

Not Eight, But Four: Muhammad Syahrūr's Reconstruction of *Mustahiq Zakah's* Classification

Bukan Delapan, Tetapi Empat: Rekonstruksi Muhammad Syahrūr tentang Klasifikasi Mustahik Zakat

Muhammad Misbahul Munir*

Universitas Islam Negeri Sunan Kalijaga Yogyakarta, Indonesia
moh.misbah07@gmail.com

Khamim

Politeknik Negeri Pontianak, Indonesia
sahidkhamim@gmail.com

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*Corresponding Author

Abstract: This article analyzes Muhammad Syahrūr's thoughts on the *mustahiq zakah* (zakat recipient) classification based on his interpretation of Qur'anic verse, QS. al-Taubah [9]: 60. Syahrūr's perspective is unique because it challenges the classification of *mustahiq zakah* that Islamic jurists have widely accepted. The article uses a literature review with a Gadamer hermeneutic approach. Data was collected through text studies and analyzed using descriptive-analytical techniques. The study found that Syahrūr classified *mustahiq zakah* into four categories: *fakīr* (poor person), *miskīn* (needy person), *ghārim* (the debtor), and *ibn sabīl* (wayfarer). Using a scientific-historical approach, Syahrūr expanded the meaning of *fakīr* to include orphans, *miskīn* to include people with special needs, *ghārim* to include debts for paying *diyah* (blood money) for wrongful killing (*al-qatl al-khaṭa'*), and *ibn sabīl*, which refers to travelers. Syahrūr's interpretation of QS. al-Taubah [9]: 60 is a product of his scientific-historical approach, which he developed while in Moscow under the influence of the prevailing logic of the time (episteme), the structuralism of Russian formalism, and his linguistic teacher, Ja'far Dak al-Bāb. Syahrūr's approach required him to observe the contemporary object's condition in understanding QS. al-Taubah [9]: 60. The poor conditions in Syria, both internal and external factors, influenced Syahrūr's interpretation of QS. al-Taubah [9]: 60.

Keywords: Reconstruction, Muhammad Syahrūr, *Mustahiq Zakah*, Ja'far Dak al-Bāb, Russian Formalism.

Abstrak: Artikel ini menganalisis pemikiran Muhammad Syahrūr (Syahrūr) tentang klasifikasi mustahik zakat berdasarkan penafsirannya terhadap QS. al-Taubah [9]: 60. Pemikiran Syahrūr ini unik, karena bertentangan dengan klasifikasi mustahik zakat yang disepakati oleh mayoritas ulama fikih. Artikel

ini merupakan penelitian pustaka dengan pendekatan hermeneutika Gadamer. Data dikumpulkan melalui kajian teks dan dianalisis dengan teknik deskriptif-analisis. Kami menemukan bahwa Syahrūr mengklasifikasi mustahik zakat menjadi empat: *fakīr*, *miskīn*, *ghārim*, dan *ibn sabīl*. Dengan pendekatan historis ilmiah, Syahrūr mendinamisasi makna *fakīr* yang mencakup anak yatim, makna *miskīn* mencakup orang-orang yang berkebutuhan khusus, makna *ghārim* mencakup hutang untuk membayar diat pembunuhan keliru (*al-qatl al-khaṭa'*), dan makna *ibn sabīl* yang merujuk pada musafir. Produk penafsiran Syahrūr terhadap QS. al-Taubah [9]: 60 merupakan implikasi dari pendekatan yang digunakannya. Pendekatan historis ilmiah dibangunnya ketika di Moskow yang ketika itu logika zaman yang berkembang (*episteme*) adalah strukturalisme dari Formalis Rusia. Pendekatan historis ilmiah juga dipengaruhi oleh guru linguistiknya, Ja'far Dak al-Bāb. Kajian sinkronis yang mendominasi dalam pendekatan Syahrūr mengharuskannya melihat kondisi objek kontemporer dalam memahami QS. al-Taubah [9]: 60. Kondisi Suriah yang buruk, baik dari faktor internal dan eksternal, mempengaruhi hasil penafsiran Syahrūr atas QS. al-Taubah [9]: 60.

Kata Kunci: Rekonstruksi, Muhammad Syahrūr, *Mustahiq Zakah*, Ja'far Dak al-Bāb, Fomalisme Rusia.

A. Introduction

Muhammad Syahrūr's (Syahrūr) thoughts about the *mustahiq zakah* (zakat recipient) classes raise controversy because they differ from the opinions of most Islamic jurists.¹ Based on QS. al-Taubah [9]: 60, Islamic jurists classify *mustahiq zakah* into eight classes: *fakīr* (poor person), *miskīn* (needy person), *ghārim* (the debtor), and *ibn sabīl* (wayfarer), in contrast to the opinion of the classical scholars who tend to interpret textually against QS. al-Taubah [9]: 60, Syahrūr argued that the classical interpretation of this verse needs to be reviewed due to the difference in contemporary conditions from the time when the verse was revealed.² This can produce interpretations that are relevant to the problems of the people. This opinion is contained in his work, *Al-Kitāb wa al-Qur'ān: Qirā'ah Mu'āṣirah*, and Wael B Hallaq stated that the book offered depth and amplitude without comparison to modern works on the subject.³

¹ Wahbah al-Zuhailī, *Al-Fiqh al-Islāmī wa Adillatuh*, vol. II (Beirut: Dār al-Fiqr, 1985), 867–75.

² Muhammad Syahrūr, *Al-Kitāb wa al-Qur'ān: Qirā'ah Mu'āṣirah* (Damaskus: al-Ahali, 1990), 485.

³ Andreas Christmann, "Lis le Coran Comme s'il Avait été révélé la Nuit Dernière. Une Introduction à la vie et à l'œuvre de Muhammad Shahrur," *Maghreb - Machrek* 198, no. 4 (2008): 19–29.

The debate about *mustahiq zakah* is not new. Classic interpreters have different opinions about the existence of the eight *mustahiq zakah* classes. There are at least three classes whose status is debated, namely *‘āmil*, *muallaf*, and *riqāb*. In addition, they also argue about the difference in the meaning of *mustahiq zakah* classes. In the meaning of the words “*fakīr*” and “*miskīn*,” for example, al-Ṭabarī (310 H) recorded at least five different opinions in *Jāmi’ al-Bayān* and their sources.⁴ Moreover, al-Qurṭubī (671 H), *Al-Jāmi’ li al-Aḥkām al-Qur’ān*, mentioned that there were nine opinions from linguists and Islamic jurists who had different interpretations of the words “*fakīr*” and “*miskīn*.”⁵

There are no focused studies on Shahrūr and his thoughts on the reconstruction of the classification of *mustahiq zakah*. Earlier studies only describe several of his works,⁶ review,⁷ and translate them.⁸ Some international scholars have also analyzed the methods and theories about the sources of Islamic law⁹ and the theory of limits (*naẓāriyah al-hudūd*).¹⁰ Other scholars analyze his new interpretation of the status of women in Islam related to polygamy,¹¹ inheritance,

⁴ *Fakīr* is a needy person who refrains from begging, while *miskīn* is a needy person who does not beg. This definition is found in the narrations of Hasan, Ibn Abbas, Jabir bin Zaid, al-Zuhri, and Mujahid. According to Qatadah’s narration, *fakīr* is a person who is disabled among those who are in need, while *miskīn* is a physically healthy person. Thirdly, *fakīr* is the group of poor people from the Muhajirin, while *miskīn* is the Muslim group who did not migrate and are among those in need. This opinion is from the narrations of al-Dahhak bin Muzahim, Sufyan, Ibrahim, and the narrations of Said bin Jubair and Said bin Abdurrahman bin Abzi. Fourthly, according to Umar, *miskīn* is the unlucky one among us. Finally, according to Ikrimah, *fakīr* is the Muslim group and *miskīn* is the people of the Book. See: Al-Ṭabarī, *Jāmi’ al-Bayān ‘an Ta’wīl Ay al-Qur’an* (Mu’assasah al-Risalah, n.d.), 509-514.

⁵ Al-Qurṭubī, *Al-Jāmi’ li Aḥkām al-Qur’an* (Beirut: Al-Resalah, 2006), 250.

⁶ Christmann, “Lis le Coran Comme s’il Avait été révélé la Nuit Dernière.”: 19–29.

⁷ Peter Clark, “The Shahrur Phenomenon: A Liberal Islamic Voice from Syria,” *Islam and Christian-Muslim Relations* 7, no. 3 (1996): 337–41.

⁸ Muḥammad Shahrūr and Andreas Christmann, *The Qur’an, Morality and Critical Reason: The Essential Muhammad Shahrur*, Social, Economic and Political Studies of the Middle East and Asia, v. 106 (Leiden: Brill, 2009).

⁹ Arip Purkon, “Rethinking of Contemporary Islamic Law Methodology: Critical Study of Muhammad Shahrūr’s Thinking on Islamic Law Sources,” *HTS Teologiese Studies/Theological Studies* 78, no. 4 (March 16, 2022): 1–7.

¹⁰ Havis Aravik, Choiriyah Choiriyah, and Saprida Saprida, “Critical Study on Legal Thinking of Muhammad Shahrur,” *AHKAM: Jurnal Ilmu Syariah* 18, no. 1 (January 12, 2018): 43–64.

¹¹ Roxanne D. Marcotte, “Le Réformisme Islamique Revisité: L’interprétation de Shahrūr (1938-) et La Condition Féminine,” *Studies in Religion/Sciences Religieuses* 28, no. 4 (June 25, 2016): 437–64.

women's 'aurat (private parts),¹² dress code,¹³ democracy, and plurality.¹⁴ In contrast to several previous studies, this article focuses on his thoughts on the classification of *mustahiq zakah*. Therefore, this article contributes to the study of Islamic legal thought, especially Syahrūr's views on the classification of *mustahiq zakah*.

This article employs a library research approach using Gadamer's hermeneutics. Gadamer's hermeneutics can be elaborated into four related theories: historically affected consciousness, pre-understanding, the fusion of horizons, hermeneutical circle, and application. The research data was collected by studying the text and will be analyzed using a descriptive-analytic technique. The primary source in this article is Syahrūr's book, *Al-Kitāb wa al-Qur'ān: Qirā'ah Mu'āṣirah* (1990). First, the authors collected the data contained in work and classified it based on the problem under study. Second, the authors qualitatively reviewed the classified data using Gadamer's hermeneutic theory. Lastly, the authors analyzed and interpreted the data and drew conclusions.

B. Overview of Muhammad Syahrūr

Muhammad Syahrūr, often written as Muhammad Shahrour, was born on April 11, 1938, in Sālihiyyah, Damascus, Syria. Syahrūr is the fifth child of Deib ibn Deib Syahrūr and Šiddīqah bint Šālih Filyūn.¹⁵ His father was a dyer who decided not to send his children to the local *madrāsah* (Islamic school) but to elementary schools and secular middle schools in Al-Midān, a southern suburb of Damascus outside the old city walls. Deib taught him that the goodness of religion could only be measured by its practical and moral implications, not its spiritual advancement. In an interview in 1996, Syahrūr recalled his father's teachings when he pointed at

¹² Faisar Ananda Arfa and Muhammad Syahrūr, "Hermeneutika Muhammad Shahrūr dan Implikasinya terhadap Istinbāt Al-Aḥkām dalam Persoalan Wanita," *AHKAM: Jurnal Ilmu Syariah* 13, no. 1 (February 1, 2013): 109–24.

¹³ Syamsul Wathani, Habib Ismail, and Akhmad Mughzi Abdillah, "Reconstruction of Women's Fiqh: An Analysis of Muhammad Shahrūr's Contemporary Reading in a Hermeneutic Perspective," *Journal of Islamic Law (JIL)* 3, no. 2 (August 11, 2022): 159–75.

¹⁴ Michaelle L. Browsers, "Shahrūr's Reformation: Toward a Democratic, Pluralist and Islamic Public Sphere," *Historical Reflections/Reflexions Historiques* 30, no. 3 (2004): 445–67.

¹⁵ See: Muhammad Syahrūr, *Dirāsāt Islāmiyyah Mu'āṣirah fī al-Daulah wa al-Mujtama'* (Damaskus: Al-Ahāli, 1994), x; Muhammad Syahrūr, *Al-Islām wa al-Īmān, Manẓūmat al-Qiyām* (Damaskus: Al-Ahāli, 1996), 22.

the home stove and said, “If you want to warm yourself, do not read the *Qur’an*, but light the fire in the stove.”¹⁶

Syahrūr started and completed his elementary school in 1949 in his hometown at the educational institution ‘Abdurrahman al-Kawākibi, Damascus. In this educational institution, he also completed his junior high school in 1953 and senior high school in 1957.¹⁷ At 19, he received a scholarship from the Russian government to continue his education at Moscow’s Department of Civil Engineering (*Handāsah Madāniyyah*). Between 1957-1964 in Moscow, Syahrūr began to learn the famous Marxist theory of Dialectics and Materialism and Historical Materialism. As conveyed by Syahrūr to Peter Clark, although he was not a follower of the Marxist school, he was influenced by the thinkers Friedrich Hegel and Alfred North Whitehead.¹⁸

A few months after graduation, Syahrūr was immediately asked to be an assistant lecturer at the Faculty of Civil Engineering, University of Damascus. In his sophomore year as a teaching assistant, he did research at Imperial College, London. Unfortunately, in June of that year, he was forced to return home due to the conflict between Britain and Syria, which led to bad diplomatic relations between the two countries.¹⁹ In 1968, Syahrūr received another scholarship from the University of Damascus, where he was serving as a teaching assistant, to continue his education at the University of Dublin, Ireland. On this occasion, he pursued a master’s program specializing in Soil Mechanics, which he completed in 1969, earning a Master of Science (M.Sc.) degree. At the same university, he then continued his doctoral program with a specialization in Foundation Engineering which he completed in 1972, earning a Doctor of Philosophy (Ph.D.) degree.²⁰

¹⁶ Andreas Christmann, *The Qur’an, Morality and Critical Reason* (Leiden: Brill, 2009), xix.

¹⁷ “Muḥammad Shahrūr, *Al-Sīrah al-Dhātīyah – Al-Mawqif al-Rasmī*,” April 20, 2022, https://shahrour.org/?page_id=2.

¹⁸ Charles Kurzman, *Wacana Islam Liberal: Pemikiran Islam Kontemporer tentang Isu-Isu Global*, Trans. Bahrul ‘Ulum and Heri Junaidi (Jakarta: Paramadina, 2001), 210.

¹⁹ M. Aunul ‘Abied Shah and Hakim Taufik, “Tafsir Ayat-Ayat Gender dalam al-Qur’an; Tinjauan terhadap Pemikiran Muhammad Syahrūr dalam Bacaan Kontemporer,” in *Islam Garda Depan Mosaik Pemikiran Islam Timur Tengah*, ed. Hasan al-Banna et al. (Bandung: Mizan, 2001), 337.

²⁰ M. Aunul ‘Abied Shah et al., *Islam Garda Depan Mosaik Pemikiran Islam Timur Tengah* (Bandung: Mizan, 2001), 237.

At first, Syahrūr was more concerned with technical education. Still, over time, due to his intellectual development, he began to take an interest in and eventually delve deeper into Islamic studies, especially during his time in Ireland (1970-1980). At that time, he reunited with Ja'far Dak al-Bāb and discussed the language problem, philosophy, and the Qur'an. He also studied Ja'far's dissertation on linguistics, which was promoted in 1973 in Moscow. Because of his persistence and meeting with Ja'far, Syahrūr began studying the Qur'an and wrote many related works.²¹

Towards the end of the year, on December 21, 2019, Syahrūr passed away, leaving behind a lot of work.²² Syahrūr's works in religious discourse, which he called the series "*Dirāsāt Islāmiyyah Mu'āṣirah*," consist of five books, all published by Dār al-Ahālī li al-Thibā'ah wa al-Nasyr wa al-Tawzī' in Damascus, Syria: "*Al-Kitāb wa al-Qur'ān: Qirā'ah Mu'āṣirah*" (1990), "*Dirāsāt Islāmiyyah Mu'āṣirah fī al-Daulah wa al-Mujtama'*" (1994), "*Al-Islām wa al-Īmān: Manẓūmat al-Qiyam*" (1996), "*Nahwa Uṣūl Jadīdah li al-Fiqh al-Islāmī: Fiqh al-Mar'ah*" (2000), and "*Tajfīf Manābi' al-Irhāb*" (2008). Additionally, thirteen of Syahrūr's book-form works were published by Dār al-Sāqī, Beirut, Lebanon.

Of the many works by Syahrūr on the study of the Qur'an, "*Al-Kitāb wa al-Qur'ān: Qirā'ah Mu'āṣirah*" is his magnum opus. This book has sparked a lot of controversies among Islamic thinkers. It is the result of Syahrūr's study and contemplation for at least 20 years and has not been without criticism from various Islamic intellectuals. About 15 books have been written criticizing his ideas, and among those who sharply criticized Syahrūr was Muhami Munir Thahir al-Syawwaf.²³ One of al-Syawwaf's two criticisms is that Syahrūr's ideas were heavily influenced by Marxist thought and that he made mistakes in his analysis of synonyms of words in the Qur'an.²⁴ Like al-Syawwaf's critics, Ushama also criticized that Syahrūr did not have a formal Islamic education. Syahrūr's ideas are greatly

²¹ Syahrūr, *Al-Kitāb wa al-Qur'ān: Qirā'ah Mu'āṣirah*, 47.

²² "Muḥammad Shaḥrūr, Al-Mawqī' al-Rasmī," accessed April 20, 2022, <https://shahrour.org/>.

²³ Arfa and Syahrīal, "Hermeneutika Muhammad Shahrūr dan Implikasinya terhadap Istimbāt Al-Aḥkām dalam Persoalan Wanita," 110.

²⁴ Mahami Munir, *Tahāfut al-Qirā'ah al-Mu'āṣirah* (Cyprus: Al-Syawwaf li al-Nasyr wa al-Dirasat, 1993), 30-31.

influenced by his knowledge of engineering, modernity, secularism, and his residence in Communist Russia, which have generated a lot of controversies.²⁵

C. *Mustahiq Zakah* from Muhammad Syahrūr's Perspective: Interpretation of QS. al-Taubah [9]: 60

Muhammad Syahrūr's interpretation of QS. al-Taubah [9]: 60 can be found in his book, *Qirā'ah Mu'āṣirah*, which is scattered across various sections. In his book, he explained that someone asked him if the state handled all state income, could zakat be abolished? He replied that there were two reasons why it could not be done. First, zakat cannot be eliminated at the individual level because everyone can't have the same income. This reasoning is consistent with the explanation given previously. Second, if we pay attention to the classes entitled to receive zakat, it is doubtful that society, no matter its form or system, could abolish zakat altogether. In social and economic development, some classes entitled to receive zakat may have their rights canceled, as was the case with the caliph 'Umar bin al-Khattab when he omitted the *mu'allaf* (converts to Islam) class as entitled to receive zakat. One of the factors for this was the imbalance in state income at that time.²⁶

However, there are four classes whose rights to receive zakat cannot be abolished in any society. First, the Qur'an clearly distinguishes *faqīr* and *miskīn*, two types entitled to receive zakat. Based on the lexical analysis, according to Syahrūr, the word "*al-faqīr*" in Arabic comes from the word "*faqara*," which means 'to exit some part of the body or other.' This understanding generates two terms: the term *al-faqār li al-ḥaḍri al-wāhidah* (one bone on the back), which is called *faqrah-faqarah* and the term *al-'amūd al-faqr* which means 'backbone.' In other words, a *faqīr* is weak due to lack of income, as if he had slammed his back until it broke.²⁷

Nevertheless, according to Syahrūr, the term *faqīr* is a developing term following the socio-economic conditions of our place and time. Therefore, Syahrūr refused to follow the understanding of *faqīr* that classical fiqh experts had

²⁵ Thameem Ushama, "A Critique of Muhammad Shahrur's Views on the Qur'an, Teh Hadith Corpus, Shari'ah, and Early Islamic Scholarship," *Advances in Social Sciences Research Journal* 8, No. 12 (2021): 258.

²⁶ Syahrūr, *Al-Kitāb wa al-Qur'ān*, 486.

²⁷ Syahrūr, *Al-Kitāb wa al-Qur'ān*, 486.

determined in the past. The reason is that the sense may have been appropriate only in their time, but it is no longer relevant today. According to him, the understanding of *faqīr* needs to be reformulated according to our current situation and objective conditions. For example, orphans may be categorized as *faqīr*. Syahrūr reasoned that orphans do not have the skills and income. If so, the distribution of zakat to orphanage institutions or foundations can be done.²⁸

Etymologically, “*miskīn*” comes from the word “*sakana*” or “*sukūn*,” which means calm. In the form of a toponym (*ism makān*), “*maskān*” means “a quiet abode for humans.” Departing from this understanding of language, Syahrūr defined “*miskīn*” as a person whose ability is limited and has a strong sense of security relative to others, such as the blind, the mute, the deaf, those with weak minds (idiot), or people who have lost one of the functions of their organs, such as those with disabled legs, hands, and palms (people with disabilities). Syahrūr’s definition is almost the same as the meaning of the history of Qatadah. However, people with mental deficiency refer to “*faqīr*,” not “*miskīn*.”²⁹ Syahrūr explained that there is a possibility of people becoming “*faqīr*” but not “*miskīn*” or becoming “*miskīn*” but not “*faqīr*.” If asked why they should help, then the answer is how blind people can establish schools to teach and equip themselves with various skills to live in society without the help of others. Therefore, Syahrūr considers that all institutions and foundations dealing with people with special needs are entitled to receive assistance financing from zakat.³⁰

The two definitions of Syahrūr above cannot be separated from the history of Syahrūr’s influence, who was born and raised in Syria. Syahrūr, as a child of his time, whether consciously or not, reflected himself against the socio-political conditions in Syria in his interpretation. In an interview done by Eickelman, Syahrūr was asked about when he got the idea to write the book “*al-Kitāb wa al-Qur’ān*,” which in this section explains about *mustahiq zakah*. He replied that the idea came after the incident of the Six-Day War. The preacher (*khātib*) recounted that during the first Friday sermon at the mosque in Damascus after the events of the Six-Day

²⁸ Syahrūr, *Al-Kitāb wa al-Qur’ān*, 487.

²⁹ Syahrūr, *Al-Kitāb wa al-Qur’ān*, 487.

³⁰ Syahrūr, *Al-Kitāb wa al-Qur’ān*, 487.

War, the preacher explained that the reason for the defeat of the Arab state was a woman because her attitude was rough and dressed minimally (*al-nasā' qāsiyāt 'āriyāt*). Syahrūr rejected this explanation and wondered why a disaster happened because God was angry and punished men for women's behavior. How could women not wearing hijab be the cause? If such reasons, Israeli women wear bikinis, and they beat us, said Syahrūr to himself. On the same day, his friend also told him that the preacher discussed the divorce law in Islam at the Medina Mosque. Since that Friday, Syahrūr became convinced that there was something wrong with the Arab way of reasoning, and he felt the need to revise the way of reasoning accordingly.³¹

Syahrūr's interpretation is influenced by the reality of the Six-Day War. This war exacerbated the condition of Syria after independence, causing internal conflict. Israel captured the Golan Heights, a rocky plateau in southwest Syria during the Six-Day War. This war resulted in around 100,000 Syrians being forced to flee the area, increasing the number of orphans in Syria. The war also claimed 2,500 lives and left 5,000 people injured.³² Seeing these conditions could be why Syahrūr considers orphans a group that needs attention and is given a share of zakat. The same goes for those with special needs affected by the conditions in Syria.³³ Living with special needs during conflict is very difficult. Even so, Syahrūr underlined that distributing zakat to these two classes must be given to the governing foundation. Zakat is not given to individuals in each of these classes because it could be that some orphans or individuals with special needs are wealthy and do not need funds from zakat.³⁴ It is in line with Ibn Utsaimin when asked about the zakat rights status of orphans. He replied, "*Orphans who are faqīr receive zakat. If you want to pay zakat to the 'wali,' then it is permissible if they are trustworthy.*"³⁵ Although Ibn Utsaimin allowed it, he

³¹ Interview with Muhammad Shahrur by Dale F. Eickelman (1996). See: Christmann, *The Qur'an, Morality and Critical Reason* (Leiden: Brill, 2009), 510-11.

³² Tucker Spencer C., *The Encyclopedia of Middle East Wars. The United States in the Persian Gulf, Afghanistan, and Iraq Conflicts* (ABC-CLIO, 2010), 1198.

³³ There is no accurate data on the number of orphaned children in Syria. According to data collected by UNICEF, around 400 million children are affected by war or conflict worldwide. Among the impacts is the loss of parents (orphaned). See: "Children in War and Conflict," UNICEF USA, accessed February 19, 2023, <https://www.unicefusa.org/mission/emergencies/conflict>.

³⁴ Syahrūr, *Al-Kitāb wa al-Qur'ān*, 487.

³⁵ Ibn al-'Utsaimin, *Majmū' Fatawā*, XVIII, (Dar al-Tsuraya, 2003), 346.

refused to include orphans as part of the *mustaḥiq zakah* unless they were part of the eight classes referred to in QS. al-Taubah: [09]: 60.

The third class is *ghārim* (debtors). Syahrūr defined this class as people who are in debt and unable to pay it, like a debt to pay for wrongful killing (*al-qatl al-khaṭa'*) fines. Therefore, we have to define the concept of *ghārim* following the socio-economic conditions of the contemporary period.³⁶ In Islam, murder (*al-qatl*) is divided into two types. First, the killing is justified, such as killing apostates and killing for *qiṣāṣ* (Islamic law of retribution). Second, killing is prohibited. From a literature study on the meaning of *ghārim*, the authors find no meaning of *ghārim*, which includes debt for ransom for the wrongful killing penalty.³⁷ Syahrūr's interpretation is relatively new and out of the mainstream understanding. Unlawful killing can happen in a sharing case form. Look at the condition of Syria at that time, when there were many internal and external conflicts. It could be that the wrongful killing happened because of the flow of sects and confrontation between civil society and security forces. Wrong killings can also occur as a result of stray bullets. According to Syrian law, culpable homicide is punishable by imprisonment for a detention period of six months to three years.³⁸

In the case of this meaning, Syahrūr underlined that debt in bottomless Islam can be paid for using zakat money, not state money that comes from taxes, even though the money is actually from the people and for the people. People's rights are the government's responsibility that must be fulfilled, excluding those who owe in the *mustaḥiq zakah* classes. He also emphasized that the state should not grant debt forgiveness to people who have caused the country's economic losses, for example, in the case of corruption. If the corrupt want forgiveness, they must continue to pay off their debt obligations to the state.³⁹

In the Corruption Perception Index data, from a scale of 0–100 (0 perceptions of highest corruption, highest 100 perceptions of honesty), Syria scored 34 in 2003

³⁶ Syahrūr, *Al-Kitāb wa al-Qur'ān*, 487.

³⁷ Syahrūr, *Al-Kitāb wa al-Qur'ān*, 487.

³⁸ "Muntaḍā Muḥāmi Sūriyah, Jarīmah al-Qatl wa al-Idā'u Ghayr al-Muqṣūd," accessed April 24, 2022, <http://www.damascusbar.org/AlMuntada/showthread.php?t=4024>.

³⁹ Syahrūr, *Al-Kitāb wa al-Qur'ān*, 487.

and decreased to 13 in 2018.⁴⁰ The score shows that Syria's corruption is high and continues to increase. Director of Transparency International research, Finn Heinrich, as quoted from Al Jazeera, links corruption to countries in turmoil, as it happened in Libya and Syria. During the reign of Hafiz al-Assad in Syria, which lasted from 1971 to 1990, he exercised authoritarian leadership. Hafiz al-Assad is an adherent of the Alawite sect, which is one of the branches of the Shia sect. The Alawite sect is one of the largest sects, with a scale of 11% of the population in Syria. Hafiz al-Assad is one of the founding members of the Ba'ath Party. During his tenure, Hafiz al-Assad made many policies favoring the Alawite sect. In addition, he also put his family and the Alawite sect in a strategic position in the ranks of his government. It caused the majority of people who are Sunni to feel sidelined.⁴¹

The majority of power in Syria is occupied by the Alawite sect and the Ba'ath Party, creating space for corruption within the ranks of the government.⁴² The Alawite-dominated military security gets most of its funds from the distribution of state funds. Corrupt practices have also spread to the top officials of the Ba'ath Party, who use their power to enrich themselves rather than distribute it to underprivileged communities in Syria.⁴³ The phenomenon of corruption in Syria within the period of writing this book may have influenced Syahrūr to assert that corruptors are not part of the *ghārim*, which is a response to corrupt practices.⁴⁴ Losses resulting from corruption can be categorized as debt in immorality because they are very detrimental to the country and do not benefit the people, which goes against the purpose of zakat, which is to help the weak and not the other way around.

The last class is *ibn sabīl*. Syahrūr briefly defined this class as people who lose money while traveling, for example, by being pickpocketed or mugged.⁴⁵ In describing this class, Syahrūr did not elaborate on the category of *ibn sabīl* because he believed that the term *ibn sabīl* has a general meaning that refers to a traveler.

⁴⁰ "2021 Corruption Perceptions Index - Explore Syria's Results," Transparency.org, January 25, 2022, <https://www.transparency.org/en/cpi/2021>.

⁴¹ Raymond Hinnebusch, *Syria: Revolution from Above* (New York: Routledge, 2001), 58.

⁴² Hinnebusch, *Syria*, 58.

⁴³ Hinnebusch, *Syria*, 86-89.

⁴⁴ Syahrūr, *Al-Kitāb wa al-Qur'ān*, 487.

⁴⁵ Syahrūr, *Al-Kitāb wa al-Qur'ān*, 487.

However, according to him, this category always has a part in the economic system, no matter what.⁴⁶ Syahrūr's argument can be justified considering that the risk of loss is very likely to occur during travel, whether due to being snatched or robbed. This form of street crime can happen anywhere, even in developed countries. Given the difficult economic conditions in Syria at that time, such a crime is very likely to occur. Therefore, those who are victims of pickpocketing or mugging enter the *mustahiq zakah* category.

D. The Tradition of Russian Formalism: Muhammad Syahrūr's Situation

In understanding, everyone cannot get out of tradition. Human history is entrenched in certain traditions that influence the flow of thought (*Bildung*). Syahrūr's intellectual journey, consciously or unconsciously, formed the construction of a linguistic approach in its interpretation. As explained earlier, from a young age, his father taught Syahrūr how to think rationally and logically in understanding religion. It showed when he questioned the views of Khatib Friday after the six-day war linking female genitalia with the defeat of the Arab allies. According to him, that view is irrational, and how could God be angry because of how women dress? If so, Israel's way of dressing is more open.⁴⁷

Syahrūr's education level shows his interest in majoring in the exact sciences. When he earned his Bachelor's Degree, he majored in Civil Engineering. He continued his Postgraduate and Doctoral degrees in Ireland, specializing in Soil Mechanics and Foundation Engineering. This educational background demonstrates his mastery of civil engineering. Of course, he must also master mathematics. This knowledge influences the methodology of reading his interpretations. It was seen when he formulated the limit theory. It uses various mathematical theories, such as set, limit, integral, and differential theories. While studying in Russia in the 1960s, Russia was on the rise and incessantly spread the flow of literary criticism to Europe, referred to as Russian formalism. This flow was born in the 1920s and emerged as a reaction to the flow of 19th-century positivism that emphasized content and characteristics social in work. This flow was born from the urge of tendencies, a

⁴⁶ Syahrūr, *Al-Kitāb wa al-Qur'ān*, 487.

⁴⁷ Christmann, *The Qur'an, Morality and Critical Reason*, 510–11.

paradigm shifts in the humanities that shifts from diachronic to synchronic. This class of Russian formalists is the foundation for modern literature science.⁴⁸

Amidst Syahrūr's interest in language philosophy and Qur'anic studies, he was also influenced by the Russian formalist structuralism tradition, which became the episteme or logic of the era enveloping Europe. Whether consciously or not, this tradition would influence Syahrūr's perspective in building his approach. This hypothesis is strengthened by Andreas Christmann's opinion in his article, where he mentions the defamiliarization approach in his book, *Qira'ah Mu'āṣirah*.⁴⁹ It is one of the literary theories in the school of Russian formalism and the Prague school, which is similar to Syahrūr's reading method in the Qur'an. The similarity lies in Syahrūr's effort to break the old way of understanding the concept of the Qur'an that has been considered the same as the meaning of *Kitāb*. It offers a new idea, and Muslim scholars see both concepts as foreign.⁵⁰

Supporting Christmann's hypothesis, Abdul Mustaqim also related Syahrūr's linguistic structuralism approach to Ferdinand de Saussure, a pioneer of modern linguistics.⁵¹ He proved the resemblance based on the three linguistic principles used by Syahrūr. First, Syahrūr views language as a structural relation that has implications for the independence of the Qur'anic text, so he rejected the use of *asbāb al-nuzūl* (circumstances of revelation) as a tool in interpreting the Qur'an. Based on this, Syahrūr only used the interpretation of the linguistic structure of the text using syntagmatic and paradigmatic relation analysis. Second, the use of perspective synchronic and diachronic. Third, the use of dichotomous principles that are binary opposition. According to Mustaqim, these three principles are characteristics of the structuralism approach.⁵²

⁴⁸ Robert Holub, *Reception Theory: School of Constance* (Cambridge University Press, 1995), 319–46.

⁴⁹ Defamiliarization is a subversive strategy to explain an art object as if seeing it for the first time. The purpose of this strategy is to change the perspective on conventional habits in reading art so that familiar objects no longer appear as expected by the reader. See: Winfried Noth, *Handbook of Semiotics* (Bloomington and Indianapolis: Indiana University Press, 1990), 307–8.

⁵⁰ Andreas Christmann, "The Form is Permanent, but the Content Moves: The Qur'anic Text and Its Interpretation(s) in Mohamad Shahrour's *Al-Kitab wa'i Qur'an*," *BRILL* 43 (2004): 263.

⁵¹ Abdul Mustaqim, *Epistemologi Tafsir Kontemporer* (Yogyakarta: LKis, 2010), 304.

⁵² Mustaqim, *Epistemologi Tafsir Kontemporer*, 304–8.

E. The Influence of Ja'far Dak al-Bāb⁵³ on Muhammad Syahrūr

When discussing tradition, we must also talk about the existing authority within that tradition. In his book, Muhammad Syahrūr identifies that the linguistic approach he built was influenced by Ja'far, whom he acknowledges as a discussion partner and teacher. Syahrūr's acquaintance with Ja'far began long ago. Their second meeting occurred while studying in Moscow, in an ethnic organization, around 1958. At that time, he majored in Civil Engineering, and Ja'far majored in Arabic Literature at the same University. As Syahrūr and Ja'far's intense meetings were filled with discussions about many things, in 1980, Ja'far informed Syahrūr that he was interested in linguistics, philosophy, and studying the Qur'an.⁵⁴

Seeing Syahrūr's great interest in linguistics and the study of the Qur'an, Ja'far gave his doctoral dissertation explaining the character of the Arabic structure from the perspective of modern linguistic studies. Ja'far's dissertation inspired Syahrūr to develop the scientific-historical approach he wrote in his book, *Qira'ah Mu'āshirah*. In the introduction to his book, Ja'far, who was asked to explain the construction of Syahrūr's approach, was told that Syahrūr's scientific-historical approach was built from three linguistic figures of Arabic, namely the linguistic method of Abu Ali al-Farisi, the linguistic perspective of Ibn Jinni, and Abdul Qahir al-Jurjani.⁵⁵

The influence of the authority of the three Arab linguistic figures can be found in the analysis used by Syahrūr in interpreting QS. Al Taubah [9]: 60. First, the anti-synonym principle of Abu Ali al-Faris.⁵⁶ Syahrūr assumes that words considered exact synonyms have specific meanings or accentuations. According to him, language is a sociological phenomenon (*ẓāhirah ijtima'iyah*) that is imperfect in one stage but experiences a process of development and change.⁵⁷ This principle became

⁵³ Ja'far Dak al-Bāb is a former professor at Damascus and Algerian universities and a member of the Association of Literary Critics. He holds a Ph.D. in historical and comparative linguistics and a Bachelor of Laws degree. Ja'far is well-known for his numerous writings in the field of linguistics. See: "Ja'far Dak al-Bāb, Iṭḥād al-Kitāb al-'Arab fī Sūriyah," July 29, 2014, <https://web.archive.org/web/20140729115121/http://awu.sy/?page=DetMembers&id=369&lang=ar>.

⁵⁴ Syahrūr, *Al-Kitāb wa al-Qur'ān*, 47.

⁵⁵ Syahrūr, *Al-Kitāb wa al-Qur'ān*, 20–24.

⁵⁶ The debate on synonymity can be traced back to *al-Furuq fi al-Lughah* by Abu Hilal al-Askari. Among the scholars who rejected synonymity in the Qur'an were Abu Ali al-Farisi, Ibn Faris, and Ibn Ziyad al-A'rabi.

⁵⁷ Syahrūr, *Al-Kitāb wa al-Qur'ān*, 24.

Syahrūr's initial foundation in his approach to the dichotomy of key concepts such as *al-Qur'an*, *al-Kitāb*, *al-Zikr*, and *al-Furqān*. It was also applied by Syahrūr when interpreting QS. al-Taubah [9]: 60 by differentiating the concept of zakat and aims. The same thing also applied to the concept of *fakīr* and *miskīn*.

Second, the synchronic perspective (*al-wasf al-tazammuni*) aims to describe the meaning of a word as it is used in a particular era without studying its historical development.⁵⁸ This perspective includes syntagmatic relations (*'alaqah 'ufuqiyyah*) in its analysis by examining words in horizontal relation to other words. This analysis is taken from the synchronic perspective in the departing al-Jurjani linguistic school from the character structure of language and its function in communication (*bayān wazifah al-iblag*). Al-Jurjani relied on the relationship between the characters of simple word structures with the communication function. This relation makes the simple word have meaning in a sentence. The syntagmatic analysis is used by Syahrūr when interpreting the word "*ṣadaqah*" with zakat. It explains word relations "*al-ṣadaqāt*" with other words, such as the words "*li al-fuqarā' wa al-masākīn*" in QS. al-Taubah [9]: 60. The relation between the word "*al-ṣadaqāt*" which is *mubtada'* (subject), and the word "*fuqarā' wa al-masākīn*" as a *khabar* (predicate). Contextually, the verse directs the word "*al-ṣadaqāt*" to the meaning of zakat. The composition of the *khabar*'s sentence, which is the object of zakat, indicates that the word "*al-ṣadaqāt*" means zakat.⁵⁹

This synchronic perspective is also used by Syahrūr when understanding the concept of *mustahiq zakah*. He believed that the concept of *mustahiq zakah*, as understood by the classics, is no longer relevant to the present because of different objective conditions at that time. Therefore, Syahrūr uses synchronic analysis that focuses on one particular point in time to obtain the contemporary meaning of *mustahiq zakah*. Within this framework, Syahrūr saw that it was impossible to abandon the four classes of *mustahiq zakah*, namely *fakīr*, *miskīn*, *ghārim*, and *ibn sabīl*, in the economic conditions and government that are implemented today.⁶⁰ The

⁵⁸ Muhammad 'Ali al-Khuli, *Dictionary of Theoretical Linguistics; English-Arabic* (Riyadh: Librairie Duliban, 1982), 227.

⁵⁹ Syahrūr, *Al-Kitāb wa al-Qur'ān*, 467.

⁶⁰ Syahrūr, *Al-Kitāb wa al-Qur'ān*, 486.

first two categories highlighted by Syahrūr are two very different situations. As it is known that he adheres to the principle that there is no synonymity in the word, he assumes that as long as the term can be distinguished by phonetic arrangement, the word must have different specific meanings. The words “*fakīr*” and “*miskīn*” are phonetically other, so they also have implications for their meaning, which are clearly distinguished in the Qur’an.

The term “*fakīr*” comes from the verb “*faqara*,” which means to open something from the body or something. From this understanding comes the term “*al-faqar li al-zahri*,” meaning “backbone.” The form of the word “*fakīr*” means one who has broken his back. Thus, “*miskīn*” means a person whose income is as little as he has slammed his back. Meanwhile, “*miskīn*” is rooted in the verb “*sakana*,” which means to stay or be calm. The meaning of “*miskīn*” is a person who is not empowered, namely people who have relative calm with others, such as the blind, the mute, the deaf, the weak sense (idiot), or the one who lost the wrong function of the body’s organs, such as defects in the feet, hands, and palms (people with disabilities). Syahrūr included all of these people in the “*miskīn*” class entitled to receive zakat.⁶¹ After performing lexical analysis on the words “*fakīr*” and “*miskīn*,” Syahrūr dynamically performs the words’ second meaning. In the meaning of “*fakīr*,” Syahrūr sees a relationship between the meaning of “*fakīr*” and the condition of orphans without income. In the meaning of “*miskīn*,” Syahrūr saw a lack of skills and the conditions of the serenity of people with special needs who depend on others to enable them to fall into the “*miskīn*” category.⁶² The third class is “*ghārim*,” which means people who owe and whose meaning Syahrūr expanded to include payment of wrongful killing fines. The fourth class is “*ibn sabīl*.” This last class refers to the meaning of a traveler who has broken up his journey because this money was stolen.⁶³

From Syahrūr’s explanation regarding the meaning of “*mustahiq zakah*,” the authors found three forms of inconsistency in Syahrūr’s linguistic approach. First, when the authors tracked the exposure of the meanings of the lexical words “*fakīr*”

⁶¹ Syahrūr, *Al-Kitāb wa al-Qur’ān*, 486–87.

⁶² Syahrūr, *Al-Kitāb wa al-Qur’ān*, 486–87.

⁶³ Syahrūr, *Al-Kitāb wa al-Qur’ān*, 487.

and “*miskīn*” in *Maqayis al-Lughah*, they only got the notion of “*fakīr*.”⁶⁴ It shows Syahrūr’s inconsistency in using the *Ibn Faris* dictionary, which he considers authoritative because of the application of the principle of anti-synonymity. Second, Syahrūr included orphans in the “*fakīr*” class in the right to receive zakat. The word “*yatīm*” or “*aitam*” itself is used in the Qur’an. It is contrary to his argument about there being no synonyms in words. Third, Syahrūr did not consistently apply the synchronic and diachronic perspectives he recognizes as a construction in the approach. With his haphazard approach, it can be seen when he does the dynamics of meaning on the meaning of “*ghārim*.” He thought that “*diyāh*” (blood money) was the same as a debt because both are obligatory obligations paid. Syahrūr’s attempt to match this is incorrect because the debt referred to in the “*ghārim*” class are debts related to urgent needs, not debts due to sanctions or punishments causing the offender to be fined.

Thirdly, the diachronic perspective (*al-wasf al-tatawwuri*). It is a historical point of view. This perspective focuses on the evolutionary side of language, namely studying its development over time.⁶⁵ Syahrūr adopted the diachronic perspective from the linguistic school of Ibn Jinni. He used this perspective when studying the concept of zakat and examining the development of its meaning. He found that the concept of zakat had been used in the past, as explained in QS. Maryam [9]: 31 and 55. Regarding meaning and development, the word zakat in Islamic and pre-Islamic times meant growth and increase. The term “zakat” also means cleaning or purifying (*tazkiyah*). The diachronic perspective indicates a paradigmatic analysis, which Syahrūr used when he saw the associative relationship between the words “*sadaqah*” and “zakat” with the word “usury.” The results of this analysis support and prove the application of his hudud theory, which places zakat as the minimum limit for giving and may be exceeded by the mechanism of zakat, and usury as the maximum limit that should not be exceeded.⁶⁶

⁶⁴ Ibnu Faris, *Mu’jam Maqayis al-Lughah*, vol. III (Dār al-Fikr, 1979), 443.

⁶⁵ ‘Ali al-Khuli, *Dictionary of Theoretical Linguistics; English-Arabic*, 73.

⁶⁶ Syahrūr, *Al-Kitāb wa al-Qur’ān*, 484.

F. Conclusion

Muhammad Syahrūr offers a relatively new interpretation of *mustahiq zakah*. According to him, four classes cannot be excluded from receiving zakat, namely *fakīr*, *miskīn*, *ghārim*, and *ibn sabīl*. With a scientific-historical approach, Syahrūr dynamically redefined the meaning of *fakīr* to include orphans, the meaning of *miskīn* to include people with special needs (disabled), the meaning of *ghārim* to include those who owe a debt for wrongful killing, and the meaning of *ibn sabīl* to refer to travelers. The product of Syahrūr's interpretation of QS. al-Taubah [9]: 60 is an implication of his approach. His scientific-historical approach was built during his time in Moscow when the dominant episteme or logic of the era was the structuralism of the Russian Formalist.

Syahrūr's scientific-historical approach was also influenced by his linguistic teacher, Ja'far Dak al-Bāb. The approach was constructed from three Arabic linguistic figures: Abdul Qadir al-Jurjani with his synchronic studies, Ibn Jinni with his diachronic studies, and Ali al-Farisi with the theory of anti-synonymity, which is the initial foothold that underlies Syahrūr's understanding of the Qur'an. Studying the dominating synchronicity in Syahrūr's approach requires looking at the condition of contemporary objects in understanding QS. al-Taubah [9]: 60. Syria's poor condition, both internal and external factors, resulted in Syahrūr's interpretation of QS. al-Tauba [9]: 60.

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