies that animate life in Java and the increase in landlessness during the colonial and postcolonial eras. In particular, they argued that work sharing arrangements were pervaded by rational decision making on the part of rich landowner, prone to conducting cost-benefit analysis. And with respect to open harvests the Alexanders claimed that while 'it is true that all who join the harvest are permitted to do so... The cost of allowing vast numbers to participate is not born by landowners but by the villagers who are denied sustained employment. Landowners' costs are much the same with 500 harvesters as with fifty' (1982: 610).

The debate soon reached an impasse and was supplanted by other political economic foci such as the features of 'Chinese' capitalism in Indonesia, the economic miracle of export driven industrialisation, the pitfalls of factory work, and the promises of globalisation. Yet I feel that in the process something significant has been left unaddressed, that something important has been left unstated. It is my contention that this 'something'

continues to 'haunt' Java, together with its anthropological understanding.² To be more precise, the image of hundreds of harvesters waiting patiently on the side-lines for their turn to come and for their rights to be actualised lingers over as much subsequent academic debates as contemporary national politics, often with substantial troubling effect. To give a few examples: the quest for justice is as much prevalent in the ethnographic works concerning female workers in the country as in those regarding the place of 'Chinese' in Indonesia. It is also historically ubiquitous: from the 1998 student protests that toppled Suharto to the 2012 demonstrations against the ending of fuel subsidies the concern has been with fairness and righteousness. The question inescapably rises: what is the way out of this impasse? What sort of rituals of propitiation must we conduct for the ghosts to be released? Put in a different way, what kind of attention do the ghosts of harvesters past demand so as to stop visiting us?

The paper seeks to chart the changing contours of a specific aspect of the relations between the 'haves' and the 'have-nots' of Javanese society and focuses on *zakat*, the obligatory wealth transfer that well-to-do Muslims in Indonesia as well as elsewhere in the world are expected to perform as a central part of their religious practice. My aim is to show some of the historical routes that thinking about and practising *zakat* has followed in Indonesia in the last forty or so years and to demonstrate the place *zakat* has occupied in the changing configurations of class relations in the country,³ especially with regards to the emergence of a middle class of educated professionals living in urban centres (see also Fauzia 2013; Latief 2012; Salim 2008). I argue that the spread of 'modernist' or 'neo-modernist' discourses regarding the faith amongst these very same professionals and the formal 'de-politization' of Islam during the 1970s and 1980s (see Hefner 2000; Effendy 2003; Liddle 1996) brought about a definite reconceptualization of *zakat* from a simple ritual of

² The hauntings involved here are similar to the ones Derrida speaks of in his *Specters of Marx* (2006) and Siegel (1998) and Marouda (2013) attend to ethnographically with respect to Indonesia and Vietnam respectively. They are basically the manifestation of a residue the perpetuation of violence leaves behind -for Derrida, every time injustice occurs, a ghost is generated. In addition, hauntings act as reminders that restitution is yet to be achieved – for Derrida, as long as none cares to attend to its grievances, a ghost forever returns.

³ I use the term class reluctantly here for lack of a better term to designate the historical transformation of political hierarchies in the island in the late colonial and post-colonial eras. In addition, the term is employed as descriptive of the manner in which a sense of being middle class has come to permeate the self-awareness of a certain strata of Javanese society. In this sense, middle class constitutes a moral claim to being a better citizen and a better human being.

worship to a fundamental instrument of achieving socio-economic justice. In what follows, I concentrate on explicating the 'traditional' understanding of zakat as worship, followed by the analysis of the jurisprudential arguments and discourses that allowed such a reconfiguration to take place. My reading of such discourses is critical in the sense that I bring attention to fact that the recent conceptualisation of zakat as philanthropic giving by certain Muslim intellectuals and organisations alike downplays other, alternative understandings of zakat as a right. I also content that such re-conceptualisation ultimately rests on a perspective which privileges the transcendental character of obligations of the faithful and sides with the positions of zakat payers at the expense of immanent presence of others to whom zakat is owed as a due.

Before we embark upon such exploration and critique, it is essential to take a position with respect to the anthropological polemics summarised above; after all, they contain important clues with respect to ideas and practices of division of produce, fairness, and rights as applying to Java in the 1950s and 1960s. I would argue that though the Alexanders' take on political economy can be critiqued for its appeal to assumed universal modes of rationality (cost-benefit analysis), its strength lies in reminding everyone that Javanese society is steeped in hierarchies. Such hierarchies create and are re-created in the differential shares harvesters of different categories are entitled to claim. However, the Alexanders approach misses two important things. First that fairness as envisioned in Java is a quality that does not map onto a flat surface of common humanity; it is instead distributed unequally across a stratified social space in accordance with the relationships the parties maintain within it. Second, they never questioned the basis on which a landowner could not refuse access to his crop to anyone interested or hard-pressed enough to claim a share. Because harvests were open to all who turned up, other people, including unrelated people (in terms of residence and kinship) the landowner did not have reciprocal labour exchanges, were entitled to a portion of the crop. How small or large this portion was does not matter immediately; however meagre a handful of grain gathered by the gleaners was, it was theirs to get, it was their right, fair and square.

The problems with Geertz's analysis are the reverse of the Alexanders' approach. Where the Alexanders' failed to see the differential rights other people might have to another's wealth, Geertz too readily acknowledged other people's entitlements. However,

forgetting all about strata, hierarchy, and difference, Geertz emphasised an assumed equal or near equal division of resources. At the same time, he was very eager to understand such rights in terms of values, moving in a circular, tautological fashion from observed practice to moral imperatives. And where the Alexanders emphasised universals at the level of human decision making, Geertz espoused the gross and simplistic relativism of us-them distinctions articulated along the axis of immoral capitalism which is wholly ours versus an ethic of communal sharing which is truly theirs.

Co-implication and Growth

From September 2011 to September 2012, I conducted ethnographic fieldwork on practices and activities related to *zakat*, dividing my time between the East Javanese capital, Surabaya, and Indonesia's national capital, Jakarta. I focused on three specific institutions of *zakat* collection, management, and distribution and to preserve their anonymity I rename them as *Surabaya Peduli Ummat*, *Pondok Infak Mulia*, and *Dana Keadilan Indonesia*. All three are well known nationally and have taken part in international relief operations in places such as Palestine and Somalia. In 2011, their combined total number of donors was 350,000; a significantly larger number of people received support from them. Their combined income for 2011 was close to £20 million and their combined workforce was close to 1,400 employees. These institutions run a vast number of programmes across Indonesia comprising of educational and health provision for the poor, small business training and finance, *dakwah* (Islamic propagation), mosque construction, disaster relief and humanitarian missions in rural and urban locations.⁴

⁴ *Zakat* has received little sustained attention by ethnographers of Java and Indonesia in general. Though it is often mentioned in many ethnographic accounts, this is mostly done in passing and with reference to *zakat fitrah* (dues paid at the end of Ramadan). With few exceptions, most notably Scott's (1987) article on Malaysia, *zakat* on wealth (*zakat maal*), the main pre-occupation of my research, is rarely discussed or theorised in anthropological works of Islamic practice in the region in an extensive manner. However, a new generation of Indonesian scholars trained in Islamic studies and the social sciences, comprising of Abubakar and Bamualim (2006), Salim (2008), Fauzia (2013), Latief (2012, 2013) and Jahar (2006), has recently turned to *zakat* as an object worthy of in-depth investigation. This new focus has to be understood in the context of a broader shift in discourses regarding *zakat* and of the place and relevance in Islam in public and economic life Indonesia spurred by the *reformasi* movement of 1998 (see below).

For the purposes of this paper I am not interested in these bodies, their history, organisational structures, or political leanings. Instead I focus on certain discursive emphases, shifts and blind spots in the Indonesian landscape of *zakat*. Such discourses emanate from a multiplicity of institutional settings, including yet not limited to the ones I have had the chance of working closely with. The important thing to remember about such institutions which in Indonesia are known as *lembaga amil zakat*, commonly abbreviated as LAZ are two: first, they were formed in the last few years of New Order rule (1966-1998) and became truly active during the *reformasi* period, that is, from 1998 to the present. Second, LAZ are aligned with ‘modernist’ and ‘neo-modernist’ interpretations of Islam which are popular among the urban milieu of educated, middle class Muslims including bureaucrats, professionals, and businessmen (Latief 2013). Within this overarching context, the practices of LAZ depart from ‘traditionalist’ understandings of *zakat* in the sense that LAZ have sought to redraw the relevant jurisprudential map through the exercise *ijtihad*. *Ijtihad* refers to arriving to a decision in Islamic law by means of personal effort and independently of any school of Islamic jurisprudence. As such, it is opposed to *taqlid* which stands for conforming to the stipulations of religious experts without examining the basis of their reasoning. This practice modernist Muslims see as the hallmark of ‘traditionalist’ Islam found mostly in rural villages and poor urban neighborhoods. In order to appreciate these jurisprudential efforts and their social effects more fully, it is necessary to discuss the relevant terminology.

The *Encyclopedia of Islam* defines *sedekah* as ‘voluntary alms in distinction to obligatory alms, frequently also termed *sedekah* but more commonly known as *zakat*’. It says that *zakat* is the ‘obligatory payment by Muslims of a determinate portion of their lawful property for the benefit of the poor and other enumerated classes’ (2012). Because *zakat* rarely refers to voluntary giving in the Quran, it mostly expresses the portion of one’s wealth paid out as a duty. The manner in which the relinquishing of this portion is conducted involves worship – *ibadah* - for *zakat* is indeed the third pillar of Islam, after the confession and the prayer.

The understanding of *zakat* as key component of Islamic ritual life forms the basis of Muslim practice across the world.⁵ This understanding has also caught the attention of anthropologists with Jonathan Benthall (1999) coining the term ‘financial worship’ as *zakat*’s equivalent. Despite the fact that the term ‘financial’ has been somewhat unreflectively adopted, Benthall’s translation has managed to convey something of the challenges *zakat* poses to anthropology for it forces us to re-think and re-articulate the ways in which the economic emerges out of the religious, and vice versa. The present paper seeks to apprehend the reciprocal presupposition of the pecuniary and the ritualistic for understanding the mutual implication of the monetary and the ceremonial is important as it goes as much against the grain of both Durkheimian social science with its convenient distinction between the sacred and the profane, as against gross totalisations of the kind that one often hears such as ‘Islam is a complete way of life’.

As a first step towards achieving this goal, I note an attitude to scripture certain religions share with certain kinds of economic rationality. And in seeking to de-exceptionalise Islam once more (see Marsden & Retsikas 2012), I start from Protestant Christianity. While I was conducting fieldwork, I stumbled upon Hilary Mantel’s Man Booker Prize winning book *Wolf Hall*. The book is a historical novel about Thomas Cromwell, Henry the 8th, Anne Boleyn, and the Reformation of Britain. A past soldier, trader and lawyer, Cromwell has a very particular attitude to wealth and the faith which is very indicative of the co-implication of the religious and the economic in pre-Enlightenment Protestant Christianity, and thus of immediate importance here. In the course of a late night conversation he is holding with himself, Cromwell informs the reader that

⁵ A steadily increasing number of studies of *zakat* have recently appeared; they are mostly undertaken by historians such as Singer (2008), geographers (Atia 2013) and anthropologists. The latter are mainly focusing on the politics of international Islamic aid organisations (Benthall & Bellion-Jourdan 2003) and of recent changes in their orientation to philanthropy (Ibrahim & Sherif 2008) as well as on the middle class networks that Islamic aid supports and sustains in Middle-Eastern societies (Clark 2004) and the subjectivities which it helps to produce in South India (Osella & Osella 2009). The current paper echoes such important concerns, yet it is primarily concerned with jurisprudential discourses and the question of equivalence arisen therein, asking whether or not *zakat* is equivalent to Euro-American notions of philanthropy and the consequences, primarily political, of making it so. As a result of such focus, discussion of ethnographic materials relating to everyday life inclusive of institutional interventions will have to be deferred till other articles appear in print. This division of labour however should not be misunderstood as perpetuating a distinction between the doctrinal or the legal and the everyday and the commonplace. Quite the contrary is true. What I embark upon to demonstrate is that Islamic jurisprudential discourses are an inexorable dimension of everyday life in Muslim Indonesia (see Bowen 2003); the same holds true of institutional interventions which draw their legitimacy precisely from such legal arguments.

‘The page of an accounts book is there for your use, like a love poem. It is not there for you to nod and then dismiss it; it is there to open your heart to possibility. It’s like the scriptures: it’s there for you to think about, and initiate action. Love your neighbour. Study the market. Increase the spread of benevolence. Bring in better figures next year’ (Mantel 2009: 365).

For Muslims in Java as well as elsewhere, *zakat* worship is intrinsically related to ‘bringing in better figures next year’ as the ritual is endowed with the efficacy of safeguarding, multiplying and purifying wealth. For the Arabic verb – *zakā* – *zakat* derives from means “to increase” and “to grow” as well as “to purify”. Conducting *zakat* worship brings not only the faithful closer to Allah but also serves to purify the hearts of believers from unwanted desires such as greed, self-indulgence, hedonism and decadence. It also renders the remainder of wealth clean (*bersih*) for one to enjoy and dispose of. Moreover rather than reducing the amount of wealth at one’s disposal, *zakat* actually increases it for handing over *zakat* to its rightful owners, i.e. the seven categories of people as enumerated in the Quran,⁶ opens the door to more rewards, material and otherwise, being received from Allah. In addition, *zakat* protects the wealth that remains from being stolen, going missing, getting lost or simply being scattered around. When *zakat* is not handed over, it is said to bring about misfortune, potentially causing the person who failed to observe the practice to fall ill. Failure to perform *zakat* can result in drought and loss of livestock too, while its observance brings life sustaining rain. Those who refuse to conduct *zakat* are sometimes held to have become *kafir* (unbelievers) and on Judgment Day, they will come face to face with the wealth they withheld for not transferring the *zakat* due is a major sin. It is said that such people will be pursued by their ‘gold and silver treasure’ in the shape of a large fearsome bold serpent featuring twin horns and long teeth which will bite hard at their stingy hands for fifty thousand years.

Classical Islamic jurists have often wondered why *zakat* applies to certain kinds of wealth (*maal*) only and the main theory they have articulated rests on the notion of growth.

⁶ These are mentioned in Surat At-Taubat, verse 60; for different understandings of the categories concerned see Fauzia 2013: 234. Commonly they are the destitute, the poor, the *zakat* collectors, new converts, slaves, debtors, those advancing God’s cause either militarily or not, and the wayfarers.

The theory emphasises that *zakat* is due on wealth provided that the latter is capable of increase, both actually and virtually. Thus livestock is subject to *zakat* for animals bear young and multiply; agricultural produce is subject to *zakat* for it is growth itself; gold and silver as far as they are used as storage of value and media of exchange are also subject to *zakat*. At the same time, agricultural fields are not subject to *zakat*; the same goes both for one's own home and for gold and silver jewellery. Though the area of *zakat* jurisprudence is full with many complex and elaborate debates to do justice to in the space of a short article⁷, it is safe to say that assets that are in use and circulation are mostly exempt from *zakat*. For example, Abdusshomad Buchori, the head of the Indonesian Council of Islamic Scholars branch in Surabaya, has written a small book (2011) in which he argues that a second house is not subject to *zakat* but income derived from rent on the house is subject to *zakat*. Muhammad Nafik, head of *Ekonomi Syariah* department at *Universitas Airlangga* in Surabaya, pushes things further by claiming that a second house should also be subject to *zakat* for it indexes hoarded wealth. According to this Islamic economist, *zakat* is intended to encourage Muslims to constantly utilise their assets for productive use because through such utilisation and circulation, prosperity is achieved.

I find such jurisprudential debates most interesting both for their sophistication and for the openings they create in terms of contemplative efforts of the divine (*hikmah*). Jealous of such riches, I want to volunteer one of mine. This has to do with the fact that *zakat* shares its association with growth with *riba*, a category denoting ways of achieving increase which are explicitly forbidden to Muslims. While the prohibition of *riba* is clear, there are intense disagreements amongst scholars about which practices fall under it. Some commentators understand *riba* as referring to exploitative, excessive usury, while others take it to indicate any kind of monetary increase for a loan provided and thus as equivalent to interest. The prohibition of *riba* and the obligation of *zakat* is instructive for our purposes for it seems to relate to the unmediated versus mediated distinction. In *riba* growth results directly from human-to-human interaction, while by bringing the human in contact with the divine, *zakat* triangulates these interactions, acknowledging the divine as immanently present in the unfolding of the social and as the ultimate source of growth and prosperity. *Zakat* presents the event of the social, inclusive of the economic, as a triadic rather than a

⁷ For a comprehensive discussion of such debates see Al-Qardawi 2000.

dyadic affair, mediated by the presence and actions of the divine other. According to this conception, there is no prior differentiation of the social into distinct domains such as the sphere of the religious and the province of the economic. And the logic of their subsequent inter-connections is simply redundant. Rather what is emphasised here is that prosperity, affluence and good fortune conceived of as widely as possible are contingent on triadic relations. These relations are themselves based on the affirmation of a double alterity: acknowledging and engaging with the otherness of the divine and the otherness of other humans ensures well-being, material and otherwise.

Reframing Duties

Understandings of zakat started changing in Indonesia most clearly and profoundly from the late 1970s and most definitely from the 1980s onwards, partly as a result of the wider movement for the 'renewal' of Muslim faith, and partly in response to the political economic changes that New Order policies brought about. The 1980s was perhaps the apex of the New Order as it had gone to secure the consent of large parts of the population, governing the country on top of a wave of prosperity, itself generated through opening up the economy to foreign investment and attendant export-oriented industrialisation.⁸ Long gone was of the violence of the 1960s that saw the massacre of close to 1 million people for their alleged ties to the Indonesian Communist Party as well as the strength of various voices advocating for an Islamic state. However the fruits of economic development were unevenly distributed as large parts of the country especially in rural areas were steeped in poverty. This was a situation a new generation of Muslim intellectuals found lamentable and worked hard to rectify through various interventions.

The movement for 'Islamic renewal' (*gerakan pembaharuan Islam*) that Muslim intellectuals such as Nurcholish Madjid and Munawir Sjadzali advocated laid emphasis on the contextual rather than the literal understanding of the scriptures and called upon the

⁸ For the policies of the New Order with respect to zakat see Fauzia (2013) and Jahar (2006).

faithful to undertake the effort of distinguishing between the eternal truths of the faith and the historically contingent nature of many institutions and interpretations that had developed from the time of the Prophet to the present day (Hefner 2000).⁹ In order for the distinction between the divine and the human to be achieved, and thus, for Islam to acquire contemporary relevance, the movement seized on the practice of *ijtihad*, the continuous interpretation of the revelation through individual effort and the application of reason. Such re-interpretation was to be carried out within the context of achieving the primary ‘intentions’ or ‘goals’ of *shariah* (*maqasid syariah*) and Muslim intellectuals in Indonesia as well as elsewhere often took this ‘intention’ to be *maslaha*, itself equivalent to common good, public benefit or human welfare broadly conceived.¹⁰ Social welfare framed in terms of *maslaha* came therefore to serve as the foundation of a series of discussions, debates, and arguments advanced in Indonesia, and often came to be presented as adequate basis for issuing particular rulings or opinions even independently of specific scriptural references. Along with other Quranic concepts, zakat came to be seen in the light of *maslaha*.

In 1986, Amien Rais, a political scientist with a doctorate from the University of Chicago on the Muslim Brotherhood of Egypt and future leader of Muhammadiyah, Indonesia’s largest modernist organisation, delivered a controversial speech. The speech advocated re-interpreting zakat in the contemporary context of Indonesia’s persistent problems with poverty and sought to redefine its purpose as to securing people’s welfare. In the spirit of Islam as a religion of justice, Rais proposed the notion of *zakat profesi* or zakat on regular income (salary and wages) (1987, 1998; see also Latief 2012). This notion dominated the discursive landscape of zakat in Indonesia as it contained several salient features. First, it was an innovation in Islamic jurisprudence as salary and wages had not previously been considered wealth subject to zakat, according to classically trained scholars.¹¹ Second, the notion reflected changes in the political economy of Indonesia; in particular, the broad shift from an economy based on agriculture to an industrial one in which people practised professions and received regular income. The shift in paying zakat in

⁹ N. Masjid explicitly critiqued the idea of an Islamic state which he found to correspond to the sacralisation of a human institution, and advocated for the ‘compatibility’ of Islamic and democratic values, see Masjid 2001. On Sjadzali’s politics see Feener 2007: 137-146.

¹⁰ On *maslaha* as a principle of Islamic jurisprudence and its relevance for the reformist movement see Hallaq 2001.

¹¹ As we have seen, the main categories were livestock, the proceeds of trade and agriculture, and savings in silver and gold.

rice to providing it in cash is indicative of this broader transformation. Third, the ratio of zakat to wealth Rais proposed was significantly higher than that applied to other categories of wealth by classically trained scholars. To Rais, 2.5 per cent (or 1/40th) of one's wealth was not sufficient for the achievement of public welfare and the implementation of social justice. As the occupations *zakat profesi* was applied to were relatively high paying including law, medicine and architecture, Rais proposed that for zakat to be fair, it had to be proportional, and thus should correspond to 1/10th (10 per cent) or 1/5th (20 per cent) levy on regular earnings. He argued that it would not be fair if peasants paid 10% of the crops grown on irrigated fields and wealthy urban professionals were subject to no zakat at all or to zakat equivalent to 2.5% of their substantial incomes.

Rais's proposal also meant to bridge the widening gap between rich, powerful pious Muslims and their poor and marginalized counterparts. The three decades of economic growth, industrialisation, and urbanization New Order policies brought about saw the unprecedented rise of Muslims into the ranks of the urban middle class and into positions of managerial, financial, and political control both in the private and the state sector by the 1980s and 1990s (Hefner 2000; Ricklefs 2012). This development opened up an unprecedented gap between rich and poor Muslims even as it closed the gap between rich, powerful pious Muslims and their non-pious Muslim and non-Muslim counterparts, thus calling into question the authority of emerging Muslim elites to speak in the name of Islam and of their fellow Muslims. Rais's re-interpretation of the Quranic injunction to zakat has to be understood, amongst other things, as an effort to re-connect Indonesian Muslims across different strata, assuage any lingering anxieties and concerns over legitimate leadership, while recasting the newly found wealth and prosperity as compliant with the dictates of religion.¹²

Notwithstanding its pragmatism, Rais's jurisprudential innovation also came from a certain theological background. It entailed a re-imagining of the space of worship from a two-dimensional to a three-dimensional one. Modernists and neo-modernists have long emphasised that zakat is as much about the vertical relations humans have with God as about the horizontal relations between humans themselves. On the whole they have conveyed this double aspect through dividing worship (*ibadah*) into two major categories:

¹² I am grateful to an anonymous IWM reviewer for bringing this point to my attention.

the *hablu minallah* that involves acts that foreground one's relation to Allah and background relations with other men, and the *hablu minannaas* that underscores the relations worshippers entertain with other people and 'back-stages' relations with God. In this context, concerns over public welfare and social justice did not originate in a secular ethos: in addition to promoting the 'goals' of Islamic law, such concerns are a direct part of Islamic worship. Such worship however is not just about 'ritual', an English loan word zakat activists often associate with 'traditionalist' understandings of zakat. According to them, 'traditionalist' zakat practices are wanting for they are limited to addressing the verticality of *hablu minallah*. In contrast, zakat activists and others proceed to expand the field of worship so as to encompass relations with other humans, the good conduct of which serves man as much as God. As such, caring for the welfare of others and taking concrete action for its promotion is an act that ultimately brings one closer to God.

Amien Rais's proposal was met by dismay by many scholars for being an unlawful innovation (*bidah*) before it was finally accepted in 2003, almost 20 years after it was first proposed, by the *Majelis Ulama Indonesia*. However, ultimately a zakat percentage of 2.5% was applied, effectively making *zakat profesi* analogous to zakat on savings in gold and silver¹³. This meant that for some the goal of social justice had yet to be achieved.

A few years after Rais' controversial speech, another Islamic scholar, Masdar Farid Mas'udi reignited the issue of the social relevance of zakat with the publication of a book titled *The Religion of Justice (Agama Keadilan 1991)*. In contrast to Rais, Mas'udi is trained in the classical Islamic sciences and in his youth was involved with faith-based NGOs advocating pluralism, human rights and democracy. His approach to Islamic jurisprudence emphasised *ijtihad*; yet in contrast to Rais, Mas'udi started from the recognition of the internal diversity and flexibility of traditional *fiqh* sources and of close engagement with them (Feener 2007: 174-181). Mas'udi insisted that justice is the ultimate goal of *shariah* and that *ijtihad* is required for making such divinely-inspired justice applicable to the variety of socio-economic contexts and circumstances Muslims find themselves. In this regard, the

¹³ See *fatwa* Number 3, Year 2003, on *Zakat Penghasilan* (in *Himpunan* 2003: 87). Rais's proposal by contrast was based on analogising *zakat profesi* to zakat for agriculture produce of irrigated fields (10%) and to zakat for natural resources like oil and precious metals (20%).

relationship between zakat and economic justice is of paramount importance to this thought.

Like Rais, Mas'udi highlighted the social dimensions of zakat, emphasising its redistributive purpose; this he achieved through bringing attention what he saw as the fundamental similarity of zakat and state taxation. Rather than coming from a perspective that vies for the establishment of *shariah* in a strict and narrow sense, he sought to create new ground for the articulation of government policies, the personal responsibilities of Indonesian Muslims, and the pursuit of economic justice. This interpretation was based on an excursion into Islamic history. He noted that while the examples set by the Prophet Muhammad and the four caliphs were based on the state administration of zakat in the form of taxation, subsequent developments in Islamic history led to the uncoupling of state finances from zakat. This uncoupling Mas'udi found lamentable arguing that the diminishment of zakat's importance in governance had brought about both economic injustice and increased levels of corruption in the disbursement of public funds. Such a situation should and could be rectified, Mas'udi continued, only if contemporary Indonesian Muslims started considering taxes paid to the state as zakat. This would not only spare them from a double burden but would also bring about a major change in the country's political culture, making the government more responsible, transparent, and accountable in the utilisation of public funds. The state would not only have to distribute such funds in accordance to religious stipulations but it would also be compelled to promote social justice.

It is instructive at this point to note that both Rais and Mas'udi became major public figures in the 1990s and 2000s. Rais emerged as a key figure of the *reformasi* movement that brought Suharto down in 1998. Subsequently he went to create and lead a new political party before becoming chairman of the People's Consultative Assembly. In 2004, Mas'udi ran a failed campaign for the leadership of *Nahdlatul Ulama*, Indonesia's largest Muslims organisation representing 'traditionalist' Islam. His popularity amongst certain segments of the NU had already suffered a major blow in 2002 when he took a second wife, a highly controversial practise in Indonesia. It goes without saying that Mas'udi proposal for the equation of tax and zakat was criticised not only by economists, technocrats and politicians but also by other Islamic scholars who did well to remind everyone of the differences between one's duties to Caesar and to God, lest the former acquires the attributes of the

later. In a 2005 book rejoinder to the debate over the equivalence of zakat and tax, Mas'udi restated and hardened his position, taking an even more conservative line. In particular he argued that zakat fits into the right to levy tax that the state holds exclusively, writing that 'the primary task of the state, as the executor of Allah's decrees, is to eradicate the hunger of the hungry, and to make those who feel insecure, secure' (2005: 157).

A question inescapably arises at this point: where does all this leave us with respect to the poor who assembled to stake their claim to a part of the harvest in rural Java of the 1960s? Have their rights been recognised? And have their ghosts being appeased? Or do they continue to haunt the new middle class? Despite the annihilation of the Indonesian Communist Party in 1965-1966 in a bloody campaign, in part perpetrated by Islamic organisations, including the NU, demands for justice were re-constituted in a different arena and guise. These demands were articulated anew by Islamic economics with its claim that an Islamic economic system, based as much on the prohibition of *riba* as on the promotion of zakat, would achieve greater economic fairness than either the capitalist or socialist systems (Kuran 2004, Warde 2010). However in contrast to countries such as Pakistan, Saudi Arabia, and Sudan, in Indonesia advocacy for such an alternative did not become part of a formal state building project.¹⁴ Instead it slowly attracted an increasing number of Muslims intellectuals who were if not out rightly critical of the New Order regime then at least sceptical of its policies. Within this context, the search for an Islamic sense of and model for justice sought primarily not to capture and remake the state but to revitalise societal norms and practices through the propagation and dissemination of 'Islamic values' and the creation of Islamic institutions such as syariah-compliant banks and cooperatives along with establishments of civil society zakat collection bodies (Choiruzzad 2013; Hefner 2003). However whether the Islamic public benefit and social justice discourse has been adequate in assuaging such demands, appeasing the ghosts of eras pasts and recognising the entitlements of others, requires further probing. This task is undertaken in the following section.

¹⁴ While it is certainly true that during the Suharto years, civil servants had zakat automatically deducted from their salaries, Indonesia was (and remains) neither an 'Islamic state', nor is its economy subject to 'Islamic law' as is the case elsewhere. However more recently the Indonesian state has taken a more active role in such matters with the promulgation of Zakat Management Law 2011/23. The law was subject to a failed constitutional review by several civil society organisations which felt their role and achievements to be put in jeopardy. Significantly, the constitutional court decision upheld the interests of the state in both regulating and managing zakat, declaring Indonesia a 'religious welfare state'.

Filantropi and Cariti

During my fieldwork in the early 2010s, a very noticeable trend amongst Muslim zakat collection bodies was that staff would consistently seek to convey the Islamic obligation of zakat through using English loan words, and in particular through the distinction between *cariti* and *filantropi*. The concepts' introduction to Indonesian is related both to a research project and wider culture orientation. Between 2001 and 2004, the Islamic State University in Jakarta (*UIN Syarif Hidayatullah*) with support from the Ford Foundation carried out a most ambitious research project into zakat and *sedekah* practices across the archipelagic state in an effort to evaluate the untapped potential of the Islamic 'civil society' sector for development purposes. The project framed the problem and published its findings using a conceptual framework based on the terms *cariti* and *filantropi*.¹⁵ Though sprinkling one's speech with English loan words and phrases is nothing new in Indonesia, this tendency has increased following the end of the Suharto regime and has peaked in the last five years or so with the explosion of media outlets and the increasing inflows of foreign capital.

For the researchers involved in the project and the zakat agencies with which I worked, the two terms, *cariti* and *filantropi*, have radically different meanings. Charity denotes mostly immediate relief; it is seen as focused on short term projects and is generally thought of as having limited impact on poverty alleviation. Quite understandably, this is a practice agencies seek to dissociate themselves from. On the other hand, *filantropi* is viewed as much more beneficial to the poor, indexes engagements that are longer term and are designed to have a lasting impact on poverty reduction. It is no coincidence then that several zakat agencies have been seeking to develop new areas of intervention and, without abandoning their previous programmes of poverty relief, they have been more readily orientating themselves to community development and empowerment. Community empowerment is carried out through running well-equipped schools and hospitals, dispensing loans for small businesses, establishing co-operatives and micro-enterprises,

¹⁵ See for example Bamualim et al 2006 and Abubakar & Bamualim 2006. The project drew on expertise available at the university's Centre for the Study of Religion and Culture.

providing business training, and in some cases even advocating on behalf of the poor for policy changes such as maintaining fuel subsidies and for better legal protections for Indonesian migrant workers abroad. Here we are certainly a long way from classical jurisprudence for innovative programmes such as these have been scrutinised by the agencies' own *shariah*-compliance boards, and can thus be understood not only as the effect of new jurisprudential reasoning but also as a kind of *fiqh*-in-practice.

The deployment of English loan words has far reaching consequences, some of which I want to highlight here. One of the implications of using the term *filantropi* is that of aligning Islamic zakat practice with standards and values that are assumed to be universal that is, shared by all humanity and thus outside any particular historical, religious and cultural contexts. In this way, the differences between zakat and the Christian ἐλεημοσύνη (alms, mercy, pity) or between *sedekah* and the Buddhist *dana* (selfless giving, un-attachment, letting go) are taken to be differences of degree rather than kind. They are all taken to denote moral imperatives which are assumed to be both common and widespread in all religions; they are made to relate to one another in the same manner the specific is associated to the general; their differences are ones of appearance, and thus of secondary importance to what is pan-human and pan-religious.

Aside from the fact that such perspective echoes certain anthropological preoccupations, there are other reasons for being sympathetic to it: I read this resort to a universal moral core as an effort to counter stereotypes of Islam in era of the 'war on terror' that portray it as the antithesis, if not the mortal enemy of the West. The appropriation of the term *filantropi* and the re-orientation of programmes towards community development and empowerment actively re-align Islam with contemporary discourses on poverty reduction emanating from international development bodies and non-governmental organisations as respected as the World Bank, the Asia Development Bank, the United Nations, Save the Children, Oxfam, etc. According to its advocates, the term *philanthropy/filantropi* refers to a specific project of empowering the poor and underprivileged by cultivating the skills and capacities that would enable them to reach their full potential as human beings and global citizens. Leaving aside for the moment the fact that this project could be seen as an effort to govern the poor and subject their lives to neo-liberalism, a new phase in the social life of zakat in Indonesia started in the 2000s, one in

which Islamic appeals to justice have been inflected by empowerment-oriented social work discourses that promote democracy, good governance, and a strong civil society. However relocating zakat in what are assumed to be the shared values of humanity has certain unintended consequences, the most important of which are discussed below.

Notwithstanding the issue that the Greek-in-origin term philanthropy does not encompass human relations with God as it describes only the care men show to each other out of feelings of fellowship, it also has strong voluntaristic overtones. In general, philanthropic acts are commonly understood as free gifts: the generous giving away of one's own property for the benefit of others. While the history of charity in the West has been both long and complex (see Grell & Cunningham 1997; Borsay & Shapely 2007), it has developed during the past few centuries in conjunction with the rise of capitalism and as such it indexes the benevolence of the rich in an era of free will and extreme inequality. This much is clear for example in the alms-houses of Leiden, a city whose history is closely interwoven with that of Indonesia. Leiden's wealth came mainly from manufacturing and trading textiles in the 16th and 17th century. In this context, the city's senior citizenry found philanthropy to be a key project for maintaining social peace while implementing their Protestant responsibility of helping worthy others.

The continuing relevance of such understanding of philanthropy is best exemplified by a section published in the *Economist* in January 2011 and evocatively titled 'The Few: A Special Report on Global Leaders'. The report published after the collapse of Lehman Brothers and in the midst of an unravelling crisis, detailed the demographic and geographical spread as well as the makings and lifestyles of the new superrich. Significantly, the report concluded with a reminder of the responsibilities of the few. The report asserted that 'in democracies the elites serve the masses' both through the jobs they create and through charity. It moreover encouraged the superrich to follow the examples of well-known philanthropists such as John D. Rockefeller, Andrew Carnegie, and Bill Gates who, having set up their own foundations, could 'measure their success not by how much they disburse but by the return they earn on their charitable investment, measured in lives saved or improved' (2011: 20).

Such responsibilities however differ in significant ways from those entailed by zakat, something that the discourse on *filantropi* obviates, hindering differences from coming into full view. Concealed is not only the voluntaristic character of liberal and neoliberal practices of giving which contrasts sharply with the obligatory nature of zakat, but even more the differences regarding the sets of relations people are deemed to form with things, that is 'property'. In other words liberal and neoliberal practices regarding generosity are permeated by conceptions of private, individual property rights which entail the forfeit of the object given. In contrast zakat worship is established on the basis of conceptions of property and rights to it, which are significantly distinct and extremely complex to unravel. It is important to note that zakat as seen from an alternative perspective to that privileged by current discourses in Indonesia, corresponds to a break, a cut or caesura that forms a legal requirement for the establishment of rights of possessing wealth. With respect to zakat, Sayyid Qutb notes that it effects the 'purification of property itself, because it means paying what is due on the property, after which its possession is legal' (2000: 162). Another important authority Yusuf al-Qardawi concurs, writing that 'sincere believers realized their wealth is not only for their use. They realized that part of it belongs in fact to the needy not as a charitable gift given with condescendence but as a clear-cut right without humbleness on the part of the received or pride on the part of the payer' (2000: 9). In other words, zakat indicates that a person in Islam can proceed to enjoin rights of possession and disposal of wealth in a legitimate manner only after a set portion of it has been duly transferred to its rightful owners. Such people are none other than the eight categories named in the Quran as zakat claimants, the *mustahiq*, literally those entitled to zakat (from *haq* in Arabic, or *hak* in Indonesian, meaning right). The primary category of those entitled to zakat, are the destitute and the poor.

Zakat differs both from the free gift and philanthropic giving in that the wealth transferred is not one's own to offer (or keep) as it properly belongs to others. Adjusting our language would require that we speak of wealth transferred (or handed over) rather than bestowed: a *mustahiq* is not a recipient but a person entitled to that wealth. Recognition of the rights *mustahiq* requires therefore the payment of zakat, that is, the calculation of the exact portion of wealth due to others and of its prompt transfer. According to this conception, it is only the remainder one can claim to possess and dispose; it is only what

remains after this process of calculation, division, partition and apportion has taken place that is legally one's to take hold of. In other words, the kinds of 'private, individual property rights' envisioned are not absolute but contingent on the performance of zakat; as such, they do not accrue automatically from the labour process, whether intellectual or manual, but follow upon zakat's division and partition, founded upon the transfer of other people's dues (Powell 2009). Moreover, such 'property rights' are better understood within a theological context that fully acknowledges Allah as the creator of everything and of humankind as His steward.¹⁶

The alternative, 'counter-hegemonic' understanding of zakat as a right (*hak*) is not however totally absent from the Indonesian context and frequent reference to a particular Quranic verse attests to this. The verse is no. 19 from *Surah Adh-Dhariyat* (the Winds) and often features in conversations on the issue and in print and electronic materials promoting zakat. In 2012 it appeared in a leaflet relating to *zakat profesi*. The leaflet presents a visualisation of the purifying effects of zakat on zakat payers (*muzakki*), featuring the photo of a well-off nuclear family having gathered over a kitchen sink. All three members smile widely, and while looking at each other in a congratulatory manner, they wash their hands carefully. On the left side of the photo some newly rinsed vegetables are posed with humans and produce waiting, one assumes, for dinner time to come. On the other side of leaflet, verse 19 is cited in Indonesian, framing the overall message: "*Dan dalam harta-harta mereka ada hak untuk orang-orang yang memerlukan, baik yang meminta maupun yang tidak.*"¹⁷ The English translation runs either as, "And in their properties there was the right of the beggar [sic] who asks and the poor who does not ask others" (see The Noble Qur'an), or as, "And in their wealth was what was due to him who asked, and him who was kept back from asking."¹⁸ In this highly modern portrayal of domestic harmony, zakat as the right of the poor and the destitute is explicitly acknowledged along with the conception that the legitimate possession and consumption of wealth is predicated on the prior deduction of zakat.

¹⁶ Islam, Abdul-Rauf writes, 'protects and endorses the personal right to own what one may freely gain, through legitimate means. It is a sacred right. Yet human ownership is tempered by the understanding that everything, in the last analysis, belongs to God. What appears to be ownership is in fact a matter of trusteeship' (1984: 19).

¹⁷ Go to <http://ahadees.com/arabic-surah-51-60.html> for the Arabic text and expert recitation.

¹⁸ See http://www.theonlyquran.com/quran/Az-Zariyat/English_EH_Palmer/?ayat=1&pagesize=0.



Photo of the leaflet reads: *Zakat on income – A clean source is safer, more blessed*

Otherwise it is simply stealing: the non-deduction and non-transfer of zakat tallies with the illegal and unlawful taking away of the property of another. In this respect we are reminded of something I noted above: if a Muslim hands over zakat, it is expected that one's wealth, business, etc. will be protected and possibly multiplied by Allah; if not, they will be destroyed, get lost, or vanish into thin air. Punishment for the non-deduction of zakat is not only met in the afterlife with the wealth withheld assuming the shape of a monstrous snake but has consequences in this life too with many a misfortunes befalling one, the decrease of wealth one enjoys been among them. Seen from the perspective of *hablu minallah*, the non-transfer of zakat is an affront to Allah for it amounts to avoiding submission in worship and is thus considered akin to unbelief. Yet seen from the perspective of *hablu minannaas*, it is basically a theft from and crime against the eight categories of other people entitled to zakat. While the first perspective pertaining to sin is readily repeated time and again in an innumerable number of occasions that range from televised sermons to small study groups, all privileging the transcendental character of human obligations to the divine, the second perspective that conceives zakat as relating to immanence – “And in their properties there

was the right of..."- and construes the failure to hand over other's people due as stealing enjoys very little currency amongst both Islamic scholars and zakat activists. Contrary therefore to the proliferation of recent efforts for empowering the poor this is a standpoint that is little elaborated and explicitly commented upon.

The immanent presence of others is paramount when considering zakat for it makes particular demands on us as analysts: seeking the most appropriate concept for thinking about the social relations involved is primary. Normally zakat is owed when a certain threshold of value (*nisab*) is reached. Its transfer is also performed either immediately as in the case of agriculture produce, following upon the harvest and before the crop reaches one's barn, or within the time period marked by the passing of a full lunar year (*haul*) as in the case of the proceeds of trade. In both occasions two distinct categories of persons, the *mustahiq* and the *muzakki*, have rights to the new wealth ("growth") generated with each category entitled to a portion of it by divine decree. In the case of immediate division, the crop is instantly cut into two (or more) parts. This act differentiates wealth into an inside and an outside, producing a fixed share, which is one's own, and a share belonging to others. In the case of the delayed division (*haul*), the parting is postponed for a considerable length time. During this interval, it is difficult and indeed impossible to differentiate between what is one's own and what belongs to others; this is a period when the boundaries between the self and other have been displaced in favour of a zone of amorphous 'inter-involvement' and mutual immanence. According to this reading of the practice, the distinction between the self and the other is set to emerge subsequently and consequently to wealth's division as predicated by zakat.

Along with an appreciation of the conceptual and political complexities immanence introduces what is also missing from recognition in the contemporary discursive field relating to zakat in Indonesia is the dependency of those owing zakat to those to whom zakat is owed. For the *muzakki's* salvation in the Hereafter and their fate in this world depends to a certain extent upon the readiness and willingness of the *mustahiq* to accept and receive the wealth transfer. It is only on condition of such acceptance that the wealthy can safely take possession of the remaining wealth generated, enjoy and pass it to their kin in a way that is legitimate and, equally importantly, see it multiply. Construing zakat as debt owed rather than as gift donated has important implications for it reverses the

positionalities the discourse on *filanthropi* generates: the *muzakki* can no longer assume the position of the ‘giver’ or ‘donor’, the social distinctions involved are duly reconstituted and imagined anew, the *mustahiq* are understood to render a service by accepting zakat and as such they come to occupy a position of distinction vis-à-vis zakat payers. While zakat activists in Indonesia are careful to stress that transferring zakat to the destitute and the poor has to be done in such a way that their pride is not injured and their feelings are not hurt, not deriding them for their condition or in any way blaming them for their poverty, they nevertheless shy away from going as far as al-Ghazali. A prominent 12th century Islamic scholar, al-Ghazali in his magisterial study titled ‘Revival of the Religious Sciences’, explicitly commends at length on such reversals, writing

‘Actually the [muzakki] should deem himself a beneficiary and the poverty-stricken, by virtue of accepting his [zakat] which is due to God, his benefactor. For in this lie man’s justification and his salvation from Hell-fire. Had the poverty-stricken declined to accept his [zakat], man would have remained under the obligation to zakat. It is his duty therefore to acknowledge that he is under the obligation to the poverty stricken who has made his hand substitute of God in receiving the dues [which man owes to] God’ (1966: 37).¹⁹

Conclusions

I began this paper with a description of the harvest in Java, prior to the massacres of the mid-1960s, noting that according to the *bawon* system of division, different sets of relations were entitled to different portions of crops growing in one’s land. In addition to the fact that the harvest was an activity at once economic and religious, I suggested that a sense of justice entitled the poor to portion of the crop, a right the landowners recognised for the harvests were open affairs and people turning up on the day could not be refused access. I linked this

¹⁹ The quote is *Kitab Asrar al-Zakah* which is the fifth book of the first quarter of the larger study entitled, *Ihya’ ‘Ulum Al-Din. Kitab Asrar al-Zakah* has been translated by Nabih Amin Faris as *The Mysteries of Almsgiving* [sic] (1966).

right of access to zakat and yet judging from the political upheavals of the 1960s, it was not deemed adequate for living and not fair enough. As a result, demands grew, opposition became stronger, blood was shed, a victor was declared; and yet the defeated and the dead did not simply go away; quite the opposite, their ghosts thrived and proliferated.

Considerations regarding the poor resurfaced transformed in the 1980s at a time when the new middle-class in Indonesia was growing as it benefited from the development programmes of the New Order. In this context, a new discourse on zakat arose as a result of a new wave of Islamic consciousness, serving both to underpin claims to distinction and to reinforce the legitimacy of the new wealth the middle class commanded. Zakat came in the first instance to be conceptualised not only as part of the ritual obligations to Allah but also as a social duty necessary for the maintenance of social peace and a means for bringing the state to account. From the late-1990s onwards, and as a result of *reformasi* and the emergence of discourses about democracy, civil society and empowerment, zakat came to be seen anew, primarily as a gift, that is, as alms generously bestowed by the well-off to those less fortunate. While this periodization might not be comprehensive, serving only a shorthand way of acknowledging important shifts in zakat practice in Indonesia, its value is nevertheless that of bringing into sharp focus the route to justice that remains to be traversed. Such route is bound up with a series of issues which if not altogether suppressed from public discourses endure unacknowledged, are definitely marginalised and made difficult to view and articulate. In contrast to the prominence afforded to discourses about community development, empowerment and generosity, what is downgraded and under-elaborated in contemporary Indonesia is zakat as the right of *mustahiq* and a debt owed by the *muzakki*. Such misrecognition I argue partly stems from an unwillingness to engage with key conceptual complexities regarding property rights in Islam in its historical trajectory as a world religion. It also relates to the fact that emphasis is currently placed on the transcendental character of obligations, themselves conceived only in relation to Allah and the state. This stress is achieved at the expense of acknowledging the everyday immanence of others and the importance of dues owed to them. As a result of downplaying such entitlements and avoiding embracing the reversals they promote, the ghosts of the 1960s and of the late 1990s will continue to haunt the living in their extravagant and luxurious shopping malls.

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