

ان الله  
هو الرزاق  
ذو القوة  
المتين

# Social Security in Islam

By

PROF. DR. NOOR MUHAMMAD GHIFARI

التكافل الاجتماعي في الاسلام

پروفیسر ڈاکٹر نور محمد غفاری

Published and distributed by  
**Atiq Publishing House**  
55-Urdu Nagar, Multan Road,  
Lahore-25.

✓  
297-157  
G 288  
216375

**DATA ENTERED**

Printed in Pakistan by  
**Pap-board Printers (Pvt) Ltd**  
Peshawar Road, Rawalpindi.

**Khalid Bin Majeed, Title Design**

**Mrs. Farzana Bokhari,**  
**Miss. Iram Khan, Publisher.**

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Price: Hardback Edition: Rs. 120.00  
Paperback Edition: Rs. 80.00

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## FOREWORD

It is a unique privilege to present this foreword on a book, which is a unique contribution to the scientific literature on modern social security systems of the world. For long, in modern times, Islam has been misinterpreted and mis-quoted, especially by non-muslims, as an outdated, dogmatic, conservative and static religion, incompatible with and incapable of meeting the socio-Economic and technological demands of the age of science and material development. Quite a few muslim scholars, no doubt, have endeavoured dedicatedly, and at different times, to eliminate this biased and baseless impression of worldly scientists and promoters of various 'isms' and political ideologies. Also, the emergence of Pakistan on the world horizon, as an ideological muslim state on the very basis of preservation, promotion and pursuance of Islamic concepts and practices, has specially enhanced the efforts of sister muslim States and muslim intellectuals and scholars to help and guide the world, in particular the non-muslim societies, in understanding islam as the 'Universal and the 'Most Perfect' Code of Life that could be bestowed upon Man by Allah - the Creator - and an ideal system of natural, comprehensive and balanced well being and development of man and his environment, to whichever region or locality he belongs, for his own benefit as also for the good of humanity at large.

Professor Ghifārī has made a similar and sincere attempt in this book to educate the modern muslims, enamoured with foreign and non-muslim ideologies and isms as well as non-muslims, about the basic concepts and fundamental principles and practices of social security as ordained by Allah the Almighty, the Creator of this world and the Giver of innumerable blessings and benefits to man, in His holy Book - al-Quran - and as elaborately annotated and successfully practiced by the holy Prophet of Islam Muhammad (peace be upon him) and his followers, particularly the first four Caliphs (May Allah be pleased with them). He intends firstly to help and guide peoples of the modern world and

their governments to rectify their mis-understandings about Islam, and secondly to implement this perfect and all pervading system of Islamic social security in their respective societies, so that people obtain the basic necessities of life, besides needed opportunities to develop themselves as responsible citizens of their several states and productive units of their own economics and thus facilitate national development and evolution of world peace, harmony, brotherhood, fellow-feeling and security.

Dr. Ghifārī, apart from being a professional researcher on modern socio-economic system, is a creative genius. He has always broken new grounds as evident in his previous publications. This one is yet another contribution. He is also a staunch promoter of social security, social welfare and development of man in toto as the real agent of change and growth. As a strong believer in the development of man vis-a-vis money and machine or progressive human capital alongside economic growth and material development, he puts forth his case of providing comprehensive social security to man - the industrial worker, the farmer, the teacher, the scholar, the business man among all other categories - very strongly and scientifically. He considers it as the sheet anchor against human misery, squalor, poverty, want, degradation and ignorance, which confront the mass of man today in almost every country - developed, developing or under-developed. Therein, I believe he joins hands with organisations like the United Nations and such other international agencies and organisations, which work positively and incessantly towards emancipation, well - being and development of man, without the least regard for his caste, colour, creed or class. He invariably supports their cause by presenting the most comprehensive system of Islamic social security as contained in the Commandments of the Creator Himself. I am confident this treatise will help the reader - the worker, the trade unions, the employees and governments all the world over - in understanding social security system in its true spirit and content and afford to them the 'Light' to implement it as such. It will help all concerned to afford the worker an understanding about the dignity of labour as well as about his rights and

responsibilities; the employer, his privileges and duties; the common man or citizen his duty to man and Allah as well as the reward in this world and Hereafter and the governments to evolve policies and develop strategies towards provision of social justice, equitable distribution of income, equality of opportunity, humane administrative systems, involvement of the people in all undertakings concerning them and their social welfare. It will also help people and their government to avoid concentration of wealth and power in a few hands or a group and distribute it extensively among their people.

An example of 'simple living and high thinking', Professor Gifārī, writes and presents to the World, what he believes and practices himself according to Allah's injunctions delineated in the holy Quran and enunciated and practiced by the holy Prophet Muhammad (Peace be upon him). His references are pertinent, his analyses realistic and views enlightening. He is an expert in presenting them in simple language. Anyone, knowing simple english can understand and imbibe the contents of the treatise and benefit from it.

I have no doubt, this book will prove a landmark in the field of social security and prove highly useful to the employees and their Unions; the employers and their Chambers, Governments and the people as a whole. May Allah reward his dedication and efforts to the cause of humanity in this world and the Hereafter. 'Āmin.

A. D. Qureshi  
Former United Nations  
Advisor in Social Planning and Development.



## PREFACE

All praise be for Allah, the only Lord of the worlds. His mercy and blessing be upon Hadrat Muhammad; the Prophet and the beneficent of the worlds, who led to the right path and forbade from the wrong path.

The term "Social Security" was (recently) originated by the United States in the first-half of the 20th Century, although its various modern contents were initiated by United Kingdoms (1897), apart from the 16th Century Poor Laws of the Elizabethan period, and some other European countries towards the end of the nineteenth century. However the history of its need dates back to the man in the cave, who needed it more than the man of our age. As such this noble cause has always attracted the attention of individuals as well as the community (for its performance).

In this age of 'Isms', the two major isms; Socialism (the claimant of 'World's Paradise') and Capitalism (the claimant of freedom and prosperity) have launched programmes of social security for all. No doubt, their modern systems have succeeded to a reasonable extent in covering the materialistic and financial aspects of life of their respective people but they have utterly neglected their human and spiritual aspects; the most important and basic elements of a practically justified, mentally healthy, truly balanced and socially cohesive society. As a matter of fact, the secular systems are unnatural to man; while the need for social security is natural. It needs a natural system for its establishment, which has been lost in the loam of these man made secular 'isms' to-day. It was in recognition of this natural human need that Islam, as the Religion of Nature and the most perfect and complete code of life ordained by Allah for Man, provided comprehensive and total social security for every individual and community as a whole.

What is then the balanced and natural system of social

security offered by Islam? This question still awaits our attention for its proper answer. Though, the Muslim scholars and the Muslim economists have done Yeoman's service in the field of Islamic Economics, and there are some standard works available in the book shops and libraries, yet the topic of 'Social Security in Islam' is still longing for a scholarly description. In view of the significant importance of the subject, an attempt is (being) made here to highlight it. Various details of the different aspects of 'Social security system in Islam' have been discussed in the book, however, its salient features, which the writer could find during his work, are listed below:

- i. Islam brought the concept of social security fourteen centuries ago. this was the age when the entire world was groping in darkness. The holy Prophet (peace be upon him) was the first ruler, who introduced this system. His rightly guided caliphs followed him in this noble cause, and Hadrat 'Umar was the first ruler in the world history, who organized the Department of Social Security in his regime. Even the orthodox European orientalist admit that to 'Umar belongs the credit of being the first ruler to maintain registers showing the numbers and needs of the people to enable the state to discharge efficiently its duty to the public.
- ii. The Islamic system of social security is in accordance with the nature of man, both as a producer and an agent of change and growth as well as a beneficiary.
- iii. It is based on freedom, equality of man, human brotherhood, love, peace and justice.
- iv. It does not practice any pressure, threat and terrorism but it convinces the people that its principles ensure happiness in this world and the blessings of Allah in the Hereafter.

The writer very humbly admits that he could not do, whatever he wanted to do or he ought to have done. But he hopes, that some one else, with greater knowledge and better information on this subject, will have the opportunity to work and show its enormous

benefits to humanity which he has failed to unfold. Whatever he has done, is for gaining the pleasure of his Allah; his Lord, his Benefactor.

Before I conclude, I would like to acknowledge my indebtedness to Dr. 'Anwar 'Iqbal Qurayshī (S.Q.A) Economic Advisor (Addl. Secretary) Rtd. Ministry of Finance, Government of Pakistan, and Prof. Dr. Bashir Ahmed Siddiqī, former Head of Islamic Studies Department, Islamia University, Bahawal Pur for their valuable comments and suggestions for revision and improvement of the first draft of the manuscript which have helped me significantly in approving it.

It gives me pleasure to record my gratitude to Mr. A. D. Qurayshi; former United Nations Advisor in Social Planning and Development, Chairman International Commission on Concept of Social Planning etc. for his thorough review of the manuscript of the book, making useful corrections and suggesting valuable amendments in the light of his practical knowledge and wide experience as United Nations Advisor in Social Planning and Development, and writing foreword of it. May Allah Karim bless all those savants of Islam for their sincere cooperation and supervision. However, all these do not necessarily share the views expressed in the book. May Allah forgive my short-comings. ('Āmīn)

Most humble servant of Islam,

Dr. NOOR MOHAMMAD GHIFARI  
ISLAMABAD (PAKISTAN)

Rajab 22, 1409 A.H.  
March 1, 1989.





### MODERN TREND OF SOCIAL SECURITY

*done* The term Social Security, in modern sense, denotes programmes and schemes chalked out by law to provide economic security and social assistance and welfare for the individual and his family. Social Security systems may vary from country to country, from time to time, from nation to nation and from economic system to economic system. In general however, "when earnings have stopped because the worker has retired, or died, or is disabled, benefit payments are made from the social security Funds to replace part of the earnings, the family has lost<sup>1</sup>," besides provision of social services and benefits as also some forms of medical care to the needy aged, widows and young children, the disabled and the unemployed.

In modern states principal means of providing the above mentioned benefits of social security are as follows:-

- i. Social insurance.
- ii. Public assistance.
- iii. Public Service.

#### ★ I. Social Insurance

It is based on insurance principles, although elements such as the number of dependents may also be taken into consideration. This source is usually financed through contributions made to special funds by employees and employers (and in some cases, governments). The benefits depend upon the individual's earnings or contributions and as described in the Statute establishing the system.

★ **II. Public Assistance**

Public assistance programmes provide cash payments, material help and social services to needy individuals (such as the old-aged, disabled, widows and dependent children) to help them to meet their basic needs well as to rehabilitate them as socially responsible and economically productive citizens.

★ **III. Public Service**

Under public service programmes cash payments or services are provided directly by the government to every member of the community, regardless of his economic needs or his contribution to an insurance scheme.

**HISTORICAL EVOLUTION OF MODERN SECURITY LEGISLATION IN EUROPE**

The modern concept of social security, came into common use throughout the world in the first half of the 20th century. In most countries, until late in the 19th century, the relief of poverty was left to private charity, to churches, to workmen provident associations or to the government acting under "Poor Law". (In 1883-84 Germany, under the leadership of M. Bismark, became the first European country to introduce a modern form of social security) a contributory health insurance programme (at that time called "Sickness Insurance"), a national compulsory accident insurance programme and old age pensions.) Germany's example was soon followed by Austria and Hungary and by the early years of the 20th century public opinion in most European countries had come to favour some means of providing old age pensions for the needy and of dealing with some contingencies as sickness and unemployment among workers.<sup>2</sup>

**British Social Legislation**

(Britain also promulgated the Work Men's Compensation Act. in 1897. In 1908, the British Government established a system to provide contributory pension to needy persons who had

attained the age of 70, and in 1911 it became the first country to adopt a national system of unemployment insurance.) The compulsory health insurance programme adopted by Britain in 1911, was greatly extended in 1920. (A system of contributory old age, widows and orphan's pensions was initiated in Britain in 1925 and unemployment insurance was launched on a new basis.) (In 1939, by the beginning of the World War-II, Britain started a fairly comprehensive system) of public social welfare, consisting of public medical services, a national health and unemployment insurance system, widows and orphan's pensions, old age pensions, public assistance and provision for the control and subsidisation of housing and supervision of town planning.

(After World War-II, this programme was extended on the basis of the well-known "Beveridge Report in 1942" on 'Social Insurance and Allied Services'. In the light of this report, a (true) minimum standard of living was recommended under cradle to grave social security system. Accordingly, a series of acts were passed, which formed the frame work within which this system is still functioning and developing.

The Family Allowance Act of 1945, the National Insurance Acts of 1946 and 1956, recognised the new Health services. The new Town Act of 1947, made provision for a systematic building and expansion of towns. The National Assistance Act of 1948, provided assistance for anyone in need out of government funds. The amount through a 'Means Test' i.e. of grant payable is determined by comparing any resources already available to the applicant with the amount of his assessed needs according to regulations. By the Act of 1948 regarding Child Welfare Services, it becomes the duty of the local authorities to receive in their care any child under the age of 17, who is guardianless or whose parents are unable to provide for him temporarily or permanently. Matrimonial Proceedings Act, enjoins the local authorities to accept children committed to them by juvenile court or by divorce courts. Children in such cases, if possible, are boarded with foster parents or may be placed in Children's Homes managed by a staff

officer of each locality. He is assisted by a staff of social workers, who undertake inquiries, give help in planning for care and healthy upbringing of the individual child and supervise them in Foster Homes.

Besides the governmental agencies, there are private organisations, which are working for the social security of the people. These private organisations complement the work of the statutory bodies, which are aided with public funds, and in many aspects of their social work, act as agents of public authorities. Examples of these societies looking after children are Dr. Bernard's Homes, the Church of England Children's Society and the Catholic Child Welfare Council. In addition to these, there are 'social settlements' in the poor districts of the cities. In all large towns and some small ones, there are Children Advice Bureaus. Besides all these, there are Marriage Guidance, the Order of St. Jhon, St. Andrew's Ambulance Association and the like. In short, Britain has one of the most comprehensively planned and integrated security system in the world.

### **United States Social Legislation**

The development of social security legislation in U.S.A. was gradual. In the first three decades of 20th Century, many states of America made arrangements for granting public assistance to certain categories of population, but this type of assistance was extremely limited in its coverage. Workmen's compensation which had its beginning in 1908, was the first type of Social Insurance to be developed there. An unemployment Insurance Bill was introduced in 1932. It become an Act in 1935 known as Social Security Act and is considered a landmark in the evolution of Social Security System of U.S.A. and the modern world. It was amended to change its very concept and content in 1939 and 1956 so as to include benefits for dependents and successors of retired and diseased persons as well as for totally disabled persons at age 50. Through, successive extension of the coverage of the programme, over 90 percent of the working population is included at present<sup>3</sup>

In 1935, a broad national programme was also recommended under the New Deal of President Roosevelt.<sup>4</sup> In 1933, the Agriculture Adjustment Act attempted to help the farmers by raising farm prices. The works Progress Administration Acts of 1935 and 1939 were enacted to provide work relief rather than cash doles. This, together with the National Labour Relation Act of 1935 (commonly known as Wager Act) also aimed at promoting collective bargaining between labour and management were some of the measures designed to meet the crisis. These measures brought back economic prosperity as the following statement in the Encyclopedia Americana has shown:

"Thus without altering the basic form of government or way of life, the welfare state in the United States, Britain and other nations has strengthened democracy by enhancing the security, self respect and freedom of citizens. In the face of world conflict and severe economic crises, the welfare state has weathered the tension and strain without civil wars, concentration camps, gas chambers, fractional hatred, such as have characterised regimes of totalitarianism, fascism and communism".<sup>5</sup>

### **Scandinavian Countries' Social Legislation**

From the early 1930's onward, the Scandinavian countries (Norway, Sweden and Denmark) have been the socialist states and they have got a remarkable record of social reforms. It may be noted, that in their policies more emphasis has been laid on economic development and social security than nationalism, and their economic policies are based on fiscal measures (such as cheap money) and taxation rather than on reform of ownership. In Britain, approach to social and economic change engendered the tendency to substitute state ownership and management for private ownership. In Scandinavian countries, the form of social ownership has been used in place of state ownership. The co-operative movement instead of the Governments acts as the agent of reform. Thus, a cooperative system has been used for slum clearance, health insurance, and in industrial production and dis-

tribution. Sweden has tried to avoid, in this way, the evils of capitalism and too much state control. And among the nations of the world devoting large proportions of their resources to social welfare, Sweden holds a prominent position. In 1950, for example, it spent 2.622 million Kroner (\$506,200,000) on social services, Industrial injuries, insurance, employment measures, unemployment insurance, old age and disability benefits, family and child welfare and public assistance. This expenditure represented about 11% of national income.<sup>6</sup>

### COMMUNIST STATES

The need for social security was duly recognised by USSR, China and other Communist States. In USSR, the current Law of 1956 regarding Insurance System promotes for all the employees the material and financial benefits for old age (pensions), disability, sickness, maternity and work injury. Payments are made by the employer (4 to 9% of the payroll according to industry) and the government (about 50% of the cost over share of employer contributions allocated to pensions). Family allowances to residents with 4 or more children 3 or more births, grants and assistance to low income families with 1 or more children are afforded entirely by the government. There is a special system for workers in agriculture. In Peoples Republic of China the current law of 1958 governs social insurance system covering all employed persons, including state farm workers in respect of old-age, invalidity and death. Sickness and maternity as also work injury are covered under current law of 1951, through the State and the commune. There is a special system of coverage for government employees and university students. Family allowances are provided to low income families through the commune. All the communist and Socialist States provide for the social security of their workers and other people almost similar benefits with slight variations.

This is the brief history of the modern concept of social security, which was initiated in Europe in the last two decades of nineteenth century, developed rapidly after the World War-II

both in the Capitalistic and Communist world and gained ground year by year. According to the statement in the Encyclopedia Britannica, each year after 1945 saw the introduction of social security measures into some countries for the first time; by the mid 1960, they were in operation in more than 100 countries.<sup>8</sup>

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## WELFARE STATE

The discussion of welfare state, after that of social security, is a logical corollary, because social security and welfare state are inter-related. Welfare state is the consequent of social security while social security is the first and fore-most function of a welfare state. Moreover, the history of their origin and cause of their origin are one and the same i.e. both originated as organised and planned systems after World War-II for the social welfare of the community.

A welfare state is now being considered as the ideal by all the countries of the present world, whether they are the highly advanced countries of the West or the developing or even backward countries of Asia and Africa. The social welfare programmes have increased and expanded with the growing realisation that the development of human resources is the real key to national development and to raise the quality of life of the peoples of all the countries and that relieving poverty, ill-health and misery is an important task of maintaining peace and creating an environment conducive to socio-economic progress. The focus of such activities is the United Nations, where the Department of Economics and Social Affairs of the U.N., Secretariat administers a world-wide programme of social research, planning and development; technical assistance for social welfare and community development, social education and information. The principal organ of the U.N. in social development field is the Social Commission which is placed under the Economic and the Social Council. Policy recommendations for social groups are developed by this commission. These are promoted and carried out by the Centre for Social Development and Humanitarian Affairs

through Advisory Services provided to various countries under Technical Assistance Programmes with the active collaboration of the respective governments concerned. Other social development and welfare activities are carried on by specialised agencies, which have been established by inter-governmental agreement with the United Nations. The World Health Organisation (WHO) helps and guides nations to combat diseases and epidemics throughout the world. The United Nations Educational, Scientific and Cultural Organisation (UNESCO) assists governments to promote cultural understanding among nations, eradicate illiteracy and pursue science and technical education and higher learning. The Food and Agriculture Organisation (FAO) among other things, assists nations to overcome chronic food shortages enhance nutritional status and boost economic development. The U.N.O. High Commission for Refugees supervises the application of international conventions relating to the status and rehabilitation of refugees. The oldest of the specialised agencies is the International Labour Organisation (ILO) which gives special attention to the problems of Workers employment, wages, security and labour legislation. UNICEF concerns itself with the security, care, nutrition and welfare of children and mothers.

Today, England and Scandinavian countries claim to have become welfare states, by undertaking huge expenditures on social and medical security, while other states of Europe, Asia and Africa are trying to achieve this cherished goal. As regards the expenditures of the welfare states, we can say that as human knowledge progresses and new inventions come into existence, (it goes without saying that) leading to expanded socio-economic development, the expenditure on social security will go on increasing.

### THE FAILURES OF MODERN WELFARE STATE

A welfare state in itself is undoubtedly an appreciable ideal and a coveted goal to be achieved because it alleviates poverty and distress, and enhances security, self respect and freedom of

thought; maintains peace and solidarity. Hence, the countries prosper economically and strengthen politically. But have the modern welfare states attained the real purpose of a welfare state i.e. maintenance of basic necessities of life of the individual with peace of mind? No doubt the modern welfare states of Britain and Scandinavian countries have met the first necessity i.e. the maintenance of the bare necessities of life, but the second i.e. peace of mind, the prime need of every one, has not yet been achieved. Why? Unlike Islam, the modern doctrine of secular social welfare has placed undue, if not slow, stress on "material welfare" and paid little attention to spiritual and psychological needs of the people. This non-recognition, both by the individual and the community, of the fact that there are other things besides "material welfare" to be pursued and that there are loyalties which go beyond this state; has produced some strange results.

(In the following pages an abstract of some outstanding shortcomings of the modern welfare state which are seen in the affluent Western society, is given.)

#### D A. Constant Increase of Crime

In all welfare states of today, the ratio of literacy is maximum; light of modern knowledge is at full swing and material standard of living has attained a high water mark, even then it is strange to say that there is a rapid increase of crime in Western society. America is the richest country on the globe, its national income and per capita income, both are the highest in the world, the standard of living is so high as cannot be imagined by us the poor but content of the East. But crime are increasing so rapidly that their speed is many times faster than that of the legislative machinery to control it. According to recent statistics, at least a million indicatable offences known to the police were committed. The recent incident of theft in the busiest commercial centre of New York is the open secret of the failure of the modern welfare state based on secular doctrines, when the system of electricity of the city was cut off and the cultured thieves of this

richest welfare state got the advantage of darkness and robbed hundreds of shops. In fact, America has a society which sets great store for economic affluence and social ascent. Yet there are many individuals who cannot meet their requirements by lawful means.

England, by undertaking huge expenditure on social, medical and other utility services, has become welfare state and its system of social security is the best in the world, according to the modern concept, but ratio of crime is constantly high. Recent statistics show that at least million indicatable offences known to the police were committed while lot of other property offences were not reported. A survey suggests that adults increasingly commit theft to avoid unpleasantness of unemployment. There is difficulty of filling vacancies. Same aspect of the affluent society seems to be responsible for this increasing tendency to commit crime. tendency to commit crime.

The intensive advertising of consumer goods, the use of hire-purchase schemes to sell them are obvious examples. Mass media of news and entertainment and increasing mobility of wage earners all together give the wage earners a close acquaintance with more expensive ways of life, and thus stimulate in them a desire to have these things. If they cannot be obtained by honest means then obviously unfair and dishonest means are adopted.<sup>2</sup>

In feudal social order the status of man is valued in society by the wealth and influence he possesses. But in modern societies, which boast of no social frontiers, no barrier of advancement, every individual is not satisfied and tries to improve his present status. If he fails to "get-ahead" then he regards it as a failure. And if he cannot achieve his goal by legal means, he adopts the illegal ones.

In short, the modern secular trend of the welfare state has made the man impatient, wealth hungry and full of temptation. He is always in search of his higher ideals and from good to better, whereas he is going from bad to worse. The modern society

is generating the strains that lead to crime among the lowest, the poorest and the weakest. The faster the "rat race" the more tempting it becomes for little rat to cut the corners. Every spring sparrow wants to have a cap on his head. This is the melancholy prospect of the modern societies dedicated to growth, expansion and yet a higher standard of living without religious orientation. The people of these welfare states are at the horn of dilemma, they do not know where to go and where to stand and where is their destination. Their moral sense of right or wrong is either dulled or lost, unless such acquisition is based on religious upbringing.

## 2 B. Self-interest

The secular doctrines of modern welfare state have made the man self-centered. In this welfare state so much stress is laid on individualism and every one sees in the direction of his own nose; thinks for his own benefits; walks for his own desires and works for his own sake. He is selfish and acts to satisfy his selfishness. He is deprived of the generous sense of fellow feelings. He does not bother whether any other is happy or unhappy, hungry or bellyful, naked or dressed, ill or well. He does not know who is his neighbour, what are his problems and what can he do for him? In short, he is interested in his own advantage to the exclusion of regards for others and all his activities are actuated by this end only. Self interest is a disease without symptoms, but it is itself a symptom of something more terrible. It is making people forget how to form and communicate relationship.

## 3 C. Loneliness

The self interest and self centralization have given birth to loneliness. Now home is not a place where family members dwell with the pure passions of fellow feelings and noble sense of responsibilities for one another, but it is just a place where a number of people eat one meal a day, sleep and spend some hours when they think for nothing better to do. Man in his struggle towards self indulgence and individualism is trying to break up

home life in the welfare society of the West. He is trying to forget the reality that individual cannot do without community of which man is an integral part. F.D. Maurice says: "Many writers begin with considering mankind as a multitude of units. They ask, how did a member of these units form themselves into a society? I cannot adopt that method. At my birth I am already in a society. I am related at all event to a father and mother. This relation is the primary fact of my existence. I can contemplate no other facts apart from it and if you determine not to take notice of this fact, not to give it precedence over every other, the effect is that, instead of contemplating the world at large, you will contemplate yourself. You will be the unit about which events and persons resolve. Each man will regard himself as the centre of the universe. You will come at least to an understanding a very imperfect understanding, that each occupy this place in his own estimation. You will be forced to construct a society on that hypothesis".

"If, on the other hand, you start from the indisputable common place, "we are sons", such a way of considering the universe is from the first impossible. I cannot be the centre of the circle in which I find myself, small as it may be. I refer myself to another. There is another of my existence, we shall find the explanations of social existence, we shall find the explanation lying at our feet". (F.D. Maurice, Social Morality).

This was written in 1869, but it is remarkable how did he foresee the conditions in which the society of these modern welfare states is making?

This desire for individualism has destroyed the family life as well. Whereas, the institution of family is of supreme importance, because this institution is the breeding factor of all the large forms of social life, the nation, the village, the city, the country and ultimately the world. No other form of social organisation can produce sound and healthy life unless it is based on family. It is only in this basic social system in which all kinds of human relationships are formed, maintained and developed.

Firstly there is the relationship of authority as every family must have a head, who is specially entrusted with the welfare of something larger than himself. He has to strive for the happiness and welfare of all the members of the family living in his charge. At times he will require all his ingenuity and tact to bring about settlement and reconciliation in case of dispute and quarrels.

Secondly, there is the relationship of obedience, which in a well ordered family does not imply blind submission. It is the recognition of the fact that the individual is a part of larger whole and cannot claim absolute liberty of self assertion as it would break up the whole family.

Thirdly, there is a relationship of cooperation between those with different degrees of responsibility, as between parents and children, and between those of more or less equal responsibility, as between children and children.

Fourthly, it is the forum where one learns the art of mutual respect and forbearance. It is also the place where every member has an opportunity to appreciate the value of the varying contributions made by every one in the interest of the whole, specially where they happen to clash with those of the individuals.

All these are elements of state craft and of the political life of nations. If they have been well and truly learnt in the small state of family, they will find natural expression in the life of larger whole. It is only in a family that those can be learnt thoroughly and naturally.<sup>3</sup>

This negative attitude towards the family life has also thwarted the growth of intellect and minimized all chances of the emergence of an exceptional genius. Bertrand Russel says:

"But as long as children continue to live with their parents, parental examples and early education must have great influence in developing their character, even if we leave heredity entirely out of account whatever may be thought of genius, there can be no doubt that intelligence, whether through heredity or through

education, tends to run in families, and that the decay of families in which it is common lower the mental standard of the population". (Principles of Social Reconstruction).

The abolition of the family institution is to destroy the moral and spiritual values of a human society. Creches are a poor substitute for home with its salutary spiritual atmosphere in which the personality of man grows to its full stature. Public nurseries, whether run by state or privately, mainly look-after material side. They turn out, "Mass Men" more akin to machine than to real human beings.

In a striking passage Dr. Oldhaim in his book says:

"In the home persons are valued for what they are in themselves rather than for what they do. Work and business engage only a part of the personality but in the love of the family the man can find his satisfaction. The family is a school of character providing an education in sympathy and understanding, in self-control, cooperation. It is a training ground in responsibility and mutual obligation and builds the disposition, which fits members to participate in the wider life of the community".

Indeed, it is the family, which creates a sense of belonging, concern and commitment to ones fellow beings.

As the consequence, the attitude of loneliness the frustration and the mental upset is developing day by day in the western society. In Britain mental patients occupy a third of all hospital beds, and hundreds put an end to their existence when they find themselves unable to bear the strains of life in solitude. The number of such lonely people in England; ranking the highest position in the modern welfare states, and other European countries and even in America the richest country on the globe, is steadily rising for the last twenty years and is posing a very hard problem for medical doctors and social workers as a serious malaise in these countries, which are becoming steadily more impersonal, as their mobility grows. These unfortunate persons, both young and old, men and women, the rich and the poor may be seen even in the



busiest cities sitting in the sun in the day and under the mercury bulbs on roads at night. What are they suffering? What are they thinking and for whom are they waiting? Only the persons concerned, and specially the aged, know what are their feelings. No doubt the modern welfare states have provided them with the basic necessities of life but they have totally failed to give them a sincere wife, a kind husband, an obedient son, a faithful daughter and a loyal friend who can sooth his heart in solitude.

The young students, during the summer or winter vacations try to find home where they spend their liesure with he company of some sincere heads; mother, father, brother and sister, but failing this, they again rush to big cities in search of a busy corner. While the other lonely youngs seek new contact by changing their jobs frequently but it does not help in search of sincere feelings and it brings only worse feelings of restlessness. Whereas those who remain in one job often find themselves stuck in bad water with the years rolling empty by.

The National council of Social Service of Britain has pointed out that what most of the young people want after their work, is social clubs, which are not enough. Meeting places already founded for young professional people, like coffee-pot clubs, have long waiting lists, for the rest there is no place to go. This is the tragic result of the break up of the family life in an affluent society. Living alone, for those who are not solitary by nature, is a dangerous state. One has to depend on oneself--eating alone, sleeping alone and never using one's voice unless one talks to oneself. Thus, one becomes intolerant and selfish.

#### 4 D. Scarcity of Peace of Mind

In the affluent societies of modern welfare states where the necessities of life are available in abundance, there the loveliest necessity of every one; the peace of mind has become the dearest rather than scarce. This scarcity of the peace of mind has created a sense of deprivation. Every person is in search of a "door in the wall" that may pass him in an illusory world where he may get

peace and shelter from the tyranny of machines and self centred society. He is becoming a mental patient day by day.

There has been a vertical increase in the number of mental patients in Britain. In Feb. 1965, Mr. Robinson, the minister of Health in the then Labour Government said:

"In the past five years, expenditure by local authorities on the mental health services has risen from \$ 4,000,000 to \$ 9,250,000. It would exceed to \$ 10 millions in the present year. The total number of mentally disordered people receiving care from local health authorities increased from 115,000 at the end of 1960 to 140,000 at the end of 1963, a rise of more than 2%. The number of mentally ill people included in this total rose from 32,000 to more than 55,000. i.e. 70%".

What a sad paradox! But why is it so? The modern welfare states are making maximum possible efforts to provide pensions, medical treatment and old people's home. No doubt, warm rooms cannot compensate for warm hearts, but these welfare states have done much for mental entertainment i.e. permission to open youth club, old clubs, children parks, theatres, cinemas, brothels etc. but the mentally ill society is at the same place from where it started. Why? According to the secular doctrines of modern welfare state, the responsibilities of the Government and the local authorities begin and end on the material welfare only. This is the very reason of the failure of the modern welfare state. A French writer, Henry Massis writes:

"Modern civilization is a great evil in that it makes the material well being the end of life and it bewitches Europeans and corrupts Orientals that, makes them slaves of money, incapable of peace and inner repose. (Defense of the East).

"That makes them slave of money" is the striking point of this statement which leaks out the secret of the failure of the modern welfare state. Money motive and slavery of money can neither give peace of mind nor can satisfy the spiritual side of life. Let us

study what Lord Maynard Keynes, the famous economist of these ages, in his book: "A short view of Russian," says:

"At any rate to me it seems clear every day that the moral problem of our age is concerned with the love of money, with the habitual appeal to the Money Motives in nine-tenth of activities of life with the universal striving for the individual economic activity, the social approbation of money as the measure of constructive success and with the social appeal to the hoarding instinct on the foundation for the necessary provision for the family and for failure".

This is the evil effect of money economy on man's mind, which causes the failure of the modern man of the modern welfare state, whose need of the day is "the peace of mind", which he wants to achieve by money and materialistic success, but it is impossible.

### **E. Increase in Rate of Suicide**

Another failure of the modern welfare state is the increase in the rate of suicide among its inhabitants. This is the result of want of peace of mind due to traumatic experiences encountered frequently. When anything happens which causes shock or disappointment, people, both the rich and the poor, try to end their lives. This increase in suicide rate is due to improper religious upbringing in the modern affluent society of a modern welfare state.

From a study based on facts and figures, it has been proved that in those civilized communities of Europe and America, where religious and secular strings have either been relaxed or abandoned, the rate of suicide is much higher than in places where religious and secular controls still hold sway. Addressing a conference in London in 1951, Dr. A. Torrie, Medical Director of the British National Association for Medical Health, said that more than half of the students at Oxford University who were absent from lecture owing to sickness suffered from psychological

disorders. The suicide rate among the under-graduates in Oxford in 1946, has been seven times more than that of young men outside Oxford.

It is a sad paradox. The modern man of the welfare state, in spite of the light of knowledge, marvelous inventions of science, high per capita income and numerous comforts, rather than luxuries of life, is up-set and melancholy, rash, short tempered, selfish and intolerant. He may be likened to a rudderless boat which is incapable of facing storms and vicissitude of life. Whenever he undergoes a psycho-social shock, he is ready to surrender even his loveliest possession; the life itself. The rate of suicide today is vertically increasing and it has been much more than ever before. Modern man is losing his unified religious outlook on the world; this loss means intellectual and moral disquiet and anarchy as it is more or less a violent rejection of the old values; it is a struggle between the incomplete and inconsistent.

Today, an unknown sense of deprivation is prevailing in the affluent society of the modern welfare state. A fair number of people looks tired, wearied, nervous, irritable, fed up and bored.

These were the spiritual and psychological reasons of the mental illness (of the modern man of the modern welfare state), which leads to suicide. But this mental illness has its economic factors as well, which have considerable influence on social and spiritual conditions of the community. Man is not a soul without a body. But neither he is body without soul. The manners and methods of production of wealth and its distribution have a considerable influence on mentality of the members of a society. How can a society remain peaceful, faithful and sincere when its economy is based on unnatural inequality and usury. The modern man who has become money hungry and discontent, when faces this wrong and unjustified economic system, becomes mentally ill and sad. What will you think of a man whose aim of life is money making to buy more and more comforts of this life, but he cannot

fulfill his ambition because of this wrong economic system where every-one has not the equal chances to prosper?

## CONCLUSION

The modern welfare state, organized on secular doctrines which advocate individualism, self interest, profit motive and money making as the sole aims of life; which creates bad blood, uncertainty, unease and unsteady peace of mind; which results in suicide- is a failure. Its prominent shortcomings are the development of its atheistical civilization and material well-being which are the very reasons of its failure.

Spengler, in his book "The Decline of the West" predicts the end of the present civilization. And H.G. Wells in his autobiographical novel "The World of William Clissold", writes that the present social system is on the edge of ertigo. In Acarus, Bertrand Russel maintains that the future of man and science is dismal.

In America Waldo Frank, aghast at this spectacle of human chaose and worldly clamity says:

"We are decomposing because the experimental assumptions that held our culture are on the wane... our spiritual body is breaking up".

These statements are of those scholars who are born and brought up in the lap of these modern welfare states. They opened their eyes in the light of their modern civilization, enlightened themselves with its knowledge and picked up teachings from its books, received inspiration from its scholars. But truth is truth, though it is bitter. These modern welfare states, based on secular doctrines and atheistical trends, gave nothing but unease, impatiance, selfishness, money motive, loneliness, and took peace of mind, fellow feelings and fear of Allah; built borthels, hotels, clubs, cinemas, theatres, and destroyed homes, family institution and human relations.

## NOTES AND REFERENCES

1. Encyclopaedia Britannica, Volume 20, p. 782 and United Nations Documents.
2. Al-Hajaj Ajijola : The Islamic Concept of Social Justice, Lahore, Islamic Publications, 1977, p. 136.
3. Ibid PP. 140-141.

## ✓ SOCIAL SECURITY SYSTEM IN ISLAM

### Nature and Scope

In the terminology of Islamic Economic order, by social security, we mean the fulfillment of the basic necessities of life of the citizens of the Islamic State, irrespective of their class and creed. The arrangements made for this purpose must be so complete that none of the individuals would remain deprived of his basic needs i.e. food, clothing, lodging and compulsory medical treatment. This does not mean that the Islamic Society or the Islamic State will be responsible for supplying every citizen a required quantity or number of these necessities, irrespective of the fact whether or not the needy person can get these things by his own means. Usually, a person, who is physically and mentally able to earn his livelihood by his own labour but cannot do so because of unemployment or cannot earn as much as can be sufficient for him because of under employment, should be maintained by his well-to-do close relatives according to Islam. The Islamic Society is legally and morally obliged to fulfill his necessities through its agencies of neighbourhood, Wasī/Walī(executor), Kafīl (guardian), Wakīl (agent) etc. Personnel working in any industrial set up or any organization would be provided with social security allowance, when they are invalid or in any incidental need.

In spite of all these arrangements of social security, if any person is not properly maintained, then the Islamic State will have to come forward and accept the responsibility for the fulfillment of his needs. So in an Islamic State, no body remains without the fulfillment of his basic necessities.

Technically, Islamic System of social security can be divided

into 'private sector' and 'public sector'. 'Private sector' is run by the Muslim Society, while in 'Public sector' social security is maintained by the Islamic State. Social Security as a collective responsibility in private sector has been enjoined by the holy Qur'an and the Sunnah as shown below:-

1. "Hast you observed him who, belieeth religion? That is he who repelleth the orphan and urgeth not the feeding of the needy". (107:1-3)

In this verse we note that, not to speak of refusing to feed a hungry person, even if a Muslim does not urge his fellow Muslims (to feed the poor), he is not a Muslim (in the true sense of the word). At another place the holy Qur'an says:-

2. "It will be said, take him and fatter him. And then expose him to hell-fire. And insert him in a chain, where of the length is seventy cubits. Lo: He did not believe in Allah the Tremendous and urged not on feeding of the needy". (69:30-34)

Again it is said:

3. "What hath brought you to this burning? They will say: We were not of those who prayed. Nor did we feed the indigent". (74:42-44).
4. "Nay but you (for your part) honour not the orphan. And urge not on feeding the poor". (89:17-18)
5. "But he hath not attempted the Ascent. Ah: what unto these what the Ascent is?-- (It is) to free a slave; and to feed in the day of hunger an orphan near of kin or some poor wretch in misery". (90:11-16)

At another place Allah praises the true muslims and says:-

"And feed with food the needy wretch, and orphan and the prisoner, for love of Him saying: We feed you for the sake of Allah only. We wish from you neither reward nor thanks". (76:8-9)

Said the holy Prophet (peace be upon him):-

"If any person spent even one night in a village with hunger



then Allah's responsibility for the provision of that village comes to an end".<sup>1</sup>

According to Hadrat 'Abū Sa'id Khudrī, the holy Prophet (peace be upon him) said:-

★ "He whose means and resources are more than his genuine needs, should give away the excess to the poor. The narrator says that the holy Prophet (peace be upon him) made mention of so many things the possession of which after satisfying one's genuine needs was not permissible that all those who were present felt that no one had any right to a surplus in anything".<sup>2</sup>

"Whosoever, has the meal which suffices two, should maintain the third and whosoever possesses that for four should maintain the fifth or sixth".<sup>3</sup>

Islamic concept of the unity of the 'Umma is so effective and powerful a measure that it has demolished all the barriers of egotism and individualism, and has embodied the Muslims in one brotherhood where one's trouble is shared by all. The holy Prophet (peace be upon him) has described this state of Islamic Society in these words:-

"You will see the Muslims in kindness, benevolence and mutual love and affection, like a body when one of its parts feels any pain, then every part of the body through sleeplessness and fever shares its grief".<sup>4</sup>

He describes mutual help and cooperation among the Muslims in these words:-

"One believer is like (the bricks of) a building to another believer, every one is holding and supporting the other".<sup>5</sup>

It has been authentically reported that once Hadrat 'Abū 'Ubayda b. al-Jarāh and other three hundred Sahāba (the companions), were travelling in the way of Allah and ran short of their provision. Hadrat 'Abū 'Ubayda; the commander, ordered his companions to bring all that they had in their possession. He

pooled what they brought and distributed it equally among all (and thus enabled every one to meet his need).<sup>6</sup>

Hadrat 'Alī (May Allah be pleased with him) said:

"Allah has made it obligatory on the rich to minister to the needs of the poor. If inspite of this obligation the poor folk go unfed or unclothed or experience economic distress, it will be merely because the rich are not fulfilling the obligation laid down on them by Allah. Therefore Allah will question them on the Day of judgement and give the due punishment".<sup>7</sup>

The holy Prophet (peace be upon him) appreciated the tribe Al- 'Ash'arī because whenever there was a shortage of grain in their tribe they gathered all the grain they had in a cloth and divided it equally among themselves.<sup>8</sup>

Some jurists (in the light of the above tradition) have elucidated the opinion that the poor have due right in the wealth of the rich and in emergency this wealth may be taken from them as joint property.<sup>9</sup>

The consensus of opinions among the Sahāba (the companions) is that if any person remained deprived of his basic necessities, then his maintenance from the mal (property) of the rich becomes obligatory.<sup>10</sup>

So far, the Islamic concept of social security, has been discussed and in this respect some of the relevant verses, 'Ahādīth (traditions) and jurist's opinions have been quoted. Now we turn to the responsibility of the Islamic State in this regard.

The holy Prophet (peace be upon him) said:

"If a person who is appointed the leader of a nation does not look after his subjects, he shall not smell even the flavour of paradise".<sup>11</sup>

"A person who is put incharge of the Muslim's affairs but neither strives for their social security nor is sincere to them, he shall not enter the paradise with them".<sup>12</sup>

Islam considers the Islamic State as the guardian of all its citizens. Thus according to the law of guardianship it is obliged to guard its citizens. Said, the holy Prophet (peace be upon him):-

"Allah and His Messenger are the guardians of the person who has no guardian".<sup>13</sup>

The state is the guardian of a guardianless".<sup>14</sup>

The holy Prophet (peace be upon him), as the head of the Islamic State in his letter to Zurrah b. Zī Yāzīn; the leader of Himyar Tribe, confessed his duty to maintain the social security of the people. He addressed them in these words:-

"O: tribe of Himyar: I advise you to conduct yourself fairly, and neither be treacherous nor non-cooperative. The Messenger of Allah is the guardian of your rich and the poor".<sup>15</sup>

This guardianship not only aims at fulfilling the basic necessities of life but also the other requirements of life also if its resources permit. After the conquests when there was great amount of money in Bayt al-Māl the holy Prophet (peace be upon him) declared that those who were indebted and died without paying their debt, the Islamic State would pay their debts from the public exchequer. According to 'Abū 'Ubayd, when Allah blessed His Prophet with conquests, he said:-

"I am the dearer to the Muslims than their own lives. If any Muslim dies indebted, I would pay the debt on his behalf, and if he leaves property that will go to his successors".<sup>16</sup>

In his another tradition he says:

"If a deceased Muslim leaves Māl (Property) it will go to his successors, and if he leaves helpless children, I am responsible for their maintenance".<sup>17</sup>

The holy Prophet's teachings and his practice in this respect serve as the beacon of light for the coming generations down the ages. Islamic History highlights that his true successors, especially the rightly guided Caliphs, were very much careful and

conscious about this duty. Hadrat 'Umar (May Allah be please with him) said:-

"I am very much anxious that whenever I come to know of some one's need, I should fulfill it forthwith. As for as we can individually meet the needs of one another, we should do so, but when we cannot do so individually then we shall do collectively until the standard of living of all of us is equalized. Alas: You can not know my sincere feelings about you! But I want to explain them only through practice. By Allah, I am not a king that I enslave you, Khilafat is the 'AMĀNAT (trustship) of Allah. It is my duty to follow you (for your service) till you sleep in your homes with your bellies full of meal so I shall be (really) successful in (conducting your affairs). But if I compel you to follow me till you knock at my door for your needs, then I shall be doomed. I may make merry for a few days here, but thereafter I shall have to worry for a long period. Then none will listen to me and none will respond if I beg his pardon".<sup>18</sup>

At another moment, he, in his general address, while he was enumerating his responsibilities, said:-

"O people! I am made responsible of detaining your prayers".<sup>19</sup>

An eminent Jurist, 'Abū Muhammad 'Izz-ud-Dīn 'Abd al-'Azīz b. 'Abd as-Salam, explaining this statement, writes:

"To detain here means that the 'Imām (the Leader) should facilitate justice for the wronged against the wrongdoers, so that the wronged need not beg to Allah for justice. He should meet their needs so that they need not pray to Allah for the fulfillment of their needs. This is a comprehensive explanation of an Islamic ruler's duties to his subjects".<sup>20</sup>

His sense of responsibility for social security was so universal that even the animals of the Islamic State came within its range. He used to say:-

"If any camel dies unfed at the bank of the river Euphrates, I am afraid that Allah will ask me on the day of Judgement".<sup>21</sup>

"If any itching goat is left to die at the bank of a canal unmasaged for medical treatment, I am afraid Allah will ask me about it".<sup>22</sup>

For ensuring social justice and full maintenance of the citizens, Hadrat 'Umar chalked out a one year tour programme in order to survey the general condition of his people's life. He said:

"Insha Allah (if Allah wills), if I am alive, I shall make a survey of my subjects, for I know that there are some needs of people, which I cannot meet because neither the regional rulers inform me about them nor the people themselves can approach me. I shall go to Syria, al-Jazīra, Egypt, Behrain, Kūfa and Basra, and stay at every one of these places for two months (and thus complete a tour of full one year). By Allah! what a pleasant year it will be".<sup>23</sup>

But death stole march over him and he could not undertake the intended tour.

He used to walk in the streets of al-Madīna al-Munawwara, to know the needs of his people, and if he came to know of any person's need, he met it at once.<sup>24</sup>

He had ordered his governors to look to the needs of citizens. He said, advising Hadrat 'Abū Mūsā 'Ash'arī, "Listen! Supply sufficient quantity of food in people's homes, and also serve their relatives with meals".<sup>25</sup>

Hadrat 'Umar b. 'Abd al-'Azīz's wife Fātima says, "Once I went to his room and found him sitting on a mat and weeping and his beard was drenched with his tears. I asked, if something has happened. He said;

"I have accepted the responsibility of the 'Umma of Hadrat Muhammad (peace be upon him). I am thinking of hungry beggars, unattended patients, the distressed, the wronged, the miserable, the traveller and the detained, the aged persons, and

persons with a large family but little means of income etc. I know that Allah will question me about their social condition and Hadrat Muhammad (peace be upon him) will plead their case. I am afraid that I shall not be able to defend myself, so I took pity on myself and wept".<sup>26</sup>

He Announced publicly:

"I shall try my level best to fulfill the needs of every one of you provided they are brought to my notice".<sup>27</sup>

In the light of above mentioned facts, one can realize the importance of social security and responsibilities of the Muslim Society and the Islamic State in this respect. For further explanation of this important and noble cause, the study of the opinions of some prominent Islamic Jurists will be of great importance. 'Ibn Hazm; an eminent Muslim scholar writes:

"It is the duty of the rich of every town (and village) to maintain their poor (and the needy), if the income of Bayt al-Māl does not suffice the social insurance of the poor and the needy. The Head of the state can compel the rich to maintain the poor. He can forcibly get their surplus wealth and spend it to meet the necessities of the poor. Primarily, it is necessary to provide them with food, clothing and lodging, which can prevent them from the tyranny of rough weather and floods. I declare that if a rich person has a surplus of provision, while another person is dying of hunger and is bound to eat illicit (Haram), he should not eat Haram (unlawful) food but forcibly get from the rich's Māl (property) as much as can satisfy his hunger".<sup>28</sup>

'Imām Ghazzālī writes:-

"It is the duty of the SULTĀN (the head of the state) to maintain his subjects, particularly, in the days of famine and dearness when the people can not earn their livelihood easily and life becomes hard. In these hard times, the SULTĀN should serve the people with meal and disburse them money to make their life happy".<sup>29</sup>

Syed 'Alī Zādah Hanafī, enumerating the duties of 'Amīr, writes: "He should not leave any beggar in his state without granting (what is right fully due to him); should not leave any indebted without paying his debt in his behalf; should not leave any wronged without justice; should not leave any wrongdoer and should cloth every naked".<sup>30</sup>

The author of Mukhtār al-Kaunain writes:-

"It is, therefore the duty of the head of the Islamic State to provide facilities to all the citizens to acquire three things according to their capability and status, whether the rich or the poor, man or woman. These three things are:-

Firstly food and water, as it is a must for life; secondly clothing whether of cotton or of wool or of silk etc.; thirdly the provision of a married life for it is necessary for the continuation of human race".<sup>31</sup>

So far, the following points have been discussed:

- i. Islamic concept of social security.
- ii. Its importance in the light of the holy Qur'an, Sunna, practice of Sahaba (the companions) and the opinions of the Islamic Jurists.

Now a very important point relating to "scope of the Islamic system of social security" is being discussed.

## ✓ SCOPE OF THE ISLAMIC SYSTEM OF SOCIAL SECURITY

This topic will be discussed in the light of following questions:-

- i. Social Security for whom?
- ii. Social Security of what?
- iii. Social Security upto what extent?

Let us answer these questions in turn.

**i. Social Security for Whom?**

(The Islamic System of social security is for the citizens of the Islamic State, whether they are Muslims or non-Muslim. Quranic teachings relating to the spending of wealth in the way of Allah do not distinguish the Muslims from the non-Muslims in this regard.) For example the holy Qur'an says:-

"And feed with food the needy wretch, and the orphan and the prisoner, for love of Him". (Al-Qur'an:76:8). Here the needy or orphan or the prisoner may be the Muslim or the non-Muslim. This verse does not particularize the Muslim needy but it includes the non-Muslims as well. The holy Qur'an prescribes a law in this respect.

"Allah forbiddeth you not those, who warred not against you on account of religion and drove you not out from your homes, that you should show them kindness and deal justly with them Lo! Allah loveth the just dealers. Allah forbiddeth you only those who warred against you on account of religion and have driven you out from your homes". (60:8-9)

The Islamic jurists have opined that except the obligatory taxes i.e. Zakāt and 'Ushr etc. which are meant for prescribed "beneficiaries", all the other welfare taxes levied by the Islamic State for the income of Bayt al- Māl are consumable to meet the needs of the non-Muslims as well.<sup>32</sup> The jurists base their verdict on the practice of Hadrat 'Umar who included the poor and the needy of the people of scripture among the beneficiaries of Zakāt. Hadrat 'Imam 'Abū Yūsuf has taken 'Umar's practice as a basis for the Islamic Law concerning the social security of non-Muslims.<sup>33</sup> 'Imam 'Abū Hanīfa and 'Imam Muhammad opined that even the Harbī Mustamin (a refugee from a country which is at war with Muslims) can be maintained from the optional charity.<sup>34</sup>

Hadrat 'Umar once saw a person begging at a door. He asked him angrily as to why he was begging and who he was. He answered, "I am Jew (Dhimmi). Old age, poverty and compulsory



payment of Jizyā have forced me to beg". He caught him by hand, brought him home and gave him whatsoever he could find in his home. Then he ordered the bursar of Bayt al-Māl to enlist persons of this category and grant them old age pension monthly. He announced, by Allah: We are not just if we eat of their labour when they are young and leave them helpless in their old age. Sadaqat (Zakāt) are only for the poor and the needy, and according to me, by "the poor" here means the Muslim poor and by 'the needy' means the non-Muslim needy. These are the poor and the needy of the people of scripture". He exempted such people from the payment of Jizya and granted them old age pensions from Bayt al-Māl.<sup>35</sup>

In the period of Hadrat 'Abū Bakr Siddiq, Hadrat Khālid b. Walīd conquered Hira and he signed a peace treaty with the people of Hira which establishes the equality of Muslims and the non-Muslims in matters of social security.

"I announce that if any of the Dhimmī is disabled or unable to work due to old age or is afflicted by poverty or if any rich person becomes destitute, and his co-religionists begin to give him alms, all such persons will be exempted from the payment of jizya and as long as they live in Dar as-Salām (the Islamic State) they, along with their families, will be maintained from Bayt al-Māl.<sup>36</sup>

Hadrat 'Umar on his tour of Syria, happened to see some Christians suffering from leprosy. When he noticed their disability to work, he passed orders that they should be given daily maintenance allowance.<sup>37</sup>

In the light of this one can say that the Islamic system of social security is both for the Muslim and the non-muslim citizens of the Islamic State. It is both for the friends and the enemy. It is a river from which every one can quench his thirst. It is a shady tree under the shade of which every one can take rest.

## ii. Social Security of what?

(Islamic System of Social Security aims at the fulfillment of all

human needs as far as possible. It classifies these needs into two broad categories:

1. Basic needs i.e. food, raiment, lodging and compulsory medical care,
2. Secondary needs i.e. education, marriage, old age benefits and social services etc.

The Islamic system of social security covers both the primary and the secondary needs of life.

So far we have discussed the importance and the fulfillment of the basic needs. Here we are to shed light on the secondary needs. )

### 1. Education

In the secondary needs of life, Islamic System of social security gives top priority to education. The Islamic State of early age used to make necessary arrangements for the compulsory education of its citizens. The holy Prophet (peace be upon him); the first ruler of the first Islamic State, was very much anxious for the education of the Muslim Community. He advised Hadrat Zayd b. Thābit to learn Hebrew. He ordered every one of the prisoners of Badr to teach ten boys of Madina as the conditions of his manumission. He asked Hadrat Sa'īd b. Al-'ĀS to teach the people of Madina "reading and writing".<sup>39</sup> We come to know by several traditions that the holy Prophet (peace be upon him) used to send his companions (may Allah be pleased with them) to different villages to teach the people the Islamic ways of life. Once he sent seventy of his companions from 'Ansār (the helpers of Madina) to different tribes of Arabia for the education of the holy Quran. These pious teachers used to collect wood at day to meet their needs and schooled the villagers at night.<sup>40</sup> These traditions bear testimony to the fact that he wanted to launch a comprehensive programme for the education of the citizens of the Islamic State on a massive scale. His successors followed his tracks and emphasized much importance to the education of their people.

Hadrat 'Umar appointed teachers from Bayt al-Māl for the education of boys.<sup>41</sup>

According to Hadrat Wudayf b. 'Atā, there were three persons in Madina who used to teach the children and Hadrat 'Umar used to pay each of them 15 Dirhams from Bayt al-Māl.<sup>42</sup> He ordered his governors to furnish his office with the list of the best Qur'a (those who could recite the holy Qur'an according to the rules of recitation) so that he might appoint them on higher stipends for mass education in the different parts of the country.<sup>43</sup> Hadrat 'Umar b. 'Abd al-'Azīz appointed paid teachers for the education of the Muslim villagers.<sup>44</sup> He granted scholarships to the students and those who could not earn their living because of their educational responsibilities.<sup>45</sup>

## 2. Payment of Debt

Indebted persons, were helped by the Bayt al-Māl to pay off their debts. This was done even in the days of the holy Prophet (peace be upon him). This precedent was continued in the period of the rightly guided caliphs and Hadrat 'Umar b. Abd al'Azīz.<sup>46</sup>

## 3. Marriage Allowance

Unmarried poor were financially assisted from Bayt al-Māl to lead a married life. Hadrat 'Umar b. 'Abd al-'Azīz wrote to Zayn b. 'Abd al- Rahman b. 'Umar b. Khattāb; the governor of Kūfa, to support from Bayt al-Māl those needy persons who lived married life.<sup>47</sup>

## 4. Construction of Taverns

Wayfarers very often suffered great distress, especially in the early age when the means of transportation were not so developed, and particularly those travellers who get tired before reaching their destination or run short of their provision. The Islamic system of social security obligates the Islamic State to make necessary arrangements for these wayfarers. '

Hadrat 'Umar (may Allah be pleased with him) built taverns

on the way between Makka and Madina to provide such travellers with boarding facilities.<sup>48</sup> Hadrat 'Umar b. 'Abd al-'Aziz ordered his governors to construct such taverns as would serve the wayfarers with food and lodging facilities free of charge.<sup>49</sup>

### 5. Stipend for New-Born Babies

The expenses of nursing and breeding for the new-born were paid from Bayt al-Māl, and parents were given allowance for the new-born child. In the beginning 100 Dirhams per child per annum were fixed but this amount was enhanced later on.<sup>50</sup>

### 6. Service Facilities

The Islamic State is basically the servant of the citizens. The character of the Islamic Caliphs in this respect, is an ideal. Hadrat 'Abū Bakr himself used to milk the goats of some persons to help them. When he was elected caliph, some girls asked, "Now who will milk our goats"? He replied, "I shall, if Allah pleases".<sup>51</sup> According to Hadrat 'Umar, there was an aged woman in al-Madina al-Munawwara and Hadrat 'Abū Bakr used to serve her; swept her room and filled her pitcher with water.<sup>52</sup> Hadrat 'Abū Bakr; being the Head of the Islamic State, could have appointed any servant for this purpose; but he did it himself in order to earn the pleasure of Allah. This desire to serve the people is a distinctive feature of the Islamic system of social security.

During the famine of the year 18. A. H. Hadrat 'Umar appointed several persons to serve the hungry with meal twice a day. In those days, when the persons from different parts of the country rushed to al-Madina al-Munawwara in search of food, Hadrat 'Umar saw a person eating with his left hand. He asked him as to why he was eating with his left hand. The person replied, "O slave of Allah! My right hand is busy". Hadrat 'Umar asked, "Where is it busy? He replied, "It was cut off in the battle of Muta". Hearing this Hadrat 'Umar sat beside him and asked weeping, "Who helps you in ablution? Who washes your head? Who cleans your clothes? Then he appointed a servant to help him; allotted

him a house and provided him with other necessities also. Seeing this sympathetic treatment with the person and considering the other measures adopted by him for the social security of the people, the companions prayed for Hadrat 'Umar loudly.<sup>53</sup>

Hadrat 'Umar b. 'Abd al-'Aziz appointed servants for the blind people, the disabled persons and the orphans of Syria.<sup>54</sup>

### iii. Social Security upto What Extent?

The Islamic system of social security is rigid as well as flexible in its nature. Its laws pertaining to the fulfillment of the basic needs of the life of the citizens are rigid, while its rule relating to the secondary needs' are flexible i.e. the Islamic State and the Muslim Society both are legally responsible to meet the primary needs of the citizens, whether they are Muslims or non-Muslim, but as far as the secondary needs are concerned, their fulfillment depends upon the availability of resources. Moreover, the fulfillment of the basic needs is also flexible in its nature i.e. a poor state can meet these necessities in a small way, while the rich state will fulfill them on a big scale.

Again, the flexibility of the Islamic system of social security may be considered from another point of view. A State with limited means will meet the basic necessities of the needy and the poor on the basis of maintenance allowance but a state with plentiful resources may grant the needy as much as can render them carefree afterwards. This last aspect of flexibility drives its legal sanction from the practice Hadrat 'Umar; he said:-

"By Allah! If I remain alive in the next year, I shall grant the widows of 'Iraq so much that they will not seek any other caliph's help after me".<sup>55</sup>

In light of this we see that an Islamic State, should provide all necessary facilities to its poor citizens, Muslims as well as non-Muslims, and help them to live a decent life.

The following chapters are the details of this compendium.

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## ESSENTIALS OF THE ISLAMIC SYSTEM OF SOCIAL SECURITY

### 1. ALLAH

"Praise to Allah, Lord of the Worlds, the Beneficent, the Merciful. Owner of the Day of Judgment." (Q. 1 : 1-3)

"Allah! There is no God save Him, the Alive, the Eternal. Neither slumber nor sleep overtaketh Him. Unto him belongeth whatsoever is in the heavens and whatsoever is in the earth. Who is he that intercedeth with him save by His leave? He knows that which is in front of them and that which is behind them, while they encompass nothing of His knowledge save what He will. His throne includes the heavens and the earth, and He is never weary of preserving them. He is Sublime, the Tremendous." (2:225)

"He is Allah, He save whom there is no other God, the Knower of the invisible and the visible. He is the Beneficent, the Merciful. He is Allah, then whom there is no other God, the Sovereign Lord, the holy One, Peace, the Keeper of Faith, the Guardian the Majestic, the Compellor, the Superb. Glorified be Allah from all that they ascribe as His partner. He is Allah, the Greater, the Shaper out of naught, the Fashioner. His are the most beautiful names. All that is in the heavens and the earth glorifieth him, and He is the Mighty, the Wise." (59 : 22-24)

"Blessed is He in Whose hand is the Sovereignty, and He is Able to do all things". (67 : 1)

"But His command, when He intends a thing, is only that He says unto it : Be! and it is". (36:82)

This is the bird's eye view of the qualities of that Allah Whose

faith is the bedrock of the Islamic system of social security. He has revealed His system of social security in the Quran, which serves as a beacon of light for all the generations till the Day of Judgment.

Here, in accordance with our topic; the Islamic system of social security, we quote some of His commandments:

"Do not kill your children on the plea of want - We will provide sustenance for you and for them". (6 : 151)

"And We have provided therein means of sustenance - for you and for those whose sustenance you are not responsible". (15:20)

"There is no moving creature on earth but its sustenance dependeth on Allah". (11 : 16)

"And who gives you sustenance from heaven and earth? Can there be another God besides Allah". (27 : 64)

"And in heaven is your sustenance, as also that which you are promised". (51 : 22)

"Verily Allah is He Who gives all sustenance, Lord of Power, Stead-fast (for ever)".(51 : 58)

These verses bring home to us, that Allah created the world and people in it with creatures created in His own image. He did not therefore, abdicate His God Head. He took upon himself the responsibility of the provision of reasonable livelihood to His creatures.

## 2. MAN AND LIFE

Man is the best creature of Allah on this globe. His aim of life is neither only to meet his basic necessities of life i.e. two meals a day, three pieces of clothes and a four-walls lodge-unlike socialist/communist theory--nor to make money and make merry in this world at the cost of others-- unlike capitalism. According to Islam man's life does not revolve round two problems namely hunger and sex; nor money and merry; man is something very high

in status. He is vicegerent of Allah in this universe and his aim of life is to administer divine laws and establish the Will of Allah on Earth.

"And when thy Lord said to the angels : Lo! I am about to place a viceroy in the earth". (2:30)

"He it is Who hath placed you as viceroys of the earth". (6:166)

The holy Prophet (peace be upon him) reported to have said:-

"Ruler is the vicegerent of Allah in the earth".<sup>1</sup>

Enumerating his duties the holy Quran says:-

"Those who, if We give them power in the land, establish worship and pay the poor-due and enjoin goodness and forbid inequity". (22:41)

This verse explains that only those persons are able to be called the vicegerent of Allah, who possess the above mentioned qualities. Moreover, man has been created with the noble purpose of worshipping Allah, administering His laws and establishing His Will in the earth.

"And I created the Jinn and humankind only that they might worship Me". (51:56)

He is enjoined to perform his aforesaid duties to Allah and Allah's universe has been made subservient to him.

"Hast thou not seen how Allah hath made all that is in the earth subservient unto you (i.e. man)". (22:65)

"He it is Who created for you all that is in the earth". (2:29)

Why should he bother for his basic necessities of life, when everything in this world has been created for his service? Further, accordingly his life is not his property but it is a boon of Allah for the man to test him in it.

"Who (i.e. Allah) hath created life and death that He may try you which of you is best in conduct".(67:2)

And whoever is "Best in conduct" will be blessed in this world and the Hereafter.

"Allah promised such of you as believe and do good works that He will surely make them to succeed (the present rulers) in the earth even as He caused those who were before them, to succeed (others); and He will surely establish for them their religion which he hath approved for them, and will give them in exchange safety after their fear". (24:55)

In Hereafter :

"And give glad tidings (O! Mohammad) to those who believe and do good works; there are gardens underneath which rivers flow; as often as they are regaled with food of fruit thereof, they say : This is what was given us aforetime; and it is given to them in resemblance; Then for them are pure companions; there forever they abide". (2:25)

And if he fails in this trial then in this World : "Then We reduced him to the lowest of the low". (95:5)

And in the world Hereafter:-

It will be said: "Take him and fatten him, and expose him to the hell-fire. And then insert him in a chain where of the length is seventy cubits. Lo! he used not to believe in Allah the Tremendous". (69:30-33)

In addition to this, Allah has selected, from His men, some of them as His Prophets and Messengers to tell the humanity the Will of Allah' and guide them to His path. Last of these Prophet is Hadrat Mohammad (peace be upon him). Hence his teachings (Sunna) will serve us as a guide in outlining our system of social security.

"Mohammad is not the father of any man among you, but he is the messenger and last of the Prophets". (33:40)

To sum up, according to the Islamic system of social security, this man is not a model of clay which may be sold in the market of necessities and needs nor he is a wicked man who wants to fatten himself at the cost of others. And his life is not for this world. He is in some cases the vicegerent, the Prophet; the friend of Allah, and his life is a test, and his aim of life is to establish the will of Allah on this earth of Allah.

### 3. BASIC NECESSITIES OF LIFE

Islamic system of social security does not put forward any cut and dry (prescribed) list of the basic necessities of life. Islam permits every such need as the basic necessity without which a person cannot do i.e. food (bread broth, and water) clothing and lodging, education and compulsory medical treatments. We can derive their sanctions from the following verses of the holy Quran:

1. "O, children of Adam, look to your adornment at every place of worship, and eat and drink, but be not prodigal. Lo! He loveth not the prodigals". (7:31)
2. "And the cattle hath He created, whence ye have warm clothing and uses and where ye eat. And wherein a beauty for you bring them home and when ye take them out to pasture. And they bear your loads for you unto a land you could not reach save with great trouble to yourselves. Lo! your Lord is full of pity and Merciful". (16:5-7)
3. "(Allah, inspiring the bee, says) Then eat of all fruits and follow the ways of the Lord, made smooth for thee. There cometh forth from their ballies a drink diverse of bees, where in is healing for mankind". (16:69)
4. "And Allah hath given you in your houses an abode, and hath given you (also) of the hides of cattle, houses which you find light (to carry) on the day of migration and on the day of pitching camp; and of their wool and fur and their heir, comparison and comfort for a while. And Allah hath given you, of that which He hath created shelter from the sun; and hath given you places of refuge in the mountains and hath given

you coats to ward off the heat from you, and coats (of armour) to serve you from your own foolhardiness". (16:80-81)

5. "And of His signs is that this; He created for you help-mates from yourselves that you might find rest in them and He ordained between you love and mercy". (30:21)

These verses explicitly state the basic necessities of life i.e. the first verse sanctions food and clothing, the second, again permits food, clothing and riding (animal); the third pleads for medical treatment, the fourth again for lodging and clothing while the fifth allows married life for the needy. The holy Prophet (peace be upon him) defined the basic necessities of life in these words:-

"The son of Adam has no better right than this that he would have a home to dwell in, a piece of cloth to hide his nakedness and a loaf of bread and some water (to satisfy his hunger and thirst".<sup>2</sup>

Ibn Hazm explains the basic necessities of an individual as under:-

- i. He must have sufficient food to maintain his body with good health and strength.
- ii. He must have sufficient and suitable clothing for winter and summer.
- iii. He must have adequate shelter to protect him from the tyranny of rough weather and to provide him with privacy.<sup>3</sup>

The author of Mukhtār al-Kāwnayn prescribes basic necessities in these words:-

"It should be known that three things are essential for human life whether male or female, for all are equal in this respect. Because the existence of life, complete satisfaction in obedience to Allah and the continuation of human being depend upon these three things. Hence, it is the duty of the Head of the Islamic State to provide every possible facility to every person, whether he is wealthy or poor and male or female, to acquire these three things according to their requirements and atmosphere. These three things are : firstly the provision of food, secondly the provision of

clothing, for these two things are absolutely essential for life, thirdly the provision of a married life for it is necessary for the continuation of human race".<sup>4</sup>

'Alāuddīn 'Abū Bakr Al-Kāsānī, emphasizing on the basic needs, writes:-

"It is binding upon the guardian of person that he should provide food, drinking, clothing and lodging for the needy and if he is a suckling baby, then he will arrange for his milk, for the purpose of maintenance is to fulfill the needs of the needy, for whom these provisions are essential. If the needy is a dependent on servant, then the maintenance of the servant will also be the responsibility of the guardian".<sup>5</sup>

The above statements of the Islamic jurists bring home to us that basic necessities of life comprise food, clothing lodging and married life. But the practice of the Rāshid (Rightly Guided) Caliphs, particularly that of Hadrat 'Umar and Hadrat Umar bin 'Abdul 'Azīz, tells that they provided the disabled persons riding animals; paid the poor's debt, provided the orphans with stipend. Hence, no doubt, the basic needs of life are food, lodging, medical treatment and a married life but provided resources permit their horizon may be widened. Now what are the responsibilities of the Islamic state and the Islamic society, regarding the fulfillment of the basic necessities of the individual? It will be discussed under the topic "Islamic system of social security".

#### 4. DIGNITY OF LABOUR

Islam obligates every muslim, with sound mind and sound body, to earn his living according to his mental, physical and acquired abilities. Life is a struggle and stagnancy is death. Allah has spread His numerous treasures and deposits of food in and over the earth, and initiates man to dig out the hidden treasures and earn his livings as much he wants in this world.

"And when your prayer is ended, then disperse in the land

and seek of Allah's bounty and remember Allah much, that you may be successful". (62:10)

"Lo! those, whom you worship instead of Allah, do not own provision for you. So seek your provision from Allah, and worship Him, and thank to Him (fear) to Him you will be brought back". (29:17)

"And there are others who travel in the land in search of Allah's bounty". (73:20)

These verses of the holy Quran explain the importance of the struggle for the earning of livelihood, and encourage every person to earn his livings by his labour.

The holy Prophet (peace be upon him) in his several sayings has advised every muslim to strive for his livelihood.

"When you have offered your morning prayer, don't sleep (take rest) until you have struggled for your livings".<sup>6</sup>

The holy Prophet (peace be upon him) at another occasion said:-

"There are certain sins, when they are committed, they can only be atoned by struggle for economic needs".<sup>7</sup> The holy Prophet (peace be upon him) condemned beggary and appreciated labour for substance. One of his pious companions begged him some thing to live on. He granted him a Dirham and advised him to buy a rope with the said Dirham, then to go to the jungle, collect wood, sell them in the bazar and thus earn his livelihood by his own labour. He said:-

"If any of you gets his rope (then goes to the jungle) and brings a bundle of fire wood, on his back, and sells them in the bazar and thus Allah meets his needs. It is better for him than begging from any other whether he grants him or not".<sup>8</sup>

According to Hadrat 'Umar, the holy Prophet (peace be upon him) said:-

"Seek your subsistence in the hidden treasures of land".<sup>9</sup>



Hadrat Maqdūm reported that the holy Prophet (peace be upon him) said:-

"No meal is better than the meal earned with one's own hand (labour), the Prophet Dā'ūd used to earn his livings with his own hands".<sup>10</sup>

Almost all the Prophets used to earn their livelihood by the virtue of their labour. Hadrat 'Abd Allah b. 'Abbās reported, the holy Prophet (peace be upon him) said:-

"Hadrat Dā'ūd used to make iron-coats, Hadrat Adam was agriculturalist, Hadrat Nūh was carpenter, by profession; Hadrat 'Idrīs adopted tailoring as profession and Hadrat Mūsā pastured goats".<sup>11</sup>

The holy Prophet (peace be upon him) himself worked hard and liked those who did so. His pasturing of sheep and advising others to adopt that profession is a clear indication of dignity of economic activity in Islam.

The holy Quran had admired Prophet Dā'ūd for his skill and craftsmanship in making coats of from steel and Prophet Sulaymān for employing artisans for making fortresses and huge cauldrons.

The practices and sayings of the companions of the holy Prophet (peace be upon him) bear the testimony to the need and importance of labour for the earnings of livelihood.

Hadrat 'Umar said:-

"None of you sit idle but should struggle in search for subsistence".<sup>12</sup>

Syed Murtadā Zubaidī, while explaining the meanings of above statement of Hadrat 'Umar, writes that:-

"It is unavoidable for any person to struggle and adopt any (lawful) profession to earn his livelihood".<sup>13</sup>

Hadrat 'Abū Hurayrah reported:-

Once the 'Ansār (the helpers of Madina) requested the holy Prophet (peace be upon him) to divide the date-trees between the Muhajirīn (the immigrants of Makka) and themselves, the holy Prophet (peace be upon him) did not do so. But, afterwards the "Ansār asked the Muhajirīn to work in the gardens and share the product with them, they happily accepted this offer".<sup>14</sup>

Hadrat 'Abd al-Rahmān bin 'Awf said:-

"When we came to Madina, the holy Prophet (peace be upon him) established brotherly relations (between the 'Ansār and the Muhajirīn) (and) established this relationship between Sa'ad bin Rabi' and Abd al-Rahmān. Sa'ad said to 'Abd al-Rahmān, "I am the richest of all the Ansar in property. Divide my property into two halves between us. I have two wives, choose one of the two for you". He refused to accept this offer and asked him to show him the way to bazar. He showed him the bazar of Bani Qunayqa'. He went there next morning and brought some curd and ghee for sale, and then he went there every day to do this the kind of business, till his prosperity started".<sup>15</sup>

These traditions, particularly, the last two, bring home to us how the companions of the holy Prophet (peace be upon him) were conscious of the great importance of labour and how they preferred to earn their livings by their own hands. The holy Prophet (peace be upon him) had taught them the dignity of labour and had told them that hard work was better than begging and disgracing themselves on the Day of judgment.<sup>16</sup>

The history turns its page and we find ourselves in the period of the Tābe'īn and Tabā Tābe'īn (the students of Sahaba (the companion of the holy Prophet) and their successors. One sees, that a person, who earns his sustenance with his own hands, is not only appreciated by them in the world of theories and thoughts but in the practical life as well. One's simple profession can neither lessen one's self respect nor can detain one from attaining the glory of heights of knowledge, nor it can be hindrance for one's leader-

ship or one's recognition as a learned teacher or jurist or commander of the army.

'Imām 'Abū Hanīfa; the greatest Jurist, was cloth-merchant. 'Imām Ahmad b. 'Umar b. Muḥir was cobbler, and his father was student of 'Imām Mohammad b. Hasan al-Shaybānī. It is interesting to note that he used to make shoes and wrote Kitāb al-Kharāj for caliph Muḥtadī Bellah as well. 'Imām Qādūrī; the author of al-Mukhtasar al-Qādūrī, an authentic book on Fiqh (Islamic law), was potter. 'Imām Qaffāl made lockers. 'Imām Qut-tūbghā was tailor. 'Imām Jassās, a distinguished teacher and an eminent figure in literary circles, was painter. Similarly, 'Imām Saffār (the dealer of the pots), 'Imām Sadlānī (the perfumer), Halwānī (the sweet merchant), Daqqāq (the dealer of flour), Sābūnī (the dealer of soap), Na'ālī (the cobbler), Baqqālī (the grocer) etc. are known in the history of Islamic law by their profession. The day of the Islamic civilisation had recently dawned but the 'Umma had done so much as the western world even after the struggle of centuries, could not do i.e. professions themselves are neither honourable nor abject but these are the persons, who are dignified or deprived of the qualities of upright.<sup>17</sup>

Again, 'Abd Allah b. Mas'ūd used to say that he disliked to see a man idle, who is neither engaged in the worldly affairs nor in the religious ones. 'Imām Sarakhsī, sums up the importance of labour in Islam, in these words, "Search for livelihood is incumbent upon every muslim. And it is the agreed practice and verdict of the eminent Islamic Jurists that earning livelihood is not only necessary from one's existence and sanity point of view but also for doing full justice with his duties to Allah. Hence, economic activity is a worldly as well as religious duty".<sup>18</sup>

In short, Islam advised the Muslims to work hard to earn their livelihood with their own hands and not to be monastic and depend upon others. It is against the nature and spirit of Islam that one becomes parasite but Islam appreciates a person; who earns his livings by the virtue of his labour and meets the needs of

the poor and helpless with his surplus wealth. The holy Quran says:-

"Verily we have created man into toil and struggle". (90:4)

The holy Prophet (peace be upon him), admiring the labourer and the property of a true muslim, said:-

"Wage earner is the friend of Allah".<sup>19</sup>

## ( 5. PRIVATE OWNERSHIP )

Islam recognizes the individual's property and permits the ownership of all types of property acquired by lawful means. The authority of this sanction may be elucidated from the following verses:-

"And give to orphans their property, and do not substitute the worthless (things) for good ones". (4:2)

"And for men is the benefit of what they earn. And for women is the benefit of what they earn". (4:32)

"And as for the wall, it belonged to two orphan boys in the city, there was beneath it a treasure belonging to them, and their father had been a righteous man. So thy Lord initiated that they should attain maturity and take out their treasure-mercy from thy Lord". (18:82)

The individual's right of private ownership is more strengthened when Islam advises him to spend (on himself and others) out of his wealth.

"O, you who believe! spend out of what We have provided for your". (2:254)

"And give to the near of kin his due (share) and (to) the needy and the way farer". (17:26)

"And in their wealth and possession the beggar and the out-cast have due share". (51:19)

These verses of the holy Quran very explicitly recognise the

right of the individual to earn property and to spend it. Islam also recognises all other rights, which go along the right of ownership, e.g. the safety of the property from theft, dacoity and other forms of unlawful possession by force. It gives guarantee for the safety of the property of the citizens and inflicts heavy punishment on culprits. Thieves and robbers, who endanger the safety of property of its citizens and do not honour their rights are very severely punished by the Islamic State.<sup>20</sup> Islam condemns those who usurp the property of other people.

"And (as far) the man and woman who committed theft, cut off their hands as a punishment for what they have earned, an exemplary punishment from Allah". (5:38)

"And swallow not up your property among yourselves by false means". (2:188)

The holy Prophet (peace be upon him) said:

"Whoever usurps even a small part of land (or property) of another persons will be made to wear seven lands as collar (of fire) round his neck (on the Day of Judgment)".<sup>21</sup>

He at another occasion said:-

"Any one who takes an other muslim's property without any right over it, will meet Allah (on the Day of Judgment) while He will be extremely angry with him".<sup>22</sup>

The holy Prophet (peace be upon him) advising the individual to protect his ownership, said:-

"Whoever dies while protecting his property is a martyr".<sup>23</sup>

Again, the individual who possesses property, also enjoys the right to inherit property from and to his relatives. Islam recognises this right of inheritance and obviously, it can only be recognised by a system in which the people have the right of ownership. This right of inheritance derives its legality by this verse. "For men is a share of what the parents and the near relatives leave, and for

women a share of what the parents and the near relatives leave whether it is little or much an appointed share".(4:7)

According to Islam, the motives of private ownership is a natural instinct and Islam does not think it just to crush it. Islam regards the right of ownership as a powerful and effective measure, which stimulates the individual efforts for the acquisition of wealth, which will thereby greatly benefit society. Moreover, it is natural corollary of the rule of justice that society should also play its part in benefiting the individual. It would be injustice to the individual, if he is left to toil and sweat to benefit society without any reciprocal compensation from the latter.

### **Nature of Private Ownership**

Islam recognises the individual's right of ownership but does not leave him entirely free to use this right in any way he likes. It does not favour the expansion of private property to an extent that may endanger the very foundation of the Islamic social security system and thus destroy its real object. Therefore, it has allowed private ownership in principle but has subjected it to such limitations as would render it absolutely harmless. It has authorised the community to enact necessary legislation to organise private ownership and to change it whenever the public interest demands it.<sup>24</sup>

Islam has approved of private ownership but it has empowered the Islamic state to take necessary steps to eliminate any evil that may crop up from it. Infact, it regards it more beneficial and equitable to permit private ownership in principle, and at the same time, vest the community with powers to organise and restrict it, then to abolish it altogether on the assumption that it is neither a natural propensity nor a human necessity. The fact that Soviet Russia has had to permit a certain degree of private ownership is a clear evidence that satisfying the propensities of human being is the best thing both for the individual and public interest.<sup>25</sup>

In view of its policy of social justice for all, Islam has kept in

balance the satisfaction of varying propensities of human nature and common good of society. Islam prescribes certain terms and conditions for private ownership. Islam considers the rich trustees and claims them to vindicate their trust-worthiness by so dealing with their wealth that it becomes wealth radiative and not wealth reflective. Moreover, these trustees are answerable before Allah for the manner in which they discharge the trust reposed in this. The holy Quran says:-

"And the Allah has made some of you excell others in means of sustenance. So those who are made to excell give not away their sustenance to those whom their right hands possess, so that they may be equal there in". (16:71)

"And give them of the wealth of Allah which He has given you".

"Believe in Allah and His Messenger, and spend of that whereof He has made you heirs". (57:7)

The Quranic verses quoted above thus make it clear that the wealth and all other instruments of wealth are mainly "TRUST" put in the hands of the rich, with view to afford mutual benefits to all. No one is absolute master, because real ownership and mastery over every thing and every person vests only in Allah; others in these respective forms are no more than mere TRUSTEES, answerable before Allah for the manner in which they discharge the trust reposed in them.

The latter aspects relate to the owner's obligation to society. Both these aspects stress the equalities of personal well being with social welfare to bring about complete emotional integration in society and their rules on the apprehension of class conflict between the poor and the rich and consequently of secular socialism.

It will thus be seen the Islamic concept of ownership is an effective antidote against secular socialism and communism which pass death sentence on private ownership, as they fail to make it

compatible with social welfare. Islam recognises private ownership where it is not determinental to social welfare.

"The Wealth should not become a commodity between the rich among you". (Q. 59:7)

Islam empowers the head of the Islamic state to take away the surplus wealth of the rich in national emergency, or redistribute it to improve the destiny of the poor at any time. The Islamic state is to assume plenary power to plant out the type of social fabrics, that will generate social integration. The owner of property is armed with intensive power to enjoy it but the primary limitation on this is that it must have been acquired by legitimate means. This limitation of it is effective as a bar against enormous concentration of wealth in the hands of a few for the detriment of the masses. How can Islam tolerate the rich with groaning tables and the poor groaning under their tables? It never approves property which breeds poverty, because it involves violations of the sacred formula that the muslims are like brothers to one another and they constitute a harmoniously integrated community.<sup>26</sup> It does not like the Muslim society to be divided into very powerful rich and very poor underlings.

Another principle of the private ownership is that the owner should benefit from it in a manner that does not endanger the general benefit of the community at large, but when he proves his inability to use it properly, forfeits his right to use or own his property and thus Islam allows the Muslim society and the Islamic state to withdraw from that person his right to use or own that property.

"And make not over your property, which Allah has made a (Means of) support for you, to the weak of understanding". (4:5)

The word "weak of understanding" is explained by the Muslim Jurists in different modes. According to 'Imām 'Abū Hanīfa, 'Imām Mohammad and 'Abū Yūsuf, here by weak of understanding means, weak in that sense which enables a person to distinguish between the good and bad, and profit and loss. And this



sense is attained after maturity. According to 'Imām 'Abū Hanīfa, maturity is attained at the age of twenty five, it is therefore, suggested by him that the orphans should be given back this property at this age. But 'Imām 'Abū Yūsuf and 'Imā Mohammad regard maturity of intellect more important than mere puberty and according to them it is not attained at the age of puberty i.e. 25 years of age, then the age limit may be extended and it is just possible that some persons may never attain maturity of intellect throughout their lives, hence they cannot be given back their property.

According to 'Imām Shafi'ī if a person, even after attaining maturity, is spending his wealth beyond the point of moderation in his expenditure and even if he is spending on good and lawful things, his property can be taken away from him by the state (ward).

This injection applies to orphan, "but the warding is perfectly general and defines principle like those of Chancery in English law and the court of Wards in India and Pakistani law. Property has not only its right but also its responsibilities. The owner may not do just what he likes absolutely. His right is limited by the good of community of which he is member, and if he is incapable of understanding it, his control should be removed. This does not mean that he is harshly dealt with. On the contrary his interest must be protected, and he must be treated with special kindness because of his incapability".<sup>27</sup>

In the aforesaid verse the word your property (Amwalukum) indicates the fact that ultimately all property belongs to community, and the individuals owners are only the custodians. If any of them is incapable to maintain his custody according to the prescribed rules of ownership, his control may be removed gently. The above mentioned verse of the holy Quran constitutes the law of limiting the right of private ownership or limits one's right to benefit from it. In this way the Islamic State maintain real balance between two conflicting views (of individual ownership

and public ownership) the individual enjoys his right of ownership, while the community reserves the right to forfeit or limit this right in case of abuse or misuse. Hence Islam guarantees complete social justice in the proper use of property.

Another principle of private ownership is this, that such individuals can not be allowed to own such things as are of social benefit or belong to the community. This principle is deduced from the following :

'Abyad b. Hammāl al-Ma'aribī said that he went to the holy Prophet (peace be upon him) and requested him to grant him the salty water in Ma'arib. He agreed but one of the presents said "O! Messenger of Allah,! why are you entrusting him the treasure of salt? The holy Prophet (peace be upon him) after hearing known pros and cons of the case refused to grant him the salty water".<sup>28</sup>

On the basis of this tradition, the Islamic jurists constitute that the things or sources of social utility should not be given in private ownership. Another law, the use of property is its wide circulation in the community; when the accumulation of wealth is in a small section of society it tilts the balance against the whole society.<sup>29</sup>

The Islamic State as representative of Allah on the earth can rectify it by diverting wealth from where it stagnates to where it fructifies into social well being.

To sum up main characteristics of the Islamic Concept of private ownership are as under:-

1. Allah and then the Muslim society is the real owner of wealth.
2. The Individual right of ownership is conditional and limited.
3. Certain kinds of wealth which are of social utility and for the benefit of the community at large cannot be owned by the individuals. All the members of the society will benefit from these things or resources according to their need. The Islamic State, as the representative of Allah on the earth, and the guardian of the Muslim society, will control such wealth.

4. A certain part of wealth is right of the society and it will ultimately be diverted to it so that it may be divided amongst its prescribed beneficiaries. Thus the establishment of right balance between the benefit of the individuals and the society will be possible.

## 6. MEN'S EQUALITY IN THE RIGHT TO LIVELIHOOD

In Islamic economic order, all the men are equal in the right to sustenance and the Islamic State and Society will provide equal opportunities to all to earn and get their livelihood without any favour or consideration. The holy Quran explicitly states that though some are favoured by Allah in provision, yet all are equal in the right to basic necessities of life. Islam does not approve of such economic conditions of the Islamic Society where some are nourished while some are deprived of even the bare necessities of life. The holy Quran will enjoin upon the rich to divide their surplus wealth among the poor members of the society so that they may be able to get their right of livelihood.

"And Allah hath favoured some of you above others in provision. Now these, who are more favoured will by no means hand-over their provision to those whome their right hands possess, so that they may be equal with them in respect thereof. As it then the grace of Allah that they dent." (16:72)

Islam, inspite of the fact that it recognises private ownership but does not permit any one to occupy the primary sources of production. Thus, Islam facilitates every one to avail all the lawful and possible resources and the opportunities according to their abilities and needs to earn to meet their needs. Islam admits natural differences of wealth among the different members of the society. All the individuals are not cast in the same size and the same model. Some are physically fit while others are not. This difference is reflected even in the difference of their economic position in the society. This is natural difference and without it human life is dull, drab and colourless. But it does not mean that Islam encourages the classification of proletariat and bourgeoisie, rather

a sense of brother-hood and fellow-feelings prevails every-where. Islam teaches its followers to search the poor and the needy of the society to meet their needs. And what one thinks good for oneself, should think the same for one's fellow. The holy Prophet (peace be upon him) said:-

"Muslim is the brother of Muslim and who-so-ever fulfills the need of his Muslim brother, Allah will meet his need (in this world and the next world)."<sup>30</sup>

After his Hijrat (migration) to al-Madina-al-Munawwara, from Makka, the holy Prophet (peace be upon him) established such brotherhood among the Muhājirūn (the emigrants) and the 'Ansār (the helpers of Madina), which is unique and matchless in the history of fellow-feeling and it serves as a beacon of light for the coming generations in this field. The slaves and servants were considered as the abject section of society before the dawn of Islam, but Islam, the religion of social equality, brotherhood and fellow-feeling, raised them from their petiable condition to an equal status in a Muslim society. The holy Prophet (peace be upon him) according to Hadrat 'Alī, has advocated for the social insurance of this weak part of the society in these words.

"Take heed of your prayer and of those whom your right hands possess".<sup>31</sup>

Hadrat 'Abū Dharr Gifārī reported that the holy Prophet (peace be upon him) said:-

"Your slaves (or servants) are your brethren whome Allah has made your subordinate. So, he who has brother under him, should feed and clothe him, as he feeds and dresses himself; and do not ask to do things (and jobs) which are beyond their strength and endurance and if you do ask them to perform such jobs then help them"<sup>32</sup>

Thus, Islam creates a sense of fellow-feeling, mutual love and affection which pervades from one part to the other. If one side feels any pain, all the other sides feel the effect of that pain.

Hence, none in Muslim society can be left without the fulfillment of his basic necessities of life.

## 7. RIGHTS AND DUTIES

Another outstanding essential of the Islamic system of social security is a wide range of rights and duties visualized by Islam. Islam teaches its followers to be more careful about their duties than to claim their rights. If every one is ready to perform his duty properly, there will be none who is grieved. Against Islam, in secular modern societies every member has his own axe to grind, thus he is always after his rights and turns blind eyes and deaf ears to his duties. Islam has enchanced all the muslims of the Islamic society in a wide range of rights and duties. From a layman in street to the head of the state, every-one enjoys some rights and has to perform some duties. Higher the position a person possesses in society, the larger range of his duties will be. the holy Prophet (peace be upon him) said:-

"Every one among you is a guardian and as such is accountable for his ward (on the day of Judgment)".<sup>33</sup>

The system of rights, and duties is of supreme importance in Islam. A system cannot run smoothly and peacefully without a sound system of rights and duties. Rather we can say that every society is created and run on the basis of the system of rights and duties. But the system of rights and duties on which the Islamic system of social security develops is wider in scope more justful in content and more powerful in effect than any other system.

In Islamic system of social security, from home; the primary institution of social insurance, to state, all the institutions function with the engines of rights and duties. A father in home has to perform a number of duties to fulfill the necessities of his wife and children. The mother is responsible for household affairs. She serves her husband and looks after his property and brings up her children. Then a brother has to assist his brother and sister in some way or other. A person has to perform some duties for his

relatives and in the same way he claims some rights from them. moreover, a neighbour is morally responsible to fulfill the basic necessities of his neighbour, who has no near relative and himself cannot meet his need.

Further, a society is enjoined by Islam to meet the basic necessities of life of that individual, who is deprived of these. On the other hand, Islam has obliged the individual to do his duties for the society at large. Hence, we can say that if social security is to be established in society, it is absolutely essential that its rights and duties be equally shared by the individual and society. It would be injustice to the individual, if he is left to toil and sweat to benefit society without any reciprocal compensation from the latter. It is obligatory duty of the society to provide necessary facilities to the individual, so that he may not be hampered in his work and further progress in life.

To sum up, we can say that Islam regards individual and his social security and welfare as complementary rather than competitive and antagonistic.

It, therefore, encourages co-operation instead of competition and rivalry, and develops and initiates satisfying human relationship among individuals. In an Islamic system, good of the individual is considered to be the good of the society and vice-versa; if society prospers, the individual is better and if the individual prospers society also prospers.<sup>34</sup>

Maulānā 'Abū al-Kalām writes:-

"The system of society, as visualised by Islam, if it is truly and wholly established and all its departments are organised in their right places, such a social system will grow up, in which there will be neither big millionaires nor paupers and destitutes. The great mass of people will be moderately well off".<sup>35</sup>

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## ORGANIZATION OF THE ISLAMIC SYSTEM OF SOCIAL SECURITY.

The Islamic system of social security comprises two sectors:

1. Private Sector.
2. Government Sector.

### 1. PRIVATE SECTOR.

This sector of social security is run by the Muslim society without much concern of the Islamic state. Its institutions and their feeders work automatically because Islam obliges them to do the same and the state will have to intervene only where it is necessary.

This sector is comparatively more important because it constitutes the infra structure of the social security system in Islam.

#### Institutions of this Sector.

Its institutions and agencies are as under:-

- i. Home
- ii. Family
- iii. Muslim Society.

#### (i) Home

Home is the first institution of social security in private sector. Here a person is provided with all his basic necessities of life. He leads a life of privileges and responsibilities. In home a person leads the life either of one of the parents or a son or a daughter. If he is a father (husband), he is the head of the family and he has

to maintain his wife and the minors. He has to work hard to fulfill their basic necessities of life.

If he is husband, he is enjoined upon to deal with his wife gently and meet her necessities in a seemly manner.

In this regard the holy Quran says:-

"And consort with them in kindness, for if you hate them it may happen that you hate a thing wherein Allah has placed much good".(4:19)

"And lodge them where you dwell, according to your wealth, and harass them not so as to straiten life for them. And if they are with child then spend for them till they bring forth their burden".(65:6)

The holy Prophet (peace be upon him) in his several traditions has explained this obligation of the husband. He said:-

"They are the best of you (as muslims) who are the best of you in dealing with their wives".<sup>1</sup>

The Islamic system of social security obliges the husband to provide his wife with all necessities of her life as long as she is in his home and under his control. Islam does not permit her to go outside the home without proper permission of her husband. She is the queen of the home; here she enjoys some privileges; her husband is the custodian of her honour and responsible for the maintenance of her needs. She is fully authorized to maintain household affairs but she is not allowed to go outside for earning and making merry with other persons. The West has sent her out of home for earning, because the husband has refused to accept his responsibility to maintain her. She is bound to work in factories, offices, and films and even in brothels for earning. We see that the West has given her preference in certain offices and professions i.e. consuls, embassies, communications, journalism and special commercial centres. This preference is not a privilege or an honour bestowed upon her by the lustrous Europe but is a coloured trap and mockery to satisfy its lust for the female and

for the satisfaction of its profit motive in businesses. The materialist and clever West knows how a woman can easily succeed in attracting the attention of the visitors or customers in these affairs. All this is being done under the title of "Women Freedom". Notwithstanding, Islam allows her to go outside home to earn her livings, but with some limitations and conditions which have been prescribed for the preservation of her honour and dignity.

"So good women are the obedient, guarding in secret that which Allah has guarded".(4:34)

Here the word "that which" is both for property and self-respect.

In home as a mother and wife she is responsible for the upbringing of her children and to co-operate with her husband.

"Mothers shall suckle their children for full two years; (that is) for those who wish to complete the sucking. The duty of feeding and clothing the nursing mothers in a seemly manner is upon the father of the child. No one should be charged beyond his capacity".(2:233)

Moreover, in home, the father, as the head of the family, is enjoined to maintain his children. In pre-Islamic society (and even now-a-days in some societies) the female issue was considered as a burden and an evil. The holy Quran pictures such situation in these words:-

"When he listens the news (of his daughter's birth) he hides himself from the fold because of the evil of that whereof he had hid tidings, (asking himself) shall he keep it in contempt, or burry it beneath the dust. Verily evil is their judgment".(16:59)

But Islam, the religion of kindness and mercy, has raised her from this pitiable condition to an enviable position. The holy Prophet (peace be upon him) in a tradition by Hadrat 'Anns b. Malīk, says:-

"Whoever brings up his two daughters (in good manner) he

will be in the Paradise with me as closely as my these two fingers are close to each other" and he signed with his figures".<sup>2</sup>

Can the present status of woman, in the capitalist or communist society be compared with this? certainly not.

In home a person leads the life of a son and as long as he is minor he is loved and fed but when he attains his puberty and starts earning, he has to accept the responsibility of the maintenance of his old parents. The holy Quran says:-

"And we have enjoined upon man concerning his parents".

"His mother beareth in weakness upon weakness, and his weaning is in two years --Give thanks unto Me and unto your parents".(31:14)

"They Lord has decreed, that you worship none save Him, and (that you show) kindness to parents. If one of them or both of them attain oldage with you, say not "Fie" to them nor repulse them, but speak to them a gracious word. And lower to them the wing of submission through mercy, and say My Lord! Have mercy on them both as they did care for me when I was little".(17:23-24)

The holy Prophet (peace be upon him) has advised the son to look-after his parents and to spend his wealth for their maintenance. In a tradition the holy Prophet (peace be upon him) has decreed that a man and his wealth both are the father's property. In another tradition, on the authority of Hadrat Abū Hurayrah the holy Prophet (peace be upon him) said, "Hatred for father is as a great sin as disbelief in Allah".

"According to 'Abū Hurayrah, a person asked the holy Prophet (peace be upon him), "Who is the most rightful of kindness?" The holy Prophet (peace be upon him) said, "Your mother". The person again asked, "Then?" He replied, "Your mother". The person for the third time asked, "Then, whom"? He said, "Your mother". The person for the fourth time asked, "Then, whom.?" He said, "Your father".<sup>3</sup>

We see that in this tradition the holy Prophet (peace be upon

him) has preferred the excellence of mother three times upon that of the father in kindness, because being weak and kindhearted, she needs more care than the father.

In short Islam establishes a sound built-in system of maintenance through the institution of home.

## **(ii) Family**

Family is the second institution of private sector. It is wider in scope and more effective as a mean for social security. Family system is the bed stone of the society. In Islamic traditional society, it is of supreme importance. That and not the individual is the unit out of which all the large forms of social life, the village the nation and ultimately the world family must be built up. No other form of social organization can produce sound and healthy life unless it is based on family. It is only in it are found all kinds of human relationship in their simplest form".<sup>4</sup>

The smallest unit of family system is "home" which, alongwith its functions, has been discussed above. But its scope includes all the kith and kin, and every one of them, if he cannot get his necessities fulfilled from the first institution i.e. home, would receive from this department of social security. Every muslim is both legally and morally obliged to assist his relatives. The holy Quran says:-

"And the owners of kinship are closer to one another in the ordinance of Allah than (the other) believers".(32:6)

"And Give the kinsman his due, and the needy, and wayfarer, and squander not (your wealth) in wantonness."(17:26)

"And serve Allah. Ascribe no thing as partner to Him. (Show) kindness to your parents, and to your near kindred".(4:36)

"They ask thee, (O, Mohammad) what they should spend, Say: That which you spend for good (must go) to parents and near kindred and orphans and the needy and the wayfarer".(2:215)

"It is prescribed for you, when one of you approaches death,

if he leaves wealth, that he bequeath into parents and near relatives in kindness. (This is ) a duty for all those who ward off (evill)".(2:180)

In this light of the above mentioned verses the following conclusions can be derived:

- 1 To support the family member (kins) is an integral part of a person's duties.
- 2 Kins are next to parent for showing kindness.
- 3 Kins are sharers in a man's property in his life if they are financially worried, and after his death they would receive their due share from his inheritance.
- 4 The Islamic system of social security wants a wider circulation of wealth and its equitable distribution through this institution. Islam emphasises so much importance on the maintenance of the poor relatives that it advises its followers to support even those relatives who have misbehaved or injured them spiritually or physically.

The incident of Ifq<sup>5</sup> bears the testimony to this reality.

"And let not those who possess dignity and ease among you swear not to give to the near of kin and to the needy, and to the fugitive for the cause of Allah. Let them forgive and show indulgence. Yearn you not that Allah may forgive you? Allah is Forgiving, Merciful".(24:22)

The holy Prophet (peace be upon him) in his several traditions has shed light on the need of the financial support of relative, and, thus explain the importance of this institution of social security.

When the verse "You cannot attain piety of Allah until you spend your the loveliest good (for His sake), revealed," 'Abu Talha whose soul land heart had been purified from this ill rotten wealth, came to the holy Prophet (peace be upon him) and said, "O Messenger of Allah! Baerha, is the loveliest garden of mine, I want to appropriate it in the way of Allah. You can spend it where

ever you like. But the holy Prophet (peace be upon him) who knew the importance of the relative's maintenance, said, "Divide it among your kins".<sup>6</sup>

Hadrat' Abū Hurayrah said:-

"I heard the holy Prophet (peace be upon him) saying; "Who wants enlargement in his provision, and a long life, should be kind to his relatives".<sup>7</sup>

The Islamic Jurists have legally prescribed the law of the maintenance of relatives which will be discussed in the forth coming chapters.

### (iii) Muslim Society.

Third institution of social security after the home and family, is the Muslim Society. This institution is the greatest in size, the widest in scope and the most powerful in effects. This institution provides every individual almost all his necessities of life. If a person is deprived of home and family, he can find shelter in this institution. For the provision of the community at large this institution provides the following agencies:

- i. Neighbourhood.
- ii. Walī and Wasī (executor)
- iii. Wakīl (agent/advocate)
- iv. Kafīl (guardian/Bailsman)

Here are some details of these agencies:-

#### i. Neighbourhood.

This institution is run by the neighbor. Neighbour is a prominent figure in the Islamic society. He may not be blood relative but can be closer, more beneficial and more helpful than the kith and kin. It can be confidently said that only a neighbour can be an immediate helper. Islam obliges every muslim to be sincere, merciful and kind to his neighbours. The holy Quran prepares every well-to-do muslim legally and morally to assist his poor

neighbour in the fulfillment of his basic needs. Says the holy Qurān.

"And serve Allah. Ascribe nothing as partner unto Him. (Show) kindness to parents, and to near kindred, and orphan, and the needy, and unto the neighbour who is of kin (unto you) and the neighbour who is not of kin".(4:36)

The holy Prophet (peace be upon him) said: "By Allah he is not muslim. By Allah he is not muslim. By Allah he is not muslim". Then he was asked, who is he, O, Messenger of Allah !? He replied, "He, who teases his neighbour".<sup>8</sup>

Hadrat 'Abn 'Abbās said that he heard the holy Prophet (peace be upon him) saying: "He is not muslim who eats bellyful but his neighbour starves at night by his side."<sup>9</sup>

According to the teachings of Islam even the non-muslim neighbour must be treated with mercy, sympathy and goodness, and his needs can be maintained.<sup>10</sup>

"According to Hadrat'Ayesha the holy Prophet (peace be upon him) said, a Jibrīl advised me so repeatedly concerning the neighbour till I thought that He would prescribe him (the neighbour) inheritor."<sup>11</sup>

In another tradition the holy Prophet (peace be upon him) said, "You are as much responsible for your neighbors as to your family members".

These traditions attach so much importance to social security of the neighbors, that if these are carried out strictly then no-one would be found in civic trouble or deprived of his basic necessities of life.

## ii. Wali/Wasī (Executor)

In society there may be several persons who have no near relative who, after his death, may be responsible for the upbringing of his children; for payment of his debt or distribution of inheritance according to his advice, or even for the payment of his



funeral charges. Naturally in such circumstances every body worries, and even the Prophets could not escape this instinct. Prayer of Hadrat Zakariyya' is a fool proof of this hypothesis. He says:-

"My Lord ! Lo ! the bones of my wax feeble and my head is shining with grey hair, and I have never been unblest in prayer to Thee, my Lord. Lo! I fear my kinsfolk after me, since my wife is barren. Oh, give me from Thy presence a successor. Who will inherit of me and inherit (also) of the house of Ya'qub. And make him, my Lorek, acceptable (unto Thee)".(19:3-6)

In this situation, the Islamic society provides insurance through the institution of "Wali and Wasi" (executor). This institution provides for a person any other reliable person as his executor, who will perform his duties in his behalf. In Islamic Law the executor has some legal powers to perform his such enjoined duties. According to the Jurists an executor has the following powers:-

1. An executor will work as a substitute in his appointee's office. Moreover, according to the Hanifites an executor can nominate another executor in his life who will be his substitute in his office. But the Shafites do not authorize the executor to appoint another executor to act as his substitute even in his life.
2. An executor is entitled to possess himself of the portions of infant and absent adult heirs, in their behalf.
3. An executor may sell property of the estate for the payment of debts upon his appointee. Moreover he is authorized to sell and buy property in behalf of his appointee.
4. An executor may accept a transfer for a debt due to his infant ward.<sup>12</sup>

In short, an executor may perform all the legal obligations of his appointee in his behalf. What are the duties assigned to an executor? It can be easily answered that his legal powers are otherwise his obligations. But Jurists have prescribed his duties in details. They have, further, approved that the Wali will be legally

enjoined upon to perform his duties properly, failing he may be punished even. A prominent Jurist Marghīnānī (Burhān ad-Dīn) has stated in brief, the duties of executor as under:-

1. To purchase his (appointee's) coffin and arrange for his funeral ceremonies.
2. To provide his infants with food, clothing and lodging.
3. To pay 'Amanat (trust) and return confiscated property and the goods bought through unlawful bargaining.
4. Custody of property.
5. Payment of debts.
6. Implementation of his will
7. To strive for his right.
8. Acceptance of Hiba (gift) in his behalf.
9. Struggle for revocation of his lost goods.
10. Sale of quick rotten goods etc.<sup>13</sup>

Historically, this agency worked even in the days of the holy Prophet (peace be upon him) who accepted the guardianship of Hadrat Mohammad b. 'Abd Allah b. Hajash's son; 'Umm-o-Zaynab; daughter of Nabit's son, Hadrat Ja'far's son (Mohammad 'Abd Allah) and a daughter of Bani Layth<sup>14</sup>

Hadrat Mohammad b. 'Abd Allah b. Najash's father was martyred in battle of 'Uhad but before his martyrdom he requested holy Prophet (peace be upon him) to accept his sons' guardianship. He accepted and granted him a home in the bazar "Arraqiq" and bought for him a land which was enough for his maintenance.<sup>15</sup> Ummo Zaynib's father Hadrat Sa'd b. Zararah also requested him to accept the guardianship of his daughter. Accepting the guardianship of Hadrat Jafar's son (Hadrat Mohammad and Hadrat 'Abd Allah, the holy Prophet (peace be upon him) said, "I am their guardian Here and Hereafter".<sup>16</sup>

Among Sahāba (the companions) Hadrat Zubayr b. al-'Awwām was famous for this noble cause. He was executor of even

prominent Sahābah i.e. Hadrat 'Uthmān, 'Abd al-Rahmān b. 'Awf, 'Abd Allah b. Mas'ūd, Zubayr b. Bakār, Muti'a b. al-'Aswad, Miqdād b. al-'Aswad, and 'Abū al-'Ās. b. al-Rabi'a.

In another tradition it is stated that Hadrat Zubayr was appointed as Walī by seventy Sahabah.<sup>18</sup>

### iii. Wakīl (Advocate)

This agency helps those persons, who are unable to perform certain duties, as it offers them opportunities to appoint other persons as their advocates to work in their behalf. The range of the delegated powers of an advocate are very wide, which include almost all human activities. The manager of this institution offers his service free of charge or on minimum amount of fee. We can say that this institution provides the facilities of "Liabilities Insurance". The Islamic Jurists derive its sanction from this verse of the holy Quran:

"And now send one of you (as your advocate in purchasing meal for you) with this Note of money from the city".(18:19)

The Sunnah of the holy Prophet (peace be upon him) also approved this institution. He appointed Hakīm b. Hazām as advocate for purchasing animals for sacrifice, and 'Abū Rāfi' for the marriage of Hadrat Maymona, and 'Amr 'Ibn 'Umeyya ad-Damrī for the marriage of Hadrat 'Umm Hubayba. Every one of the four schools of the Islamic thought approve of this agency.<sup>19</sup>

Marghinānī has defined this institution as under:-

"It is lawful for a person to appoint another as his agent, for settlement in his behalf of every contract which he might have lawfully concluded himself, such as sale, marriage, and so forth, because an individual is sometimes prevented from acting in his own person, in consequences of accidental circumstances (such as sickness, or the like), he is therefore admitted of necessity, to appoint another his agent, in order that that person may expedite his wants by means of appointment".<sup>20</sup>

**iv. Agency of Kafīl (Bailsman)**

Islamic Jurists have established its legality on the verse of the holy Quran.

"And her Lord accepted her with full acceptance and vouchsafed to her a goodly growth, and made Zakariyyā her guardian."(4:37)

The manager of this agency insures the liabilities of other person. He accepts the responsibilities of others and struggles for their performance properly and in due course of time, thus he provides shelter for the poor, helpless and disabled members of society, by sharing their difficulties and insuring their dangers. The existence of this agency is of much importance for the smooth running of the society. The runner of this institution voluntarily accepts responsibility of the upbringing of an orphan; for payment of poor's debt, to support any needy etc.

The Islamic Jurists have defined Kafalat (bailment) as follows:-

"Kafalat, literally, means junction. In the language of law it signifies the junction of one person to another in relation to a claim (some one have said, in relation to a debt only, but the first is the most approved definition). The person who renders obligatory on himself, the claim of another, whether it relates to person or property, is termed the Kafīl. In the language of law the bail for person is termed Hādīr Dāminī, and bail for property is termed Māl- Zamīnī".

The holy Prophet (peace be upon him) said, "The surety is responsible".<sup>21</sup>

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## SOURCES OF MAINTENANCE OF PRIVATE SECTOR

In order to maintain this sector of social security Islam provides with the following measures:-

- A) Obligatory Measures.
- B) Optional Measures.

### A) OBLIGATORY MEASURES ✓

Here by obligatory measures we mean those sources of maintaining the need which are how or other binding upon the individuals the defaulter of which is criminal according to Islam. We can further classify these measures as under:-

- A(i) Positive Measures.
- A(ii) Prohibitive Measures.

### A(i) POSITIVE MEASURES

These are the following:-

- ✓ I. Law of Inheritance ✓
- \* II. Expiation Money ✓
- ✓ III. Guardianship ✓
- ✓ IV. Maintenance of relatives. ✓
- \* V. Will ✓
- \* VI. Sadaqa al-Fitr (Obligatory on payment the occasion of Eid-ul-Fitr)

### I. Law of Inheritance

The law of inheritance is of basic importance in the Islamic system of social security; which facilitates circulation of wealth

among the different members of the family. It cuts at the root of hoarding and concentration of wealth.

( Communism has tried even to strike at the very conception of inheritance, while capitalism has modified it to the extent of injustice. The law of inheritance, that is generally prevalent in Europe is the rule of primogeniture - that is to say, all the property of the deceased goes to the eldest son and all the other children are totally deprived of it. Moreover, at certain occasions, a man can, if he so wishes, dispose of his whole property by will to any person, thus depriving even the male offspring of a share in inheritance. Hindo code excludes the females from inheritance and only the male members of a family jointly inherit the property. )

We see that if Hinduism has narrowed the circulation of wealth (due to its joint family system of inheritance), Capitalism has made it narrower (because of its law of primogeniture), whereas Communism has strived to cut even the root of it. On the contrary, the system of dividing inheritance laid down by Islam does away with all these irregularities.

( The Islamic law of Inheritance as stated by the holy Quran is as follows:-

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ "There is a share for men from what is left by parents and kinsmen, and there is a share for women what is left by parents and kinsman, whether it be little or much -- and it is a legal share. And when kinsfolk and orphans and the needy are present at the division (of heritage), bestow on them therefrom and speak kindly unto them".(4:7)

"Allah chargeth you concerning (the provision for) your children: to the male the equivalent of the portion of two females, and if there be women more than two, then theirs is two-thirds of the inheritance, and if there be one (only) then the half. And to his (the deceased) parents a sixth of the inheritance, if he has no son and his parents are his heirs, then to his mother appertaineth the third; and if he has brothers, then to his mother appertaineth the sixth, after any legacy he may have bequeathed, or debt (has



been paid). Your parents or your children: you know not which of them is nearer to you in usefulness. It is an injunction from Allah Lo! Allah is Knower, Wise. And to you belongeth a half of that which your wives leave, if they have no child; but if they have a child then unto you the fourth of that which they leave, after any legacy they have bequeathed, or debt (they may have contracted, hath been paid). And unto them belongeth the fourth of that which you leave if you have no child, but if you have a child then the eight of that which you leave, after any legacy you may have bequeathed, or debt (you may have contracted, hath been paid). And if a man or woman have a distant heir (having left neither parents nor child), and he (or she) had a brother or a sister (only on mother's side) and then to each of them twain (brother and sister) the sixth, and if they be more than two, then that shall be shares in third, after legacy that may have been bequeathed or debt (contracted) not injuring (the heirs by willing away more than a third of the heritage) hath been paid. A commandment from Allah. Allah is Knower, Indulgent".(4:11-12)

﴿ "They ask you for a pronouncement say: Allah hath pronounced for you concerning distant kindred. If a man dies childless and he has a sister, her's is half the heritage, and he would have inherited from her had she died childless. And there are two sisters, then there are two-thirds of the heritage, and if they be brethren, men and women, then for male is the equivalent of the share of two females. Allah expounds to you, so that you err not. Allah is Knower of all things". (4:176) ﴾

The characteristics peculiar to the afore mentioned system of inheritance, derived from the above mentioned verses of the holy Quran, are as follows:-

1. A long list of inheritors has been prescribed in accordance with the degree of relationship, because of which the inherited wealth gets a very wide circulation.
2. As against all other systems of inheritance in the world, Islam has given to women also the right to inherit property.

3. The deceased can neither deprive any legal heir nor can make any kind of modification in prescribed share of any heir. He can make a will of 1/3 of his property to other than legal heir.
4. No distinction has been made among children on the basis of priority of birth.
5. " It has been forbidden to make a bequest in favour of any heir, In addition to the prescribed share.
6. A part of property i.e. upto 1/3 can be bequeathed to one who may not be an heir.<sup>1</sup>

( In short, the Islamic law of inheritance is a very powerful and effective measure, both in checking the concentration of wealth in fewer hands, and in circulating it among the larger of section of community. Dr. Ramsay says, "Islamic law of inheritance is based on more reasonable and perfect principles that is known to the civilized world".)

## II. Kaffarat (Expiation Money)

( For the smooth running of the private sector of the Islamic system of social security, Kaffara is another irregular source of the maintenance of the needy. Through this channel wealth is channeled from the rich to the poor and the needy, which some-times enables them to meet their needs.)

Kaffarat are religious obligations imposed upon certain persons, (for the help of the poor) in order to atone for their sins. A list of such kaffarat, as outlined by the holy Quran, is as under:- )

### a. Kaffāra al-Zihār

If a husband compares his wife with the back of a female within prohibited degree of relationship (which amounts to taking an oath not to have conjugal relations with her), he has to spend (compulsory in some cases and voluntarily in others) some of his wealth over the needy and the poor.) The holy Quran says:-

"Those who put away their wives (by saying that they are as

their mothers) and afterward would go back on that which they have said, (the penalty) in that cases is the freeing of a slave before they touch one another, Unto this you are exhorted; and Allah is informed of what you do. And he who does not find (the where withal), let him fast for two successive months before they touch one another; and for him who is unable to do so (the penance is) the feeding of sixty needy ones".(58:3-4)

#### b. Kaffara Al-Yamīn

If some body breaks his vow after having taken it, he is under obligation to spend some of his wealth for the maintenance of the poor and needy. Says the holy Qur'an:

"Allah will not take you to task for that which is unintentional in your oaths, but He will take you to task for the oaths which you swear in earnest. The Kafara (expitation) thereof is the feeding of ten of the needy with the average of that wherewith you feed your own folk, or the clothing of them, or the liberation of a slave, and for him who does not find (the wherewithal to do so) then a three days fast".(5:89)

#### c. Kaffara Al-Haj

If a pilgrim is prevented from going to Makka for the performance of his Haj, he is enjoined upon to send gift (huddy) to Makka and not to shave his head until the gift reaches its destination, But if he shaves his head before the arrival of huddy, he shall have to spend some of his wealth over the poor. The holy Quran says, "Perform the pilgrimage and visit for Allah. And if you are prevented, then send such gifts as can be obtained easily, and do not share your heads until the gifts have reached their destination. And who-so-ever among you is sick or has an ailment of head, he must pay a ransom of fasting or alms-giving or offering".(2:196)

#### d. Kaffara Al-Sayd

If a pilgrim kills any wild game during the Haj days, he is asked by the Islamic law (regarding the prohibition of prey during

the Haj days) to spend some of his wealth over the poor and the needy. The holy Quran says:-

"O, You who believe! Kill no wild game while you are on pilgrimage whose of you kills it of set purpose he shall pay its forfeit in the equivalent of that which he has killed, of domestic animals, the judge to be two men among you know for justice, (the forfeit) to be brought as an offering to the holy Ka'bah or for expiation, he shall feed poor persons, or the equivalent thereof in fasting". (5:95)

If one considers the above verses again, one will see that the sins, for which the above prescribed Kaffarat (expiation money) are to be paid; are not committed by a man to a man i.e. if a person breaks his vow after having taken it, he does not break through some one's home; if he kills a wild game, he does not kill a person; and if he shaves his head before the arrival of his Haj gift to Makka, he does not injure anyone. In all these cases he has committed sins to Allah. But the Almighty Allah accepts his repentance only if he feeds His poor slaves. What a good system of social security it is.!

### III. Guardianship ✓

For the maintenance of the children, whose father has died, Islamic system of social security provides with the law of guardianship. Under this law a mother is entitled to the custody (Hadanat) of her male child until he has completed the age of seven years, and her female child until she has attained puberty".<sup>2</sup>

In absence of mother (due to her death or divorce), the custody of a baby under the age of seven years, and if girl who has not attained puberty, belongs to their other relatives as nearest paternal grand-father, full brother and his son, mother's real uncle and his son, full sister and her daughter, utrine sister and her daughter maternal aunt paternal aunt.<sup>3</sup>

#### IV. Maintenance of Relatives

"And the owners of kinship are closer to one another in the ordinance of Allah (than other)" (Q.33:3)

This measure of social security is inter-linked with the law of guardianship in some respects, but its scope is wider than that of guardianship. So the Islamic Jurists have discussed this law separately.

According to Haskāfi, there are three causes for which it is incumbent on one person to maintain another i.e. marriage, relationship and property.<sup>4</sup>

Maintenance includes food, raiment and lodging.<sup>5</sup>

Here are some details of this law:

##### a. Maintenance of Children

- i. If the father is poor and incapable of earning by his own labour the mother; if she is in easy circumstances is bound to maintain her children as the father would be.<sup>6</sup>
- ii. If the parents are poor and infirm, the obligation maintain the children lies on the grand father, provided he is in easy circumstances.<sup>7</sup>

##### b. Maintenance of Parents

- i. Children in easy circumstances are enjoined upon to maintain their poor or old parents, although the latter may be able to earn something for themselves, irrespective of their creed.<sup>8</sup>
- ii. A son, who, though poor, is earning something is liable to support his poor father who earns something. The holy Prophet (peace be upon him) said: "The best food, that a man can ever eat, is from his own earning and his earning includes even his son. So, he can eat from his son's wealth".<sup>9</sup>

- iii. A son, though in straitened circumstances is bound to maintain his mother, though she may not be infirm.<sup>10</sup>
- iv. Similarly, a person is advised to maintain his paternal and maternal grand fathers and grand mothers if they are poor, but not otherwise, to the same extent as he is bound to maintain his poor father.<sup>11</sup>

### c. Maintenance of other Relatives

Persons in easy circumstances are obliged to maintain their poor relatives within the prohibited degrees in proportion to the share which they would inherit from them on their death.<sup>12</sup>

This is the opinion of Imam Ahmad Ibn Hanbal.<sup>13</sup>

According to Hadrat 'Imām 'Abū Hanīfa, the obligation of the maintenance of relatives does not depend upon the proportion to the share of inheritance but upon kinship.<sup>14</sup>

While 'Imām Shāfi'ī maintains that a person is obliged to maintain his parents only.<sup>15</sup>

We see that the system of the maintenance of other relatives is wider and more effective in 'Imām 'Abū Hanīfa's Jurisprudence. According to Muftī Mohammad Shafī, this injunction gives rise to a very fine arrangement for the maintenance of the helpless and the weak members of a family.<sup>16</sup>

### d. Maintenance of Animals

Islam, the religion of beneficence and mercy, proposes such a system of social security which extends, its shelter even to the animals. The holy Prophet (peace be upon him) has pleaded their case in very touchy way:-

"Once a person was going on his way. He felt very thirsty. He happened to cross by a well. He went down into it, drank its water and quenched his thirst. While he came out he found a dog exhausting with thirst and sucking mud. That person thought that the dog was as much exhausted by thirst as he was. Thinking this

he went down the well again filled his shoe with water, held it with his mouth, came out, and poured it in the mouth of that thirsty dog, and thus quenched its thirst. Allah granted as much response for that deed that He forgave the person. Then the holy Prophet (peace be upon him) said, "Kindness to every soul is rewardable".<sup>17</sup>

"A woman was put in the hell only for the reason that she roped a cat, she neither feeded it nor let it to eat insects (for the satisfaction of its hunger)".<sup>18</sup>

The Islamic Jurists have prescribed the maintenance of the animals as a legal duty of their owners, failing which they may be deprived of their animals, or may be punished also.<sup>19</sup>

## \* V. Will

Will is another important source of private sector, which widens the scope of the Islamic system of social security and extends its boundary to those poor land needy, who are not relatives. This is a very effective measure and powerful channel through which wealth is channalized from the rich to the poor. The Islamic Jurists have defined "Will" as follows:-

Any testator cannot dispose of more than one third of the surplus of his estate after the payment of funeral expenses and debt. The holy Quran says:-

"Will will be imposed after any legacy you may have bequeathed, or debt (you may have contracted) has been paid".(4:12)

The limit of one-third derives sanction from the tradition reported by Sa'd b. 'Abi Waqqas. He reported from the holy Prophet (peace be upon him):-

"Benqueath only one third (of your property), and one third is too much".<sup>20</sup>

Moreover, he( peace be upon him) said:-

"Legacy cannot be bequeathed in favour of any relative heir".<sup>21</sup>

Bequest in excess of the legal third cannot take affect, unless the heirs' consent thereto, after the death of the testator. <sup>22</sup>

## ✓ VI. Sadaqa Al-Fitr

( Another irregular source for the smooth running of the Islamic system of social security in private sector is Sadqat-al-Fitr. Islam has made it compulsory for those whose possession comes upto a certain specified quantity, that on the occasion of the Eid-al-Fitr, they should, before going to Eid prayer, distribute among the poor, the needy, orphan and widow, wheat or its price at the rate of 1-3/4 seers (or about 1.65 kgs according to our new weights) of date or grain per member of the family. Every one has to pay this sum not on his/her own behalf, but even on behalf of one's minors. This is explained in this tradition:-

"According to Hadrat 'Umr the holy Prophet (peace be upon him) enjoined upon every muslim whether a slave or independent, and man or woman, and young or old to pay Sadaqat-al-Fitr one Sa'a (which works out 1.65 kgs. according to our prevailing weights) of dates or early. He further ordered (the Muslim) that its payment should be made before their leaving for Eid prayer". <sup>23</sup>

To such obligatory charity, this condition too is not necessary that the possessions which gives rise to the obligation should comprise objects of growth or should have been held for one year so, the scope of this obligation is even wider then that of Zakāt, and it can lead to the greatest possible amount on the occasion of a collective festivity. <sup>24</sup>

The beneficiaries of Sadaqat al-Fitr are the same as those of the Zakāt. )

## ✓ A(ii) PROHIBITIVE MEASURES

The Islamic system of social security adopts prohibitive measures to make the circulation of wealth possible among the different parts of society, and to enable them to get and earn the



required amount from wealth or income to meet their need. These prohibitive measures are:-

- I. Interest.
- II. Concentration of wealth.
- III. Hoarding and Black-marketing

### I. Interest

" (Islam prohibits interest because it is against the principle of generosity on which the foundation of the Islamic system of social security is laid. It checks the circulation of wealth and concentrates it in a few hands. It is an exploitation of needy brother. It promotes economic aggression and splits up the society in "haves" and "have nots". ) "

The holy Quran condemns interest in these words:-

"Those who swallow usury cannot rise up save as he rises whom devil has prostrated by (his) touch. That is because they say: Trade is just like interest; whereas Allah has permitted trading and forbidden interest. To whomsoever then the abmonition has come from his Lord, and he desists shall keep (the profits of) there what has already passes, and his affair is in the hands of Allah. And whosoever returns (to usury) those are owners of fire. They will abi die therein. Allah has belighted usury and made alms giving fruitful. Allah does not love the impious and guilty." (2:275-276)

" ("O, you who believe, devour not interest doubling and re-doubling, and deep your duty to Allah; so that you may be successful".(3:103) ) "

( "O, You who believe do your duty to Allah, and give up what remains (due to you) from usury, if you are believers (in the real sense of the word), But if you do not (do it), than be warned of war (against you) from Allah and His messenger. And if you repent, then you shall have your principal (without interest). Wrong not, and you shall not be wronged".(2:278-279) )

" (Hadrat Jābir reported that the Holy Prophet (peace be upon him) cursed four persons concerning usury; first who swallows it, second who offers it, third who writes the contract of it and the fourth who attests it, and all these are equal in the anger of Allah.<sup>25</sup> ) ✓

## " II. Concentration of Wealth

(Islam allows private ownership of property but prohibits its concentration in a few hands. Wealth should be circulated in the society as widely as possible, so that the distinction between the rich and the poor be narrowed down as far as it is natural and practicable. The attitude of Islam in this respect is that it has not permitted any individual or group to have a monopoly over the primary sources of wealth production but has given every member of society an equal right to derive benefit from them. The holy Quran says:-)

"So that this wealth should not become confined only to rich amongst you".(59:7) "

("And let not those who hoard up that (wealth) which Allah has bestowed upon them of His bounty, think that it (the concentration of wealth) is better for them. Nay, it is worse for them. That (wealth) which they hoard will soon be tied to their necks, like a twisted collar, on the Day of Judgment:"(3:180) )

("Those who treasure up gold and silver, and do not spend them in the way of Allah give them the tidings of painful chastisement, the day this (concentrated wealth) shall be heated in the fire of Hell, and their foreheads, their sides and their backs shall be branded with it. (It will be said to them) This is what you had treasured up for yourselves; now taste of what you were treasuring".(9:34-35) )

"Woe unto every slandering traducer, who has gathered wealth (of this world) and arranged it. He thinks that his wealth will render him immortal. Nay, but verily he will be flung to the consuming one. Ah! What will convey to you what the consuming

one is! (it is) the fire of Allah, kindled, which leaps up over the hearts (of man)".(104:1-7)

"But as for him Who hoards and deems himself independent, and does not believe in goodness; surely we will ease his way unto adversity. His riches will not save him when he perisheth".(92:8-11)

→ The holy Prophet (peace be upon him) condemned the concentration of wealth in different ways. According to Hadrat 'Abū-'Amāma he said:-

"O son of Adam! You had better spend your surplus of wealth and if you hoard it up, it would be worse for you".<sup>26</sup>

The next tradition, is by Hadrat 'Abū Dharr, who narrates that the holy Prophet (peace be upon him) went to Uhad and I was with him. He said to me, "O 'Abū Dharr". I replied, "I am present Sir". He said, "The richest of this world will be the poorest of the next world, except those who spend their wealth in the way of Allah without fear and care. But they are very few in number. He again said, "O 'Abū Dharr ! I replied, "I am present Sir, may my father and mother be sacrificed for you"! He said, "I dislike to have a heap of wealth as large as 'Uhad and I die and leave two qirats (small coin) in inheritance". I begged to ask, "Do you mean two Qintars (heaps) of wealth?" He said, "O Abu Dharr! You go to the greater, while I go to the less".<sup>27</sup>

"According to Hadrat Bilāl (may Allah be pleased with him) the holy Prophet (peace be upon him) said, "Do not hide what Allah has granted you in wealth and do not excuse for whatever is blessed from you from your possession." I (Hadrat Bilāl) said, "How is it possible for me?" He warned, saying, "Do this or go to hell".<sup>46 28</sup> ↗ "

✓ In the light of the verses and the traditions cited above we see that Islam is uncompromised enemy of concentration of wealth and preaches for the surplus (even from the necessities of life) to be distributed among the have-nots to enable them to get their basic necessities of life. —

### III. Hoarding and Black-Marketing

" Islam forbids hoarding, black-marketing and profiteering because these are against the spirit of mutual co-operation which is one of the fundamentals of the Islamic system of social security, The person who hoards up the basic necessities of life or sell them in black-market to satisfy his profit motive, is a wicked enemy of the humanity according to Islam. "

The holy Prophet (peace be upon him) has clearly prohibited hoarding for black-marketing and profiteering motives". Whatever hoards up (cereals and other things, that they may be scarce and dear) is a culprit (sinner)".<sup>29</sup>

"Whatever hoarded up foodstuff till forty days, he did not believe in Allah and Allah will neither take pity on him (nor forgive him on the Day of the Judgment)".<sup>30</sup>

" Hadrat 'Umar (may Allah be pleased with him) said:-

"No-one should hoard up in our market. Those who have surplus money should not purchase commodities that come to our land- for hoarding purposes. And the person who brings corn to our country facing the hardships of winter and summer, is a guest of 'Umar and he may sell it or possess as Allah allows".<sup>31</sup> "

Once Hadrat 'Ali, burnt the stock of grain of a person who was hoarding it.<sup>32</sup> }

### \* B) OPTIONAL MEASURES ✓

By optional measures, here we mean such sources of the maintenance of private sector of social security as are not obligatories but only moralities. These optional measures supply raw material for the foundations of the Islamic system of social security. Through these measures Islam builds such a society in which every one feels his responsibility for his fellow. Sense of brother-hood, friendship and love for human being are the salient features of an Islamic society. In this society the following optional measures are adopted for social security:-

- I. Al-Sadaqat al-Nāfila (optional charities)
- II. Debt without interest.
- III. Gift
- IV. 'Āriyat (Lending)
- V. Trusteeship
- VI. Civic Obligations

### I. Al-Sadaqat Al-Nafila (Optional Charities)

⤴ (The role of Al-Sadaqat al-Nāfila (optional charities), in the smooth running of the Islamic system of social security, is of significant importance. Islam has stressed much on the payment of these sadaqat because they enable the poor and the needy to get their basic necessities of life. The holy Qurān resembles these sadaqat with a trade in which there is no loss.) "

⤴ "Lo! those who read the scripture of Allah, and establish worship, and spend of that which we have bestowed on them secretly and openly, they look forward to imperishable gain, that he will pay them in their wages and increase them of His grace. Lo! He is forgiving, Responsive".(35:29-30)

Admiring His sincere slaves, Allah says:-

⤴ "And give good tidings (O, Mohammad) to the humble, whose hearts fear when Allah is mentioned, and the patient of whatever may befall them, and those who establish worship and spend of that we have bestowed on them".(23:34- 35) )

⤴ ("Who forsake their beds to cry unto their Lord in fear and hope, and spend of what we have bestowed on them. No soul knows what is kept hid for them of joy, as a reward for what they used to do". (32:16-17) )

⤴ Because of such tiding of the holy Quran, the muslims were prepared to sacrifice even their basic necessities for their fellow men for the sake of Allah.

( "And they prefer the other above themselves though poverty become their lot".(59:9) > //

" The holy Quran describes the same topic in another way and depicts the picture of muslims' alms giving in an effecting mode, which in its beauty and affection is not less then the above mentioned one. The muslims were (are) such as the holy Quran says:

" / "They perform the vow and fear a day where of the evil is wide-spreading. And feed with food the needy wretch, the orphan and the prisoner, for love of him (saying) we feed you, for the sake of Allah only. We wish for no reward nor thanks from you. Lo we fear from our Lord a day of forwning and of fate. Therefore Allah has warded off from them the evil of that day, and has made them find brightness and joy".(76:7-11) //

### Other Measures to Encourage Charity *(Charity of surplus)*

( Besides these steps, explained above, Islam adopts certain other measures to encourage charity. Islam does this by condemning niggardliness and miserliness. According to Islam the niggards and misers are criminals because by their niggardliness they donot only harm themselves but also endanger the common good of other persons. The holy Quran has condemned this at several places in different modes. )

( "Who are niggardly and bid people to be niggardly and hide that which Allah has given them out of His grace. And We have prepared for disbelievers an abasing chastiment".(4:37) >

→ In this verse the niggards are called "disbelievers". But for what sin? Have they committed any sin of Allah? No, but they have hoarded up the wealth for themselves and do not allow its circulation in the poor and the needy. This is the spirit of the Islamic system of social security.

Again the holy Quran says:-

"Lo! you are those who are called to spend in the way of ALLah, yet among you there are some who hoard. As for him who

hoards, he hoards only for his soul. And Allah is the Rich and you are the poor. And if you turn away He will exchange you for some other folk, and they will not be like you".(47:38)

X The holy Quran at another place in a taunting way says:-

"Spend you wealth in the way of Allah, and be not cast by your own hands to ruins, and do good. Allah loves the beneficiaries".(2:195) 7

From this verse we come to know that if we do not spend our surplus wealth in the way of Allah, we will put ourselves and the community in ruins. The Islamic system of social security teaches that, by hoarding up the wealth, we are as worst as a wicked man who puts his fellow man to death. We commit this crime by not supplying the basic necessities of life to the poor and by hoarding up the wealth, while he does this by sword.

"But as for him who hoards and considers himself independent; and disbelieves in goodness, surely We shall ease his way to adversity".(92:8- 10)

The holy Prophet (peace be upon him) in his several traditions has condemned niggardliness and encouraged charity.

(Hadrat Hakim b. Hazam reported that the holy Prophet (peace be upon him) said:-

"The wealth is sweet, whoever keeps it generously, will find it increasing (with the blessing of Allah); and whoever spends niggardly will find it decreasing. He is like a person who eats but his stomach remains empty".<sup>32</sup> )

( Thus, Islam, by encouraging charity and condemning niggardliness in the community, stimulates circulation of money and thereby initiates investment activities and keeps the economic system in perfect equilibrium. So, the basic necessities of every individual fulfilled and the society proper smoothly. )

## II. Debt Without Interest

It is a very effective and reliable source of the Islamic system

✓ of social security. By the virtue of this source not only the needs of the poor are met but initiates their economic activities also. When a skilled person gets loan (without interest) from his fellow and starts business, with results he earns money; then pays back debt and goes on with his business with the surplus; his economic position is secured and worries of future are minimized.

✓ Hafiz-ur-Rahmān Sehohārvī has defined the loan without interest as follows:-

✓ "When any rich person lends his money to any needy, so that he may fulfill his necessity, in such a way that he does not demand any reward (interest) from him, this loan is called "Al-Qarad Al-Hasan" (goodly loan i.e. loan without interest)".<sup>33</sup>

The holy Quran lays great stress upon this sources. In many verses the holy Quran has resembled goodly loan given to a needy poor person with a loan given to Allah.

"Who is he that will lend to Allah a goodly loan, that He may double it for him and his may be rich reward".(57:11)

"Lo! those who give alms, both men and women, and lend to Allah a goodly loan, it will be doubled for them, and theirs will be a rich reward".(57:18)

"If you lend to Allah a goodly loan, he will double it for you and will forgive you, for Allah is Responsive, Calment".(64:17)

In Islamic economics goodly loan has been classified into two forms: First for the fulfillment of the basic necessities of life (non-productive loan) and second for business purposes (productive loan). Interest is unlawful on both. Islam teaches the rich to even remit the debtor such a loan, if he is in strait position or wait till he is in easy circumstances.

"And if the debtor is in straitened circumstances, then (let there be) postponement to (the time of) ease; and that you remit the debt as almsgiving, would be better for you if you did but know".(2:28)



'Abū Hurayra reported to holy Prophet (peace be upon him) said: "There was a merchant who used to lend the people and whenever he saw the debtors in straitened circumstances he used to say his servants, "Give the postponement, Allah will forgive us". Allah (in response) forgave them (their sins).<sup>33</sup>

➔ Hadrat Hudhyfa reported that the holy Prophet (peace be upon him) said, "There was a person in the past. At the time of his death an Angle came to take his soul. The angle asked him, "Have you done any noble deed? "He answered, "I donot know my any good deed, except this that I used to lend the people, dealt with them gently and granted them postponement (of loan) to the rich, and to the poor even the remission (of loan). Allah permitted him to enter the paradise".<sup>34</sup>

Hadrat 'Abū Qatāda reported that the holy Prophet (peace be upon him) said:-

"Whoever (amongst you) wished that Allah save him for the worries of the doomsday, he should grant postponement to the straitened debtor or remit his loan".<sup>35</sup>

In the light of above stated verses and traditions, we come to know about the importance and difficulties of the poor as well as about the economic worries of the needy. Islam teaches the rich to help their poor brothers in their hardships.

Besides, Islam teaches the debtors to pay back their debt without any unnecessary delay, and that, if inspite of easy circumstances they delay the payment of debt, they will be called criminals.

On the authority of Hadrat 'Abū Hurayrah, the holy Prophet (peace be upon him) said, "The (undue) delay of the rich in the payment of debt is wrong".<sup>36</sup>

'Abū Harayrah again reported that the holy Prophet (peace be upon him) said, "Whoever gets loan from the people and wants (sincerely) to pay it, Allah will make arrangements for the clearance of his debt. But whoever lands the money from the

people and wants to swallow it, Allah will never help him for the payment of his debt".<sup>37</sup>

Thus, Islam systemizes al-Qard al-Hasan (goodly loan) as an effective measure and eminent source of social security system in Islam.

### ✓ III. Hiba (Gift)

Hiba in its literal sense, signifies the donation of a thing from which the donee may derive a benefit, and in the language of law it means a transfer of property, made immediately, and without any exchange, by one person to another, and accepted by (or in the behalf of later).<sup>38</sup>

Hiba or gift is an irregular measure of the Islamic system of social security in private sector. Jurists of Islam derive its permission from the saying of the holy Prophet (peace be upon him).

"Exchange gift among you, it will create love among you".<sup>39</sup>

Every mature muslim of sound mind (and not a minor) may dispose of his property by Hiba, even to a stranger, to the entire exclusion of his heirs. The only restraint is the rule which invalidates death-bed gifts.

A gift or hiba may be made of anything which comes within the definition of the word "mal" possession that is property, including auctionable claims.<sup>40</sup>

Hiba (gift) holds prominent position for the maintenance of the Islamic system of social security; by the virtue of which Islam circulates the wealth from the Haves to the Have-Nots and thus a muslim in easy circumstances can help his poor brother.

### IV. Al-'Āriyat (Lending)

In a Muslim society 'Āriyat is considered as an important measure for social security. Through this measure muslims exchange 'small kindness' among themselves and thus, without purchasing any one of these things, can get benefit from them.

Those 'small kindness' no doubt, may be very humble and cheap but they facilitate the acquisition of basic necessities of life.

The Islamic Jurists have defined 'Āriyat as under:-

"Making another the owner of the usufruct <sup>thing</sup> without any consideration".<sup>41</sup>

Marghīnānī; writes:- "According to our doctors, 'Āriyat signifies an investiture with the use of a thing without a return. The person who so grants the use is termed 'Moyear' or the lender; the person receiving it is termed 'Moostayar' or the borrower, and the article of which the use is granted, 'Āriyat". According to 'Imām Karakhī and Shāfi'ī, 'Āriyat signifies simply a license to use the property of another because it is settled by the word "Ibahit" signifying license or permission."<sup>42</sup>

In short, we can say that by 'Āriyat means the grant of a license, resemble at the guarantee's opinion, to take and enjoy the usufruct of a thing. In Hiba a transfer of ownership, without consideration is made. while in 'Āriyat transfer of ownership is not made but only a loanee is granted a temporary license to enjoy the profit so long as the granter pleases, and it is revocable in every case. The holy Prophet (peace be upon him) said:-

"Āriyat is revocable".<sup>43</sup>

The author of Sa'īdiyyat comments:-

"There is consensus of (the Jurists of) 'Umma that 'Āriyat is not only a lawful but good and appreciable also, because in its introduction there is help of poor and fulfillment of the needy's necessities".<sup>44</sup>

Islamic system of social security has emphasized on this source very much. Islam creates such a society in which every muslim has tender feelings for his neighbors. Islam preaches its followers that they should live like brother and grant "small kindness" to each other, so that every muslim, whether rich or poor, should not worry to buy every necessity of daily use. Islam lies so much im-

portance with it that Allah warns even those praying young who do not donate such things to other.

"Ah! Woe unto worshipers who are headless of their prayers; who would be seen (at worship) and refuse to grant small kindness". (107:7-11)

## VI. (Civic Obligations )

Individual's property is of two kinds i.e. moveable (money, jewelry, precious goods) and immoveable (house, land etc.). As Islam has prescribed legal and moral rights of one's fellow members of the society (i.e. Zakāt, almsgiving, Kaffārat etc.) in one's moveable property in the same way on one's immoveable property, Islam describes some civic obligations. The Islamic Jurists have classified these obligations as under:-

- i. ( Rights of neighborhood.
- ii. Right of drinking water.
- iii. Right of Wayfare.
- iv. Right of drainage.
- v. Right of water-course.)

### i. Right of Neighbourhood

We can explain this 'right' with the help of an example. Suppose A is the next door neighbor of B. According to our Jurists, A cannot use even his own home in such a way as is or may be harmful to B. For example, A cannot dig hole in the common wall of A and B, because it will disturb the privacy of his neighbour; B. The same cannot be allowed to B also. But A cannot forbid B from such benefits as are comfortable and lawful, for example, hitting of nail in the common wall of neighbor for hanging clothes etc. The holy Prophet (peace be upon him) said:-

"Any person should not forbid his neighbor from hitting nail in his wall".<sup>45</sup>

## ii. Right of Drinking Water

None of the muslim society can forbid his fellow-man or his pet animal from drinking water from his private canal. But he can forbid from his private spring of water or tank of water or well, yet this prohibition is allowed only in particular cases.<sup>46</sup>

## iii. Right of Wayfare

Sometimes a person, who wants to reach his land or house, has to go through another person's (very often his neighbor's) land. In such circumstances, the other person (or his neighbor in the case of neighborhood) cannot forbid him from doing so. But if there is any alternate way then forbiddance is allowed, but not appreciated.<sup>47</sup>

## iv. Right of Drainage

Sometime a person, for the drainage of dirty water, has to dig drainage through his neighbor's land or along his wall or he has to drain his water through his (neighbor's) drainage. In all these cases he needs not to seek the permission of his neighborhood. Anyhow, if there is any dispute it can refer to the court for decision.

## v. Right of Water Course

A person, who wants to irrigate his farm, can dig his water-course through the land of his neighbor. It is a legal right and none can prevent from it. Hadrat 'Umar's decision in this regard is an example.<sup>48</sup>

These civic obligations prescribed by Islam are helpful in peaceful and smooth running of the society and form important elements of Islamic system of social security.

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## THE GOVERNMENT SECTOR OF SOCIAL SECURITY

The Islamic state is responsible for providing a living wage or relief to every inhabitant, whether he is Muslim or non-muslim. For this purpose the Islamic state will have to accept double responsibility. Firstly, it will have to perform, protect and regulate private sector of social insurance (which is run by the Muslim society), and secondly, in its own sector, it will make necessary arrangements; shall run specific institutions; and shall lay down some special and dynamic legislations for the social security of its citizens at large.

### GOVT. RESPONSIBILITIES IN PRIVATE SECTOR —

For the smooth running of the Islamic system of social security in private sector, the Islamic state will have to perform the following functions:-

- i. Regulation of private ownership.
- ii. Eradication of beggary as a profession.
- iii. Implementation of Islamic Labour law.
- iv. Prohibition of unlawful means of accumulation and acquisition of wealth.
- v. Prohibition of ostentatious and luxurious living;
- vi. Prohibition of anti-social institutions.

#### **i. Regulation of Private Ownership**

The first measure, which the Islamic state will adopt for the smooth running of the private sector of social security, is to regulate private ownership. Why will the Islamic state regulate the

private ownership? Islam recognises private ownership but it can regulate its use, quantity and nature.

If the property owner is recklessly wasting it then his right to use his property may be limited by forfeiting his right so as to use only a certain part of his property to meet his need, and the greater part of his property will be taken over by the state. Islamic state has the legal right to take over the property to protect it from the misuse of its owner. This legality gets its sanction from the practice of the holy Prophet (peace be upon him) who issued an order concerning stream; Mahrūs and said:-

"The owner of high fields might with-hold water until it reaches its ankles, but then he must leave it for the use of the owner of the lower fields".

The holy Prophet (peace be upon him) so decided, when Hadrat Zubayr's dispute concerning water was brought before him, that he might water his fields until they are fully watered and then he must leave it towards his neighbour, so that he might also benefit from it".<sup>1</sup>

This tradition brings home to us that the holy Prophet (peace be upon him) did not allow the owner to keep surplus water after having fully satisfied his want; therefore, he ordered Hadrat Zubayr to leave it open for the use of his needy neighbour. Thus, it can be deduced that a person cannot be allowed surplus wealth (i.e. the water of life) to be kept and hoarded up by a few hands and not to be used for the benefit of the community at large.

Further, the principle of limitation permits the Islamic state that it may either limit one's right to benefit from it or fix the maximum value of the property that one can own. All these restrictions on the ownership of private property or its use are placed for the greater benefit of the society.

According to the Islamic principles of ownership none can own and control anything from the public property which facilitates the community the basic necessities of life.

"Abyad b. Hammāl Al-Ma'arabī said, that he went to the holy Prophet (peace be upon him) and requested him to grant him the salty water of Ma'arab. He granted him but one of the persons there said, "O Messenger of Allah! You are entrusting him the treasure of salt. Thus, after knowing the pros and cons of the matter, he withdrew his sanction".<sup>2</sup>

As a matter effect, Islam recognises the salt as a social good, and social goods cannot be owned by the individuals. The holy Prophet (peace-be upon him) said:

"The people are joint sharers in three things: water, grass and fire".<sup>3</sup>

The Muslim Jurists, in the light of the above mentioned traditions, have given their verdict in these words:-

"All these things are of social utility and any individual cannot own any of these neither by possession nor by state grant. Further it is not lawful that benefit of such things be confined to a few people, because it will be harmful for the other and renders their lives difficult".<sup>4</sup>

To sum up, Islam recognises the individual right of ownership but it does not leave him entirely free to use his right in any way he likes. It does not favour the extension of private property to an extent that may endanger the common welfare of the community and even shake the foundations of the Islamic system and destroy its real objective. Therefore, it has allowed private ownership subject to such limitation as would render it absolutely harmless to the community. It has authorized the community to enact necessary legislation to organise private ownership and to change it whenever the public interest calls for it.

## ii. Eradication of Beggary as a Profession

The measures adopted for giving the weaker members of society the right to a share in the wealth of the rich, could at the same time to produce an evil in society that this section of society might become parasitical, and live as a permanent burden on

society. In order to check their tendency, the state will subject these people as well to certain special regulations:-

1. A man who is healthy and physically fit will not be permitted to beg, except under special circumstances. According to the holy Quran the commendable quality of the genuine Faqir (the beggar) is that "They do not beg of men importunately". (Q:2:273).
2. The man who has the here withal for a day will be forbidden to beg. In a tradition of the holy Prophet (peace be upon him) condemns begging as a humiliation.
3. The man who possesses wealth up to the prescribed quantity will be forbidden to accept charity even without begging.
4. Those who possess wealth has been admonished that it is not enough merely to set apart a sum of money for charity, they are also responsible for seeking out those who are really needy and thus genuinely entitled to charity and for distributing it among them.
5. Through the department of moral censorship, provision has been made for the eradication of beggary.
6. The poor and the helpless have been persuaded to shun charity, to earn their livelihood through their labour as far as possible, and to look upon hard-work as noble.

It can be suggested that in consequence of the equitable system of the distribution of wealth, which Islam has instituted by means of these injunctions, our history offers instances of a state of society where one sought in vain for a man who would accept charity.<sup>5</sup>

### **iii. Implementation of the Islamic Labour Law**

Another step that the Islamic state will take is the implementation of Islamic laws pertaining to labour management relations. In the economic system of Islam significant importance is given to

the social security of labourers. Islam transforms all honest work into worship, and every one who is seeking honest livelihood for his family is worshipping Allah. The holy Quran has laid great emphasis on labour.

"Verily we have created man into toil and struggle".(90:3).

In Islamic society, labourer enjoys a dignity. Here the social status of a man is not determined by his profession or grade but by his personal qualities and his actual contribution to social welfare. In Islam an honest and efficient cobbler is more honourable than a dishonest and inefficient governor, king or chief.

Here is an outline of that just and natural Islamic labour law which an Islamic state will introduce to restore the social security of the labourers.

1. The labourer should be paid his wage in time without any delay. The holy Prophet (peace be upon him) has directed in this regard. "The labourer should be paid his wage before his sweat dried up".<sup>6</sup>
2. The wage should be fixed before the regular start of labour, so that the rich capitalist may not take the advantage of the poverty and the helplessness of the labourer to fix his wage less than the due. It is a sort of treachery in Islam that a labour is appointed before the fixation of his wage.

According to Hadrat 'Abū Sa'īd Khudrī the holy Prophet (peace be upon him) prohibited the appointment of a labour without the fixation of his wage.<sup>7</sup>

3. The employer is not permitted to take any advantage of the adverse circumstances of his employee and to create such situations in which he is forced to work on minimum wage or less than the actual wage. He must be paid according to his merit and need.

Hadrat 'Abū Hurayrah reported from the holy Prophet (peace be upon him), "There are persons of three kinds against whom I shall plead on the Day of Judgment, -- and against whom

I plead, I shall defeat him--- one of them is that employer who buys the services of the labourer and utilize them but does not pay his wage according to his work".<sup>8</sup>

The Islamic principle concerning wages and salaries of workers in private sector of the economy is that the employees should share the profits with the employers.

Some Jurists went far as to give the employee an equal share in the profit since the employer provides all capital and the workers do the work, the two efforts are entitled to an equal share in profit.<sup>9</sup>

We are not talking about the profit sharing system of business, but our above discussion shows what stress Islam lies on the 'equitable system of wages'.

4. In the case of spoilage of work and destruction of tools or machine or any other thing, the employer cannot claim any compensation from the employee, except if the worker has done so willingly. This is the ruling of the Hanifite jurists.<sup>10</sup>

On the other hand, inspite of all these privileges, Islam asks the labourers, morally and legally, to work honestly and peacefully. They are permitted to organize trade unions to secure their legal rights and to better the terms and conditions of their work, but not for collective bargaining. Thus Islam establishes equilibrium between the labour and the capital, and solves the long standing labour-capital problem.

Moreover, the employees and the employers must not be left to settle the terms and conditions of employment, but the state must set up an efficient machinery to keep perpetual vigilance over the attitude and behaviour of the employer and the employee. So, justified equilibrium between the capital and the labour will be possible. Thus, the social security of the both sides will be restored.

#### **iv. Prohibition of Unlawful Means of Wealth**

The Islamic state should prohibit all unlawful means which result in the accumulation of wealth in fewer hands; a state of affairs in which there is over-abundance of wealth on one side and complete deprivation on the other. The Islamic state shall also prohibit the unlawful means adopted for this purpose. All anti-social activities, which create hindrance and disturbance in the common welfare of the Muslim society, are unlawful. The holy Quran has furnished a long list of such anti-social and harmful activities, some more harmful are enlisted here:-

##### **1. Bribe**

"And eat not up your property among yourselves in vanity, nor seek by it to gain the hearing of the judges that you may knowingly devour a portion of the property of other wrongfully".(2:100)

##### **2. Treachery and Deceit**

"And if one of you entrusts to another let him, who is trusted, deliver up that which is entrusted to (according to the pact, between them) and let him observe his duty to Allah".(2:283)

"Who deceives will bring his deceit with him on the Day of Resurrection. Then every soul will be paid in full what it had earned".(3:161)

##### **3. Robbery**

"And only reward of those who make war upon Allah and His Messenger and strive after corruption in land will be that they will be killed or crucified, or have their hands and feet on alternative sides cut off, or will be expelled out of land".(5:33)

"As for thief, both male and female, cut off their hands".(5:38)

#### **4. Prostitution**

"Force not your slave-girls to whoredom that you may seek enjoyment of the life of the world".(24:33)

"The adulterer and the adulteress, scourge you each one of them (with) a hundred stripe".(24:2)

"And come not near the adultery. Lo: it is an abomination and an evil way". (17:32)

The holy Prophet (peace be upon him) has declared the income of prostitution as the worst income.<sup>11</sup>

#### **5. Interest and Usury**

"And Allah permits trading and forbids usury". (2:276)

"Allah has belighted usury and made almsgiving fruitful". (2:276)

"O, you believe; observe your duty to Allah, and give up what remains (due to you) from usury, if you are (in truth) believers. And if you do not, then be warned of war (against you) from Allah and His Messenger (and Islamic state on the behalf of the latters). And if you repent, then you have your principals (without interest) Wrong not, and you shall not be wronged. And if the debtor is in straitened circumstances, then (let there be) postponement to (the time of) case; and that you remit the debt as almsgiving would be better for you if you did but know".(2:278:280)

#### **6. Business of Intoxicants, Idols and Gambling**

"O, you who believe strong drinking and games of chances and idols and dividing arrows are only an infamy of saten's handiwork. Leave it aside in order that you may succeed". (5:90)

#### **7. Devouring the Wealth of Orphans and Weaks**

"Lo! those devour the wealth of orphans wrongfully, they do but swallow fire into their bellies, and they will be exposed to burning flames". (4:10)



### 8. Defrauding

"Woe unto the defrauders. Those who when they take the measure from other demand it full, but if they measure unto them or weight for them, they cause them loss". (83:1-3)

### 9. Spreading of Slander

"Lo! Those who love that slander should be spread concerning those who believe, theirs will be a painful punishment in the world and the Hereafter". (4:19)

### 10. Profession of Music and Dance

"And of mankind is he who payeth for mere pastime of discourse, that he may mislead from Allah's way without knowledge, and maketh it the butt of mockery. For such there is a shameful doom". (31:6).

According to 'Ibn Jarīr, hereby "Pastime" means "singing and dancing" and every that "play" which misleads from the way of Allah".<sup>12</sup>

Philosophy behind the prohibition of these professions and businesses is this that they corrupt and spoil the society not only spiritually and morally but also economically. They deploy resources on non-developmental and wasteful activities, and create inequality of opportunities of economic struggles; unfair distribution of wealth; and sense of easy come and easy go.

## v. Prohibition of Ostentatious and Luxurious Living

In Islamic system of social security, every citizen is allowed (rather encouraged) to maintain a good standard of life and to try to make it better, easier and more comfortable. The Islamic state will not prohibit anyone to enjoy the permitted beauty and charm of life in moderate manner. The holy Quran has pleaded this right at different places in different modes.

"Say: Who has forbidden the adornment of Allah which He

has brought forth for His bondmen, and the good things of His providings? Say: such, on the Day of Resurrection, will be only for those who believed during the life of the world. Thus do we detail our revelations for people who have knowledge. Say: My Lord forbids only indecencies, such of them as are apparent and such as are within, and sin and wrongful oppression, and that you associate with Allah that for which no warrant has been revealed, and that you tell concerning Allah that which you know it". (7:32-33)

"Therefore, of the bounty of thy Lord be thy discourse".(93:11)

The holy Prophet (peace be upon him) said, "When Allah bestowed upon you His bounty then its shadow should reflect from your appearance."<sup>13</sup>

These verses and the sayings of the holy Prophet (peace be upon him) bear the testimony that every individual has the right to maintain a standard of life according to his means and efforts. But when this right is violated and the individuals start living a luxurious and ostentatious life, then the Islamic state is allowed to check them. When the rich lead a luxurious life, the circulation of wealth as well as its distribution suffers a set back. The rich will neglect the poor and the needy, and thus the system of social security will go out of order, and consequently a class war is possible. That is why Islam, in spite of granting every-one the right of good living, advocates medium path. If the individuals do not follow the medium path, the Islamic state is authorized to get their surplus wealth forcibly and distribute it among the poor and the needy. So, Islam, advocates simplicity and moderate path.

"O, children of Adam! Look to your adornment at every place of worship, and eat and drink, but be not prodigal. Lo;He does not love the prodigals.(7:31)

"And be not prodigal. Lo;He does not love, the prodigals:.(6:142)

"And squander not (thy wealth) in wantonness. Lo! the squanders are the brothers of the devils, and the devil was ever an ingrate to his Lord: (17:26-27)

"The faithful slaves of Allah are those, who when they spend, are neither prodigal nor grudging, and there is a firm station between the two". (25- 67)

The holy Prophet (peace be upon him) prohibited from wearing silken dress, from sitting on silken mat and from wearing pink colour.<sup>14</sup>

He also said: "Whoever wears the dress of pride (and ostentatious) Allah will clothe him the dress of humiliation on the Day of Judgment".<sup>15</sup>

"Do not drink in golden and silvery pots".<sup>16</sup>

'Abū Hudhayfa said, "The holy Prophet (peace be upon him) prohibited us from drinking in the pots of gold and silver, and from wearing silken dress and from sitting on silken sheets".<sup>17</sup>

He once said, "Woe for the slave of Dirham; woe for the slave of Dinar; woe for the slave of silken shawl (sheet), woe for him and he may fall face foremost and if a thorn runs into his foot it may not be taken out".<sup>18</sup>

In this connection, it may be mentioned that all methods of spending wealth, which cause moral laxity and social ill-well are forbidden. You cannot fritter away your wealth in gambling; you cannot drink wine; you cannot commit adultery; and you cannot waste your money on music and dance or other means of self-indulgence. You are forbidden to wear silken dresses; you are forbidden from using golden ornaments and jewels; and you cannot decorate your life with outlets through which the greater portion of man's wealth is spent on his own luxuries and indulgences. The items of expenditure which it considers lawful, are of such a type that a man may just be able to live decent life of an average standard, and if any surplus is then left over, Islam suggests that it should be utilized in the service of virtues, righteousness, public

welfare and rendering assistance to persons, who have been unable to secure their due share, that may suffice their needs.

According to Islam, the best course to be adopted is that one should spend all that he earns on his lawful needs, and if any surplus occurs, it is to be given over to others so that they may satisfy their needs. Islam regards this quality as one of the highest standards of morality and recommends it as an ideal with such force that a society influenced by Islamic ethics will always respect those, who earn and spend much more than those, who keep their wealth hoarded or who go on investing their surplus incomes in earning more and more.<sup>19</sup>

To sum up, the Islamic policy in this regard, in the words of the holy Prophet (peace be upon him) in as under:-

"Eat whatever you want and wear whatever you like but avoid ostentation and pride".<sup>20</sup>

However the appreciable path is of simplicity and avoidance from ostentatious and luxurious living.

#### **vi. Prohibition of Anti-Social Institutions**

This measure is meant to determine the boundaries of what is lawful or unlawful for the people in an Islamic state. The purpose of this measure is to stop such economic activities as are harmful and unlawful, and create hindrance in the smooth running of the Islamic system of social security in private sector. The Islamic state will prohibit all these anti-social activities e.g. interest, hoarding, speculation, black-marketing, profiteering etc.

All these mal-practices are against the principle of generosity and cooperation on which the entire structure of the Islamic system of social security has been laid. They stop the circulation of wealth and concentrate it in fewer hands. They are the tools of the naked exploitations of a brother by brother. They promote economic aggression, inequitable distribution of wealth and split up the society in "haves and have-nots".

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**THE GOVERNMENT SECTOR OF SOCIAL SECURITY  
(CONTINUED)**

The Islamic state is answerable to Allah for the social security of its citizens, irrespective of their class and creed. It is responsible for providing to the poor and the destitutes in the community, with the basic necessities of life to enable them to strive toward self-reliant life economically and socially and to lead their lives with complete peace of mind. This salient feature of the Islamic system of social security, i.e. provision of the basic necessities of life with complete peace of mind, is such a glory of height which the modern systems of social security could not even imagine. The holy Quran points out this reality in this verse:

"So let them worship the Lord of the House, Who has fed them against hunger and made them safe from fear". (Q.106:3-4)

This noble end, in Islamic system of social security, is attained by the Islamic state. The Islamic state will do this within its means, but if there is no sufficient amount in Bayt al-Māl (State treasury), the state is entitled to levy Darā'ib (the welfare taxes) on the rich to meet the needs of those in need; for if any individual in the Islamic state is left deprived of the basic necessities of life on any day or night, the state will be accountable to Allah on the Day of Judgment.<sup>1</sup>

The holy Prophet (peace be upon him) has explained the state responsibility for the maintenance of the social security. According to Hadrat 'Abd Allah b. 'Umar the holy Prophet (peace be upon him) said:

"Every one of you is responsible (of certain persons or things) and he will be asked about his responsibility 'Imām (the head of

the state) is responsible for (the social security of) his people and he is accountable (to Allah on the day of Judgment for them). Similarly, father is responsible for the maintenance and civilization of his family and he is questionable for this responsibility".<sup>2</sup>

This tradition brings home to us that the state responsibility towards the social security of its citizens is equal to a father's responsibility for the maintenance of his children. As the father is morally and legally responsible for the maintenance and welfare of his family, similarly, the state is responsible for the social insurance of the citizens. And if a state does not fulfill its duty in this regard, with the result that their standard of life falls below the minimum and the 'dignity of man' is in danger, then such state can not be called an "Islamic state".

The Islamic state is enjoined to fulfill the following duties for insuring the social security of its citizens:-

- i. It shall not let the gap, between the rich and the poor, widen beyond natural limit; and if it does, the state must take necessary steps to narrow it down to the natural and justifiable limit, because in an Islamic welfare state luxury and deprivation (even from the basic necessities of life) cannot go hand in hand. It shall never tolerate excessive wealth flowing into hands of a few people so as to create large scale poverty.
- ii. It shall not allow any individual to occupy and exploit the primary economic resources, and prevent the others from earning their necessities of life. In its boundaries every citizen, with sound body and sound mind, will be provided with the opportunity to earn his livings by utilizing these sources of production. All the persons are equal in the procurement of basic necessities of life, hence all have equal right in basic and primary means of production.

So, the Islamic state will insure the basic and essential necessities of its citizen's life i.e. food, clothing, lodging, compulsory medical treatment and education. The Islamic state will grant every citizen constitutional right that:-

1. As long as he is physically and mentally fit for work he must



be offered job opportunities according to his merit and needs.

The state obligation to find work for every such person is emphasized by the following tradition:-

"A man came to the holy Prophet (peace be upon him) begging for anything to live on. He gave him a rope and an axe and advised him to go the jungle and collect some fire-wood, and to sell it and live by its price. He further asked the man to come back and report his progress".<sup>3</sup>

The aforesaid tradition brings home to us the following basic facts:-

- i. The holy Prophet (peace be upon him) (as the head of state) assumed responsibility for finding work for men (his subjects) under the prevailing circumstances.
  - ii. The holy Prophet (peace be upon him) emphasized his sense of responsibility by advising the man to come back and report his progress.
2. For this appointment he must be given opportunities for training.
  3. In the case of his illness, the state will be responsible for his medical treatment.
  4. If any one is invalid to earn one's livings or any woman becomes widow, or any child becomes orphan or one attains his old age or any one is un-employed because of non-availability of job in all these cases the state is responsible to meet their needs, besides preparing an uneducated as a productive unit of the economy and a responsible citizen of the state.

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## SOCIAL SECURITY SYSTEM OF THE EARLY ISLAMIC STATE

### A. PROPHETIC PERIOD

The holy Prophet (peace be upon him) always tried to meet the basic necessities of life of the muslim society of that early age. It is an out- standing feature of the Islamic system of social security that even in those early days none of the citizens of the first Islamic state of Madina was deprived of his basic necessities of life. The travellers and destitutes, the poor and the needy or those of Sahaba (the companions of the holy Prophet) who were homeless, were provided with their needs in Suffa i.e. a place within the surroundings of mosque of the holy Prophet (peace be upon him) where such persons used to live and with the help of his Sahabah used to meet their basic requirements. He always used to provide financial assistance to the poor and the needy from the Bayt al- Māl (public exchequer), as also monetary help to those who were invalid. He had announced:

✓ "When Allah opened for his Prophet (peace be upon him) the gates of conquests." He said, "I am dearer to the muslim even than their lives. If any muslim died indebted, I shall pay his debt, and if he left property that will go to his successors".<sup>1</sup>

According to Hadrat 'Abū Hurairah, the holy Prophet (peace be upon him) said: "If any one dies and leaves property, it will go to his inheritors and if the leaves minor children than I am responsible for their maintenance".<sup>2</sup> )

In another tradition the holy Prophet (peace be upon him) admitted, not only, his responsibility to pay the debt of the deceased muslims but also admitted of the social security of the

muslims at large. There is another tradition on this subject. Hadrat Miqdām b. Ma'dī Karab, the holy Prophet (peace be upon him) said, "If the deceased leaves property it will go to his successor and if he leaves responsibilities, I shall complete them in his behalf". Sometimes, he said, "Allah and his Messenger are responsible (for the fulfillment of his responsibilities)".<sup>3</sup>

'Abū 'Ubayd Qāsim b. Sallām, commenting on this tradition, writes, "According to us (i.e. the jurists of Islam) the word (Kal-lun) includes the maintenance of the minors, and the fulfillment of the other responsibilities of the deceased".<sup>4</sup>

✕ At another occasion the holy Prophet (peace be upon him) said, "Allah and His Messenger are the guardian of he who is without guardian".<sup>5</sup>

✓ Hadrat Bilāl said, "And I was made incharge of the maintenance (social security) of the poor and the needy and I contented performing this noble duty from the beginning of his Prophecy till his death. Whenever any hungry or naked muslim came to him, he used to order me (to meet his need). I went to borrow and with that borrowed money I made arrangements for his clothing and food".<sup>6</sup>

He was so much anxious for the maintenance of his companions that he used to pray for them.

✓ "O Allah! these are bare-footed (and have no horses or moles or camels to ride upon), grant them (horses and camels) to ride. O Allah! these people are naked, grant them clothes. O Allah! these are hungry, grant them food for satisfaction. These are poor and needy enrich them by Your Grace".

He taught his followers the following prayer:-

"O Allah! I am weak; strengthen me. I am lowly; give me honour; I am indigent, give me subsistence. "O Allah! We beseech Thee to let no sin of us remain unforgiven, no worry unremoved, no debt unpaid, and no want of this or of the life coming after, unsatisfied. O Thou kindest of the kind".

## B. DURING THE TIME OF HADRAT 'ABŪ BAKR

In the light of the above-mentioned traditions we come to know that during the period of the holy Prophet (peace be upon him), the Islamic state was responsible for the social security of all. No, doubt the people were aloof from all sorts of formalities and life was quite simple, but none was deprived of his basic necessities of life. In his days the sources of income of Bayt al-Māl were confined to Zakat, Al-Sadaqat al-Nāfila (optional charities), Jizya, gifts, and spoils of war only. The income of Bayt al-Māl was very small because the supreme source of income i.e. Zakat was not much because the Muhajirin (the emigrants of Makka) had left all of their wealth and property in Makka and were sharing the wealth of Ansār (the helpers of Madina). But whatever was collected for Bayt al-Māl was distributed among the poor and the needy.

When spoils of war also became a great source of income, their four-fifth was distributed among the fighters and one-fifth was spent for the maintenance of the poor. Share of every one, in spoils of war, was determined according to one's merit and need. Every foot soldier was paid one share while a horse-man was given two shares i.e. one for himself and one for his horse. According to needs, a bachelor was given one share and a married man two shares. However, the property of Banū Nadīr was equally distributed among the Muhajirin and two of the Ansār who had no means to live on. But when Allah opened for him the gates of conquests, he declared for the social security of all the poor and the destitutes of the Arabian peninsula at massive scale.

## B. DURING THE TIME OF HADRAT 'ABŪ BAKR

Hadrat Abū Bakr Siddique, the first Caliph, strictly adhered to the policy of social security initiated by the holy Prophet (peace be upon him). He even declared war against those peoples who had refused to pay Zakat; the right of the poor and the needy in the wealth of the rich of the muslim society. Hadrat 'Abū Bakr, did not hesitate to take their rightful share by force. He declared, "By Allah, if they refuse to pay one rope, to be tied to the foot of

camel, which they used to pay to the holy Prophet (peace be upon him) I shall fight against them for their refusal".<sup>8</sup>

In his days the system of social security was same as it was during the era of the holy Prophet (peace be upon him). The people were fond of leading a simple and pious life. The luxury and ostentation was not even thought of. The Islamic state was anxious to meet only the basic necessities of its citizens. The source of income were the same as they were in the time of the holy Prophet (peace be upon him). But whatever was collected in Bayt al-Māl was spent on the muslims: the poor and the rich.

✓ He paid equal grants to all companions of the holy Prophet (peace be upon him) and did not distinguish between al-Sabiqun al-Awwalun (the earliest muslims) and the later converts; the man and the woman and the free and the slave. He introduced the principle of equality concerning the economic needs and totally ignored the reward of good deeds and services rendered by anyone for Islam. So, all were given equal allowance and whatever left was spent on preparation of Jihad (holy war against the disbelievers and foes).<sup>9</sup>

✓ Once, Hadrat 'Umar and a party of the companions of the holy Prophet (peace be upon him) insisted that the earliest Muslims and those who had sacrificed and rendered serves for Islam should be given preference over the later converts and be paid higher grants. Hadrat Abū Bakr replied:-

✓ "I am fully aware of the superiority and the excellence of the people you have stated; but it is a thing, which will be rewarded by Allah, but here is the matter of livelihood, where equality is better than the principle of preference".<sup>10</sup>

He thus tried to provide the basic necessities of life to every member of the society. When the income of the Bayt al-Māl increased, all the Muslims benefited from it and none was deprived of his basic necessities of life. So far, there was no separate department of social security. The controller of Bayt al-Māl, 'Abū

'Ubayda was made incharge of the distribution of stipends and allowances.)

### C. DURING THE CALIPHATE OF HADRAT 'UMAR

The caliphate of Hadrat Umar (May Allah be pleased with him) is considered to be the brightest period in the history of the Islamic system of social security which serves as the mile-stone for the coming generation till the Day of Judgment. He was very much anxious to meet the basic necessities of the community.

During his caliphate the source of the income of Bayt al-Māl had increased. There was abundant of wealth in Bayt al-Māl and every citizen of the Islamic state was given his due share from it. In the beginning, he differed with Hadrat 'Abū Bakr's principles of equality in distribution of wealth among the citizens to meet their needs and adopted the principle of preference. He did not like to grant the same amount to those who had fought against the holy Prophet (peace be upon him) and those who had fought on his side. He was of the opinion to give preference to the earliest Muslims among the Muhajirīn (the emigrants) and 'Ansār (the helpers) over the later converts. His opinion was that the trials which one had gone through in Islam must be taken into consideration at the time of fixation of one's share from the (surplus wealth of the nation) Bayt al-Māl.<sup>12</sup>

According to 'Abū Zad, he heard Hadrat 'Umar b. al-Khat-tāb saying:- "By Allah (there is none to be worshiped save Him), Every one (of the community) has his due share in the wealth (of Bayt al-Māl) whether he practically receives it or not. None is superior to another in share. As regards myself, I am alike any other amongst you. But our principles of preference depends upon the verses of the holy Quran and the traditions of the holy Prophet (peace be upon him). The trials which one has gone through for the sake of Islam and his period of embracing Islam will also be taken into account. Moreover, richness and poverty will also be considered while fixing one's share. By Allah! If I live, the shepherd grazing his sheep on the top of San'a' (the hill in

Yaman) will receive his due share form this wealth before this that his face become red of running and trying to get his right.<sup>12</sup>

In the light of the above quotations, we see that Hadrat 'Umar (against Hadrat 'Abū Bakr) adopted the principle of preference in the grant of allowances and stipends from Bayt al-Māl, but it did not create mal- adjustment in the field of economies. No doubt, a very strong and efficient ruler, like him, could effectively maintain the differences in wealth within natural and equitable limits. But in the long run such policy was not followable. Hence, in the last days of his caliphate, he realized the importance of Hadrat 'Abū Bakr's principle of equality and decided to adopt it. His famous remarks in the respect are noteworthy:-

"If I live till the next annual disbursement of the stipends, I will equalize all in the distribution and make no distinction between the earlier converts and the later converts".<sup>13</sup>

He further said:- "If I had known earlier what I knew now I would have taken the surplus wealth from the rich and distribute it among the poor and the needy".<sup>14</sup>

But the death stole a march on him and he could not fulfill his desire.

### Department of Social Security

✓ Hadrat 'Umar was the first ruler in the world history who introduced the system of social security in his regime. He established in the caliphate the department of social security on systematic and regular basis. A careful census was taken, each name having been registered, to facilitate the task and to ensure that every one was provided with the basic necessities of life. Even orthodox European orientalisists admit that to Hadrat 'Umar belongs the credit of being the first ruler to maintain registers showing he numbers and needs of the people to enable the state to discharge efficiently its duty to the public. ✕

According to 'Abū 'Ubayd: "When in the period of Hadrat



'Umar (May Allah be pleased with him) wealth increased to a considerable extent, he organised different departments, fixed regular salaries of the governors and the Judges etc. The people were forbidden to hoard surplus and wealth not to engage in agriculture and landlordism. The individuals and their dependents as well as their slaves were given stipends from Bayt al-Māl<sup>15</sup>

✶ Imam 'Abū Yūsuf has described the formation of this department in these words.

"When Allah extended the conquests during his regime and Persia and Rome were conquered, he called the Advisory Council from the companions and said, "I had decided to keep the wealth in Bayt al-Māl because it will be useful for paying annual grants to the people and I want to know your opinion in the concern". They replied, "Do as you think proper and Allah is with you for proper guidance". Then he fixed grants for various categories of the people and ordered for the preparation of registers to make necessary entries therein. He enquired, whose name should be written first in the register? Hadrat 'Abd al-Rehman b. 'Awf replied, "Start with your name". Hadrat 'Umar (May Allah be pleased with him) said, "By Allah ! I cannot do this but I will start with the names of Banū Hāshim, the tribe of the holy Prophet (peace be upon him)".<sup>16</sup>

'Imām 'Abū Yūsuf again writes:- "The first reason for the preparation of these registers was that the Governor of Hadrat 'Umar for Bahrayn once sent five million Dirhams to Hadrat 'Umar. Hadrat 'Umar (in those circumstances) took it for a great money and appointed a guard to look-after it in the mosque of the holy Prophet (peace be upon him). He sought the opinion of the companions. Some of them, who knew the monetary system and fiscal policy of Persia and Syria, recommended of the preparation of registers, to enter therein the names of people and their maintenance allowance. It was suggested that the maintenance allowance should be monthly".<sup>17</sup>

✕ These statements show that, to maintain the social security of all, Hadrat 'Umar got the registers prepared and department of social security was organised for this very purpose. This department was created on the basis of the verses of the holy Quran concerning Zakat and Sadaqat, and the traditions of the holy Prophet (peace be upon him) which explicitly recommended that the Sadaqat should be collected from the rich and disbursed among the poor, and the destitutes of the society for their maintenance. All those people who were old, orphans, widows, or for any reason invalid to earn their livelihood, were paid annual grants from Bayt al-Māl according to their entries in the registers. ✕

These social security registers were of numerous types and categories. There were separate registers for each category of grant; fighters and volunteers were paid their allowances and grants from Fay, while the needy and destitute were paid allowances from Zakāt, 'Ushr and other Sadaqat. The system of disbursement of these grants were monthly or annual or bi-annual but the emergency payments (to travellers and the poor debtors) were made according to need and time. The criterion adopted by Hadrat 'Umar for the fixation of maintenance allowance of the citizens was very just and wise. He selected some persons of good appetite, abode them for two meals, and then accordingly determined the stipend for every one.<sup>18</sup>

According to another tradition, Hadrat 'Umar said (and he was holding a weight in one hand and measure in the other hand) "I have fixed for every muslim two weights of wheat and two measures of Olive oil and two measures of vinegar for one month". One (of the audiences) stood up and said, "Will this measure be given to the slaves also?" Hadrat Umar replied, "Yes, for the slaves as well".<sup>19</sup> ✕

Hadrat 'Umar stood up at the pulpit and after praising Allah and blessing over the holy Prophet (peace be upon him) said, "I have fixed monthly grants and allowances for every-one of you (he

muslims)" He was holding weight in one hand and me other.<sup>20</sup>

✕ This department of social security had not only its door opened for the muslims but for non-muslims also. As a matter of fact, it was a complete system of social insurance. There are certain incidents in this regard which shed ample light on it. Once Hadrat 'Umar visited a place and there he saw an old and blind man begging. He asked him, "Who are you and why are you begging?" He replied, I am a jew and the payment of Jizya, and economic needs and old age forced me to beg". Hearing this, Hadrat 'Umar caught him by his hand, took him to his home and granted him whatever was available. Then he sent an order to the treasure of Bayt al-Māl. ✕

"Consider the case of this person and the others of his age. By Allah! We cannot be good; if we benefit from his bloom but leave his barren to destroy. In the holy Quran al-Sadaqat are for the needy and the destitutes. And in my opinion the needy here means the 'poor muslims' and the word Masākin refers to the needy and the poor of the People of Scripture". He granted Jizya concession to all people of that sort and fixed their stipends from the Bayt al-Māl.<sup>21</sup> ✕

Hadrat 'Umar was so much anxious about prosperity and welfare of the non-muslim subjects of the Islamic state that once when Hadrat Hudayfa and Hadrat 'Uthmān b. Hunayf returned with the amount of Kharāj from the area of river Tigris, Hadrat 'Umar asked them if they had received from the Dhimmi more than what they could pay? Hadrat Hudhayfa replied, "Whatever is left with them is much greater than what has been received". Hadrat 'Uthmān replied, "I have left with them double to this". Hearing this Hadrat 'Umar explained the importance of this problem in these words:-

"By Allah! If I remain alive I will grant the widows of 'Irāq so much so that they shall not be in need (of financial aid) of any caliph after me".<sup>22</sup>

In short, Hadrat 'Umar (May Allah be pleased with him) was very careful about the social security of his subjects, irrespective of their class and creed.

✓ **D. DURING THE TIME OF HADRAT 'UTHMĀN**

During the time of Hadrat 'Uthmān the system of social security for all was fully maintained. The new lands had been conquered; the sources of the income of Bayt al-Māl had increased and the amount of money for public maintenance was increased many folds. He was very generous by nature, so, he granted very large sums of money to the people. Though he believed in the equalitarian principle in the basic needs of the people, but he did not think it compulsory to apply this principle in the fixation of grants and stipends. There was abundance of wealth and every one had sufficient means to meet his needs and to save even. On the whole, the state responsibility for public insurance was fully maintained and the needy and the poor (if there was any) carefully looked after, during his regime.

**E. HADRAT 'ALĪ'S PERIOD**

Hadrat 'Ali's period was full of war, worries and grouping. There was a long tussel between him and 'Amir Mu'āwiyya, coupled with by Khawārijites. He spent more of his time in battles so the income of Bayt al-Māl was reduced. Thus, he could not make any improvement in that prevailing system of social security, yet the public maintenance was well kept and the poor and the destitutes were carefully looked after.

In fixation of allowances and grants he strictly adhered the policy of Hadrat 'Abū Bakr (may Allah rest his soul) i.e. the equalitarian principle of disbursement of allowances among the people. He had declared this principle in his first public address, when he said:-

"Listen ! If any of the companions of the holy Prophet (peace be upon him) whether he is the Muhājar (the emigrant of Makka) or the 'Ansari (the helper of Madina) is of the opinion that he is

superior to the others due to his companionship with the holy Prophet (peace be upon him), he must know that its reward is with Allah in the world hereafter. Listen carefully! Whoever accepted the call (invitation) of the holy Prophet (peace be upon him), attested our Millat (creed); accepted our faith and turned to our Qibla (holy Ka'ba) at the time of prayer (i.e. salat), he has enjoined himself for the rights and the duties prescribed by Islam. As a matter of fact, all of you are the slaves of Allah and this wealth is Allah's property, hence, it will be distributed among you equally. In this case, none is superior to other. But Allah-fearings will have their reward from Allah".<sup>23</sup>

## ✓ CONCLUSION

In the early period of Islam, the system of social security for all was fully maintained. The head of the Islamic state was the guardian of his subjects and the state was the servant of the people in the real sense of the word. The main features of social security, introduced in these days, can be enumerated as follows:-

- i. ✓ There was a complete system of social security for all. The state was enjoined upon to provide at least living wages to every citizen irrespective of his class and creed.
- ii. ✓ Financial aid was given to the wayfarers, the poor and the invalids; houses and taverns were built in every big city and town, where travellers were provided with lodging and food free of charges.
- iii. ✓ Expenses of invalids, orphans and widows were paid from Bayt al- Māl.
- iv. ✓ Every new born child was given allowance from Bayt al-Māl.
- v. ✓ The people were enjoined to pay poor-dues from their wealth i.e. Zakat, 'Ushr, Sadaqat etc.
- vi. ✓ Concentration of wealth, exploitation, profiteering, interest, hoarding, black-marketing etc. were strictly prohibited. The wealth was free from any restrictions to circulate in all parts of the society. Hence, the state enabled the poor to get their

due right from the wealth of Allah for which the rich were made trustees. Thus, social justice was ensured.

- vii. Persons rendering social services i.e. teaching, preaching, the calling of for prayers etc. were also given stipends from Bayt al- Mal.
- viii. Every-one was given financial aid according to his need.

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**A SUCCESSFUL SYSTEM, THAT HAS BEEN IGNORED,  
NEEDS RE-ESTABLISHMENT.**

Provision of Social security by every state is considered a modern trend and a newly born idea, which the modern states have adopted after bitter experiences of centuries and a long history of social injustice. It is one of the glories of Islam that it practiced this system at the time when the world was lying in social darkness.

Further, we have seen how marvelously it succeeded in achieving its aims of social security i.e. complete eradication of hunger and misery, and introduction of social justice. All such realities are traceable in the heart of history. It is not a Utopia which exists in the mind of those Muslims who dream for its revival; rather it a reality practised by the Muslims even 14 centuries ago as a system enjoined by Allah.

No doubt, since the times of the holy Prophet (peace be upon him) and his Guided caliphs, during the past 14 centuries the Islamic states have deprived themselves of this boon by deviating from Allah's path so there are glaring inequalities between the "Haves and Have-Nots". This is a hard reality, which we, as Muslims must accept open-heartedly. All this is due to the Muslim Rulers' selfishness and for other reasons fully known to all of us. But its spirit is not to be intimidated. And if a noble deed is not known to us or it is not in our practice, it does not mean that it does not exist. Distortion cannot destroy it, it is eternal, latent in the heart of the holy Quran and the Sunna.

This system of social security was practised by the holy Prophet (peace be upon him) and his true and blessed caliphs and the later caliphs (may Allah pleased with them).

During the age of Hadrat 'Umar b. 'Abd al-'Azīz this system of social security touched its heights of glory. Poverty and want were totally eradicated and misery was taken over. This was an ideal stage. Let us listen to what was said by Yahyā b. Sa'īd; a Zakat collector under Hadrat 'Umar b. Abdul 'Azīz. "Umar b. 'Abd al-'Azīz sent me to collect Zakat from Africa. I collected it and then looked for the poor to distribute the alms among them but I found none who might have accepted them from me because Hadrat 'Umar b. 'Abd al-'Azīz (may Allah have mercy upon him) had enriched the people".<sup>1</sup>

What a successful social security system it is (was)! It is still existing, and the long period of 14 centuries could not diminish its glory; although it did not appear completely in the societies of the recent past centuries, it still has a clear manifestation in many aspects of the social life in all Muslim countries.

## HOPE FOR FUTURE

These unfortunate generations, that have been under going the tyranny of different "Isims, with different systems of social security since the fall of Muslims, have now fed up with these secular, extremist and man made systems, and are in search of any system of social security which not only fulfills their basic necessities of life but also gives them peace of mind and restores their dignity as "man" whose fundamental problems are not only "hunger and sex", but freedom, self-respect and peace of mind also.

We have no doubt when we say that it is only the "Islamic system of social security" which has provided and can provide all these mankind's requirements of life. This is the message of happiness and the only hope for bright future of humanity who is in search of peace, goodwill, human brotherhood, equality of Man, freedom and justice. Islam can restore all these and even more than these, and for their restoration, it does not use threat, terrorism and pressure, but its methods of achieving these objects are based on convincing the people that these principles ensure

happiness in this world and the blessing of Allah in the world Hereafter.

### RE-ESTABLISHMENT OF THE ISLAMIC SYSTEM OF SOCIAL SECURITY.

How can this hope for the bright future of the wronged humanity be achieved? The answer of this question is easier than the question itself. It is not a hard nut to crack. All the guide lines pertaining to its establishment are found in the holy Quran and Sunnah, and its practical shape; which was formed in the age of the holy Prophet (peace be upon him) and his true companions, can be traced in the history.

Its re-establishment requires some one with full commitment and belief in this system. In the forth coming two chapters an attempt is made to put a model of Islamic system of social security. It may serve as a guide for the start of this noble deed.

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## **SOCIAL SECURITY SYSTEM IN MODERN ISLAMIC STATE**

### **MINISTRY OF SOCIAL SECURITY**

The Islamic state, for the performance of its responsibility for the social insurance of the public, will establish a full-fledged ministry of social security. The functions of this ministry will be the collection of Zakāt, and, other obligatory Islamic taxes, social welfare contributions and their disbursement to their beneficiaries; construction of various social welfare institutions like orphans' houses and invalid aid centres, as well as establishment of social insurance units, etc.

This ministry will have its offices at the central, provincial, divisional, district and tehsil level, and the rich will be advised to deposit their Zakāt and other social security taxes with these offices.

### **ADMINISTRATION**

A minister will run this department, who will be master of the Islamic Shari'a and will have practical knowledge of social welfare, social service and social security. The other members of the subordinate staff will consist of committed Muslims, who will have sound knowledge of public Finance in Islam i.e. their collection, disbursement, heads of expenditures and their beneficiaries etc. They will have to undergo a compulsory training for this purpose. The responsible officers of this department will be selected through "Public Service Commission", which interviewing committee will consist of Islamic Jurists, Islamic economists and public administrators. These officers' character roll will be verified by two trust-worthy persons of his native village, town or

city. This method was introduced by Hadrat 'Umar (may Allah be pleased with him).<sup>1</sup>

### **SALARIES OF THE STAFF AND CONSTRUCTION OF BUILDINGS**

Perhaps, a difficult problem will be the availability of funds for the salaries of the staff and the construction of the offices of this department. This payment will be made from the "Social Security" funds which will suffice for this purpose Zakāt and 'Ushr cannot be expended for this purpose, for these two taxes have their prescribed beneficiaries (expenditures) and they cannot be spent for other welfare purposes; and for the construction of social security office buildings or for the expense of post. This is the opinion of the Hanifite jurists.<sup>2</sup> Or the state will construct its buildings and offices as it does for other unproductive projects i.e. education, health etc.

The salaries of the staff of this department will be paid according to their merit and nature of duty. They will be equal in status and salary to the officials of their cadre in other departments. But the amount of the salaries, especially that of Zakāt collectors and other payments should not exceed 1/2 of the Zakāt collection.<sup>3</sup>

### **MAKE A START**

Unfortunately, the Muslim states, whose aim of organization, as revealed in the holy Quran is introduction of Salat and Zakāt system,<sup>4</sup> all over the world, have displayed over centuries distressing disregard for introduction of public finance in Islam, and a criminal negligence of duty towards its maintenance or revival. When the Islamic states will struggle for the maintenance or revival of this system, perhaps, they will surely face some difficulties, but if so, these difficulties can be overcome and removed with patience and persistence over a period of time. Let them cast away the slumber of centuries and wash away the sins of ages, as speedily as possible. Moreover, it is not wisdom to put off a noble

cause, a good deed, a social development system and especially Allah's commandment because of some difficulties of procedure.

The Islamic states should make a start and set up an energetic and honest machinery for this purpose. The system of social security prevalent during the age of the holy Prophet (peace be upon him), and the rightly guided Caliphs and other Islamic Caliphs will serve this machinery as a guide.

### INCOME CALCULATION SHEETS

The Islamic state will ask its rich to submit their annual statements showing full description of their taxable income.<sup>5</sup> Their income sheets will include both apparent and non-apparent wealth. Every-one who will submit calculation sheet will be enjoined upon to attach an attested affidavit showing that he is not missing any wealth to show. Fraud in this regard will be punishable which will include even the confiscation of that hidden property.

### MONTH OF COLLECTION

The Islamic state can affix a certain month for the payment and calculation of Zakāt, and we suggest a lunar month and particularly Ramadān; the fasting month, because it is very influential in creating the spirit of sacrifice in the way of Allah. 'Ushr will be collected at the time of harvest, while the other taxes of social security will be collected at different times particularly whenever the need arises (as emergency taxes).

But if the Islamic state levies fixed tax on the "Haves" of the Muslim society -- which the Islamic state is entitled to levy -- then such taxes may be collected in a fixed month, say Ramadān. Moreover, this very month of Ramadan will be the budget month of social security Ministry, in which the expenditures of last year, prospective expenditure of the coming years, total income, deficit and surplus etc. will be declared.

### INVESTIGATION COMMITTEES

These committees will be appointed by the social security

department to investigate through income calculation sheets, and the agricultural produce for 'Ushr and other taxable incomes. According to some jurists these committees are not entitled to investigate through non-apparent property i.e. gold, silver, diamond, ornaments etc.<sup>6</sup>



### ESTABLISHMENT OF SOCIAL SECURITY FUND

The Ministry of Social Security will establish of social security fund. This will be a financial institution. It will open its Zonal offices at every District Head-quarter and sub-office at every big city. These offices will receive Zakāt, 'Ushr, Sadāqat, social security contribution, gifts etc.' This fund will maintain the record of annual income and expenditures. In every office of this social security fund there will be separate register for the income from any particular item (say 'Ushr), and income from every item will be disposed off on its prescribed expenditures according to the teachings of Islam pertaining to the collection and disbursement of that item.

The sources of that fund (i.e. Zakāt, 'Ushr, Sadaqa-t al-Fitr, Sadaqat, Dara'ib etc) will bring in colossal sums of money, large enough to maintain the needy and indigent, the poor and the sick. The incharge of this fund should be honest, sincere and energetic.



### LIST OF BENEFICIARIES

The Social Security Ministry will prepare the list of beneficiaries (destitutes, orphans, widows, disabled, old-age, unemployed etc.) at village level. This may be done with the cooperation of the census department. This procedure was adopted by Hadrat 'Umar (may Allah peace with him) in the early ages.<sup>7</sup> In this age of science, with developed sources, the Islamic state can do this easily within one or two months. Great care will be taken for the preparation of these list. During the preparation of these lists the doubtful persons may be asked to take oath or to furnish certificate by two reliable persons.





## GRADATION OF BENEFICIARIES

All beneficiaries will not, and cannot, be of the one gradation because all are not cast in the same mode, and they will belong to different categories. Their classification may run as follows:-

### 1. First Category

This category will consist of those persons whose needs are of permanent nature i.e. hairless old, shelterless widows, disabled indigent etc. They will need permanent supervision and financial care.

### 2. Second Category

This category includes orphans, debtors, poor students, unemployed, victims of natural hardships and ailings etc. As soon as any these persons recovers his health or attains his puberty and becomes able to earn his livings or gets any employment and thus his temporary need is fulfilled, his name will be removed from the panel of these beneficiaries; and their stipend will be stopped.

### 3. Third Category

This category consists of those whose deprivation will be of purely temporary nature i.e. the wayfarer needs financial aid to complete his journey or stranger who is cut off from his property or any person whose property is stolen or lost and he seeks aid to pull on himself in these hard times. /

## SOCIAL SECURITY INSTITUTIONS

The social security Ministry, with the help of social security fund, will open some institutions to meet the needs of the poor and the needy. These institutions will be of the following sorts:-

### 1. Children Upbringing and Training Centres

These centres will bring up orphans, hairless children, the poor children etc, and impart primary education and technical training. Their schooling will be both in religion and in knowledge

of every-day life. Their teachers will be paid from the social security funds. and they will be treated as the other Government Servants of their cadre. The higher education of these children will depend upon the recommendations of their teachers and only the talented and industrious students will be recommended for higher education while the other will be recommended for such training as can prepare them to adjust themselves in society to earn their livings.

These centres will provide these students and trainees with their lodging, clothing, food, books and compulsory medical care.

Hadrat 'Umar, in his period made necessary arrangements for the education of such children. According to Hadrat Wudayf b. 'Atā, there were three persons in Al- Madina Al-Munawwara who used to school the children and Hadrat 'Umar used to pay each of them 15 Dirhams every month.<sup>8</sup>

Hadrat 'Umar b. 'Abd al-'Aziz also appointed paid teachers to educate children.<sup>9</sup>

## 2. Free Dispensaries

In these dispensaries the poor and the destitutes will be given compulsory medical treatment free of charges. Dispensaries for animals will also be opened. The employees in these dispensaries will be government servants. They will be paid from social security fund and will be of the same status and enjoy the same privileges as are enjoyed by the other employees of their cadre and qualifications. Such dispensaries were opened the Hadrat 'Umar in that early age.<sup>10</sup> Hadrat 'Umar b. 'Abd al-'Aziz appointed servants to look-after the hairless orphans, blinds, olds etc.<sup>11</sup> These servants may be taken for the menial staff of these dispensaries.

## 3. Guest Houses

Guest houses will be built only in big cities, because in villages and small towns hospitality is performed as a religious cause and noble deed. In these houses the wayfarers will be served with

lodging and food. This service facility will be for a few days (say three days) but the deserving cases will be allowed for more than three days. According to Baladhūrī such a guest house was built in Kūfa by the order of Hadrat ‘Umar.<sup>12</sup> A big house was built in Madina,<sup>13</sup> and many a tavern on the way between Makka and Madina.<sup>14</sup>

#### 4. Training Centres

These training centres will be vocational institutions, which will impart necessary professional training in different fields to those poor, but healthy and young persons, who want to earn their livelihood by their labour. These young men, who shirk work and adopt beggary or theft as a way to fulfill their necessities, will be forced to get professional training in these institutions. Such institutions will be opened at district level, and at tehsil, provided resources. Persons other than the poor and the destitutes will be admitted in these institutions (if the number of seats permits), they will pay fee and dues which will be a source of income for the social security fund. The period of training in these training centres will be minimum.

#### 5. Stipends and Financial Aid Centres

These centres will be opened at every big city, and then in every town. The beneficiaries will draw their stipends and maintenance allowance from these centres. The system of disbursement of these stipends and allowances will be the same as the present system of disbursing salaries and wages of Government or private employees. Every beneficiary will receive his stipend or allowance from his nearest stipend centre, where his name will be enlisted. Every-one will have to draw his allowance personally except the invalids, their payments will be made to the bearers of their authority letters in their behalf. These centres will give marriage loans to marriageable man. Examples of such financial aid can be traced in the period of Hadrat ‘Umar b. ‘Abd al-‘Azīz (may Allah be pleased with him).<sup>15</sup>

Moreover, these centres will give interest free loans to the poor and the needy. Hadrat 'Umar b. 'Abd al-'Aziz had passed such orders to the incharge of Bayt al-Māl.<sup>16</sup> (the public exchequer).

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1. 'Abū Yūsaf: *Kitāb al-Kharāj*, Cairo, 1346, p. 66.
2. cf. Mufti Mohammad Shafi: *Qur'an Maen Nizam-e-Zakāt*, Karachi, 1963, p. 57.
3. Ibid, pp. 56-57
4. The holy Qurān has pointed to this sacred duty in this verse: (22:41)
5. Here we mean Zakāt.
6. Mufti Muhammad Shafi: Ibid, p. 26.
7. 'Abū 'Ubayd: *Kitāb al-Amwal*, cf. Hifz al-Rahmān: *Islam Ka 'Iqtisādi Nizām*, Delhi, 1959, pp. 131-135.
8. 'Abū Ubayd: *Kitāb al'Amwāl*, Cairo, 1353 AH., p. 165.
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10. Ghazzālī: *al-Tabar al-Masbūk*, Cairo, 1306 AH, p. 17
11. Ibu Jawzī: Ibid, pp. 154-155.
12. Baladhūri: *Futūh al-Buldān*, Cairo, 1932, p. 278.
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14. 'Ibn 'Athīr: *al-Kāmil*, vol. 6, Cairo, 1303 AH., p. 26.
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## FEEDERS OF SOCIAL SECURITY FUND

### 1. WAQF

Literally the term Waqf, means detention. Legally the meaning of Waqf, according to 'Abū Hanīfa, is the detention of a specific thing in the ownership of the Wakif or appropriator, and the devoting or appropriating of its profits or usufruct in charity on the poor or other good objects. Imam' Abū Yusūf and Mohammad opine that Waqf signifies the extinction of the appropriator's ownership in the thing dedicated and the detention of the thing is the implied ownership of Allah, in such a manner that profit may revert to or applied for the benefit of mankind.<sup>1</sup>

In short, we can say that Waqf refers to voluntary transfer by any individual of his ownership to the ownership of the state for the common heal of the community. Islamic Jurists derive its sanction from the following verse of the holy Quran:

"You cannot attain to righteousness unless you spend what is dear to you".(3:92).

The holy Prophet (peace be upon him) has explained the above state law in these words:-

"When a man dies, reward of all his noble deeds is discontinued except that of three;

1. Continuous charity,
2. beneficial knowledge and
3. good successors (sons and daughters) who will pay for him".<sup>2</sup>

Waqf is the best form of SADAQA AL-JĀRIYYA (Continuous charity). The pious companions of the holy Prophet

(peace be upon him) followed this law is its best form. According to Hadrat 'Anas, Hadrat Talha was the richest among 'Ansar (the helpers). His best property was his BERHA (a garden of dates), which was situated in front of Masjid al-Nabawi (the mosque of the holy Prophet (peace be upon him)). The holy Prophet (peace be upon him) used to visit that garden, drank its sweet and cold water. When the verse "You cannot attain righteousness unless you give of that which you love" was revealed, Hadrat Abū Talha stood up and said, "O Prophet! know BERHA is the loveliest garden of mine, and I want to appropriate it for Allah, and you are authorised to spend it according to your will". The holy Prophet (peace be upon him) detented its income for his kith and kin.<sup>3</sup>

Hadrat 'Umar (May Allah be pleased with him) appropriated his land of Khayber for the Muslim Community.<sup>4</sup>

### Principles of Waqf

1. Every Muslim of sound mind and not a minor may dedicate his property by way of Waqf. A Waqf made by will or during Marz-al-Maut (at death-bed) cannot operate upon more than 1/3 of net assets without the consent of the heirs.<sup>5</sup>
2. The purpose for which a Waqf is created must be of a permanent character.<sup>6</sup>
3. The dedication must be permanent. A Waqf for a specified period say 10 years is not valid.<sup>7</sup>
4. Subject of Waqf must belong to Waqif, it means that a property dedicated by the way of Waqf must belong to Waqif at the time of dedication.
5. Subject to waqf may be both the moveable and immoveable property.
6. Waqf, made for only lawful purposes is valid.
7. Contingent Waqf is not valid. It is essential to the validity of a Waqf that the appropriation should be made to depend on contingency.<sup>8</sup>
8. Waqf property cannot be alienated.<sup>9</sup>

9. The Mutawalli (the guardian) has no right in the property belonging to the Waqf; the property is not vested in him, and he is not a trustee in the technical sense. He is merely a super-intendent or manager for which he can be paid a salary from the proceeds of the waqf
10. The Waqf can revoke the testamentary Waqf (waqf made by will) at any time before his death.
11. The Waqif has the power to alter beneficiaries either by adding to their number or excluding some, and to increase or reduce their shares.
12. The waqf may provide for the payment of his debts out of the income of waqf property.<sup>10</sup>

### **Objectives and Functions**

1. Circulation of the wealth from the rich to the poor and the needy.
2. Maintenance of the poor relatives and dependents.
3. Construction of the holy Place i.e. mosques, eidgah, educational institutions, free lodging for the poor etc.
4. Maintenance of burial grounds.

But, not to spend the WAQF income for the objects prohibited by Islam.<sup>11</sup>

### **Classification of Waqf**

Jurists have classified the WAQF as under:-

- i. Public Waqf
- ii. Private Waqf

#### **i. Public Waqf**

That is made for the benefit of the community and is very often controlled by state. Its example, in the history of Islam, is the waqf of Hadrat 'Umar (May Allah be pleased with him) made

for the benefit of Muslim, of his land in Khaybar.<sup>12</sup> Islamic jurists have termed this form of waqf as *WAQF AL-KHAYRI*.

## ii. Private Waqf

A private waqf is created for the benefit of the settler's family and his descendants. In the history of Islam its example is the waqf of Hadrat 'Abū Talha.<sup>13</sup>

The Jurists have named this form of waqf, as *WAQF AL-AHLI*.<sup>14</sup>

## 2. ZAKAT (Section I)

### I. General Description

Zakat is the corner-stone of Islamic system of social security, which we are going to outline. Apart from its financial importance, in the Islamic system of social security, it is one of the five pillars of Islam on which the entire structure of Islamic thought has been placed. The holy Quran has mentioned this major source of social security at twenty places along salat (the daily prayers). For example:-

"Only he shall visit the Mosque of Allah who believes in Allah and the Last Day and keeps up prayer and pays the Zakat and fears none but Allah.(9:18).

"And keep up prayer and pay the Zakat and offer to Allah a good loan".(73:20).

These verses show that next to prayer Zakat is the most important of the religious duties imposed on the Muslims. And with regard to the rich who does not pay this duty, the holy Quran says:

"Those who treasure up gold and silver, and do not spend them in the way of Allah give them the tidings of painful chastisement, the day this (wealth) shall be heated in the fire of Hell, and their foreheads, their sides and their backs shall be branded with it. (It shall be said to them) "This is what you had treasured up for yourselves, now taste of what you were treasuring.(9:34-35).



Zakat was a compulsory levy on other 'Umma (the followers of the other Prophets) before Islam in the Code (Shariat) of other Prophets as it is a must for the maintenance of the poor and needy, and the holy Quran bears the testimony to it. The holy Quran has stated.

"And We made them (i.e. the Prophets) chiefs who guide by Our Command, and We inspired in them the doing of good deeds and the right establishment of worship and the giving of Zakat, and they were worshipers of US (Alone).(21:73).

The holy Prophet (peace be upon him) has stated Zakat as one of the five pillars on which the entire edifice of Islam is laid. He, on the authority of 'Abd Allah b.'Umar, said:

"The foundation of Islam has been laid on five (pillars), namely that there is none to be worshipped save Allah, SALĀT (the five times daily prayer), payment of Zakat to the poor (if due), the fast during the month of Ramadān and Haj to Makka (when one can afford)".<sup>15</sup>

When He (peace be upon him) appointed Mu'adh b. Jabal as the Governor of Yaman, advised him saying:-

"Make them know that Allah has levied Zakat on (the rich of) them; as that would be taken from their rich and distributed among their poor".<sup>16</sup>

The companions (of the holy Prophet) and all the jurists hold consensus of opinions concerning the obligation of Zakat.

## II. Zakat a State Institution

✓ Take Zakat out of their properties. (Q.9:103)

The sentence 'take Zakat' signifies a command, and the holy Prophet (peace be upon him) in his life used to realize it as the Head of the Islamic State. The rightly guided Caliphs and all the other heads of the Islamic state, in different eras, used to appoint their deputies to collect it. No doubt, it is permissible to pay Zakat individually, but it loses much of its significance thereby and has

been tolerated only in exceptional case. In the <sup>1. confusion</sup> turmoil, following the death of the holy Prophet (peace be upon him) when certain 'Arab tribes refused to pay Zakat to the Bayt al-Māl (the public treasury), the caliph 'Abū Bakr very strongly enforced it at the point of sword and thus saved not only the financial structure of the state but also entire edifice of Islam. ✓

### III. Assessment Period

The period of assessment is full one year, which is neither too short nor too long. All types of property and capital, which have been in the possession of any body for full twelve months, will be subject to Zakat. The lapse of this period of full one year is necessary, because this time is indispensable for productivity to materialize. This lapse of one year derives its legality from a tradition of the holy Prophet (peace be upon him) " No Zakat is due on property before there elapses over it a year".<sup>17</sup>

The following verse of the holy Quran covers the period prescribed for assessment.

"In the eyes of Allah, the calculation of months is twelve months, the day Allah created the Earth and the Heaven". ✓

### IV. Nisāb

✓ The minimum exemption limit, prescribed by Islam for each type of wealth, which remains in the possession of the owner for one year, are subject to Zakat, provided they exceed the prescribed limit of Nisab. This minimum limit, in the case of a debtor, will be achieved after deducting the amount of debt from his total assets. After making necessary allowances for Nisab and debt, Zakat is levied on all types of wealth at rate of 2-1/2%; mines and treasure-trove at 20%; irrigated land at 5%; unirrigated land at 10%; cattle varying between 1 to 2-1/2% (Details here furnished in the next section). ✓

Here are some general rules governing Nisab:-

1. Nisab will be achieved after making necessary allowances

- i.e. debt viz. debts of vow or Sadaq al-Fitr from the total wealth.
2. It will be over and above what is necessary to meet the primary necessities of life.
  3. It must also be owned in full ownership i.e. there must exist both ownership as well as possession, since both possession without ownership or ownership without possession can not lead to productivity whether real or hypothetical.<sup>18</sup>

### V. Pre-Conditions of Zakat

- i. Reason and maturity of the owner of Zakatable property, because without them there can be no responsibility.
- ii. State of Islam, because Zakat can be levied on the property which belongs to a Muslim not the non-Muslims.
- iii. Freedom of person, in order to the provision in the definition of Zakat concerning the transferring of ownership by the Zakat payer to the Zakat-beneficiary may be realized, for a slave cannot own any property.<sup>19</sup>

### VI. Exceptions

The following are exempted from Zakat, because they do not meet the requirements for the payment of Zakat:-

- i. Debtors; whose debt exceeds the price of their wealth at the time of the payment of Zakat.
- ii. Muktab i.e. the slave who obtains from his master the privilege of manumission on payment of a fixed price and consequently engages in trade in order to earn the price of his freedom, since he does not completely own his property.
- iii. The property of minors, the insane and the non-Muslims as they lack maturity (puberty), wisdom and the condition of Islam, respectively. This is the verdict of the Hanafite jurists. However, according to the Malikites and the Shafite, minor and insane are subject to Zakat on the ground

that the Zakat is an obligation connected with property irrespective of ownership.<sup>20</sup>

iv. The goods, things, articles being destined for the basic necessities of life or wanted for productivity purposes, are exempted from Zakat; provided they are not intended for trade. Their brief list is as under:-

1. Dwelling houses;
2. Wearing apparels;
3. Household utensils;
4. Slaves employed as servants;
5. Riding animals;
6. Arms of use;
7. Food used by oneself and one's family;
8. Articles of adornment, if not made of gold and silver;
9. Gems, pearls, rubies, emeralds and the like.
10. Coins of other than gold and silver if intended for personal expenditure.
11. Books;
12. Tools.<sup>21</sup>

### VII. Dimar Property

Dimar property is also exempted from Zakat for the reason that the condition of productivity is absent from it. And when it is recovered, is not subject to Zakat for the past years. But, according to the Malikites, the dimar property if it is gold or silver pays Zakat for one year only but if it is cattle, Zakat is leviable for all past year.

### VIII. Zakatable Properties

According to the Jurists of Islam, only that property is subject

to Zakat which fulfills the quality of productivity. The jurists of Islam have classified productivity as follows:-

- i. Actual or real productivity;
  - ii. Potential or hypothetical productivity;
  - iii. Natural productivity;
  - iv. Artificial productivity;
- i. Actual or real productivity is found in procreation and trade.
  - ii. Potential or Hypothetical productivity as in the case where productivity has been possible, though not actual, in that the property has been in the possession of the owner or his agent.<sup>23</sup>
  - iii. Natural productivity is found in gold and silver which has been created for trade and in themselves are not fit for the satisfaction of wants. Hence, both gold and silver are subject to Zakat whether or not they are intended for trade.
  - iv. Artificial productivity is found in goods, articles, animals etc. other than silver and gold; provided they are intended for trade or for pasture.

## ZAKAT OF GOLD, SILVER AND ARTICLES OF TRADE (Section II)

### I. Gold

Nisab for gold is 20 mithqal which work out at 7-1/2 tolas or 87.48 grams in terms of prevailing international weight. According to Maulana Abdul Haye Frangi Mahal, Nisab for gold is 5 tolas, 2 Masha and 4 Ratties i.e. 60.74 Grams. But according to two later researches the Nisab for Gold is 85 Grams and 91.42 Grams. The rate of Zakat in gold is one-fourth of one-tenth of the Nisab, i.e. 1/2 mithqal in 20 mithqal of gold. The holy Prophet (peace be upon him) said, "Zakat is 1/40th in gold and silver" There is no Zakat on less than 3 Ounces but on 3 Ounces and above, Zakat will be levied at the rate of 2-1/2% (1/40th) of the value of gold.

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1 TOLA = 11.664 Grams

## II. Silver

There is no Zakat on silver until it reaches 200 dirhams when 5 Dirhams are paid in Zakat. The following saying of the holy Prophet (peace be upon him) constitutes the authority:-

"There is no Zakat on silver until it reaches 200 dirhams (which is equal to 612.32 grams) the Zakat on it is 5 Dirhams".<sup>24</sup>

According to 'Imām 'Abū Hanīfa, "after 200 dirhams, if the additional amount is less than 40 dirham, there is no Zakat on it. But when it reaches 40 dirhams, another dirham is paid".<sup>25</sup>

According to 'Abu Sa'id Khudri, the holy Prophet (peace be upon him) said, "There is no Zakat in less than 5 Auqiyah of silver" and one Auqiyah is equal to 40 dirhams, therefore, there is no Zakat on silver until it reaches the value of 200 dirham. When 200 dirhams are kept for complete one year, then 5 dirham are to be paid on them.<sup>26</sup>

200 Dirhams workout at 52-1/2 Tolas or 612.4 grams in the term of prevailing international weights.

### Proposition Concerning Zakat on Gold and Silver

In connection with Zakat on gold and silver the following points are to be considered.

1. The Zakat of trade is given preference in case of conflict between Zakat of trade and Zakat of Sawā'im (pasturing animals). Thus, if a person has camels which he has bought for trade, he will pay their zakat. This is based on the argument that as soon as animals are intended for trade, the purpose of pasture and the cause of the Zakat of swaim ceases to exist and they became trade property both in appearance and in reality. It may, however, be added that the right to collect this Zakat of animals still belongs to the state, irrespective of whether they are taxed as swaim or as article of trade.<sup>27</sup>

2. For the purpose of Zakat, bullion of gold or silver are

treated like wrought or coined gold and silver, such as the dirhams and dinars or the ornaments, decorations and plates made of them. Gold and silver wrought for purposes of decoration and personal adornment pay Zakat as bullion whether or not they are used by women and whether they are kept for purchase of necessities, for personal adornment or for trade.<sup>28</sup>

According to the Malikites, however, if gold and silver are used for lawful purposes such as women's jewellery, they are not subject to Zakat.

Since gold and silver are by nature intended for trade they are considered as productive property and hence must pay Zakat.<sup>29</sup>

3. In determining whether or not the Nisab is complete and the Zakat is due, it is weight and not the value or number that is taken into account. For example, a vase of artistic beauty or antique may be worth many times its value in weight. In such a case the Zakat is levied on the weight but not on the value. In the matter of payment of Zakat also, it is still the weight that serves as basis when the Zakat debt is paid in terms of another genus, it is the value that is taken into consideration.

4. If gold or silver be mixed with an alloy, it is considered as pure, if the alloy is less than half the contents. If the alloy equals the more valuable metal, it does not then pay as gold and silver. Finally, if the alloy is more than 50%, the article is considered to belong to the class of articles of trade if it falls under the latter description or is used as currency. According to one view, however, in gold and silver coins it is not necessary actually to separate the precious metal and it is sufficient if it is known that they contain Nisab weight of the metal in question.

According to the Shafities, however, Zakat is leviable on alloys for the precious metal they contain' only in case the latter by itself amounts to a nisab weight.

5. If gold is mixed with silver instead of with an alloy, and if the gold predominates over the silver, the entire contents are

taxed as pure gold. If, on the contrary, the silver predominates, then each pays Zakat separately, if on Nisab weight. It may be added in this connection that in the matter of alloys, if the Zakat payer does not know the amount of Zakat he must pay, he may either resort to the opinion of two experts or determine it by the method of water displacement.<sup>30</sup>

### III. Commercial Goods

Commercial goods include every thing which is not measured by volume or weight and is not animal or real estate. In fact, all goods, excepting gold and silver, come under the definition of commercial goods, because all are likely to become articles of trade and, therefore, are subject to Zakat. Even real estate-for example a piece of land-may become an article of trade although ordinarily it is subject to Kharāj or 'Ushr as the case may be, provided there is an intention to trade in it.

An article technically becomes one of trade, if there has been, with regard to it, an intention of trade coupled with an act to bear the intention out. The word 'act' as used above includes both commission of an act as well as its omission.<sup>31</sup>

The following extract from 'Ināyah admirably sums up the position in regard to the articles of trade.

1. What is inherited, even though intended for trade, does not, by unanimous opinion, become an article of trade, because in this case the act is wanting. This becomes clear when it is remembered that in Islamic law inheritance is compulsory and takes effect without and in spite of the will of the heirs who cannot refuse to be heirs.

2. What is acquired against a consideration of wealth e.g., through purchase, location or loan. Such acquisitions become articles of trade if intended for trade, since there would then be in them both the intention and the act of trade. This is also unanimously agreed upon.

3. What is required for a consideration that is not wealth,



such as the prices of marriage, divorce, and composition from the right of retaliation for murder (badal al-Sulkh "an dam al-amd") or what is acquired, for no wealth acquired in these ways comes under the description of articles of trade if intended for trade, but it does not so come according to Mohammad Ibn al-hasan.

It is, however, essential that the intention to trade must be present at the time of the act, otherwise it has no effect. There must be intention to trade when the goods are acquired, if there is no intention to trade at the time of purchase, the goods will be considered to have been purchased for personal use. On the contrary goods purchased for trade become commercial goods even if they were also intended to be used personally or rented meanwhile before its sale.

An article of trade continues to be so until it is intended for other than trade, although the intention to trade has not been confirmed by an act, because in this case the act is one of omission, and, therefore, mere intention is sufficient. If afterwards he intends again to trade in that article, it becomes an article of trade only after it has been actually disposed of.

The intention of trade may also be implied. For example, if one purchases a good with trade goods, or if one rents his house which was intended for trade in exchange for an article, the goods received constitute goods of trade even if they were not intended for trade.

The goods of trade are appraised in gold or silver coins as one, the other way is the more advantageous to the poor. According to Imam Shafi, the goods of trade if bought for currency, are appraised in terms of that currency, otherwise they are appraised in terms of the common currency.

If the goods are not sold and remain with the trade for one year, they will be subject to Zakat. According to Imam Malik, if any one purchases wheat or dates with gold or silver for trade purpose and they remain in his possession unsold for full one year,

they will be subject to Zakat, provided they fulfill the necessary Nisab limit.<sup>32</sup>

According to Imam Abu Hanifa, the value of commercial goods should be fixed in terms of money, which is more advantageous to the poor. In the opinion of Imam Abu Yusuf, value of articles of trade should be reckoned in that money by which they were purchased provided their price was paid in money.

According to Imam Mohammad the value of commercial goods must be appraised in terms of money which has greater circulation.<sup>33</sup>

### ZAKAT ON HERDS AND FLOCKS (Section III)

Islamic jurists have used the word *Swā'im*, which literally means any animal that is pasturing. Animals which are used for riding or for carrying loads are not subject to Zakat and do not come under the term *sawaim*, nor does the word *swaim* apply to animals which are taken into account as article of trade. The term *sawaim* applies to animals pastured for their milk and offspring in order that they may grow. Only animals pastured for at least more than six months are considered *sawaim*. If, however, the animal is fed on provender during six or more months of the year, it is not a *sawaim* animal and is exempt from Zakat, unless it is subject to it as an article of trade. If a person buys animals for trade and afterwards turns them into pasturing animal the year is considered to run from the time they become *sawaim*.

According to Shafities, an animal is *sawaim* if it subsists on pasture and does not involve for the owner cost for provender. Hence beasts carrying water or oxen used for transport purposes are not *sawaim* and do not pay Zakat, if they are pastured for more than 6 months in a year.<sup>34</sup>

On the contrary, 'Imām Mālik, however, holds that animals are subject to Zakat even if they are used for work, whether or not

they are sawaim and bases it on the ground that whether or not the animals are actually pastured, they are by quality pastured animals and the fact of their prevention from being so does take them out not from the category of sawaim.<sup>35</sup>

In this connection, the saying of the holy Prophet (peace be upon him) is noteworthy.

"According to Hadrat 'Abū 'Abbās, the holy Prophet (peace be upon him) said, "There is no Sadaqah on the animal used for work and as beast of burden".<sup>36</sup>

Therefore, the general principle of Zakat, namely, that only such property is subject to Zakat which is sought for its physical produce and not for its use, applies in his case. Again, if the animal is fed on forage, there is no Zakat on it, because the expenses are great for the owner, whereas the maintenance of sawaim animal is not expensive.

Moreover, the weakling animals are counted in reckoning the Nisab, but are not accepted for payment of Zakat. This is based on the precedent no by Hadrat 'Umar in this connection.<sup>37</sup>

Further only domestic animals are included in reckoning the Nisab, wild and the cross between the two being disregarded. However, according to "Mūhit" the status of a cross depends on that of the mother and if the mother was domestic the offspring is considered domestic.<sup>38</sup>

Here are some details of Swa'im Zakat. Swaims are enumerated s under:-

1. Camels;
2. Sheep and Goats;
3. Cows, bulls, oxen and buffaloes;
4. Horses.

### 1. Camels

There is no Zakat on camels unless they are 5 in number, and

when they reach this number, and remain in the possession of the owner for a full one year, then he will pay one goat.

The rate of Zakat on camels, is shown in the following table:

**MINIMUM OF EXEMPTION**

<b>Number of Camels</b>	<b>Zakat Due</b>
5-9	One goat.
10-14	Two goats.
15-19	Three goats.
20-24	Four goats.
25-35	One female camel colt in her second year.
36-45	One female camel colt in her third year.
46-60	One female camel colt in her fourth year.
61-75	One camel five years old.
76-90	Two <u>foals</u> two years old.
91-120	For every fourth camel above 120 a foal of two years and for every fifty above 120 a foal of three years.
120 -----	

**2. Goats and Sheep**

The rate of Zakat on goats and sheep is governed by the given tradition of the holy Prophet (peace be upon him).

"This is Zakat on goats pasturing in the forest. There is one goat due on forty to one hundred and twenty; two goats on one hundred and one to two hundreds; three goats on two hundred and one to three hundred; thereafter one goat on every one hundred.<sup>39</sup>

## MINIMUM OF EXEMPTION 39

<i>Number of Sheep/Goats</i>	<i>Zakat Due</i>
40-120	One goat/sheep.
121-200	Two goats/sheep.
201-300	Three goats/sheep.
over-300	One goat/sheep for every one hundred.

## 3. COWS, BULLS, OXEN, BUFFALOES ETC.

<i>Number of Cows, Bulls, Oxen, Buffaloes, Etc.</i>	<i>Zakat Due</i>
30-39	One calf two years old.
40-59	One calf three year old.
60-69	Two calves two years old.
70-79	One calf two years old and one calf three years old.
80-89	Two calves three years old.
90-99	Three calves two years old and one calf three years old.
100---	Two calves two years old and one calf three years old. One calf two years old for ten above one hundred.

The above table is derived from that order which the holy Prophet (peace be upon him) gave to Hadrat Mu'adh b. Jabal when he sent him to Yaman.

"Charge one-year old male for female calf on every thirty cow and two-years old male or female calf on every forty".<sup>40</sup>

#### 4. Horses and Mules

The holy Prophet (peace be upon him) exempted horses and mules from Zakat<sup>41</sup>. But Hadrat 'Umar at first levied this tax as voluntarily<sup>42</sup> and afterward made it compulsory by the consultation of the companions of the holy Prophet (peace be upon him) including Hadrat 'Ali. In fact this suggestion, that horses should be subject to Zakat levy, was made by Hadrat Ali.<sup>43</sup>

According to 'Imām 'Abū Hanīfa, pasturing meres are subject to Zakat at the rate of one dinar per head. "The owners have the option for paying a dinar for each horse without regard to the requirements of Nisāb or of appraising them, and if, their value amounts to the Nisāb of paying at rate of 5 dirhams for every 200 dirhams.<sup>44</sup> Hadrat 'Umar is reported to have supported the method of fixing the price of horse.

### BENEFICIARIES OF ZAKAT (Section IV)

Beneficiaries of Zakat have been prescribed by Allah and its disbursement has not been left to the sweet will of executive or a party or an individual. They run as in the following verse of the holy Quran:-

"Verily the sadaqat are for the poor and the needy and those who collect them and those whose hearts are to be reconciled, and to free the captives and the debtors and for the case of Allah and (for) the wayfarers, a duty imposed by Allah. Allah is Knower, Wise. (9:60).

Accordingly, the Zakat will be disbursed among the following.

- i. The poor;
- ii. The needy;
- iii. The collectors;
- iv. Mu'allafat al-Qulūb;

- v. Freeing of captives (slaves);
- vi. The debtors;
- vii. Cause of Allah;
- viii. The wayfarers.

These are called AL-MASĀRIF AL-THAMĀN'IYYA (the eight heads of expenditure) fixed by Allah and the state or assembly has no authority (as some modern writers claim) to spend this tax on other than these expenditures. Let us study these expenditures in detail:-

### I. Fuqara (The Poor)

Fuqra is the plural of Faqir derived from 'faqr (which means breaking of the vertebra of the back) and faqir, therefore, means literally a man who has his back broken or one afflicted by a calamity. Apparently it refers to disabled people who on account of some physical defect are rendered invalid to earn their living. Technically the faqir has been treated as one, who does not own a nisab of a property or owns a nisab of such unproductive property as is just sufficient to meet his personal needs or is designed to be utilized in the payment of debt.<sup>45</sup> According to 'Ibn Hammam, there are three different kinds of Nisāb:-

- a. The Nisāb of productive property which is unencumbered with debts. Such nisab subject the owner to the obligation of Zakat.
- b. Unproductive nisab or a productive nisab encumbered with debt exempts a man from paying Zakat but bars from recovering Zakat if it is not entirely destined for the satisfaction of the naked necessities of life. Thus a person owing several articles of wearing apparel or several household utensils or a horse is debarred from receiving Zakat if he does not need to ride a horse or otherwise he is poor and may receive a share.
- c. The nisāb which does not bar from receiving a share from the Zakat, but bars from begging. This nisab consists in pos-

session of sufficient food for a single day after covering one's living even if one should not own a day's food, or as some say it consists in the ownership of 50 dirhams.<sup>46</sup>

Moreover, according to Hanafites, it is permissible to give Zakat to a poor an who is in good health but unemployed having no source of income, and a larned poor man is given preference over an ignorant poor.<sup>47</sup> Hence, a healthy and honest but unemployed person may also have a share in Zakat. The following verse of the holy Quran, serves as authority in this regard.

So he watered (their sheep) for them, then went back to the shade, and said, "My Lord! I stand in need of whatever good You may send to me".(28:24).

Here the word Faqir is used for an emigrant who was also unemployed. Again:-

"It is for the poor and the emigrants, who were driven from their houses and their properties, seeking grace of Allah His pleasure, and help Allah and His Messenger". (59:8)

The word Fuqara is used for the Muslim emigrants, who were driven out of their homes and possessions for the cause of Allah. Again:-

"Alms are fore the poor who are straitened for the cause of Allah, who cannot travel in the land (for trade or employment). The unthinking man accounts them wealthy because their restraint. You shall know them by their mark (face)".

They do not beg of man with importunity. (2:273).

According to this verse the preference must be given to the person who are pious and engaged in good deeds i.e. poor students, unpaid poor religious teachers, needy worshiper etc. Further, preference in this connection is graded in the following verse of the holy Quran:-

"And giveth wealth for love of Him (Allah) to kins-folk and



to orphans and the needy and the wayfarer and to those who ask, and to set slave free". (2:177).

In the light of above verse top priority should be given to the fuqara among close relatives, while disbursing Zakat.

According to the Malikites, the question of deciding whether a man is rich or poor, is left to the discretion of the state; but as guide, it may be taken that a man who lacks sufficient means to provide for necessities for one year, even if he possesses a trade, is poor. However, the Shafites hold that one is rich not only by possessing wealth, but also by being able-bodied and the latter are not given any assistance unless they need it in order to make a living.<sup>48</sup>

In short, the term FUQARA includes all poor, old invalid individuals and those who cannot earn a livelihood as well as those who are performing the duties of Islam, e.g. students, teachers and propagators of Islam, who have no time to devote to earning a livelihood, as well as the unemployed.<sup>49</sup>

## II. The Indigent (Miskin)

Miskin has been defined in a Hadith as one (i) who lacks the means to riches (ii) whose need is not so self-apparent as will attract the attention of others and induce them to give him alms: finally (iii) one who is too self-respecting to resort to begging.<sup>50</sup>

In the same Hadith Miskin have further been defined by a reference to the verse:-

(i) Their self-respect would make them pass for rich. (ii) You can pick them up by their expression. (iii) But they do not run after people (to beg). (2:273).

According to the Hanafites and the Malikites the needy or the indigent are those, who do not have anything and who need to resort to begging in order to make a living and obtain enough clothing to hide their nakedness. However, from the practical

point of view, the difference in the definitions of poor and the needy is not of much consequence.<sup>51</sup>

In short, needy is a person whose possession is less than nisab and not enough to meet their needs or who are indebted. Thus, the needy persons are those whose possession is not enough to enable them to live without assistance.

Hadrat 'Umar (may Allah be pleased with him) in his one statement, while interpreting the word MISKIN, included under this head the needy of the men of scripts. But the Islamic Jurists are of the opinion that the Zimmis should be assisted from the secular taxes other than the religious taxes i.e. Zakat, Sadaqat al-Fitr, Nazar etc.<sup>52</sup>

### III. The Collectors

The third head of the Zakat Fund is of the collectors appointed by the Islamic state for the collection and disbursement of Zakat. This term includes the following:-

1. All collection of Zakat under a complex economy, the state may have to appoint a large team of collectors of Zakat on produce of land, collectors of Zakat on cash, gold and silver and collectors of Zakat on herds and flocks. Mohassil, Mosaddiq, 'Ashir and Sa'i may be different categories under the main head collectors. This specialization will evidently depend upon the simplicity or complexity of the organization required to operate the system in different stages of economic development of a country or its different provinces, cities, towns or villages.<sup>53</sup>
2. Katib (scribes and clerks);
3. Qassam (distributor);
4. 'Ashir (who bring together the property-owners and the beneficiaries);
5. 'Arif (who informs about the beneficiaries);
6. Hafiz (The custodians of Zakat);

7. Hāsib (The accountants);
8. Kayyāl (These who measure off the Zakat dues).

However, Governors, Imams and Judges are not included in the list of the collectors. The collectors of Zakat are paid wages out of Zakat Fund irrespective of their financial position. Hashamities may not be employed as Zakat collectors. But 'Imām at- Tahāwī permits their appointment. As regards the amount of wages of the collectors, it should not exceed, in any case, the 1/2 of the total amount of the Zakat collected. According to some Jurists this amount may rise up to 1/4 of the Zakat collected. While some fix no limit of it. But 1/2 of the whole collection is a reasonable limit and it will be helpful in acquiring the aim of Zakat, otherwise it would be some unproductive and would lose all its significance. But the wages of these collectors will be determined, as in other Government and semi-government departments, according to the nature and the degree of responsibility of their works. They will enjoy all those facilities and privileges as are enjoyed by the other officials of their cadre.

#### **IV. Mu'allafat al-Qulūb (Those whose hearts are to be reconciled)**

The fourth recipients of Zakat Fund are those persons whose hearts need reconciliation. This head of expenditure comprises of various classes of people whose friendship and co-operation might help in strengthening Islam. The holy Prophet (peace be upon him) sometimes used to pay a portion of Zakat to these new converts, who were weak in their faith and might have lost their previous property and needed encouragement and assistance to strengthen them in their faith and help in their economic rehabilitation. There were a class of leaders of clans and tribes whom the holy Prophet (peace be upon him) used to pay from Zakat to secure their good-will for Muslims and ward off their potential evil designs against the Muslim society, which was then only springing in to existence.

But after the death of the holy Prophet (peace be upon him) Hadrat 'Umar sternly refused to give them any share saying:

"The Messenger of Allah used to give you a share in order that there may grow up a love for Islam in your hearts. Now by the grace of Allah, Islam has grown stronger and does not stand in further needs of your help".<sup>54</sup>

According to the Hanafites, there is no longer any necessity for his head of Zakat and this share has thus lapsed. According to the Shafites it is not lawful to pay from Zakat Fund to any non-Muslim in order to draw him into Islam but it can be paid to a powerful Muslim if it is expected that this will result in others of tribes becoming Muslim.<sup>55</sup>

## V. Freeing of Slaves

Islam, the religion of freedom and self-respect, has adopted different methods of the removal of the heaviest millstone of slavery round the neck of the human civilization. Among others Islam has enjoined the Islamic state that considerable part of Zakat tax should be spent to win freedom for these unfortunate persons. According to the Hanifites and the Shafits, slaves should be paid enough from Zakat, which may suffice their freedom. The Malikites hold that the slaves should be bought with Zakat money and then set free.

## VI. The Debtors

This head of expenditure includes those, who do not possess a nisab over and above their debt and first necessities. Such persons are helped from the Zakat Fund to pay off their debts, provided that their debts were not incurred for unlawful acts such as gambling, drinking, indulgence in luxuries etc.<sup>56</sup> Hence, the Jurists of Islam have classified the debtors as under:-

1. Those who incurred their debts to meet their necessities of life. Their debts can be paid off out of the Zakat Fund, provided their possessions do not exceed the prescribed Nisab.<sup>57</sup>

2. According to some Jurists, a person who possesses a single month's food worth a full nisab over and above his debts is still entitled to a share. Some legists hold the term *Gharīmin* (Debtors) also includes those creditors who cannot collect their claims from their debtors.<sup>58</sup>

3. According to Qatada that *Gharīmin* are those people, who owe debts and the burden of debt is due neither to their extravagance nor unlawful expenditure nor their poverty.<sup>59</sup>

4. Mujahid thinks that *Gharim* is one whose house burned or whose belongings are washed away by flood and he can not maintain his family.<sup>60</sup>

In short, the word *Gharim* (debtor) has very wide scope and is meant to provide assistance to deserving but honest debtor. The precedent set by the holy Prophet (peace be upon him) serves as light house for the coming generation, who is reported to have said:-

"Whoever leaves property is for his inheritors and whoever leaves any debt is for Allah (the Islamic state in his behalf)".<sup>61</sup>

## VII. The Cause of Allah

The seventh head of Zakat Fund expenditure is 'the cause of Allah'.

'Imām 'Abū Yūsuf holds that the cause of Allah means the persons who by reasons of poverty, have been unable to join Muslim Army for the purpose of holy War. According to Jāmī, it also means the poor persons who have committed the Quran to memory as well as poor students. According to Fath, the unanimous opinion is that, with the exception of collectors, people of all the classes mentioned as well as pilgrims may receive a share under this heading.<sup>62</sup>

## VIII. The Wayfarers

The last head of expenditure of Zakat Fund is wayfarer. The term 'wayfarer' includes those wayfarers who start their journey

without making necessary preparations; or who meet with accidents or natural calamities on their way which render them incapable of reaching their destination without some help; or who become destitutes or their provision is looted.

However, strictly speaking, the term "wayfarer" denotes strangers cut off from their property and by extension all persons who have been cut off from their possessions, even if they should be rich in their own cities such as the resident, who has property away from his home or the creditor whose debtors admits his debt but cannot settle it, because he is in financial strait. These persons do not receive more than they need and it is preferable that they should borrow the money they need, if they cannot do so. Like the poor person who becomes rich, the wayfarer too, is not obliged to bestow as alms the money that is left in his possession from the Zakat when he recovers his property.<sup>63</sup>

Hadrat 'Imām 'Abū Hanīfa holds that a wayfarer, who is in the middle of journey, will be given help but not one who, is at the start of his journey.<sup>64</sup>

According to 'Imām Shafī'i wayfarers may be given enough to complete their journey, even if they have not yet started on it, provided his journey is for lawful purpose. In the opinion of 'Imām Mālik, wayfarer, who have property at home should be aided if they, fail to get a Loan.<sup>65</sup>

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1. Cf. Baillie : *A Digest of Muhammad an Law*, Lahore, 1965. PP. 557-558.
2. Muslim b. Hujjāj al-Qusheyri : *Sahīh*, Kitāb al-Waqaf.
3. Bukhārī : *al-Sahīh*, vol.1, No.1369.
4. cf. Maulana Hifz-ur-Rahmān : *'Islam Ka 'Iqtisādi Nizām*, Delhi, 1959, P.363.
5. Marghinani : *Hedaya* (English), Lahore, 1963, P. 233.
6. Ibid, P. 234.

7. Ibid, P. 234.
8. D.F. Mulla : *The Principles of Mohammadan Law*, Lahore, 1961, P.169.
9. Marghināni : Ibid, PP. 231-232.
10. Ibid, P.237.
11. Baillie : Ibid, vol.1, P.56.
12. Hifz-ur-Rahmān : Ibid, P.363.
13. Ibid, P.363.
14. Ibid, P.363.
15. *Bukhārī & Muslim* : Kitāb al- Zakat etc.
16. *Bukhārī* : vol. 1, Kitāb al-Zakat.
17. Tirmzī : *al-Jāmi'*, vol.1, No.61.
18. 'Ibn Habbān : *Fateh al-Qadīr*, Cairo, 1318 AH., P.113.
19. cf. Aghnides : *Muhamman Theories of Finance*, Lahore, 1961, P.213.
20. Ghazzālī : *Kitāb al-Wajīz*, Cairo, 1317, P.89.
21. S.A. Siddiqī : *Public Finance in Islam*, Lahore, 1968, P.31.
22. Property which has been skipped out of one's possession with little chance of recovery, such as property fallen into sea or property buried or strayed slave or fugitive etc.
23. Mālik, 'Imām : *al-Mudawwana al-Kubrā*, Cairo, 1323 AH., P.98.
24. Bukhārī : *al-Sahīh*, vol.1, Kitāb al-Zakat, No. 1355.
25. cf. Yūsuf-ud-Dīn : *'Islām kay Mu'āshi Nazriyay*, Hayderabed (India), 1951, P.678.
26. Ibid. P.678.
27. S.A. Siddiqī : Ibid, P.49.
28. Aghnides: Ibid, P.226.
29. Ghazzālī : Ibid, P.93.
30. The water displacement methods are the following. The ar-

ticle is immersed in a vessel containing water and the level of the water is marked. Then equal weights of the precious metal and of the alloy in question are immersed and the level of water is again marked for each. If the mark for the article is equally distant from the other two marks, then the alloy and the precious metal are half and half and similarly for other proportions. (Aghnides, P.270).

31. S.A. Siddiqī : Ibid, PP. 46, 48.
32. Ibid, PP. 47-48.
33. Yusūf-ud-Dīn : Ibid, PP.681-682.
34. Shāfi'ī, Muhammad b.'Idris : *Kitāb al-'Umm*, Cairo, 1321 AH P.20.
35. Mālik b.'Anas : *al-Mu'attā*, Dehli, 1322 AH., P.11.
36. S.A. Siddiqī : Ibid, P.51.
37. Ibid, P.51.
38. Ibid, P.52.
39. Bukhārī : *al-Sahīh*, Kitāb al-Zaka, No.1363.
40. Tirmzī : *al-Jāmi'* Kitāb al-Zakat, No.602-603.
41. Yusuf-ud-Dīn:., Ibid, P.672.
42. Ibid, PP. 674-675.
43. Ibid, P.675.
44. S.A. Siddiqī : Ibid, P.54.
45. 'Atā 'Ullah : *Revival of Zaka-t*, Lahore, 1949, P.74.
46. S.A. Siddiqī : Ibid, P.156.
47. Ibid, P.156.
48. Shāfi'ī : Ibid, P.64. al-Sarakhsi : Vol.2, Cairo, 1307, P.117
49. S.A. Siddiqī : Ibid, P.158.
50. 'Atā 'Ullah : Ibid, P.75.
51. S.A. Siddiqī : Ibid, PP. 158-159.
52. 'Abū Yusūf: *Kitāb al- Kharāj*, Cairo, 1346 AH., P.122.



53. 'Atā 'Ullah : Ibid, P.87.
54. Mufti Muhammad Shafī : *Qurān Mean Nizām -e-Zakāt*, Karachi, 1963, PP.44-45.
55. Shafī'ī : Ibid, PP.64-74.
56. Al-Kharāshī, 'Ali al-'Adawī: *al- Kharāshi*, Vol.2, P.122.
57. Nadawī, Syed Sulaymān : *Sira-t al-Nabi*, Vol.5th, A'zam Garh (India), P.237.
58. S.A. Siddiqī : Ibid, PP.163.
59. Yusuf-ud-Dīn : Ibid, PP.733-734.
60. S.A. Siddiqī : Ibid, PP. 163, 164, 165.
61. 'Abū 'Ubayd : Ibid, P.237.
62. Marghināni : *al-Hedaya*, Kitāb al-Zakat; *Masārif al-Zakāt*
63. Aghnides : Ibid, P.448.
64. Ibid.
65. S.A. Siddiqī : Ibid, P.166.



## FEEDERS OF SOCIAL SECURITY FUND (Continued)

### 3. 'USHR

#### Meaning and Obligation

'Ushr, which literally means one-tenth, in fact, is a form of Zakat, which is levied on the land produce. The Islamic Jurists and the Muslim economists have derived its legality from the following verses of the holy Qur'an:-

"And on the day of harvest give its right".(16:142).

"O you who believe! Spend of the good things which you have earned and which we bring forth from the earth for you".(2:267).

According to' Imām Qurtabī the later part of this verse i.e. (Wa Mā Akhrajnā lakum min al-'Ard) is an authority for 'Ushr (tithe)<sup>1</sup>. These verses have been further elucidated in the following tradition:

According to Hadrat 'Abid Allah the holy Prophet (may peace be upon him) said, "The land irrigated by rainfall streams or water-springs shall be charged one-tenth (1/10) of the produce, and the land irrigated by wells one-twentieth (1/20)".<sup>2</sup>

According to the Islamic Jurists, the payment of 'Ushr to the beneficiaries is as the payment of Zakat i.e. an act of gratitude as well as a religious duty, which enables the poor to perform their religious duties; and inculcates in them (the rich) the fine habits of generosity, whereas it destroys those (habits) of niggardliness.<sup>3</sup>

#### U'shry Produce

Subject to U'shr, according to the Hanafites, is every produce of land, except grass, irrespective of whether the requirements of

Nisab, durability and lapse of a year have been met.<sup>4</sup> Hanblites include even the wild grass in the list of U'shrable produce, while the Shafities levy 'Ushr only on that produce of land which can be preserved for one year.

The tithe (Ushr) is due only where there is a produce, but when it is destroyed by an act of Allah, no tithe is leviable, the cause of the tithe being actually productive land as compared with the absolutely productive land (whether actually or potentially so) in the case of the Kharāj.<sup>5</sup>

### U'shry Land

'Ushr (the tithe) is levied on:

1. the 'Ushry land i.e. the land of the Muslim irrespective of their period of embracing Islam;
2. the land of the foes of Islam; captured and owned by the Muslims;
3. heirless Dhimmi's land owned by the Islamic state or by any muslim after his death,
4. uncultivated or barren land; revived by any muslim.<sup>6</sup>

Further details are given under the title problems of 'ushr.

### Rate of 'Ushr

The different rates of 'ushr are as under:-

1. 5% on the produce of land irrigated by labour and expenses of the tiller of land or the owner of land. These expenses include one's expenditures on the construction of well, tube-well, private canal, tank etc. The labour here means the physical struggle made by the tiller to irrigate his land. Some Islamic economists are of the opinion that a tiller who pays a considerable amount of the water tax, will pay 5% of produce, and if the Islamic state supplies water for irrigation free of charges, then the rate will be 10%.<sup>7</sup>
2. 10% on the produce of those lands, which are irrigated by

rainfall or by water springs or rivers or streams and canals free of charges. The rates are derived from the tradition of the holy Prophet (peace be upon him) which have been quoted under the title meaning and obligation.

### Problems of 'Ushr

The Jurists of Islam are of different opinions on the following problems of 'Ushr (the tithe)-

- (A) Can the 'Ushr be levied on both the U'shry and the Kharaji lands?
- (B) Will the tithe be levied on every kind of produce of land or some kinds are exempted?
- (C) Will any Nisāb (as specific amount or number) of produce be fixed for the levy of tithe or it will be levied on any amount or number?

(A) On first problem, the Hanafite Jurists are of the opinion that the tithe will be levied only on the 'ushry land', while Imam Mālik, Imam Shafi'ī and Imam Ahmed bi Hanbal hold that both the 'Ushry and the Kharājī lands are subject to tithe.<sup>8</sup>

(B) On the second problem 'Imām 'Abū Hanīfa levys tithe on every useful produce. He exempts only the wild grass. While his disciples; 'Imām 'Abū Yusūf and 'Imam Mohammad 'Ibn-al-Hasan opine that only such produce of land as may be preserved for a year is titheable.<sup>9</sup> Here, the later Hanafite jurists practise the ruling of 'Imām 'Abū Hanīfa. 'Imam Mālik is of the same opinion. However, 'Imam Shafi'ī holds that this tax is only on the preserveable of land.<sup>10</sup>

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\*'Ushry lands are those which fulfill one of the following conditions:-

- i. Owners of which embrace Islamic without any war.
- ii. Which is given to any muslim (soldier or other) as spoils of war.
- iii. Which was barren and any muslim made it cultivable. ('Abu-Ubyd, Kitab al-'Amwal, PP.512-513. Cairo, 1353AH.)
- iv. Which does not belong to the foes of Islam.

Hence, it is not correct to say that only the lands of the 'Arab Muslims is 'ushry land. (See Fatwa Dar Al-'Ulum Dewband, Vol.5 PP. 67-69 Maktaba Azizia, Dewband India (N.D.).)

(C) On third problem according to 'Imam 'Abū Hanīfa and his disciples, there is no Nisab (minimum amount or number of the produce). Their arguments are based on the verse of the holy Quran (and on the day of harvest give its right) and the saying of the holy Prophet (peace be upon him) which we have quoted under the title 'rate of 'Ushr'. Here, both the verse and the Hadith have not pointed to nay minimum amount or number of produce as nisab of 'ushr. While the other schools of thought i.e. the Shafities, the Malikities and he Hanabilits have fixed Nisāb of 'Ushr i.e. 5 Wasaq which workout about 19 Maunds.

According to a research 5 Wasaq are about 23 Maunds and Mound is equal to 37 kilo gram and 325 grams.

According to these later Jurists any tiller whose produce is less than 5 Wasaq is considered poor and needy. But the Hanafites plead that 'Ushr is a duty on produce of land as salat (the daily obligatory prayer) or fast and it will be paid and performed in every case, what ever the amount of produce is. Moreover, 'Ushr is for the wretcheds and the invalids who are more needy than a person who produces 5 Wasaq or even less by the dint of his labour.

### Measurement of Nisab

1. While measuring 'ushr the cost of seed, the rent of land, the wages of the labourers appointed for the produce purposes, shall not be deduced from 'Ushr.<sup>11</sup>
2. 'Ushr is levied on the gross amount of produce of land appraised after harvest, and if a portion of the produce has been consumed by the owner, no 'Ushr will be imposed on amount consumed. But some Islamic doctors hold that the owner is not allowed to consume any part of produce before the payment of 'Ushr.

### Gardening

Zakat (Ushr) is also levied on all kinds of fruit, irrespective

of whether the requirements of Nisab, durability and lapse of a year have been met. Hence, green vegetable, which can not be preserved for a year, are also subject to Zakat.<sup>12</sup>

This is according to Imam 'Abū Hanīfā. While, Mohammed Ibn Hasan and 'Abū Yusūf maintain that only such produces of wealth as may be preserved for a year and amount to a Nisab is titheable.<sup>13</sup>

The later Hanafī jurists practise the ruling of Imam 'Abu Hanifa.

Imam Shafi'i holds that only Dates and Grapes are subject to Zakat. In the matter of dates and grapes, the Shafites and the Malikites hold that they should be appraised by the state as soon as they become ripe and the owners should be required to pay their U'shr later in dry dates and raisins. The Hanafite Jurists oppose this opinion on the ground that it involves curtailment of the owners rights and the appraisal is in reality on exchange of fresh date (fruit) yet on the tree, against dry dates to be delivered in the future, and involves a difference of quality as well as term sale both of which are forbidden as usurious.<sup>14</sup>

#### 4. KHUMS

On certain properties; wealth and possessions, Islam levies 1/5th of them as state right for the social security of the poor and the needy. In the terminology of Islam this 1/5 has been termed as Khums. This 1/5th is levied on:

- i. The spoils of war;
- ii. Mines and treasure-trove.

#### I. The Spoils of War

It is considered as an unreliable diminishing source in these days but even then, it may be a source of income for the Islamic state to meet the basic necessities of life of its subject.

Technically, it means property taken by force from infidels

during the war. Hence, property taken by the Muslim, who entered the enemy land without the permission of Imam does not fall under the category of such property as it has been seized not by force but by theft. In other words, the property which falls into the hands of an Islamic forces in a regularly declared war comes under the category of spoils.<sup>15</sup>

The 1/5th of the spoils, which goes to the Islamic state is reserved for the poor and the needy and the wayfarer. It has been derived from the following verse of the holy Quran:-

"And know that whatever, you take as spoils of war, Lo! a fifth there of is for Allah and for the Messenger and for the kinsman (who hath need) and orphans and the needy and the wayfarer".(8:41).

As regards the property and the land that falls into the hand of the Islamic forces without actual warfare, they remain the property of the Islamic state to be used for the common weal. The holy Quran says:-

"And which Allah gives as spoil to His Messenger from them, you urged not any horse or riding camel for the sake their of, but Allah gives His Lordship Over whom He wills. Allah is Able to do all things. And that which Allah gives as spoil to His Messenger from the people of the township, it is for Allah and His Messenger (for the Islamic state) and for the near of kin and the orphans and the needy and the wayfarer, that it becomes not a commodity between the rich among you". (59:6-7).

The above verses stipulate the division of 1/5 of the booty in the following five parts. viz:

1. The holy Prophet (peace be upon him)
2. The near of kin of the holy Prophet.
3. Orphans,
4. Indigent;
5. Wayfarers.



This division of shares was followed in the holy Prophet's lifetime. But after his death his share and his near of kins' share was lapsed. Now all of the 1/5th will be divided among the items No.3 to 5 and this will be done by the Islamic state. The relatives of the holy Prophet (peace be upon him), however, are entitled to a share so far as they belong to one of the above classes 3 to 5, and in that case they are given precedence over the rest. This is the ruling of the Hanafites.<sup>17</sup>

'Imām Shafi'ī holds that the descendants of the holy Prophet (peace be upon him), should be gathered together from the four corners of the world and their share be given to them.<sup>18</sup>

But this opinion is impracticable and difficult. In this age, when the states have to spend huge money on defence and on purchasing war weapons, however, some jurists are of the opinion that the Islamic state is entitled to the share of first two items for this purpose.

## ii. Mines and Treasure Trove

There is great controversy among the Islamic jurists on the nature of tax imposed on mines and treasure-trove. According to the Hanafites, this tax is considered as 'spoils of war' while the Shafites and the Hanabalites regard it as Zakat, and the Malikites hold both the views.

Hanafites Jurists have classified the mines as follows:-

1. Those which are solid but may be melted and thus admit of imprints, like gold, silver, iron etc.
2. Those which are liquid like petrol, oil, etc.
3. Those which are neither liquid nor may be melted like diamond, coal, gypsum, arsenic etc.

If these mines of 2nd and 3rd categories are found in private land or lodge, then the Islamic state has no claim on it, provided they are not intended for trade; and if these are discovered in 'Ushry or Kharāji land and are intended for trade then they are

subject to Zakat. While the 1st category is subjected to Zakat at rate of 20% of the produce.<sup>19</sup> As regards, the property buried underground, if that buried property belongs to the Islamic era (i.e. on it such impressions are found which prove this indication), then it will be treated as trove. If any impression of pre-Islamic age is not found on it or it is impressionless, and if it is found in private land or lodge or in 'Ushry or Kharāji land or any mountain or barren land then 1/5th of it will be paid as community tax, and its private ownership is allowed. Its legality is derived from the following tradition:-

"And there is 1/5th in Rikaz".<sup>20</sup>

Rikaz means, property buried underground, it may mean treasure-trove or mines or the both.<sup>21</sup>

The question arises, when both the mines and the treasure-trove are a hidden and buried property then why there is a difference in their problem of Zakat (or Khums)? The Jurists of Islam have explained that the reason of difference is that the treasure trove is not a natural part of the land while the mines are a natural part of it, (like gold, silver etc.) which Allah has placed therein at the time of the creation of earth. Hence, the difference, regarding the place of their discovery and other matter is reasonable and natural.<sup>22</sup>

There is no tax of 1/5th on anything taken out of the sea, even if it is gold or silver on the ground, that being at the bottom of the sea. Similarly, there is no tax on stones like Turquoise, Sapphires, Emerald, Topaz etc., when they are found in the mountains, because the holy Prophet (peace be upon him) said, "There is no fifth on stone. If, however, they are used as article of trade, they pay Zakat as such".<sup>23</sup>

To sum up, mines and treasure trove are an important and increasing source of revenue for the smooth running of the social security system in Government sector.

## 5. ESTATES OF DECEASED PERSONS

The estates of deceased persons or blood price of those murdered, who leave no legal (lawful) heirs or leave only a husband or wife, and who have disposed of their estates by will or any muslim, who denounces Islam and leaves the country to join the enemies of Islam, become the property of the Islamic state.<sup>24</sup>

The holy Prophet (peace be upon him) as the head of the Islamic state said,

"And I am (as the Head of the state) the heir of the heirless, I will receive his estates and pay his blood price in his behalf".<sup>25</sup>

Similarly, if a Dhimmi dies heirless or breaks the covenant of Dhimma by fleeing from the Islamic state and joining the foes of Islam, his property will go to the Islamic state, and in the case of his murder his blood price will be received by the Islamic state. This is explicit from Hadrat 'Umar's practice who ordered that the estates of heirless deceased Dhimmi should be deposited with the Bayt al-Māl.

Hadrat 'Amer Ibn al-'Ās wrote to Hadrat 'Umar, asking him about the property of those Rabbis who died heirless, he answered that if they had any relatives, then their property would go to them otherwise it would be deposited with the Bayt al-Māl of the Muslims because they were their successors.<sup>26</sup>

The Jurists of all the four Muslim schools of Muslim thoughts opine that the property of the deceased, whether muslim or non-muslim, would become the property of the Islamic State.<sup>27</sup>

This is one of the irregular sources of Income for our proposed system of social security.

## 6. DHARĀ'IB

To ensure the social welfare of the Muslim community and to meet the basic needs of the poor and the invalid, the Islamic

state is entitled to levy other than prescribed taxes i.e. Zakā, 'Ushr, Sadaqat Wājiba (Obligatory charities) etc., provided that the prescribed taxes are insufficient for the said purpose. Moreover, there may be occasions when the prescribed taxes do not produce healthy equilibrium among the various classes of persons in the muslim society or there may be national emergencies such as war, famine and general unemployment. In all these cases, for insurance of the common good of the society, the state is entitled to impose Dhara'ib i.e. emergency taxes or special financial contributions or taxes other than the obligatory taxes.

The Jurists of Islam derive their sanction from the following verseses of the holy Quran and the traditions of the holy Prophet (peace be upon him). "Give the kinsman his due, and the needy and the wayfarer".

"Show kindness to parents, and to near of kindred, and orphans, and the neighbor who is not of kin (to you), and the fellow travellers and the wayfarer and (the slaves) whom your right hands posses". (4:36).

"And they ask you what they ought to spend, Say!"

That which is surplus(2:219).

According to Hadrat 'Abū Mūsā al-Ash'arī the holy Prophet (peace be upon him) said, "Feed the hungry and release the prisoner".<sup>28</sup>

According to Hadrat Abd Allah b. Umar the holy Prophet (peace be upon him) said, "In your possessions there is a prescribed right of the poor, other than that of Zakat".<sup>29</sup>

In this connection the statement of Hadrat 'Alī is note worthy. He said:-

Allah has made it obligatory on the rich to minister he needs of the poor. If inspite of this obligation, the poor folk go unfed or unclothed or experience economic distress, it only shows that the rich have not fulfilled the obligation laid on them by Allah. On the day of Reckoning they will be called to account for this

slackness on their part and Allah will inflict a grevous punishment on them.<sup>30</sup>

Hadrat Umar said:

"The fact which I have come to know now, had I known it before, I would never have delayed and would have distributed the surplus wealth of the rich among the poor".<sup>31</sup>

Ibn Hazm - an illustrious jurists of Islam, after quoting the above mentioned verses of the holy Quran, sayings of the holy Prophet (peace be upon him) and the opinion of his companions, says that:-

"It is the duty of the rich of every city (or village) to meet the necessities of the poor and the destitute of their city or village. (And if the income of the public treasury is insufficient to the needs of such persons then) The Sultan (the Head of the state) can force them to do so".<sup>32</sup>

He further mentioned that there is the consensus of opinion among the companions of the holy Prophet (peace be upon him) that if, inspite of all these arrangements of social insurance made by the Islamic state, there is any one hungry or naked or shelterless then it is the duty of the state to meet his needs from the surplus wealth of the rich. If the Bait al- Māl can not relieve economic miseries of the poor then the 'Amīr (head of the state) can compel the wealthy people to contribute to the relief work. "Their excess possession can be forcibly taken away from them to fight out poverty from society. This process can continue until every man has enough to eat and to wear in all seasons and also has as a shelter from the inclemencies of weather".<sup>33</sup>

In the light of above we can say that the Islamic state can levy special financial contribution upon the people to ensure social security. All such financial contributions are the exceptions and not the rules and they will be abolished as soon as their need is over.

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## AUTHOR OF THE BOOK

DR. NOOR MUHAMMAD GHIFĀRĪ, born in 1946 at Bahawal Nagar (Punjab) Pakistan. He started his scholastic career as an orphan and poor village boy from a mosque-based Primary School. He did his Matriculation from Govt. High School, Mahar Wali (Bahawal Nagar), Graduation from Govt. Degree College, Bahawal Nagar, B. Ed. from Govt. Training College, Multan, M.A. Islamic Studies, M.A. Arabic, M.A. Economics and Ph.D. in Islamic Economics from University of the Punjab Lahore.

He started his teaching career as Headmaster, Govt. Middle School, Rampura (Bahawal Nagar), then Lecturer, Govt. College, Bahawal Nagar, then Reader (Associate Professor), International Islamic University, Islamabad in Islamic Research Institute and International Institute of Islamic Economics.

He has authored and translated (from Arabic to English) over a dozen books on Islamics and Islamic Economics. Some of these are : *Economic life of the holy Prophet* (peace be upon him (Urdu)), *Islamic World Common Market* (Arabic), *Commercial Laws of Islam* (Urdu), *Islamic Laws of Taxation* (Urdu), *Modern Insurance and Islamic System of Social Insurance* (Urdu), *Public Finance in Islam* (English translation of 'Abū 'Ubayd's *Kitab al-'Amwāl*) (U.P.). He has also contributed twenty five articles in Arabic, English and Urdu to the journals of national and international repute, and has participated in several national and international conferences and seminars on Islamic Economics.

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