

МУЛІК ҚҰҚЫҒЫ ИНСТИТУТЫН ХРИСТИАН ЖӘНЕ ИСЛАМ ДІНІНДЕ САЛЫСТЫРМАЛЫ ТАЛДАУ

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تحليل مقارن لمؤسسة حقوق الملكية في المسيحية والإسلام

المخاميتوف علي رووفويفش
دكتوراه في العلوم الإسلامية
الجامعة المصرية للثقافة
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COMPARATIVE ANALYSIS OF THE INSTITUTE OF PROPERTY RIGHTS IN CHRISTIANITY AND ISLAM

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СРАВНИТЕЛЬНЫЙ АНАЛИЗ ИНСТИТУТА ПРАВА СОБСТВЕННОСТИ В ХРИСТИАНСТВЕ И ИСЛАМЕ

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Аннотация: Мақалада екі әлемдік діннің меншік доктринасына салыстырмалы теологиялық талдау жасалған. Тақырыптың өзектілігі айқын, өйткені әлемдік діндер арасында қарсыласу қүштейіп, аз болса да диалог пен өзара түсіністік орнатуға үлес қоса алатын ғылыми жұмыстардың қажеттілігі артып келеді. Меншік қатынасы әлеуметтік-экономикалық және құқықтық сипатта болады. Меншік иелері шектеулі ресурстар мен материалдық иғліктерді өндіруге, бөлуге, айырбастауға және тұтынуға қатысады кезде әлеуметтік-экономикалық және меншік қатынасы пайда болады. Осы себепті меншік қатынасын қалыптастыру мен дамытудың және заманауи қоғамдағы институциялық реттеу механизмдерін құрудың маңызы зор. Мақалада осы мәселені зерттеуге арналған түрлі теориялық және әдіснамалық көзқарастар қарастырылады. Меншік доктриналары жүйелі, салыстырмалы талданады. Меншік мәселесінің қалыптасуы мен дамуын зерделеу христиандық және исламдық санада меншік пен байлыққа қатысты құндылықтардың себебін, көзін және ерекшелігін түсінуге мүмкіндік береді.

Түйін сөздер: меншік, әділеттілік, меншік институты, христиандық, ислам.

الملخص: تحاول هذه المقالة إجراء تحليل لاهوتى مقارن لعقيدة الملكية في ديانتين عالميتين. لا شك في أهمية الموضوع المختار، حيث تتنزأ المواجهات بين الأديان العالمية، وهناك طلب كبير على الأعمال العلمية التي يمكن أن تسهم، ولو بقدر ضئيل، في إقامة الحوار والتفاهم المتبادل. تمثل العلاقات المتعلقة بالملكية جوانب اجتماعية واقتصادية وقانونية. النوع نفسه من العلاقات التي تنشأ عندما يشارك مالكو الممتلكات في إنتاج وتوزيع وتبادل واستهلاك الموارد المحدودة والممتلكات المادية يظهر كعلاقات اجتماعية اقتصادية وعلاقات ملكية. لهذه الأسباب، فإن تشكيل وتطوير علاقات الملكية وخلق آليات فعالة للتنظيم المؤسسي في المجتمع الحديث أمر ذو أهمية كبيرة. تصف هذه المقالة وتقييم مختلف النهج النظري والمنهجية لهذه المشكلة. تكمن حداة هذا العمل في حقيقة أن القليل من الدراسات اللاهوتية الجادة تقدم تحليلًا مقارنًا منهجيًّا. سيسمح فحص تكوين وتطوير مبررات الملكية بفهم الأسباب والمصادر والخصوصيات للمحتوى القيمي للوعي المسيحي والإسلامي فيما يتعلق بالملكية والثروة.

الكلمات المفتاحية: الملكية، العدالة، معهد الملكية، المسيحية، الإسلام.

Abstract: The article attempts to make a comparative theological analysis of the ownership doctrine in two world religions. The relevance of the chosen topic is undeniable, as the confrontation between world religions is growing, and scientific works that can contribute, even to a small extent, to establishing dialogue and mutual understanding are in great demand. Property

relations are both socio-economic and legal. The same type of relationships that arise when property owners engage in the production, distribution, exchange, and consumption of limited resources and material assets manifests itself as socio-economic relations and property relations. For these reasons, the formation and development of property relations and the creation of effective mechanisms for institutional regulation in modern society are of great importance. This article describes and evaluates various theoretical and methodological approaches to this problem. The novelty of this work lies in the fact that very few serious theological studies offer a systematic comparative analysis. An examination of the formation and development of the justification of property will allow us to understand the reasons, sources, and specifics of the value content of Christian and Islamic consciousness concerning property and wealth.

Keywords: property, justice, institute of ownership, Christianity, Islam.

Аннотация: В статье представлен сравнительный теологический анализ доктрины собственности в двух мировых религиях. Актуальность выбранной темы очевидна, поскольку напряженность между мировыми религиями растет, и научные работы, которые могут хоть немного способствовать установлению диалога и взаимопонимания, становятся востребованными. Собственнические отношения являются как социально-экономическими, так и юридическими. Тот же тип отношений, который возникает, когда собственники имущества участвуют в производстве, распределении, обмене и потреблении ограниченных ресурсов и материальных благ, проявляется как социально-экономические и собственнические отношения. Поэтому формирование и развитие собственнических отношений, а также создание эффективных механизмов институционального регулирования в современном обществе имеют большое значение. В статье рассматриваются и оцениваются различные теоретические и методологические подходы к данной проблеме. Изучение формирования и развития оправдания собственности позволит понять причины, источники и особенности ценностного содержания христианского и исламского сознания относительно собственности и богатства.

Ключевые слова: собственность, справедливость, институт собственности, христианство, ислам.

Introduction

The institution of property law stands as one of the central and most intricate components of legal systems. Since its inception, human agency has played a pivotal role in shaping this institution. This is inherently tied to the notion that property, as a legal category, serves as the foundation upon which other legal relationships are built. It directly enables individuals to exercise their rights to freedom, happiness, development, and the expression of their capabilities.

Even in ancient times, sacred scriptures underscored the profound significance of

property relations in the formation of society, the state, and the individual. Throughout the annals of human thought, eminent figures in culture, philosophy, and religion have endeavored to examine property from the standpoint of its interconnection with human beings, their understanding of the world, reason, free will, moral issues, and ethics. Property has been viewed both as a pinnacle achievement of humanity and as a great tragedy of human existence. It has been associated alternately with prosperity and freedom, as well as with moral decay, social injustice, and war. The recurrent discourse throughout cultural history on the

issue of property is indicative of profound contradictions inherent in human existence, the focal point of which is property.

As noted by Yusim, Mark Arkadyevich, a prudent and well-informed approach by the state to property law, corresponding to the realities of the era, allows for the establishment of a balance between the individual, society, and the state (Yusim, 2017). Therefore, the issue of property remains relevant even today. Property, as a relationship of ownership or possession, is correlated with the idea of freedom and its limitations. The institution of property law has throughout all epochs regulated conflicts of interests and determined a just equilibrium between various individuals and social groups through relations concerning material goods. With the evolution of societal relations, the economic and legal category of property law gradually underwent modifications in terms of its content and societal role. Nevertheless, the aspect of its connection to the individual has always remained an integral part of this institution.

It is worth emphasizing that the issue of property is not merely an economic one, but primarily a religious and philosophical one. What is property? What nature material or spiritual does it possess? Is the basis of property the exploitation of one human being by another? What is the purpose of property, and how can the act of acquiring certain property by an individual be justified? Is possessing wealth morally acceptable? Is it possible to justify property, i.e., to acknowledge that its appropriation is following the religious tradition and morality existing within a particular society? (Shestovskikh, 2022, p.3). Numerous studies confirm that any society does not develop solely based on its highest economic indicators; the spiritual aspect also plays a significant role. As statistics show, the majority of the world's population identifies

with a religion, rather than being atheists, and adheres to one form of religion or another. Christianity is the world's largest religion by number of followers. Islam is considered the second largest religion in the world, comprising 23% of the world's population (Melton J.G., Baumann M., 2010).

In this article, Catholicism is examined as the most active branch of Christianity in participating in international relations, while the Hanafi school of Islamic jurisprudence is considered the predominant school among Sunni Muslims, with its founder, Abu Hanifa, being a prominent Muslim jurist of his time. Exploring the formation and development of the justification of property issues will allow us to understand the reasons, sources, and reproduction of the specific value content of Christian and Islamic consciousness regarding property and wealth.

Methodology

This article is rooted in rigorous scientific methodologies, utilizing comparative and historical analysis as its core approaches. The primary aim is to elucidate and juxtapose the concepts and definitions related to the institution of property within two distinct legal traditions: Christianity, with a specific focus on Catholic canon law, and Islam, particularly through the lens of the Hanafi legal school.

The comparative analysis method involves a detailed examination of how property is conceptualized and regulated in these religious legal systems. It systematically contrasts the definitions, principles, and applications of property laws within Catholic canon law and Islamic law. By doing so, it seeks to uncover the underlying similarities and differences between these two frameworks, providing a nuanced understanding of their respective approaches to property rights and ownership.

Additionally, the historical analysis method delves into the evolution of property concepts over time within these traditions. This approach traces the development of property laws and their interpretations, revealing how historical, cultural, and theological factors have influenced their current formulations. Through this lens, the article aims to offer a comprehensive view of how property has been historically and contextually understood and regulated in both Christianity and Islam.

Overall, the article aims to contribute to the broader discourse on property rights by providing an in-depth comparative and historical perspective. It enhances our understanding of how different legal traditions address the fundamental issue of property, reflecting on both their shared elements and unique characteristics.

Results

In the current global economic crisis, it's clear that wealth is both an economic and a moral issue. Religious leaders increasingly highlight that many problems arise from distorted economic activities driven by an obsessive pursuit of profit rather than meeting genuine human needs. This underscores the idea that a thriving society requires a balance of efficiency, justice, and social solidarity. Property has always been a central topic of debate and intellectual exploration. Historical attempts to reform property relations have often led to significant social changes. The subject of property has been examined by major thinkers throughout history, including Plato, Aristotle, John Locke, and Karl Marx, as well as in religious texts like the Quran, which provides detailed principles on property use and management.

Personal freedom has historically been linked to property rights. For Aristotle,

the concept of the polis emerged from a community of property owners, forming the basis of the economy (Polivko, Salnikov, Shafiev, 2018). The concept of property, including its forms and rights, remains relevant today, with property relations addressing questions of ownership, possession, and control (Gareeva, 2014).

In archaic societies, encroachment upon the property of the tribe was punished by death, and the supreme owners and rulers were gods and spirits. The denial of property in Christianity expressed its transient nature, and it also underlies the contradiction between individual or familial private property and collective property of the people, society, or state. Property, even in its non-material forms (such as «intellectual» property), is linked to the material side of life, hence elements of its negation in various religious and communist doctrines. However, mechanisms for redistributing property are necessary in any society (Yusim, 2017).

In the 19th century, private property became a key topic in sociopolitical debates. Marxists advocated for public ownership of production means, emphasizing the impact of social conditions on individual consciousness. This idea, largely foreign to Christianity, prompted the emergence of Christian socialist movements aimed at reconciling Christian teachings with Marxist ideas. Catholic and some Orthodox economic teachings evolved in response to Marxism and other communist thoughts over the last two centuries. However, significant differences remain in how various Christian denominations and authors view private property and its role in modern society, indicating a need for continued development in Christian and sociological thought (Lukin, 2014).

Private property is a fundamental right and a cornerstone of society and the economy,

rooted in human nature and the pursuit of material goods. Throughout history, property has been central to socioeconomic relations, shaping economic interests and income distribution. As societies evolve, particularly in high-industrial and informational contexts, there is a growing need to refine property theory and methodology (Tim Ross, 2017, pp.96-105).

Modern interpretations of «assets» now encompass both tangible and intangible goods, including money, securities, property rights, and intellectual property. The legal concept of property reflects the right to ownership of these assets and is regulated by social norms. Effective protection of property rights relies on the socio-institutional context in which they operate.

Discussion

The Establishment of Property Rights in Christianity

Christianity emerged within a Jewish context with established norms regulating consumption and economic activity. The Ten Commandments protected personal property, prohibiting theft and coveting. Jewish laws included dietary restrictions, leaving gleanings for the poor, and forgiving debts every 50 years. The Sabbath law prohibited labor.

Jesus, however, modified some of these laws, stating it was lawful to do good on the Sabbath (Matthew 12:12) and deeming many ritual and dietary laws non-essential. Despite these changes, the Ten Commandments and their principles regarding property remained significant, and the New Testament did not alter the fundamental approach to earthly life (Isaev, 2008, pp. 118-120).

Private property is a fundamental economic institution recognized as divinely established but not viewed as the Christian ideal. The early Christian community in

Jerusalem is often seen as embodying the Christian ideal of communal property (Lukin, 2014).

All Christian denominations agree that everything ultimately belongs to God, the True Owner. Therefore, violating property rights is seen not only as an offense against neighbors but also against God (Koval, 1993, p. 9). Historically, communal land ownership preceded private property, with private ownership becoming more common as communal bonds weakened, as seen in the example of Abraham purchasing land (Genesis 23:16). By the 8th century BCE, private property was firmly established in Ancient Israel, and the Bible records divine disapproval of encroachments on it (Oganesyan, 2019, p. 11).

Mark transmits Christ's words as follows: « Children, how hard is it for them that trust in riches to enter into the Kingdom of God ! » (Mark 10:24). Christ urged his disciples not to worry about tomorrow, not to gather treasures on earth, « where moth and rust destroy, and where thieves break in and steal » (Matthew 6:19). However, it turns out that a Christian is not obligated to live in hunger and rags. « Your Heavenly Father knows that you need all these things. But seek first the kingdom of God and His righteousness, and all these things will be added unto you » (Matthew 6:32-33). Christ gently rebukes the industrious and caring Martha and praises Mary precisely for following this « order, » while Martha does not (Luke 10:41-42). Even pagans Christ condemns not for striving for material prosperity but for not thinking first about the Kingdom of God and righteousness (Matthew 6:31). Sending the apostles « on a mission, » Christ commanded them not to take anything with them — but only because the listeners are obligated to provide them with everything necessary: « The laborer is worthy of his food » (Matthew 10:10).

Christian economic ethics presents a paradox: Christians are promised material well-being but are advised not to pursue material prosperity. This ideal is achievable in the sense that some Christians and communities have historically sought fulfillment through their vocation rather than material gain. However, it cannot be achieved through deliberate effort alone; it is as unattainable as trying to forget something by force of will (Isaev, 2008, pp. 118-120).

Christianity mandates respect for others' property and imposes responsibilities on property owners, such as paying taxes, even to non-Christian governments (Matthew 22:17-21). It also emphasizes sharing with the less fortunate, warning that charity should not lead to personal deprivation but should be done discreetly to avoid pride (Matthew 6:3-4; Matthew 25:40-45).

The New Testament presents an eschatological view of property, advising Christians not to cling to possessions as the end times approach. Paul emphasizes that «the time is short,» urging believers to live as though they do not own anything (Mark 13:14-16; 1 Corinthians 7:29-30). As it became clear that Christians would have a long earthly mission to spread their faith, wealthy communities like those in Antioch and Ephesus began supporting newly established ones.

During the Roman Empire, Christians lived semi-legally and were periodically persecuted, making property ownership risky. By the mid-3rd century, monasticism emerged in Egypt, with Anthony the Great retreating into the desert to escape the temptations of wealth. Egyptian monks believed that any earthly good could be a temptation and encouraged individuals to identify and avoid their personal temptations. Anthony practiced hermit monasticism, while his disciple, Pachomius the Great,

founded communal monasticism, where monks lived and worked together. Despite their attempts to avoid wealth, monasteries needed to create and sustain wealth for survival. This paradox was repeated in later monastic movements, including the Franciscan order in the 13th century and the establishment of the Trinity Lavra of St. Sergius by Sergius of Radonezh (Isaev, 2008, pp. 118-120).

The Book of Genesis on the Emergence of the Institution of Private Property

The right of ownership of land, including its plant and animal world, is mentioned already in the first chapter of Genesis (Genesis 1:28). «Be fruitful, and multiply, and replenish the earth, and subdue it.» The word «subdue» encompasses various forms. This includes the general, one might say, family, ownership of the first family, and the aggregate of private and communal ownership in the period after the fall of the first parents. However, in both periods, these rights were not absolute and unlimited. Granting humans this right, the Supreme Owner, according to the Book of Genesis, simultaneously introduces some limitations on the right of use. He commanded not to eat the fruit of the tree of the knowledge of good and evil (Genesis 2:16-17). Allowing people the freedom to choose: to obey or to violate the commandment, God warns of the most serious consequences of disobedience (Genesis 2:17).

According to the Book of Genesis, one of the consequences of the fall was the displacement of the first family into a world of limited goods, where the necessary goods for life had to be obtained through hard work (Genesis 3:17-19). In such conditions, peaceful coexistence of people and trade could only exist with the institution of private property. This institution allowed society to some extent to avoid degradation

and sliding into a wild state. Already in the second generation of humans, according to the Book of Genesis, there are signs of property separation. The farmer Cain brings a portion of his crops as an offering to the Lord (Genesis 4:4).

Cain decides what to sacrifice, offering something less than the best. In contrast, Abel offers the firstborn of his flock, implying his right to manage the flock he raised (Genesis 4:4). In Abraham's story, which starts in Genesis 11, references to his property suggest an established institution of private property. When moving from Haran to Canaan, Abraham's family took their possessions and slaves (Genesis 11:5). His wealth included livestock, slaves, and camels, which was preserved even when Sarah was taken by Pharaoh (Genesis 12:16). Abraham's significant wealth is noted in livestock, silver, and gold (Genesis 13:2; 26:14). In Genesis 23, Abraham insists on buying land for a family burial site rather than accepting it as a gift, highlighting the importance of private property and avoiding a sense of community with the Hittites. In the narrative about Abraham's life, there is also mention of the existence of the institution of inheritance of property. The progenitor of the Jewish people left all his property to Isaac, the only son of his legitimate wife, distributing gifts to the children of concubines (Genesis 25:5–6).

The Old Testament law was designed to prevent society from regressing into a more primitive state, which is why its commandments are largely prohibitive. The institution of private property was crucial in this regard, as evidenced by two of the Ten Commandments: the eighth, «Thou shalt not steal» (Exodus 20:15), and the tenth, which prohibits coveting a neighbor's wife and property (Exodus 20:17). The tenth commandment extends the protection of

property from just actions to desires and intentions. Mosaic Law includes numerous detailed rules to safeguard private property, such as requiring compensation well beyond the value of stolen goods (Exodus 22:1, 4), and mandates for returning lost property (Deuteronomy 22:1–3). Even the property of enemies had to be preserved (Exodus 23:4–5).

Old Testament authors also acknowledged the relative nature of private property rights. The law prohibited the perpetual sale of land, emphasizing that God is the ultimate owner, and humans are merely temporary tenants (Leviticus 25:23–28). The Psalms repeatedly affirm that the Lord is the supreme owner of all creation (Psalms 24:1), reminding believers that earthly possessions and glory are transient and limited to one's earthly life (Psalms 49:7–12, 17–19).

In the New Testament, the idea of the relativity of earthly possessions is greatly emphasized. The Apostle Paul notes that the time of owning, using, and disposing of earthly goods does not exceed a person's earthly life, « for we brought nothing into the world, and we cannot take anything out of the world » (1 Timothy 6:7). He also expresses the idea that by renouncing the acquisition of earthly goods and dedicating oneself to God, a Christian, considering nothing as his own, possesses everything through God: « We are treated as impostors, and yet are true; as unknown, and yet are well known; as dying, and see - we are alive; as punished, and yet not killed; as sorrowful, yet always rejoicing; as poor, yet making many rich; as having nothing, and yet possessing everything» (2 Corinthians 6:8–10).

The early Christians exemplified voluntary renunciation of personal property within their community to foster unity in

Christ. Christ's teachings introduced higher standards for spiritual perfection, but this renunciation did not equate to rejecting the institution of private property. The existence of private property was necessary for individuals to freely choose to relinquish their possessions. In the early Christian community of Jerusalem, as described in Acts, «no one claimed that any of their possessions was their own, but they shared everything they had» (Acts 4:32). However, this communal approach did not involve claiming ownership of others' property.

Members of the community contributed a portion of their property to support the church, leading to the formation of church-owned assets. This economic structure persists in Christian communities across denominations. The system where «no one claimed that any of their possessions was their own» (Acts 4:32) became stable primarily within devout families and monastic communities. Private property, therefore, offers the freedom to choose how one regards and uses it. The New Testament does not advocate for the abolition of private property; rather, it defends it and condemns coveting others' possessions. The Apostle Paul links the commandment «thou shalt not steal» to the broader commandment to «love your neighbor as yourself» (Romans 13:9).

Paul repeatedly emphasized the incompatibility of stealing with the Christian calling, stressing that one's words should align with their actions. Christianity teaches that God is the ultimate owner of all creation, with humans acting as stewards of the property entrusted to them. According to the teachings of the holy fathers, managing this property should align with God's will, distinguishing between the ideal socio-economic organization based on brotherly love and the reality of human society.

Property in Catholic Social Doctrine

Aquinas believed that before the fall, property was communally shared, but the fall led to its division among individuals. While communal ownership persisted in spiritually focused communities like monasteries, broader society saw full ownership—where individuals have complete control over their property—as a positive right established by human agreement and enforced by the state, rather than a natural right.

Aquinas's influence on Catholic thought is profound, shaping teachings on property and economic ethics. He advocated a balanced approach, recognizing individual rights while emphasizing communal responsibility and moral considerations.

Early Christian views on property were complex and often contradictory. Early Church Fathers and theologians, guided by Scripture and early Christian practices, viewed private property as a deviation from the original state of equality, believing personal ownership arose from human nature's corruption post-fall. Communal living, with shared possessions, was seen as aligning with humanity's original, sinless state. Most early Christian thinkers, except Clement of Alexandria, who defended private property, viewed individual ownership as inconsistent with natural law and tainted by injustice.

Aquinas's work sought to reconcile early Christian communal ideals with the reality of prevalent private property. He distinguished between «use (usus),» «possession (possessio),» and «dominion (dominium).» While use could occur communally, possession and dominion required individual ownership. Aquinas emphasized that dominion entails responsibility, aligning with his ethical framework stressing moral duties related to ownership.

Aquinas argued that private property, though a post-fall institution, is rooted in natural law and necessary for societal function. His views provided a religious and philosophical justification for private property, which became central to Catholic social teaching. He distinguished between «consumption property» (goods for personal use) and «investment property» (goods used to foster economic growth). Excessive accumulation of consumption property was seen as unvirtuous, while investment property, serving the common good, was viewed favorably.

This nuanced perspective reflects Aquinas's effort to balance Christian ethical teachings with practical needs, laying the groundwork for a comprehensive approach to economic ethics that has influenced Catholic thought for centuries. Positively characterizing the system based on private property, Catholic authors note that even in countries where a market economy predominates, negative phenomena have begun to emerge, which they refer to as a crisis in the economic organizing function of private property (Lukin, 2014).

The Vatican proclaims the transcendence of all material goods, considering them only as instruments for spiritual and creative development. In this context, the ultimate priority of the individual over society finds reflection, expressing that society should exist for the benefit of individuals (Sokolov, 2014, p. 59).

The canonical platform, alongside the Holy Scriptures in the form of the Bible, is constituted by the decrees of Church Councils and encyclicals, or papal letters from the Vatican—Roman Popes. First and foremost, these include «Rerum novarum» by Leo XIII from 1891, which addresses labor, capital, and state relations; «Quadrigesimo anno» by Pius XI from

1931; «Mater et magistra» by John XXIII from 1961; «Laborem exercens» by John Paul II from 1981, along with his «Centesimus annus» from 1991, and some others. As a commentary on the official teaching of the Church, the author cites the works of theologians, which, from his point of view, help to more fully reveal the thoughts of the encyclicals and conciliar decrees (Sokolov, 2016).

Private property in contemporary Catholic social doctrine

Modern Catholic socio-economic doctrine is grounded in the teachings of the early Church Fathers, the works of Thomas Aquinas, papal encyclicals (beginning with **Rerum Novarum** in 1891), and contemporary Catholic theologians. A central focus is the issue of property. While private property is considered a vital postlapsarian institution ordained by God and grounded in natural law, it is viewed as a rational human right rather than a Christian ideal. The Catholic perspective acknowledges that, although communal property was practiced by early Christians and monastic communities, a private property system is currently the most effective economic model, even within a Christian framework.

Thomas Aquinas's distinction between consumption and investment property is crucial. He taught that consumable goods should be regarded as common resources, intended to be shared with those in need. In contrast, investment goods—used to foster economic growth and social well-being—are owned and managed by individuals. Aquinas argued that while the accumulation of consumable goods does not represent virtue, the productive use of investment goods contributes positively to society. Thus, although private property is recognized as necessary to prevent economic disorder and

promote growth, it is seen as less ideal than the communal practices of the early Church.

Catholic authors advocate for reinforcing a system based on private property, particularly in investment goods, while recognizing that this system is distinct from and less ideal than the communal property of the early Christian community, monastic communities, and pious families. (Lukin, 2014).

Property in Islam

In Islam, a person can possess anything within the bounds permitted by the Sacred Quran. No one has the right to exceed what is permitted by the Almighty. The measure when assessing property rights is only the concept of halal (permissible) and haram (forbidden). No one has precedence in acquiring property. Therefore, Islam acknowledges the natural inclination towards accumulation.

« ... and provide for them out of the wealth which Allah has given you. » (Quran 24:33).

« Do not give the foolish (your) property which Allah has made a means of support for you, but feed and clothe them from it, and speak to them words of appropriate kindness» (Quran 4:5).

«The Jews claimed, 'Uzair is the son of Allah.' Christians claimed: «The Messiah is the son of Allah.» But these are just words spoken by (their) mouths, reminiscent of the words of those who disbelieved (in Allah) long before them. May Allah strike them down! How far they are (from the truth)!» (Quran 9:30).

Numerous verses of the Quran make it clear that the Owner (Proprietor) of all things in the Universe is their Creator – the Most High Allah. In an absolute sense, everything in the world belongs to Him: «To Allah belongs the dominion of the heavens

and the earth and whatever is between them. He creates what He wills, and Allah is over all things competent!» (Quran 5:120). According to the Quran, Allah is the «Owner of sovereignty!» (Quran 3:26).

However, this does not mean the absence of any authority for humans. Our ownership of any given object takes on a special character in this light. Humans can be considered to some extent « trustees » of God on Earth.

Thus, the Quran does not negate the right to private property. For example, the following verse can be cited: « ...only Allah accepts repentance from His servants and receives (their) charities, and that Allah is the Accepting of Repentance, the Merciful ? » (Quran, 9:104). Since God « accepts charities, » it means that His servants have property they can donate.

Islam provides for various authorities regarding different categories of property. Some things belong to God and are inaccessible to humans, such as planets. Some things belong to humanity as a whole, such as oceans – they cannot be privately owned. In every country and society, some things belong to every citizen, such as public lands. There are also items that can be owned by a specific individual or group of individuals.

All property owned by people is associated with certain rights and responsibilities. Islamic law establishes some limitations in this regard. The main thing to remember is that ultimately everything belongs to the Most High, and we must manage our property by His commandments.

One of the restrictions imposed by Islam is that property must be acquired through lawful means. In turn, the right of a person to defend their property is sacred. Prophet Muhammad (peace be upon him)

said: «A man should not harm himself or others» (Muslim). This must be considered when using the property. For example, Islam condemns the monopolization of resources essential to society. Additionally, Sharia notes that causing minor harm is permissible if necessary to prevent greater harm to a significant number of people or society as a whole.

A third restriction is that the owner must be of sound mind. If they are insane, a guardian must be appointed, whose task is to oversee the use of the property in the ward's best interests, as the latter, acting independently could harm themselves or others.

According to Sharia, the property right is associated with fulfilling certain obligations. One of them is using property to support the family (sometimes – the extended family). Another obligation related to property is paying Zakat (alms), which is obligatory for every Muslim. Zakat is one of the pillars of Islam, a form of worship of the Most High Allah. Zakat can be paid, including in monetary form. It is not a type of income tax. The Zakat amount is 2.5% of the value of the person's specific property, and property used for their primary needs (for example, a home they reside in) is not counted. Zakat is paid once a year.

In addition, there are other types of taxes in Muslim society. The Prophet's words are known: «Other obligations lie on property, besides Zakat» (Tirmidhi). However, a just ruler imposes additional taxes only if the Zakat amount is insufficient to meet the needs of society, such as in times of war, famine, illness, or other unforeseen circumstances.

Property is considered lawful if it has been acquired by permissible means. One of them is a person's labor, which may involve employment, business, trade, hunting, or

fishering. However, Islam also acknowledges other ways of acquiring property. For example, a woman receives a dowry from her husband when getting married (mahr) and is entitled to maintenance. Islam also provides for property inheritance. The needy can receive Zakat or Sadaqah (voluntary charity). Additionally, Islam allows for gifting and bartering goods. Among the unlawful ways of acquiring property are theft, extortion, misappropriation of public funds, and other actions recognized as crimes in any modern society (e.g., acquiring property through deception – fraud, as well as taking bribes). However, Islam also considers unlawful the means of acquiring money and other valuables that are unacceptable for a Muslim (Muslima), such as engaging in prostitution, fortune-telling, selling alcohol, drugs, pork, etc.

Legal and ethical norms in Islam are closely intertwined. Take, for example, savings. Anyone can set aside a sum of money for unforeseen circumstances. However, accumulating wealth as an end in itself is not encouraged. The Quran states: «And those who hoard up gold and silver and spend it not in the Way of Allah, give them tidings of a painful torment» (Quran 9:34). This ethical requirement has a clear economic rationale: money is withdrawn from circulation, resulting in a slowdown in the process of natural resource development, a reduction in the number of jobs, etc.

Another requirement mentioned in the Quran is moderation in spending money. Islam prohibits both stinginess and extravagance: «And let not your hand be tied (like a miser) to your neck, nor stretch it forth to its utmost reach (like a spendthrift), so that you become blameworthy and in severe poverty» (Quran 17:29). In another verse, it is said: «Eat and drink, but waste not by extravagance, certainly He (Allah) likes not Al-Musrifun (those who waste by

extravagance» (Quran 7:31).

In Sharia, property is regarded as one of the core values, alongside religion, life, reason, and progeny. Among these, only religion is tied to the divine aspect of Sharia, while the others highlight its secular focus. Islam teaches that Allah grants material blessings to His faithful servants, establishing property rights as a special relationship between a person and these blessings, as defined by Sharia. Thus, a person who lawfully acquires property becomes its rightful owner, with the authority to protect it from others' claims.

The inviolability of property is a fundamental principle in Islam, ensuring its beneficial use. While personal interests are acknowledged, aligning them with public interests is considered essential (Tim Ross, 2017, pp. 96-105). Islamic property rights are governed by Muslim law, an independent legal system, offering both historical and theoretical insights. Comparative analysis suggests that some concepts of general legal theory, often seen as universally applicable, require refinement to reflect the unique aspects of Islamic law.

A notable feature of Islamic law is the state's indirect role in shaping its norms. Rather than directly legislating, the state endorsed the interpretations of Muslim legal schools (madhabs), appointing judges to rule based on these doctrines. Consequently, the Quran serves as the ideological foundation of Islamic law, with only a few of its norms derived directly from divine revelation or the Prophet's traditions (Sunna) (Krushinskaya, 2011).

The Hanafi legal school undoubtedly occupies a central place in Islamic legal doctrine. This is primarily explained by the fact that the number of followers of Hanafism exceeded the number of supporters of other legal schools several times during the Middle Ages and the modern era. This school is

considered more liberal, and by some researchers, it is positioned as oppositional to the strict dogmas that dominated the Arabian Peninsula in the 7th century. Therefore, it is not by chance that the appearance of the first supporters of Hanafism coincided with the liberal Baghdad, which at that time became a kind of headache for the conservative political elite of Medina. It should be noted that the founders of Hanafism were truly foresighted. Having significantly softened the positions of the then-dominant approach to many legislative issues, they prepared a new dogma that was relatively easily accepted by conquered peoples and countries (Minniakhmetov, 2014).

As Russian researchers of Islamic jurisprudence rightly note, « Hanafi law is the most flexible and convenient for secular authority. » This circumstance allowed Hanafism to consolidate its position further during the era of sultanates. It's worth adding that the vast majority of Turkic-speaking nomadic peoples embraced Islam precisely in its Hanafi interpretation because the new norms of human behavior and social organization were largely understandable and familiar to them (Minniakhmetov, 2014).

Regarding property rights, in Islam, the power of Allah is reduced to the fact that He acts simultaneously as the supreme dispenser of property granted to people, the legislator establishing the boundaries and conditions for acquiring and exercising property rights, and the supreme judge ensuring compliance with these rules (Gareeva, 2014).

Overall, Islam regards property with respect and does not consider the acquisition of wealth as something shameful or distracting from serving Allah. As for individual types of property, they cannot be in private ownership. Objects serving public interests (such as major roads or cemeteries) are in public ownership among many people.

Islamic forms of collective ownership fall into this category as well. According to the words of the Prophet Muhammad, «People are partners in three things: pasture, water, and fire.» These three «things» should be in collective or state ownership since they are intended to meet the basic needs of all people.

In a social sense, burdens on property provided for by Muslim law have special significance. According to Sharia, it is not wealth itself that is condemned. Still, empty accumulation, the concentration of property in a few hands that is not used, is not in circulation, does not generate income, and is not spent for beneficial purposes. From these provisions, such a specific institution of Islamic tax law as Zakat arises an obligatory donation that wealthy Muslims must provide to the needy impoverished, destitute, and travelers. Thus, the principle of limiting private rights comes into play here, given the role of the state in the traditional Islamic legal texts, property issues are not isolated but addressed within broader contexts like ghanima (war booty), zakat (obligatory almsgiving), inheritance, and contracts. Zakat, one of Islam's five pillars, serves as a mandatory tax to support the poor, fund community projects, and promote Islam. Unlike voluntary sadaqah, zakat must be paid annually under defined conditions.

Islamic property law divides property into categories such as state property, private property, public property, impure property (e.g., alcohol and pork), waqf (sacred endowments), and abandoned property. Waqf, a significant category, involves property designated for charitable purposes, often managed by religious institutions. While ownership rights are relinquished, the property can still be used and its income partially retained for personal use or inheritance. Historically, waqf supported education and science, and now it also funds social programs (Gareeva, 2014).

The diversity in Islamic property law stems from differing interpretations among various madhabs (legal schools). Scholars generally classify Quranic legal norms into those concerning divine-human relations and those regulating social interactions. These interpretations have evolved, leading to the four major madhabs.

The connection between Allah's will and property rights influences the interpretation of public and state property. Islam recognizes private property rights but also enforces moral and ethical duties on owners to ensure societal interests, including the obligation to support the poor through zakat (Quran, 70:24-25). This right is considered inviolable in Islamic literature (Goncharov, 2000).

Conclusion

In summary, wealth acquisition in both Christianity and Islam should be pursued with righteous intentions and through lawful means. Both religions encourage setting important life goals and achieving them through ethical practices. Success in life, when coupled with helping others, can bring peace and divine grace. The ultimate aim of both faiths is closeness to God. Islam emphasizes reliance on Allah, where one must do their best and trust in Allah for the rest, believing that good deeds are always rewarded. Christianity shares a similar belief, valuing labor as known only to God. In Kazakhstan, the ethical foundation of property relations is strongly influenced by Islamic traditions. The religious mentality, shaped over millennia, has become deeply embedded in the state's values. Responsible property management is possible within this framework, as Islam remains the most widespread religion in Kazakhstan, affecting a significant portion of the population. Despite being a secular state with diverse

religions, Kazakhstan acknowledges the importance of its Muslim heritage, especially in international relations. As the country strives to become one of the top 50 most

competitive nations globally, it is crucial to consider the deep-rooted economic and religious values that influence decision-making at all levels of society.

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