

THE
ECONOMIC SYSTEM
OF ISLAM

(اسلام کا اقتصادی نظام)

By

MAULANA HIFZ-UR-REHMAN
SAVHARVI

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Translated By

SHAKIR RIZWANI



Idara-e-Islamiyat

Lahore, Karachi - Pakistan

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Preface to the First Edition

Praise be to Allah and salutations to His Prophet ﷺ.

The present age is the age of materialistic advancement, which means that spiritual passions are cooling down and non-religious thinking is gradually taking their place.

To present anything in the name of religion, specially an "economic social order", and claim its universality and that it is the only solution to the struggle between capital and labour, will be looked upon as an astonishing act of great daring. But people of vision and those blessed with the light given them by the Prophets look upon the effects of materialist advancement and indifference to religion or ridiculing its teachings as "intellectual slavery and depression". They believe that the right way even in the present revolutionary emergencies is that projected by the broad invitation given by Islam.

As these words may be taken to be polemic and mere expressions of faith, it is necessary to present a concrete, pragmatic plan for the unbiased critic's satisfaction.

قُلْ هَلْ يَسْتَوِي الْمَأْغَمَى وَالْبَصِيرُ أَمْ هَلْ
تَسْتَوِي الظُّلُمَةُ وَالنُّورُ
(الرعد - ١٦)

"Say: can the blind and the seeing be equal; are light and darkness the same?"

(Ra'ad, V.16)

My call is particularly for those sympathizers of the down-trodden, the starving millions who see the contrast between these and the opulent, the proud and arrogant, the capitalists, and exclaim, "Is it Allah Himself Who has

Preface

imposed this tyrannical, class oriented order on His creation or have only a few rapacious individuals enforced their own social plan on their fellow human beings? And then because of their lack of intelligence and ignorance, they turn either to socialism and communism or nationalism, believing that in these alone lies salvation.

This book is intended for such erring souls. Islam permits differences of wealth only to the extent that they do not permit social collective life to be adversely affected by individualism, and the welfare of the masses is not in any manner whatsoever sacrificed at the cost of the few.

There is no doubt that dispensation of subsistence in abundance or paucity is in Allah's hands, but Allah Himself has commanded us in His Book, the Qur'an, that the secret of the wealth of the rich is closely related to the collective welfare of the whole society, and starvation and want are unforgivable crimes in such a social order. And where such crimes dominate, it is necessary that they should be exterminated in the very beginning. So we see those destroyed who divide society between Pharaoh and Haman and the starving millions and attribute the division to Allah. Perhaps, this is because of the ignorance of the proclamation against tyranny and the relevant misdeeds."

ظَهَرَ الْفَسَادُ فِي الْبَرِّ وَالْبَحْرِ بِمَا كَسَبَتْ أَيْدِي النَّاسِ لِيُذِيقَهُمْ
بَعْضَ الَّذِي عَمِلُوا لَعَلَّهُمْ يَرْجِعُونَ (روم - ٤١)

"Mischief has spread over land and sea because of what they do. They will now taste the consequences of what they do. They will now taste the consequences of their deeds so that, perchance, they may repent." (Rome-41).

This work will be of no avail to the capitalist or those who look upon the present socio-economic structure as Allah-sent, but to those who are disappointed with what they see around them, look for a solution and await a just social

order. And my call is for those young men who being overawed by the revolutions in the west, turn sometimes to the socialism of Hegel and Marx and sometimes to Europe's nationalism and democracy. They should look with unbiased eyes at the social order given to us by the Holy Prophet ﷺ and Hazrat Abu Bakr ؓ and Hazrat Omar ؓ where they will find everything that relieves us of social injustice and the class struggle and secures all that brings freedom and general prosperity.

قَدْ جَاءَكُمْ مِنَ اللَّهِ نُورٌ وَكِتَابٌ مُبِينٌ يَهْدِي بِهِ اللَّهُ مَنِ اتَّبَعَ رِضْوَانَهُ سُبُلَ السَّلَامِ وَيُخْرِجُهُم مِّنَ الظُّلُمَاتِ إِلَى النُّورِ بِإِذْنِهِ وَيَهْدِيهِمْ إِلَى صِرَاطٍ مُسْتَقِيمٍ
(مائدہ ۱۵-۱۶)

"There has come to you from Allah light and a clear Book, whereby Allah guideth him who seeketh His good pleasure unto paths of peace. He bringth them out of darkness unto light by His decree, and guideth them unto a straight path. (Ma'idah-15-16).

My presentation contains solace for the wandering and a message for collective living, provided they are in search of the truth and their hearts are not bent upon rejecting the illumined by the Prophet.

وَمَا أَسْأَلُكُمْ عَلَيْهِ مِنْ أَجْرٍ إِنْ أَجْرِيَ إِلَّا عَلَى اللَّهِ

"I do not seek my reward from you; My reward is with Allah".

Having stated the objective of my work, I wish to appeal to my readers not to make it a target of present day politics but to assess my labour from the point of view with which the book has been written.

The men of learning are aware that the plan of Islamic economic order is not present in the form of a published book, like other economic orders or programs nor has any similar program been so far published. It draws its material from the principles of Islam and the shape given to them by the Holy Prophet ﷺ and the Khulafa e Rashidin, (the first four Caliphs). Therein we find equality, peace, satisfaction and general prosperity far greater than any known to history.

However, there may be errors in this work which is novel in its planning and presentation and there may be some lacunae in the explanation or want of sufficient depth. For this I request that the reader may not condemn me but point out the weaknesses so that they may be removed in the next edition.

Muhammad Hifzur Rehman,
 Servant of the Millat,
 18 Rajab ul Murajjab 1358 AH.

Preface to the Second Edition

When I wrote this work, I did not even imagine that so great an importance would be attached to it by writers, thinkers and scholars alike. All gratitude is to Allah that He has made it acceptable in these turbulent times when the values of truth are being trampled even for personal hostilities.

In the preface to the first edition, while I had presented the work as a novel addition to Islamic literature, I had also confessed that there might yet be place for revision. I had requested that other scholars and reviewers may guide me with their criticism despite any political differences. I am grateful to those who have offered me their criticism and valuable suggestions. However, all agree that

considering the subject, this work is the first of its kind and is the best answer to the call of the present times.

I also thank those critics who have condemned me in unworthy tones, because their criticism added to the popularity of this work, while the better disposed sent me letter after letter in praise of it, confirming the growing readership and suggesting that an English version should be brought out.

The first edition was sold out like hot cakes, including those copies usually retained for office use. This necessitated a second edition which is now being presented but because of the revisions and addition, as a totally new work. Once again I invite constructive criticism.

A few pages concern what has recently been written in India on "economic problems". These too should be reviewed for the benefit of the readers.

Muhammad Hifzur Rehman
2 Rabi ul Awwal 1361 AH

Preface to the Third Edition

الحمد لله وحده والصلوة والسلام على من لا نبي بعده

اما بعد

In this third edition of "The Economic Order of Islam" much has again been added to and some little diminished from the earlier versions. Specially included here are the economic thoughts of Shah Waliullah of Delhi, Hafiz Ibn Qaeem Jauzi رحمه الله عليه, Imam Razi رحمه الله عليه, Imam Ghazali رحمه الله عليه and Ibn Hazm رحمه الله عليه the Andelusian. These thoughts have been built up by them in the light of the Qur'an and presented by them as such.

Keeping them under consideration it becomes easier to declare that as against those, anti-religion or indifferent to religion, who have expressed their thoughts on the solution of economic problems, the scholars of Islam who have made similar exercises in the light of religion, have done so well that, on the one hand, society is secured against class struggle and useless debates, and, on the other, all those benefits are retained which are looked upon as peculiar to a non-religious order.

This time I have also discussed the subject of riba; which is generally taken as so indispensable to modern trade that contemporary economists are astonished that one should write against it. At the most they allow that impermissibility of riba and all that may be said against it is no more than a spiritual idea and a good defence. They are unaware that there is a school of authorities on economics who declare that the time is not far off when it will have to be admitted that riba is no ingredient of economics and reducing the interest rate to zero is only right key to resolving economic problems.

Accordingly, in the present condition the differences between interest-oriented and interest-free trade practices have been discussed in detail from the Islamic angle. Beyond the defensive, a correct solution has been presented.

The problem of land-holdings and economic difficulties in India has also been dealt with contributing further to the value of this work.

Muhammad Hifzur Rehman
20 Jamadi ul Sani 1365 AH.,

Preface to the Fourth Edition

This fourth edition is being presented at a very delicate time. After the turmoil of 1947 and until today the whole country has been passing through a period of darkness and no light is visible anywhere. The Urdu language itself is being banished by those who speak it while the Nadwat ul Musannifin has been so turned up side down that its very existence seems to be no less than a miracle.

The present conditions have made it impossible for me to devote the required time for adding to the last edition, so that the present one is exactly the same. It is hoped that the next, the fifth edition, will be out soon together with discussions on the new conditions that have cropped up since then.

Atiq ur Rehman Usmani,
Nazim,
Nadwat ul Musannifin,
12 Shawwal 1370 AH,
17 July 1951.

Chapter 1**IQTISAD AND ILMUL IQTISAD**

→ In their lexicon meaning the words qasd and iqtisad denote moderateness and good character, but technically they refer to the discovery of reasonable ways of producing wealth, of spending it in right ways and of the causes of its destruction or waste. Thus Ilm ul Iqtisad is the knowledge of such ways and means; Economics in modern English.

In this context, Ilm ul Iqtisad is divided in two sections: one, collective, and the other individual or manzali, stage-wise. Our subject is collective i.e. social economics because it is the real basis of life and the argument for individual or private economics.

The old men, modern thinkers and ulema have exercised themselves both in theory and practice to solve the connected problems. In his book, *The Republic*, Plato has illustrated his views and among the moderns are Cassel, John Stuart Mill, Smith and Ricardo. Karl Marx's Socialism and its implementation programme have brought about a revolution which has created a turmoil throughout Europe and Asia. Russia is doing its best to bring the rest of the world in line with itself.

But world history shows that there is no system of governance the economic system of which has ever brought peace and security by combining prosperity, happiness and justice for mankind. It is, of course, beyond imagination that their theories and practical experiments should ever be man's relations with Allah or promotes morals to ever increasing heights.

In his *The Republic*, Plato thinks that in their socio-economic structure it is necessary to divide human beings into two classes, the free and the slaves, thus replacing the lordship of Allah with that of His creatures and opening the doors of the tyranny of the strong over the weak. Besides

creating anarchy in mutual man woman relations, retains, to a great extent, the economic division between the plebeians and the patricians, the commoners and the elite. European democracy follows this pattern. Instead of the welfare of the masses, only the very special are benefited. The meaning of justice is distorted; persecution is given the name of fair play. The whole economic and administrative structure satisfies the ambitions of a small group, exploiting the masses as instruments for that purpose, and, to cover up the truth, gives the system the name of democracy.

The great civilizations of Rome and Persia far from satisfying the world, could not even deliver the message of prosperity or invitation to the truth. Whatever they did was confined to the rulers and the rich. Persia's social structure that came about as a result of the teachings of Muzdak is not even worth mentioning. Modern dictatorships, too, have given the world nothing but tyranny and slavery instead of prosperity and anarchy in place of peace.

Although socialism and communism did their best to bring about general prosperity, but they could not, because of their rebellion against Allah and the class struggle war, and instead of establishing peace, they resulted in the dictatorship of a special group. The difference is that this group is not that of the capitalists but of labour. In short, all the systems of governance and every exercise of the secularists have failed. Today's terrible European war has made this failure so prominent that those who were overawed by the new culture and civilization are embarrassed and seem to be disillusioned. They see no light to show them the way out.

Today only two alternatives are open; either the world must succumb to the turmoil and unrest or revert to that peace, prosperity and happiness which marked human society during the times of the Prophet ﷺ and of Hazrat Abu Bakr ؓ and Hazrat Omar ؓ.

فَأَمَّا الزُّبْدُ فَيَنْزِعُ بِأَكْبَارِهِ إِعْرَاقُهُ وَأَمَّا الْبُلْبُلُ فَسِحْرٌ وَمَا يَنْتَفِعُ النَّاسَ فِيمَنْكَثُ

فِي الْأَرْضِ (رعد - ١٧)

"The froth dries up and is wasted, and what lives is that which is of benefit to mankind in this world." (Ra'ad-17)

We shall first discuss the socio-economic branch of the Islamic Order. Although this socio-economics is not decked with the glitter and glamour of official power which, instead of providing peace and genuine security for the simple, poverty stricken masses, is adding to their woes and diverting huge sums of money to warfare, it is yet the best of social economics as proved in practice. Its spirit motivates service to humanity, security and mental peace for all. That is why there are in it no class-struggle and no high and low differences to make one group owner of unlimited wealth and the other starving, supplicant beggars, victims of oppression and tyranny.

Briefly, then, we shall not refer here to those theories which appear to be loaded with arguments and logic but have either zero value in providing actual benefits or rapidly corrupt society. Rather we propose here to discuss a social order the pragmatic program of which eliminates class war, guarantees private and collective security, satisfies the mundane needs of humanity,---has already proved to have done so---and, at the same time, promotes ethical life and establishes a firm relationship between man and his Maker.

Every theory should be weighed against its practical value. There are theories which are very impressive in their polemics and rhetoric but considered from the practical angle, they prove to be of little worth.

For instance, the profitable connotation of labour is that work which derives some material benefit. But in its polemics are included the service to parents, for children, affection for loved ones, regard for friends, and so forth. But

economics experts declare, after discussing all this, that "such matters are irrelevant to the subject and it is only as an intellectual pastime that they may be mentioned."¹

On the other hand, there are theories that do not possess the glamour endowed by new technical terms, new styles of construction in their particular context, but their thought is very deep, their practical value far more profitable and, in economics, their guidance has proved its worth. Therefore, such theories should be tried out.

It will be found that these theories possess, on the one hand, such solid bases of permanence that remain unaffected by the revolutions and vicissitudes of the times, and on the other, also the resilience to cope with new thoughts and inclinations, ever and ever giving them proper guidance, as they did in days gone by. These principles have been proved by the Islamic socio-economic system in its glorious days, acclaimed alike by friends and foes.

It is proper that together with the Islamic concept, we should also take into consideration some of the other economic theories. This will help us compare and contrast and establish the difference and, finally, prove which of them satisfies the grand objectives of a true economic order and saves humanity from catastrophic consequences, theories which reduce man to less than debris, providing nothing but ruin to those whose salvation they profess in high sounding phraseology.

Removal of A Doubt:

In the following pages, it may be objected, on a cursory study, that the method we have adopted for presenting the Islamic order, does not follow the modern style of the voluminous books of various parties, categorised

¹ Ilm-ul-Maeshat, P-68.

theories and tabulated systems special chapters, on economics. This is true. Islam has not written out a special chapter under the heading 'Economic Order' and then subdivided it into separately titled paragraphs. This it has not done because it is a universal philosophy, a universal invitation, an all comprehensive revolution. It is interested not only in man's economic life but also gives guidance in all spheres and subjects of his life: the spiritual, the ethical, the political as well, and so on. It claims to be a complete guide to a complete universal order. It teaches that life's objective for man is not only his mundane progress and glory, but seeking the pleasure of Allah.

It teaches that man is Allah's vicegerent on this earth, His Caliph, and, therefore, it is his duty to establish under the supervision of the Absolute Ruler such a government on this earth as merits being described as a "government or caliphate of truth". Its laws will not be man-made laws but those commanded by the Absolute One.

Their execution will be in the hands of such a 'caliph' and his government shall be a promoter of spiritual and moral supremacy and also thoroughly qualified to bring about social, political and economic progress throughout the world.

In short, a government that ignoring all limitations of country and nationality, will establish justice, security and peace, happiness and prosperity for all, at the same time advancing the achievement of the eternal values. In other words, its economic system is not a philosophic art that entangles people in hair-splitting arguments and draws them away from the real objective. Rather, its economic system is but a part of a total life-order, an instrument and means to an ultimate objective by an easy path.

How could it be appropriate for Islam to separate its economic system from its totality, give the separated section a special heading and present it as a special subject, when its

message comprehends every department of human life, calls for the collective unity of all humanity, and this call is not confined to man's mundane affairs but covers the eternal as well?

Like so many other departments and sections, the economic system too is bound up with the Qur'an. Shah Waliullah رحمت الله عليه of Delhi writes in his famous Hujjat ul Baligha, bringing out the intimate relationship between the Islamic economic system and ethics and religion.

"When the Persians and Romans had passed through several centuries of power, Satan dominating them, they forgot the Hereafter, became thoroughly engrossed in pleasure living, and every individual of them became arrogant over his wealth. There came in experts from every part of the world who, as a way of flattering the pleasure lovers, invented novel methods of enjoyment for them and provided them with strange theories. The great ones among them became so absorbed in all this that they began to emulate one another over the possession of pleasure goods, hardly 'thinking beyond surpassing others in vain glorious pride. Their chiefs and capitalists thought it below their dignity to wear a waist-band clip, or coronet, worth less than a hundred-thousand dirham, or possess my residence less than a sky-high palace, equipped with peerless gardens, water-pools, cold and hot baths; riding mounts far beyond their needs, beautiful slave-girls, music and song and dance parties morning and evening where wine flowed freely. In short, possessions that we see today among kings and governors, describing which would require long narratives.

This pleasure-love had become the central principle of their 'economic order'. It was not confined to the very rich but filtering every section of society was characteristic of the commoners as well, becoming the cause of the ultimate collapse of the entire economic system.

The majority of the people had no peace of mind; despair and indolence increased; oppression, grief and sorrow were apparent everywhere. The reason was that for such luxurious living vast incomes were required, not available to every one. But kings and the new nobles and officers began to impose all manner of taxes on the cultivators, artisans, tradesmen and other professionals. Punishment for refusal to pay was severe. They were reduced to the position of field-cattle. The labouring classes were made so wretched that they could not earn a livelihood. In short, tyranny and immorality had gone beyond their extremes.

The result of such poverty and agony was that the people had no time to think of their relations with Allah and the Hereafter. One side of this corrupt economy was that the art and crafts on which depends the working of the world order were suddenly rendered obsolete. The ability to satisfy the desires of the nobles and the rich was looked upon as the best of arts and the greatest of services. The life of the masses was a canvas of immorality. Many had somehow managed to get themselves enrolled for subsistence from the royal treasury. For instance, if one, without ever having set foot on battlefield had got himself registered as a pensioner-soldier on the ground of his grandfather having fought battles, another got his livelihood under the pretext of being a state scholar.

There were those who earned their livelihood by writing sycophantic poetry for the wealthy or posing as a soofi and hermit. No one earned wealth in the right way. Many were obliged to take up flattery as a profession, court sycophant flourished, feigned speech had become an art that demolished positive, constructive thinking. When this became an epidemic infecting the very hearts of the people, their inner nature revolted against morality. All this because of the corrupt economic order that prevailed in Rome and Ajam, and other non-Arab countries.

When this state of affairs reached an unremediable stage, Divine wrath was kindled and Allah uprooted the very cause of the whole malady. He raised up an unlettered Prophet ﷺ who exterminated the rituals and customs of Rome and Ajam and laid the foundations of a new social order along the right principles.

The new order exposed those evils of the old and declared them to be wholly impermissible which easily become the cause of economic corruption, numerous ways of luxury living and make people wholly absorbed in the improprieties of the life of this world. For instance, the use of gold and silver ornaments, silk and other fine cloth by men, the grand palaces and mansions; ostentation and useless decorations even in ordinary houses, such things are the real cause of the initial stages of ultimate economic corruption.

Allah made this personage a criterion for noble ethics and a balance for purity of deeds. ¹

Similarly, discussing Irtifaqat, Shah Waliullah writes:

"Let it be borne in mind that although the objective of raising up prophets is related to Divine worship, together with such worship and included in the objective is the destruction of corrupt ways and customs and replacing them with a better social order. That is why, the Prophet Muhammad ﷺ says:

بعثت لأتم مكارم الأخلاق

"I have been sent to perfect noble ethics."

Therefore, monasticism has no place in the teachings of this holy personage and preference has been given to collective social life and mutual relationship. This distinction

¹ Hujjat-ul-Baligha, Vol-1, P:104

has been made so that in this economic system there would be no place for the luxuries of the kings nor, on the other hand, would the people be reduced to live like uncultured boors and savages.

We find two conflicting thoughts at work here. One, that in the economics sphere wealth is a desirable and laudable thing because if it is based on right principles, moderation develops man's mental balance and his morals are rightly maintained. He is distinguished above the lower animals. Forced compulsory poverty is opposed to wisdom, direction and temperamental equilibrium.

Two, wealth is the worst of things when it is made the cause of mutual contention, envy and malice, and poisons even the owner of such wealth with hotheadedness and jealousy, and inclines whole nation to tyrannical exploitation and economic oppression. It leads to immorality, makes them forgetful of remembering Allah and opens new doors of tyranny on the already persecuted. Therefore, the desirable way in the economic system is to keep wealth on the middle and moderate course, free of the extremes of abundance and want; and this is impossible without a proper economic system."¹

Thus Islam, through its total life order as presented in the Qur'an, offers everyone, Arab and non-Arab, economic pragmatic principles and basics acceptable to all reasonable minds and stable temperaments for all the time to come. To prove its commentary, there is the living example as seen during the times of the Holy Prophet ﷺ and of his first four Caliphs, the Rashidin or rightly guided. This has been acknowledged by friends and foes alike. The programme is

¹ Abbreviated from Hujjat ul Baligha Vol-1, P.104; Vol 2 Pp. 105-

not an exercise in bookmanship but proves itself by the prosperity and happiness it brings to everyone.

The Islamic economic order presented in the following pages is based on these principles enunciated, as they are, by the Qur'an, commented upon by the Traditions and Islamic jurists.

After these introductory words, it seems proper that those fundamentals may be stated which comprise the principles of the subject, then the Islamic socio-economic order may be detailed, and, last, a comparison of it may be made with other economic systems so as to deduce the truth!



Chapter 2**PRINCIPLES OF THE SUBJECT**

A proper economic system is necessary because there is present in every human being an urge to profit by the life given him by Allah. But when this individual urge collides with life's struggle and the means of subsistence, the law of human nature, which pervades the entire universe, forces him to live a gregarious life. But such a life is unthinkable unless there exist among fellow-beings some common concepts of mutual cooperation and partnership based on justice and equality of subsistence rights, so that such values may become the basis of a proper economic system. Cooperation and partnership are not possible without the following principles.

1. The system must suffice for every individual of the society and must not exclude any one from its sphere of action.

2. It must destroy all such causes and means as lead to opportunities for exploitation and tyranny and develop a corrupt economic system.

3. It must discourage concentration of wealth in the hands of an individual or any group and must prevent them from taking control of the national economy or becoming a tool of any special vested interests of benefitting all humanity.

4. It must bring about a proper balance between capital and labour, saving the one from usurpation of the other.

New Economics Theories

Reflecting on these new theories we should bear in mind that the hair-splitting that has been done during the present intellectual period leads to the conclusion that there are three main points on which it is possible to debate the

issue. Ma' ba'ad ul tabiaati ilmi nuqta e nazar, scientific angle and tamadduni nuqta e nazar civic and social point of view Economic experts interpret these as standard angles of approach for study Tarabiati angle, and alfaami angle, respectively. To define what standard economics is, we may well refer to one of the most eminent economists of our times.

The object of standard economics is not the definition or taujeehi interpretation of present day means of subsistence, but to find what the right subsistence is. It is not content with finding out merely what the economics machinery is like, but what this machinery ought to be.

The vision of standard economics is very lofty. It seeks to establish the objectives, and tells us that this establishment is the work of knowledge. It seeks to analyze those eternal laws which dominate the entire canvas of ethics operating under which is also the field of human subsistence. The object of their research is proper subsistence. That is, subsistence which corresponds with the objectives of human existence and of the universe itself. This proper subsistence is the center of those ideals which automatically resolve all other problems, for instance, proper wages, proper prices, proper distribution of wealth, and permissibility or otherwise of "interest." All these problems are to be judged in the light of the proper subsistence, the highest value.

All other values are lesser ones, subordinate to this super value. The purpose of economics is to discover this superior value, and the forms of the appropriate, connected subordinate values, and analyzing them in the light of the superior, declare its verdict whether they are right or wrong.

Tarteebi, classified economics is a branch of the physical sciences, constructed on scientific basis. But in the practical world, in spite of their being acclaimed, what is their real base? Dr. Zakir Husain says:

"Common among these three groups (maarooze, mauzooaye, ryazati) is the science-base, as opposed to philosophy. They are concerned with what is, not with what ought to be. They have nothing to do with what is beyond experience or the strict scientific. They oppose ethics in economics, they look upon the physical sciences as the more complete works of knowledge which alone should be "used as pattern, especially, in economics. Therefore, tarteebi muaashiyat" means that laws should be so framed that every individual school or study of economics may be placed under some appropriate because, according to them, this comprises the whole of idealistic knowledge."¹

So believe Europe's great economists, for instance, John Stuart Mill, Carl Menger, Karl Marx and Parito.

Afhami economics should be looked upon as a part of civilization knowledge, civilization being taken for what man has created, because the basis of understanding is that only human beings can understand human beings.

"The theory of the knowledge or afham, understanding, is based on the thought that understanding human beings is possible only for human beings. And that we can understand fully and from every angle everything that we can make. In the exercise for understanding the manifestations of civilization, because mudruk is intellectual, and the shaping of mudruk itself is an intellectual process. Both are of the same species. Therefore, total knowledge is possible and all civilization is man's creation. He has made it, therefore, he understands it. Because nature is not the outward form of man's intellect but that of Allah's command, therefore, to understand it fully is not possible for man. But afhami economics wishes to comprehend only a part of civilization, not to discover the

¹ Muashiat, Maqasid Aur Minhaj by Dr. Zakir Hussain, P-10-11.

inner objective. The afhami is not philosophy nor ultra-physics nor religion but plain, experimental, collective cultural knowledge."

These are the theories of economics which, in the present times, are looked upon as the proud achievements of art and knowledge.

Islamic Economic Theories and The Modern Theories

The canvas of Islamic economics is far more comprehensive and its thought far more lofty. It comprehends all those thoughts which are contained in Dr. Zakir Husain's book¹, and goes beyond to other superior thoughts. It is deeper than afhami, more beneficial for serving as a base for a pragmatic economic order. Since the ideal of standard economics is, *maeshut e saleh* proper subsistence, it is not to be excelled by anything offered by any other school of thought. The Islamic economic system goes beyond satisfying needs or bridging the gulf between supply and demand and makes them, in turn, the means to international fraternising, mutual sympathy and equality, and yet beyond moral elevation and everlasting blessings?

Similarly, as will be shown in the following pages, no economic system is superior to the Islamic in matters pragmatic which is the ideal of afhami or theoretical economics. It does away with the class-struggle and the ascendancy of the capitalist and evolves its own independent line, as proved by experience.

As for classified economics, *tarteebi muaashiyat*, it is quite separate in its physical concept and philosophy, indeed, it lies in contrast with the Islamic. But those aspects of it

¹ *Muashiat, Maqasid Aur Minhaj* by Dr. Zakir Hussain, P-57, 79,

which are truly laudable are present in the Islamic also. For instance, defects must of necessity lie in the bridging of the gap between supply and demand. This gives rise to a philosophy of debate on classified grades and determines their defects and good points. Islam deals with this also, but not as a special subject. Shah Waliullah has discussed the subject at length, describing it as Irtifaqaat. He establishes its various grades and makes the media for a pragmatic economic order, strategy and politics. The present economic theories do not hold any significant importance in Islamic economics which claims to lay down principles on which human welfare can be evolved; none to be high or low, none oppressor or oppressed.

It is only too obvious that although volume upon volume has been written on economics by famous men, they are but polemic and prosperity and happiness for mankind are to be found nowhere. Wealth and the means to acquire wealth have become concentrated in a few hands so that for many, death is preferable to life. This is in contrast with the period of the Holy Prophet ﷺ and his first four Caliphs, the Rashideen, when there were no writings on the subject and no hair-splitting arguments, yet such was the common prosperity that everyone, Muslim or non-Muslim, man or woman, young or old, employer or employee, lived happily and in peace and contentment. History has recorded that there came a time when people used to go about with charity in their hands but could find no one to give it to.¹

Purpose of an Economic Order

Nothing in the world is ever done without an objective and an incentive, and underlying every action is its peculiar mind. Whether or not a particular economic order is good or corrupt also depends on whether the incentive and

¹ Al Hidayah-wa-al-Nihayah V-5, P-54

objectives are good or not. If the mind working behind it is corrupt and so also the incentives, the order will be proportionately corrupt, but if the motives and incentives are good, there can be no doubt that the resultant economic order will also be good and happy.

In-depth reflection upon the economic order shows that there are but two limitations on it. One that the economic order should be established for earning the greatest possible amount of profit, keeping it within the spirit of give and take and this may be continued adinfinitum. This is capitalism, which prospers under such a mind.

- Under capitalism only the rich gets richer while the rest of humanity remains in the squalor of poverty and misery. Here the incentive for satisfaction of needs is not at work to bring hope and cheer for the many and establish common prosperity.

Two, the objective and incentive of the economic order should not be profit making but the complete satisfaction of human needs. The mind working behind it should be similarly orientated.

Islam prefers and founds the order which is based on the individual and collective and complete satisfaction of human needs. It does not prepare a field to enable the rich to race for more and more wealth but to make it a beneficial means for the complete satisfaction of needs for general social welfare.

In this economic order there will be the greatest possible number of earners because no Muslim can live without labour, the more he earns the more he will spend; therefore, the more the individuals earn, the more prosperous will the society become as a society. Able and determined individuals will earn the maximum, not only for themselves, but for the whole nation as well. The present situation will not arise where the earnings of one group

become a source of misery for the other groups, as happens today.¹

Consider that when the details, the graded elements and progress of the economic order, are such that they are not limited to the physical but go beyond to the ethical and spiritual, the whole of religion and Divine Laws, and, at the same time, the incentive is the welfare of the whole world, not profit-seeking, such an order becomes a message of mercy and peace for the whole world.

✦ In short, the Islamic economic order includes in itself all that is good in the other systems and much more, totally free of their defects, and a cure for their adverse effects. Moreover this economic order is not the creation of man's brain based on reprisal or class hatred but is a dispensation of the Divine Architect of the Universe. ✦



¹ Tarjuman ul Qur'an by Maulana Abul Kalaam V-2, P-32

Chapter 3

PRINCIPLES OF ECONOMICS IN THE LIGHT OF QUR'AN

The Qur'an has laid down the basic principles for the conduct of all the various departments of man's life; worship and prayers, the politics, the other social orders and so also the economics, and left the details and interpretations to the Prophet ﷺ and the juristic laws, fiqh, based on his words.

Equality

The economic principles are as follows:

All subsistence is from Allah; He is the Satisfier of all, and although He has placed differences of grades and incomes, despite riches and poverty, the diversity must not be allowed to deprive a single individual of his sustenance. It is He Who has stipulated equality in the right to sustenance and has given none the right to interfere with this dispensation.

Allah being Surety for the sustenance of every individual, His undertaking is that the sustenance shall be His responsibility:

وَمَا مِنْ دَابَّةٍ فِي الْأَرْضِ إِلَّا عَلَى اللَّهِ رِزْقُهَا

(هود - ٦)

"The responsibility for all that walk on the earth is Allah's." (Houd-6)

وَفِي السَّمَاءِ رِزْقُكُمْ وَمَا تُوعَدُونَ (الذاريات - ٢٢)

"Your sustenance and that which you have been promised is in the Heavens."

(Zariyaat-22)

لَا تَقْتُلُوا أَوْلَادَكُمْ مِنْ أَمْلَاقٍ نَحْنُ نَرْزُقُكُمْ وَإِيَّاهُمْ

(انعام - ١٥١)

"Do not kill your children out of fear because We provide for you and also for them."
(Anaaam-151)

وَمَنْ يَرْزُقْكُمْ مِنَ السَّمَاءِ وَالْأَرْضِ ءَإِلَهٌ مَعَ اللَّهِ

(نمل - ٦٥)

"Who brings you your sustenance from the skies and the earth? Is there any Allah besides Allah?" (Nāmal-65)

انَّ اللَّهَ هُوَ الرَّزَّاقُ ذُو الْقُوَّةِ الْمَتِينُ (الذاريات - ٥٨)

"In truth Allah is the Provider, and is of great power" (Zaryaat-58)

وَجَعَلْنَا لَكُمْ فِيهَا مَعَايِشَ وَمَنْ لَسْتُمْ لَهُ بِرَازِقِينَ

(الحجر - ٢٠)

"We have given you your means of livelihood in the earth and also for those whom you do not feed." (Hajar-20)

هُوَ الَّذِي خَلَقَ لَكُمْ مَا فِي الْأَرْضِ جَمِيعًا (بقره - ٢٩)

"He it is Who has created for all of you together what is in the earth (Baqara-29)

These verses are addressed to everyone without exception. The sustenance and the means of sustenance are a gift of Allah to use, which is everyone's right.

These verses are further elaborated by verses:

وَجَعَلْنَا فِيهَا رَوَاسِيَ مِنْ فَوْقِهَا وَبَرَكَ فِيهَا وَقَدَّرْنَا فِيهَا أَقْوَاتَهَا
فِي أَرْبَعَةِ أَيَّامٍ سَوَاءً لِّلسَّائِلِينَ (حم سجده - ١٠)

"And We have placed therein firm hills and blessings in four days and placed in them sustenance equally for all who seek."

(Hamim Sajda-10)

وَاللَّهُ فَضَّلَ بَعْضَكُمْ عَلَى بَعْضٍ فِي الرِّزْقِ فَمَا الَّذِينَ
فُضِّلُوا بِرَادِي رِزْقِهِمْ عَلَى مَا مَلَكَتْ فِيهِمْ فِيهِ سَوَاءٌ
أَفْبِنِعْمَةِ اللَّهِ يَجْحَدُونَ (نحل - ٧١)

"And Allah has given some of you precedence over others in matters of sustenance, but can it be that you return some of the sustenance."

(Nahal-71)

Equality is clearly indicated in these verses, to deny which is to deny the obvious.

The question that now arises is who is to carry out this great mandate of the Almighty Allah and be made responsible for it?

Those who have the whole canvas of the Islamic order before their vision will readily answer that the duty to see to it that no one in the Islamic world is left without his proper livelihood and none has the right to interfere in this matter, devolves upon the Caliph of Allah. A government that cannot execute this Divine command is corrupt and has deflected from justice.

Commenting on the Verse.

هُوَ الَّذِي خَلَقَ لَكُمْ مَّا فِي الْأَرْضِ جَمِيعًا (بقره - ٢٩)

"He it is Who created for you all together that which is in the earth", (Baqara - 29)

Shaykh ul Hind Maulana Mahmud ul Hasan says,

"This verse is also interpreted as meaning that all things, according to the words seem to be the property of Adam's children. That is, Allah's intention is the satisfaction of the needs of all humanity and nothing in itself is the property of any created one but everything is common and, therefore, the property of all. However, if some one has possession of anything, that possession may not be disturbed. But the possessor himself ought not to retain in his possession what is beyond his needs and should hand it over to others because others also have similar rights to it. For this reason to keep property above one's needs is not good though Zaka't may be paid on it. The various prophets and other good people abstained from the surplus. Some of the Companions and their followers held the surplus to be utterly impermissible. In any case, there is no difference of opinion over the impropriety of it and its not being preferable. The reason is the same, namely, that there is no purpose related to the surplus above needs, while others have a right and purpose in relation to it. This is like trespassing over another's property. The position is similar to that of the spoils of war which, before their distribution, are looked upon as the common property of all the fighters but everyone of them is entitled to a share of them according to his needs. If, however, one holds to what is above his needs, he is a violator of the trust."¹

The Traditions quoted by Ibn Hazm Zahiri in this connection also confirm this.

عن ابى سعيد الخدرى ان رسول الله ﷺ قال من كان
معه فضل ظهر فليعد به على من لا ظهر له ومن كان له

¹ Izah ul Adillah

فضل من زاد فليعديه على من لا زاد له قال فذكر، حتى
رأينا انه لاحق لا حد منافي فضل (محملي ابن حزم)

"Abu Saeed Khudri has reported that the Prophet ﷺ said, 'He who has weapons and tools more than his needs and strength should give them to the weak; and he who has food and nourishments above his needs should give them to the pauper and the needy'. Khudri says that the Prophet ﷺ continued detailing various kinds of goods until we understood that none of us had a right to anything whatever that is above our needs." (Muhalla Ibn Hazm vol. 6pp. 167-158)

قال عمر بن الخطاب لو استقبلت من امرى ما استديرت
لاخذت فضول الاغنياء فقسمتها على فقراء المهاجرين

(محملي ابن حزم)

"Omer bin al Khattab ﷺ says, "I realise this today. Had I done so before, I would have taken away the surplus wealth of the wealthy and distributed it among the poor and the refugees."

وصحح عن عبدة بن الجراح وثلاثمائة من الصحابة ان
زادهم فني فامرهم ابو عبده فجمعوا الزوادهم في مزودين
وجعل يقوهم اياها على السواء (محملي جلد)

Abu Ubayda and three-hundred Companions contribute to the correctness of the Tradition that on one occasion their food was almost finished. Abu Ubayda ordered that whatever each one of them had must be brought before

him. He, then, collected it in one place, and distributed it among all."

عن محمد بن علي انه سمع علي بن ابي طالب يقول: ان
الله تعالى فرض على الاغنياء في اقواتهم بقدر ما يكفي
فقراء هم فان جاهوا اعروا وجاهدوا فبمنع الاغنياء وان
على الله تعالى ان يحاسبهم يوم القيمة ويعذبهم عليه

"Ali ؑ reports that Allah has made it compulsory for the rich to cater according to their means to the needs of the poor. Thus if the poor go hungry, naked or uncared for in any way, the reason can only be that the rich do not perform on the Last Day and punish them for it."

Ibn Hazm Zahiri projects this and several other Traditions in favour of his argument and comments.

"It is the duty of the rich of every habitation that they look after the economic needs of the poor and needy, and if the resources of the public treasury (bait ul maal) are insufficient, the amir can compel the rich to provide for the economic needs of the poor. And, at least, so much is necessary or for the livelihood of the poor that they get their daily bread, clothing according to the season, a house to shelter them from the elements of the weather and floods, and such."¹

Commenting on Abu Said Khidri'a ؓ Tradition he says, "The Companions are agreed that it is a duty to satisfy

¹ Muhalla Vol. 6p. 158, Muhalla Vol. 6p. 156 Problem 725

from the surplus wealth of the wealthy the needs of him who is hungry, naked or without a house." ¹

It will be appreciated in the light of the Qur'an, the Traditions and the juristic conclusions that Islam with utmost clarity proclaims equality in the means of subsistence and sustenance and, extending the rights of the Amir, secures the justiciable legality of it.

Those unfamiliar with the facts of Islamic economics and look upon the present corrupt economic order, with its terrible gap between the rich and the poor, as the Islamic will be astonished at reading all this. Some of them even believe that whatever is said here is against the Will of Allah because Allah Himself has created the many millions deprived of their sustenance and the paupers without a morsel of bread are of His creation how can it possibly be believed that all human beings are equal in their rights to subsistence or that none may exist, deprived of it?

Others are wandering in the suspicion that this is only a new venture to prove the universality of Islam to cover up the present tendencies and demands of the times, while changing even the commands of Allah or, perhaps, influenced by communist thought, Marxism is being forced on the Islamic frame.

Both these suspicions are no more than empty fancies that arise out of the general ignorance of Muslims about Islam and the influence on them of Western education.

We are ignorant of the basic difference between aalam e takween and aalam e tashreea. This makes us indulge in giving flight to wanton thoughts.

The why and wherefore of creation are known only to the Creator. He has not made man responsible for the

¹ Muhalla vol. 8p. 152 All Islamic jurists are agreed on this.

knowledge of it. But He has given him guidance, some intelligence, the talent for discrimination between the true and the false to recognise what is pleasing or displeasing to him, and He has weaved us into one fabric, and presented us the best of social orders, pointing out to us both the right and the wrong ways. This order is nizam e Adam and is conveyed to us through the prophets. It is responsible for our welfare but man too is responsible for it. When this order reached its zenith, it manifested itself as the Glorious Qur'an.

If we grasp this basic truth, we may easily understand that it is not for us to argue with the Creation Order, but may do so only by confining ourselves to the tashree-ee nizam (tashrihi law). We then have to turn to the Qur'anic categorical injunctions and, having done so, is it possible to conclude that since Allah has created the differences between wealth and poverty and the various grades, His intention is that a momin, believer, should establish a social order in which wealth becomes concentrated in the hands of a very few while the rest of the millions and millions of humans go on living lives of abject misery?

And if such is not the Qur'an's intent, what alternative conclusion can there be but that inspite of the natural differences of wealth, all human beings have equal rights to subsistence. Anybody's wealth is not there to increase the poverty of the poor but it is a trust from Allah to be used in Allah's collective, social order for the benefit of the needy and the poor and indigent to put an end to poverty altogether. In other words, the wealth of the rich is to be a mercy for the poor, not a curse for them.

If the rich do not voluntarily accede to such a just social order, the Caliph of Allah must compel them within the law to do so. And if the resources of the public revenue are not sufficient to meet the required expenditure, and there still remain people hungry and in want, he must take

away from the wealth of the wealthy, even though the wealthy may have paid up all the government dues.

(In short, the ^{conclusion} Qur'anic verses, the relevant Traditions and the laws derived therefrom determine that equality in sustenance and subsistence is not opposed to Allah's intent but completely in accordance and compliance with Allah's intent. This is not a new theory created by some perverse logic under the influence of Marxism, but Islam's basic commands come down unchanged through the centuries. It is our fault if we have never tried to appreciate this, or becoming influenced by man-made economic systems, forgotten the Islamic, not of those who remind us of it. It is also wrong that this social order of wealth differences and tyrannical discriminations has been created by Allah, it is of our own creation, the consequence of corrupt social structures. Allah's intent is that all such corrupt social orders should be exterminated.

Economic Grades

Although all are equal in their rights to economic subsistence, all are not equal in the grades of economic subsistence. Such grades are, in a way, natural, that is, it is not necessary that the things of subsistence should be the same for all but that subsistence must be for all. The differences of grades should be so moderate that in no condition whatever may they become a cause for oppression. That is, differences of grades there may be but not such as to divide society into two groups, one becoming the cause of the poverty of the other, and the other becoming an instrument for the other's aggrandizement.

The Qur'an has described such differences in these words.

نَحْنُ تَسْمِنَا بَيْنَهُمْ مَعِيشَتَهُمْ فِي الْحَيَاةِ الدُّنْيَا
وَرَفَعْنَا بَعْضَهُمْ فَوْقَ بَعْضٍ دَرَجَاتٍ (زخرف - ٣٢)

"In the life of this world We have apportioned their sustenance in such manner that some may be above the others." (Zukhruf-32)

اللَّهُ يَبْسُطُ الرِّزْقَ لِمَنْ يَشَاءُ وَيَقْدِرُ (رعد - ٢٦)

"Allah expands sustenance for whomsoever He willeth and narrows it for whomsoever He willeth. (Ra'ad-26)

وَهُوَ الَّذِي جَعَلَكُمْ خَلَائِفَ الْأَرْضِ وَرَفَعَ بَعْضَكُمْ
فَوْقَ بَعْضٍ دَرَجَاتٍ لِيُبْلُوَكُمْ فِي مَا آتَاكُمْ

(انعام - ١٦٥)

"He it is Who has made you inheritors (caliph) of one another, and placed some of you above others, so that He may try you in respect of what He given you." (An-aam-165)

وَاللَّهُ فَضَّلَ بَعْضَكُمْ عَلَى بَعْضٍ فِي الرِّزْقِ - فَمَا الَّذِينَ

فُضِّلُوا بِرِزْقِهِمْ عَلَى مَا مَلَكَتْ أَيْمَانُهُمْ فَهُمْ فِيهِ

سَوَاءٌ أَفْبِغِمْهُمُ اللَّهُ يَجْحَدُونَ (نحل - ٧١)

"Allah has given some of you greater subsistence than to others. But it does not happen that those who have been given more return some of the subsistence to others below them, though all have equal rights in that subsistence. Then, is it not a denial of the blessings of Allah? (Nahl-71)

This shows that the differences in the means of subsistence are a trial. Allah has given wealth to the wealthy, demanding at the same, that this wealth must not be looked upon as one's own property, but that "despite the individual ownership" one must firmly believe that the more

one earns, the greater the rights of the others on this wealth. Thus one does not earn for one's own self but for the other individuals of the society as well.

Besides, it should be borne in mind that the differences of grades are not for depriving others of their subsistence or exploiting others for one's own selfish interests. He who does so is a denier of the blessings of Allah. Here the objective of wealth or capital is not greater and greater profit-making but the satisfaction of collective needs side by side of the satisfaction of individual needs.

On the other side, it is expected that those who do not possess enough should not, seeing the wealth of others, be jealous of them or ungrateful to Allah but be content with their own lot looking upon it as their prosperity which makes them free from all care and anxiety.

Or, in the alternative, they may strive for outstripping others in earning more in order that others may partake of their wealth, as Islam requires of them to fulfil their responsibilities to others.

Impermissibility of Hoarding and Accumulation

Those principles of wealth and capitalism are utterly impermissible which allow to become concentrated among certain groups or classes instead of circulating and distributing over the whole society.

وَالَّذِينَ يَكْنِزُونَ الذَّهَبَ وَالْفِضَّةَ وَلَا يَنْفِقُونَ بِهَا
 فِي سَبِيلِ اللَّهِ فَبَشِّرْهُمْ بِعَذَابٍ أَلِيمٍ ﴿٣٤﴾ يَوْمَ يُخْمَىٰ عَلَيْهَا
 فِي نَارِ جَهَنَّمَ فُتُكْرَىٰ بِهَا جِبَاهُهُمْ وَجُنُوبُهُمْ وظُهُورُهُمْ
 هَذَا مَا كَنْزْتُمْ لِأَنفُسِكُمْ فَذُوقُوا مَا كُنْتُمْ
 تَكْنِزُونَ (توبه ٣٤-٣٥)

"They who accumulate gold and silver and do not spent it in Alla's path, give the tidings of a painful doom when these things will be made the fuel of hell and their foreheads and backs and sides will be branded therewith and it will be said to them, 'Is this what you used to accumulate? taste now the relish of your accumulation.'" (Taoba-35-36)

كَيِّ لَا يَكُونُ دَوْلَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ (حشر - ٧)

"Allah has connanded that you spend on the beggars and the needy and the orphans and the relatives in order that wealth may not become concentrated among the wealthy." (Hashr-7)

أِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسَاكِينِ وَالْعَامِلِينَ عَلَيْهَا
وَالْمُؤَلَّفَةِ قُلُوبِهِمْ وَفِي الرِّقَابِ وَالْغَارِمِينَ وَفِي سَبِيلِ
اللَّهِ وَأَبْنِ السَّبِيلِ فَرِيضَةٌ مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ

(توبه - ٦٠)

"Sadqat (charities) are only for the beggars and the needy and those who collect them and for the softening of hearts and freeing captives and clearing the debts of the debtors and for Allah's path and the travellers. This is a duty from Allah and Allah is knower, the Wise." (Taoba-60)

وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ (بقره - ٤٣)

"And establish sala't and pay Zaka't." (Baqara-43)

وَأَوْحَيْنَا إِلَيْهِمْ فِعْلَ الْخَيْرَاتِ وَإِقَامَ الصَّلَاةِ وَإِيتَاءَ
الزَّكَاةِ وَكَانُوا لَنَا عَابِدِينَ (انبیاء - ۷۳)

"And We inspired the Prophets to do good works and establish sala't and give Zaka't and they were our obedient servants."
(Ambiya-73)

وَأَنْفِقُوا مِمَّا رَزَقْنَاكُمْ مِنْ قَبْلِ أَنْ يَأْتِيَ أَحَدَكُمُ الْمَوْتُ
(منافقون - ۱۰)

"And spend of that which We have given you before you die." (Munafiqoon-10)

وَأَنْفِقُوا فِي سَبِيلِ اللَّهِ وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ
(بقره - ۱۹۵)

"And spend in Allah's path and do not destroy yourselves." (Baqara-195)

That is, to refrain from spending in Allah's path is self-destruction.

Paying Zaka't and giving in charity and spending in Allah's path have been commanded in these Verses. In fact, a great many Verses of the Qur'an are on these subjects, and have their explanation to incline the reader to act on them. The gist of all of them is that wealth is not for accumulation but for spending, and not on one's own luxuries but on the necessities, one's own and those of others. The wealth on which Zaka't is not given and is not dutifully spent on other stipulated items of spending automatically falls in the category of accumulation and merits the promised punishment. It is this wealth which makes for capitalism and capitalism is impermissible and should be destroyed. Although it is permissible to retain the balance left after covering one's own needs and those of the family and

complying with the other duties, it is not the best thing to do, because there are the collective social rights on it and it should be spent on them. Abu Zar Ghaffari and many of the ulema look upon such wealth as impermissible.

Besides these Verses the laws of inheritance too are based on the principle that wealth may not be concentrated but spread over the widest possible field.

Eliminating Corrupt Economic System and Establishing A Just Balance Between Capital and Labour

In business transactions nothing is permissible that may contribute to a corrupt economic system, receive any kind of help or encouragement or adversely affect the effort and, in this way, disturb the balance between capital and labour. For this reason all forms of riba, interest-loaded business transactions, apparent or not, gambling, hoarding and accumulation, corrupt rules and systems have been declared impermissible. Corrupt economics is not permitted. And, as in any other sphere of life, justice and fairplay are the very basis.

أَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا (بقره - ۲۷۵)

"Allah has permitted trade but forbidden riba." (Baqara-275)

يَمْحَقُ اللَّهُ الرِّبَا وَيُرْبِي الصَّدَقَاتِ وَاللَّهُ لَا يُحِبُّ كُلَّ

كَفَّارٍ آثِمٍ (بقره - ۲۷۶)

"Allah destroys riba but prospers charity. Allah does not befriend the ungrateful, the sinners." (Baqara-276)

أَتْمَالِ الْخَمْرِ وَالْمَيْسِرِ وَالنَّاصِبِ وَالْأَزْ لَامِ رِجْسٍ مِّنْ عَمَلِ

الشَّيْطَانِ فَاجْتَنِبُوهُ (مائده - ۹۰)

"No doubt, strong drink, gambling, idols and divining arrows are the devil's handiwork, therefore, abstain from them." (Ma'idah-90)

وَيْلٌ لِّلْمُطَفِّفِينَ الَّذِينَ إِذَا اكْتَالُوا عَلَى النَّاسِ يَسْتَوْفُونَ
وَإِذَا كَالُوهُمْ أَوْ وَزَنُوهُمْ يُخْسِرُونَ (مطففين - ١ - ٣)

"Woe be to them who when they have to take, weigh the full measure, but weigh and measure less when they give."

(Mutaffifeen-1-3)

وَزِنُوا بِالْقِسْطَاسِ الْمُسْتَقِيمِ (بنی اسرائیل - ٣٥)

"And weigh the full measure."

(Bani Israel-35)

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالِكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ
تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ (نساء - ٢٩)

"O you who believe! Do not devour your wealth amongst yourselves in falsehood but by mutual agreement in business." (Nisa-29)

In the light of these Verses, Shah Waliullah writes in his Hujjat ul Baligha (Chapter Intifa ul Rizq).

"Let it be understood that when Allah created mankind and placed in the earth manner of things for its sustenance making them pleasant and common for all, there arose disputes and dissensions among them. Allah commanded that any one who by reason of priority or inheritance gets into possession of anything or by other ways Allah has made permissible, none may rightfully with his possession of it."

The only legitimate way to possess it is by way of business negotiations or other mutually agreed upon exchange, without the least deception and both sides being in full knowledge of the commodity involved.

(Since men are by nature inclined to civic life, existence is not possible without mutual sharing and cooperation, therefore Allah has made sharing and cooperation an obligatory duty and also it binding that no one has the right to repudiate the relevant principles, unless there be some compelling, valid reason.) For commodities of subsistence to be such the basic principle is to acquire possession of the permissible things or use those things which are the means for promoting economic progress to develop the things in one's possession; for instance, fodder to promote the breed of cattle, or improving land and irrigation to cultivate it. But the first condition for doing so is to see that nothing is done that becomes the cause of economic suffering to another, and thus of the destruction of civic life. That is, when the permissible means of subsistence are for all one has only so much right in the use of them and of ownership in them that this action of his does not become a source of suffering for others, or his wealth a cause of his own poverty and starvation.

"It should also be understood that, if there were no cooperation and common action, it would be impossible for civilization to progress. For instance, one may want to take his goods from one to another and wishes to make a living out of it for a period, or one chooses to do brokerage and makes such labour the means of his livelihood, or an inventor tries to improve the goods belonging to other people by his inventions, (uses arts and crafts as a means of his livelihood). It is obvious that without cooperation there could be no stability.

In all such matters, the right cooperation is necessary and also a duty. But if economic progress or increase of wealth is achieved by means in which cooperation is not

for, as in gambling, or by means in which there is semblance of cooperation but no real cooperation, as in riba or interest loaded business, it is because a poverty-stricken individual finds himself in a position in which he is forced to accept responsibilities which he does not possess the capacity to fulfill. Such agreement on his part is not agreement at all. Therefore, such business methods too are neither permissible nor desirable and cannot be looked upon as beneficial elements of economics. They are spurious and tyrannical."

These words of Shah Waliullah throw light not only upon the latter stated principle but present all the related principles very concisely to the mind.

a. (In spite of the natural differences of grades, all men are equal in their rights of subsistence. The central principle in respect of all that the earth contains is applicable to all, though assessment and determination can become apparent only by permissible possession)

b. The individual's possession and disposal of it are permissible only so long as they do not cause economic difficulties for others.

c. In economics cooperation and sharing work are essential.

d. The cooperation should be based on such proper rules that one may be of assistance to another and the benefit of one may not be dependent on loss and injury to another.

e. This can be possible only when an economic order that fulfils the Will and commands of Allah, prevails throughout the world.

f. In this economic order all those systems will be impermissible in which there is no mutual cooperation, and the well-being of one depends on the misery of another, as happens in gambling, whether conducted in an uncivil

manner, or such civil manner as speculation or lotteries, and such.

g. Also impermissible are those dealings in which there is a show of mutual agreement but in reality there is nothing but compulsion, for instance, in riba, usury or where interest is charged. Or monopoly or mortgage where one party is the capitalist and the other a helpless, misery stricken individual, the one imposing conditions on the other which are against all principles of justice, but circumstances force him to bow his head.

h. Even though such dealings may be effected by mutual agreement, they are not acceptable in Islam. There is no place for them in the Islamic economic order, however pleasing their apparent benefits may be. Their ultimate result can only be suffering for the many and benefit only for a few. Here usury and bank-interest both are accursed. So also are those business transactions where the right of the wage-earner are violated or the wage-earner tries to do unjustifiable harm to the capitalist.

In short, the Islamic economic order is based on the clear, profoundly wise principles projected by the Qur'an.

The following pages are but an elaboration of these principles as the best argument and guarantee for the Islamic economic order.

These details will have shown that the objectives of an economic order cannot be better achieved than by way of Islam. Unlike Marxism there is no anarchy or class-struggle here, but an undying proclamation of international brotherhood concentration of wealth in the hands of a few has also declared as impermissible so that tyranny and falsehood may not be able to take root and no individual may find himself in straitened circumstances forced on him by fellow-men.

Now it is up to us to refuse being overawed by those academic arguments which have done everything except to bring peace and security and general welfare and prosperity to mankind. We may, in the alternative, make that simple but peaceful order our guide which, after the Rashida caliphate, monarchy did not permit to remain effective, yet, in spite of its brief period, projected a program of the ends and objectives of an ideal economic order, universal fraternity, message of equality and general welfare and prosperity which is admitted even today by friends and opponents alike.



Chapter 4**INDIVIDUAL SUBSISTENCE**

Subsistence and the means of subsistence are bound up individually and collectively with human life, both influence one another. The details of each will be treated separately, by natural sequence the individual's first.

(In Islam's economic system, what are the commands in respect of the individual?

What is one to earn?

What is one to spend?

And on whom to spend?

That is, what income may be looked upon as permissible?

And what are the permissible ways to dispose it of?

To answer these three very natural questions, Islam divides "individual subsistence" into four sections. In the first, we are encouraged to strive for earning and told that man should earn his bread by his own labour. To be inert is to invite death. To call it life is meaningless, nor may it be described as trust in Allah.

Encouragement to Earn A Living

(The first stage in the problems relevant to individual subsistence is that of earning a livelihood. The Qur'an tells us to strive for a living according to one's capacity for it. The world is for effort, inertness is death. Allah has placed many a treasure in this earth but to find them is conditional on us.

فَإِذَا قُضِيَتِ الصَّلَاةُ فَانْتَشِرُوا فِي الْأَرْضِ وَابْتَغُوا مِن

فَضْلِ اللَّهِ (جمعه - ١٠)

"Then when the prayers are over, spread in the land in search for Allah's bounty."

(Juma-10)

ان الذين تعبدون من دون الله لا يملكون لكم رزقا
فابتغوا عند الله الرزق (عنكبوت - ١٧)

"The idols you worship are not owners of subsistence, so but approach Allah for it."

(Ankabut-17)

واخرون يضربون في الارض يبتغون من فضل الله

(مزمّل - ٢٠)

"And how many more are there who go about in the land in search of the bounties of Allah." (Muzammil-20)

(The Prophet has said,

قال رسول الله ﷺ طلب كسب الحلال فريضة بعد

الفريضة (كنز العمال)

"Looking for an honest living is the greatest of duties next to the performance of prayers."

قال رسول الله ﷺ اذا صليتم الفجر فلا تنوموا عن طلب

ارزاقكم (كنز العمال)

"When you have said your morning prayers, do not sleep until after you have striven for your daily bread."

قال رسول الله ﷺ الذنوب ذنوب
لا يكفرها الا المجهود في طلب المعيشة (طبراني في الاوسط
ونعيم في الحليه)

"There are sins which cannot be atoned for
without striving for a living."²

Omer bin Khattab ؓ advised:

عن عمر بن الخطاب ؓ لا يقعد احدكم عن طلب
الرزق (احياء العلوم)

"Look for your daily bread in the hidden
treasure of the earth."³ And

اي لا بد للعبد من حركة ومباشرة بسبب من اسباب
يتحصل به طريق الوصول الى الرزق (اتحاف الساده)

"Let none of you refrain from striving to make
a living."⁴

Basic Principles of Earning the Daily Bread

With these Qur'anic Verses and Traditions in mind
can it be said that the individual has the right to take any
step he pleases for earning a subsistence? Obviously not. The
individual has been bound to certain principles which save

¹ Tabrani

² Kanz ul Aamaal Vol.2

³ Ahya ul Uloom Vol.2 p.57

⁴ Itteaf ul Maada Vol.5 p.217

the economy from becoming corrupt and, at the same time, endow moral stature on the striver together with his physical welfare. He is advised to keep two principles before him all the time (One that whatever is earned is permissible and two, that the means used for the earning should also be pure and permissible.)

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا
خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ (بقره - ١٦٨)

*"O people! consume of whatever is in the earth that which is pure and do not follow the footsteps of the devil, he is your open foe."
(Baqara-168)*

فَكُلُوا مِمَّا رَزَقَكُمُ اللَّهُ حَلَالًا طَيِّبًا (مائده)

"Of Allah's providence eat that which is pure and permissible." (Ma'idah)

يَا أَيُّهَا الرَّسُولُ كُلْ مِنْ الطَّيِّبَاتِ وَاعْمَلْ وَاصِلِحًا إِنِّي بِمَا
تَعْمَلُونَ عَلِيمٌ (المؤمنون - ٥١)

*"O Prophet, eat of that which is pure and do right. Lo! We know whatever you do."
(Mominoon-51)*

وَيُحِلُّ لَهُمُ الطَّيِّبَاتِ وَيُحَرِّمُ عَلَيْهِمُ الْخَبَائِثَ

(اعراف - ١٥٧)

"The Prophet makes pure things permissible for you and forbids the bad things."

(Aaraaf-157)

Very strongly stated in these verses is that we should beware of the devil at all times, even in matters of what we eat and drink, and the manner in which we can earn income.

The spirit of the Islamic economic order is that a Muslim should refrain from those things the chemical elements of which are such that they are likely to lead to physical diseases, slow poisoning, or incite our animal nature to unbalance our constitution and become the cause of moral and spiritual diseases. It is also necessary to keep away from things that incite arrogance and pride, affect equality and brotherhood, break up mutual relationships, encourage selfishness, unwarranted luxury and tyrannical oppression. Our subsistence is permissible, if it is purged of these impurities.

Similarly, ^{Production} it is necessary that the means adopted for earning a living should be pure and untainted, making also our spirits and hearts pure and untainted, safe from all manner of evil. Moreover, our means should not create economic difficulties for others, oppression and cruelty leading to condemnable capitalism and the resulting misery and sufferings for the many.

Thus, if these conditions are fulfilled the income and the means to the income may be described as 'pure' and permissible.

Summing up the various commentaries on the word 'tayyab' in halalan tayyeban, Allama Rasheed Raza writes in his Tafsir ul Manar:

"Those things are pure which are not claimed by the rights of others because the impermissibility of what the Qur'an has forbidden, is contained in the things forbidden and, therefore, its use is improper for anyone in any condition. Besides, other things the impermissibility of which is not intrinsic to them but is derived from external causes, have been declared forbidden by describing them as 'tayyab', pure."

Thus a thing is attained without due right but, for example, by *riba*, bribery, gambling, tyranny, trespass, deceit, theft, breach of trust, and such, is also impermissible because it is not pure. Thus, every injurious, impure thing is forbidden, whether the impurity is intrinsic or from external sources.¹

The Qur'an and the Traditions have described some of the forbidden and unforbidden in detail and some only in principle.

حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالْدَّمُ وَلَحْمُ الْخِنزِيرِ وَمَا أُهِلَّ
لِغَيْرِ اللَّهِ بِهِ وَالْمُنْخَنِقَةُ وَالْمَوْقُوذَةُ وَالْمُتَرَدِّيَةُ وَالنَّطِيحَةُ
وَمَا أَكَلَ السَّبْعُ إِلَّا مَا ذَكَيْتُمْ وَمَا ذَبَحَ عَلَى النَّصَبِ
وَأَنْ تَسْتَقْسِمُوا بِالْأَزْلَامِ ذَلِكَ فِسْقٌ (مائده - ٣)

"Forbidden to you are the dead and blood and swine flesh and those animals on which any name besides that of Allah has been mentioned, and the strangled or killed by stoning or dying after a fall or gored by horns or mangled by a wild beast, but that you may have slaughtered it while it was yet alive; or such as sacrificed to idols, or that you distribute by divining arrows. all this is sin."
(Ma'idah-3)

أَنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ
الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ (مائده - ٩٠)

"In truth strong drink, gambling and divining arrows are the handiwork of the

¹ Vol.1 p.87 and Ibn Kathir Vol.1 p.203

devil. So refrain from them that you may prosper." (Ma'idah-90)

نهى رسول الله ﷺ وسلم عن لبس الحرير والديباج وعر
لبس القسي والمياثر والارجون (بخارى كتاب للباس)

The prophet ﷺ has forbidden silk clothing, fine or thick, and sitting on silken cushions, and purple colour."¹

قال رسول الله ﷺ من لبس ثوب شهرة في الدنيا بسه
الله ثوب مذلة يوم القيامة (زرين و ابوداؤد)

"He who wears a dress for arrogance and pride, Allah will give him a dress of dishonour to wear on the Last Day."²

عن النبي ﷺ قال لا تشربوا في انية الذهب والفضة (رواة
الخمة التاج الجامع)

"It is forbidden to you Muslim men and women that you use gold and silver plate."³

إماعدنبت لحمه من السحت والربا فالناراولى به

"Hell fire is better for him whose flesh is tyranny and riba."⁴

¹ Bukhari Kitab ul Libas.

² Zarrin and Abu Dawood.

³ Rawah ul Khamsa Altafe Jame Vol-2, P-132

⁴ Bukhari Kitab ul Adua.

We conclude that the Islamic economic order stipulates that the strife for earning a subsistence must be permissible and pure, not forbidden and evil. The details of both have been described so that there may not be any confusion in understanding what is what. If a man earns his subsistence keeping to these basic principles, his striving merits being described as 'rightful subsistence'.

Basic Principles of Spending

Next to earning is the problem of spending. What is to be spent, how much and on what?

Obviously what is to be spent can only be what has been earned. It alone is worthy of being put to use for life's development.

The answer to How Much Is To Be Spent is given by the Qur'an. There are two parts to the answer, one concerns man's private, individual life.)

كُلُوا وَشَرِبُوا وَلَا تُسْرِفُوا (اعراف - ۳۱)

✓ *"Eat and drink but not excessively."*

(Aaraaf-31)

وَلَا تُبْذِرْ تَبْذِيرًا.....

✓ *"Do not be extravagant...."*

إِنَّ الْمُبْذِرِينَ كَانُوا إِخْوَانَ الشَّيْطَانِ

(بنی اسرائیل - ۲۶-۲۷)

✓ *"Doubt not that prodigal are brothers of the devil." (Bani Israel-26-27)*

These two Verses lay down two conditions for spending one's permissibly earned income that there should be no extravagance, and there should be no tabzir.

Allama Mavardi distinguishes between asraf, extravagance and tabzir. "Spending an amount more than necessity is asraf. This is proof of ignorance about the stipulated rights. Spending on unnecessary things is tabzir; this is proof of being innocent about the proper, rightful conditions."¹

Allama Shabbir Ahmed Usmani comments on the meaning of tabzir in his Fawaid ul Qur'an.

"Do not waste in the wrong places, or occasion what Allah has given you. This is spending on sinful, foolish things, or spending so much on violating or doing the impermissible."

The author of Rooh al Maani comments on the Verse:

كُلُوا مِنْ طَيِّبَاتِ مَا رَزَقْنَاكُمْ وَلَا تَطْغَوْا فِيهِ (طه - ٨١)

"Eat of the good things We have given you but be not prodigal," (Taha-81)

"Be not prodigal "la tattghau fi-ha" means 'Be not rebellious in what Allah has given you, be not against Allah's commands or in ways that may violate the rights of others.'²

Conclusion. It is necessary to be moderate in iqtisad, matters economic asraf and tabzir are symptoms of a corrupt economy. In normal conditions expenditure should not be above income, lest one have to solicit assistance later on. Effort should be made to save a little the rights of others have been satisfied. Nor should one be miserly so that the family may suffer. The Prophet ﷺ advises.

¹ Rooh al Maani V.15 p.59

² On Surah e Taha Vol. 16 p.216

الاقتصاد في النفقة نصف المعيشة (كثر العمال عن ابن

عمر)

"To be moderate in spending out of what one earns is half the happiness of economic life."¹

The Companion Ka'b رضي الله عنه reports,

قال رسول الله ﷺ امسك عليك بعض مالك

فهو خير لك قلت قال امسك سهمي الذين بخير

(بخاري باب الصدقات)

"When I decided to give away all my property in charity the Prophet ﷺ advised me to save some for my family. I told him that I had kept back my share of Khayber."²

(قال رسول الله ﷺ) ان تدع ورثتك اغنياء خير من ان

تدعهم عالة يتكفون الناس في ايديهم

(بخاري كتاب الوصايا)

When a rich man informed the Prophet ﷺ that he wished to write a will giving away all his wealth in the path of Allah, the Prophet ﷺ advised him to have his heirs with property was better, lest, after him, they go about begging."³

(That is why to will away one-third is sufficient)

¹ Kanz ul Aamaal from Ibn Umar

² Bukhari Chapter on Charities

³ Bukhari, Kitab-al-Wasaya

Hafiz Imad ud Deen bin Kathir writes in his commentary.

"When Allah commanded spending, He forbade extravagance and advised moderateness, as stated in a number of Verses."

وَالَّذِينَ إِذَا أَنْفَقُوا لَمْ يُسْرِفُوا وَلَمْ يَقْتُرُوا (فرقان - ٦٤)

"The faithful are those who when they spend, are neither extravagant nor miserly."

(Furqan-64)

"Tabzir makes the commiter of it a brother of Satan.... Abdullah b. Masud ؓ and Abdullah b. Abbas ؓ declare that every expenditure against the truth is tabzir. Mujahid says that if one spends everything for the truth, it is not tabzir, but if one spends even a little without justification, it is tabzir. Qitada says that tabzir is spending in disobedience to Allah's word:

وَأْتِ ذَاقِرْبِي حَقَّهُ وَالْمِسْكِينَ وَابْنَ السَّبِيلِ وَلَا تُبَذِّرْ تَبْذِيرًا

(بنی اسرائیل - ٢٦)

Or without right or for them wide open."

(Bani Israel-26)

And according to Imam Razi, the word

وَالَّذِينَ إِذَا أَنْفَقُوا لَمْ يُسْرِفُوا وَلَمْ يَقْتُرُوا وَكَانَ بَيْنَ ذَلِكَ

قَوَامًا (فرقان - ٦٧)

Denotes moderateness as characteristic of a true Muslim.

Syed Mahmud Alusi comments on this verse in his Ruh ul Maani.

والظاهر ان المراد بالانفاق ما يعم انفاقهم على انفسهم
وانفاقهم على غيرها والقوام

"It is obvious that Infaq implies spending generally whether on one's self or on others and qavamun, being moderate, is good in all conditions.

(Ibn Kasir Commentary Vol.6 p.356)

Imam Ahmed and Tabrani report from Abu Dard that the Prophet ﷺ said, "To be moderate is part of wisdom."

Summing up.

- a. In spending, neither extravagance, nor spending on useless things nor miserliness is proper.
- b. To be moderate is the way of being just. It contributes to a better collective economic order.
- c. The individual being like the limb of a body, the rights of social economy too devolve upon him. The more he earns, the more he is responsible for satisfying these rights. This is known Islamic terminology as infaq e fi sabil Allah, spending in the path of Allah'.
- d. The first rights on the individual's income are those of the family, of modest dress for women, residence according to necessity. After these come those details which have been stated in the preceding pages.

1. If the individual is well-to-do, Zaka't is obligatory.

That is, the social right has precedence over the individual.

2. Besides Zaka't and other charities, there are other social rights incumbent on the individual. Abdullah Umar ؓ tells us that if the resources of the public treasury (bait ul maal) are not sufficient for every individual

subsistence, the ruler has the right to forcibly take the wealth of the wealthy and so make up for the shortage, even though zaka't may have been paid.

3. In normal circumstances, the "secondary dues" should be paid in such a manner that a reasonable amount is saved for the family so that they may not be left indigent and begging.

4. In special conditions, isar e al-an-nafs, selfless giving away is commendable. That is, if self-control and patience have been achieved to perfection, spending all in the path of Allah is a very great virtue. As the Qur'an says:

يُؤْتِرُونَ عَلَىٰ أَنفُسِهِمْ وَلَوْ كَانَ بِهِمْ خَصَاصَةٌ

✓ *"Even if their own need is great they give away for others."*

A tradition from Abu Zar Ghaffari ؓ tells us:

افضل الصدقة جهد من مقل

"The best charity is his who, though poor, gives away in the path of Allah."

Abu Bakr ؓ giving away all he had is an example.¹

Moreover concisely it may be stated that moderateness, iqtisad, is required in private subsistence/economy, and accumulation and hoarding are impermissible. Personal income is a means for collective wealth, not an obstacle in its way.

The second part of Wealth Expenditure concerns collective subsistence, to be detailed now. A great part of this is related to governments and their duties and indirectly to the individual. The Qur'an has drawn our attention to this

¹ For details see also Faith ul Bari Vol.3 p.239

at a number of places, giving it great importance in the economic order and projecting it prominently side by side with Zaka't and inheritance.

وَاتِ ذَا الْقُرْبَىٰ حَقَّهُ وَالْمِسْكِينَ وَابْنَ السَّبِيلِ

(بنی اسرائیل - ۲۶)

"And give the near of kin and the needy and the traveller their rights." (Bani Israel-26)

وَأْتُوا حَقَّهُ يَوْمَ حَصَادِهِ (انعام - ۱۴۱)

"And fulfil its right as the harvest is gathered." (A'raf-141)

The right referred to here is that above zaka't or ushr, according to Imam Sha'bi.

يَسْأَلُونَكَ مَاذَا يُنْفِقُونَ قُلِ الْعَفْوَ (بقره)

"They ask you what they should give, say, al-afv, all that is above needs."

يَسْأَلُونَكَ مَاذَا يُنْفِقُونَ قُلْ مَا أَنْفَقْتُمْ مِنْ خَيْرٍ
فَلِللَّذِينَ وَاللَّذِينَ وَالْأَقْرَبِينَ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَابْنَ السَّبِيلِ
وَمَا تَفْعَلُوا مِنْ خَيْرٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ (بقره - ۲۱۵)

"They ask you what they should spend, say, whatever you spend should be for parents and the near of kin and the orphans and the needy and the traveller. And whatever good you do, Allah is Knower and Aware." (Baqara-215)

Some contemporary scholars have taken the word al-afv to mean the profit earned by an outlay of capital, not the capital itself. But this is wrong. The spending here is related to what is spent in the 'path of Allah' and in the next Verse

explained on whom the surplus is to be spent. Neither the question nor the answer can possibly imply the deduction arrived at by these contemporaries. The question and answer are simple and clear. The questioner asks how much should be spent in Allah's path, about which he is being advised. The answer clarifies that if there is a surplus above the necessities it should be devoted, as detailed in the next Verse, to the parents, the near of kin, the poor, the traveller, and so on.

This is what the majority of commentators take the Verses to mean. The Prophet ﷺ, the Khulafa e Rashidin and the most eminent of the Companions lived according to this principle, not by the novel interpretation now being given. There were other Companions who no doubt acted on the usual business method, keeping the capital safe and spending only out of the profits. But this was due to their natural business habits, not because they gave under consideration here another than the correct interpretation.

Besides, keeping the capital untouched and placing all the load of expenditure only on the profits may be a good practical side of economics, iqtisad, but cannot be applicable to the salaried personnel, arts and crafts, monopolies, agriculture, feudalists, etc.

There are other Verses too which must be kept under consideration. They describe the distinguishing qualities of the believers, their devotions and abstinences and, side by side, their spending in Allah's path, and this spending, the commentators agree, is not of the compulsory Zaka't.

وَبِالْأَسْحَارِ هُمْ يَسْتَغْفِرُونَ وَفِي أَمْوَالِهِمْ حَقٌّ لِّلسَّائِلِ

وَالْمَحْرُومِ (الذاريات - ١٨-١٩)

✓ *"And in the morning they beseech Allah's forgiveness, and the beggar and the deprived have a right in their wealth" (Zariyat-18-19)."*

الَّذِينَ هُمْ عَلَى صَلَاتِهِمْ دَائِمُونَ وَالَّذِينَ فِي أَمْوَالِهِمْ حَقٌّ
مَّعْلُومٌ لِلسَّائِلِ وَالْمَحْرُومِ (المعارج - ٢٣، ٢٤، ٢٥)

"And they who are firm in their prayers and those in whose wealth the rights of the begger and the deprived are established."

(al Ma-arij-23-25)



Chapter 5

COLLECTIVE ECONOMIC ORDER

The importance of collective life is universally recognized but Islam explains the secret of this importance. It tells that collective, social life is necessary because it is the best possible means of the Ummah's welfare. Without it the proper bringing up and development of the individuality of the individual and the completion of the many departments of his life would be impossible. In other words, no human being can attain to the utmost unless he executes the rights and responsibilities which have been made obligatory on him as Allah's creature and a member of the human society. These rights and responsibilities cannot be executed properly unless a proper social order is also established. That is why the Qur'an, in many places, prefers to address itself to the plurality, instead of the individual. For instance, "O mankind, "and the Muslims in general, Ya ayyohal-lazina amanu.

"O you who believe!"; aqimu-al-salaat "establish prayers, all of you"; Aatu-al-Zakaat "Give zaka't, all of you"; wa Allah-u ala an-naas hajjat el baita, "It is Alla's right on the people that they perform the Pilgrimage." Fa man shahada kum al shahra fal-yas-ma-hu, "He of you who is present, let him fast the whole month"; la ta-kulu amwalukum bainakum, "Do not devour each other's wealth by falsehood"; la taaakulu al riba, "do not consume riba" The plural number has been used in these places.

كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ

وَتَنْهَوْنَ عَنِ الْمُنْكَرِ (آل عمران - ١١٠)

"You who have been raised up among mankind are the best of ummah; you enjoin the right and you forbid the wrong." (Aal e Imran-110)

أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأَطِيعُوا أُولَى الْأَمْرِ مِنْكُمْ

(نساء - ٥٩)

Obey Allah and His prophet and him who among you holds authority." (Nisa-59)

وَأَعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا

(آل عمران - ١٠٣)

And all of you, hold on to the cord of Allah and do not separate." (Aal e Imran-103)

The spirit of all these verses indicates that the individual cannot develop properly without living amidst others, and his welfare is dependent on the collective welfare of the others. That is why the Prophet ﷺ declared "There is no monasticism in Islam."

أَنَا لِلَّهِ وَأَنَا إِلَيْهِ رَاجِعُونَ

The economic aspect on which depends the physical life and progress of human beings, is like the other departments of human life and is related to both the mundane and spiritual, it must be an important part of collective life. Therefore, both intelligence and human nature are obliged to admit that the well-collective order depends very much on the goodness of the economic order.

Moreover, it cannot be denied that social economic and the system of government are very closely related to one another. Whether the economic order is good or bad can be seen in the king of the prevailing social order and the government system. For instance, if capitalism dominates a society, that system of government will prevail in which capitalist principles will be encouraged and will rule those principles.

Similarly, if the society is socialist or communist, the government will eliminate private ownership. And if the society is dominated by pleasure-love as its objective, its government will be founded on a philosophy that is void of belief in Allah and religion. Class warfare is inevitable in such a socio-economic order.

If the collective social order is oriented towards both economic and regard for the Hereafter, a welfare social order will be required. It believes that without it man can neither be truly obedient to Allah, nor be a sympathizer of the masses nor champion of social unity. It seems inevitable to them that a government system will take shape here that will not be marked by hair-splitting and pleasant philosophic theories, huge office departments and budget statistics, but, instead, will contain in itself the general welfare of humanity, mutual brotherhood and sympathy, free of the class struggle and devoted to noble ethics.

Islam has laid the foundations of a collective social order based on principles which join subsistence, government and politics with devotion to Allah and religion and breathed into economics a spirit which brings about general prosperity, common fraternity and mutual sympathizing and equality. It abhors those means which concentrate wealth in a few hands leading to the poverty of the many. In other words, by declaring hoarding and accumulation to be forbidden, it puts an end to all that might interfere with the equality of subsistence rights.

Islam also proclaims that the denial of natural grades and private ownership do wrong because this leads to stagnation and negating the exercise for life's struggle.

After accepting the impermissibility of hoarding and accumulation and the equality of subsistence rights, it is not correct to entertain fears that confessing the existence of natural grades is opening the doors of condemnable capitalism. We shall discuss this in the ensuing pages while

commenting on social economics. Islam makes common general prosperity and equality of subsistence rights the spinal cord of its social economics. At the same time, to bring its economic order into shape, it unites its collective order and government system (caliphate) in such a mould as saves society from destructive rivalries and establishes universal brotherhood and mutual sympathies. History shows that the Islamic socio-economic order has been more successful in achieving these ideals than any other old or new order. Had there been no contacts with Roman and Persian imperialism, emulating their luxuries, Muslim rulers would not have destroyed the caliphate with their own hands. World history would be following different paths and Ctsephon would not have dared level the accusation that if the Islamic socio-economics were really pragmatic, its duration would not have been so short-lived.

Muslim rulers destroyed the best of social orders because of their lust for personal power. They could not tolerate that the caliphate should be purely the viceroyalty of Allah. For a long time they continued to use the name 'caliphate' but their rule always was monarchical and imperialist.

The System of Government

When Islam raised the banner of human liberty, it proclaimed that government systems and law making were not to be placed in human hands. Allah, alone, was its Founder and Law-Maker, the caliph only executing the law and serving as His deputy.

The tradition:

"The sultan is the shadow of Allah on the earth",

Means that if the sultan is a caliph acting exactly as Islam required, he is Allah's shadow but not if he is an autocrat and his government un-Islamic.

انِ الْحُكْمُ اِلَّا لِلّٰهِ (يوسف - ٤٠)

"There is no command except that of Allah."
(Yousuf-40)

مَلِكِ الْمُلْكِ تُؤْتِي الْمُلْكَ مَنْ تَشَاءُ وَتَنْزِعُ الْمُلْكَ مِمَّنْ
تَشَاءُ (آل عمران - ٢٦)

"He is the Lord of Sovereignty. He gives sovereignty to whomsoever He wills and deprives one of sovereignty whomsoever He wills." (Aal e Imran-26)

انِ الْاَرْضَ لِلّٰهِ يُورِثُهَا مَنْ يَشَاءُ مِنْ عِبَادِهِ وَالْعَاقِبَةُ
لِلْمُتَّقِينَ (اعراف - ١٢٨)

"The earth belongs to Allah. He gives its inheritance to whomsoever He wills. The consequence is for the Allah fearing." (A'raf-128)

The Amir's Status

For this reason, an emperor, dictator or president was not to be chosen for Allah's governance but the titles chosen were "caliph" and caliphate so that from the very beginning it may be registered in the mind that besides Allah's vicegerent and the people's service, there cannot be any place here for personal or party rule. Thus Allah speaks about Adam.

اِنِّي جَاعِلٌ فِي الْاَرْضِ خَلِيفَةً (بقره - ٣٠)

"I am about to bring on the earth a caliph."
(Baqara-30)

And David is told,

يدوداً جَعَلْنَاكَ خَلِيفَةً فِي الْأَرْضِ (ص - ٢٦)

"O David, We have sent you as a caliph."
(Sa'd-26)

The Prophet ﷺ:

كانت بنو اسرائيل تسوسهم الانبياء كلما هلك بنى
خلفه نبي وانه لا نبي بعدى و سيكون بعدى خلفاء
فيكثرون قالوا فماتامرنا؟ قال او فوا بيعة الاوال
(بخارى ومسلم)

"The political affairs of the Children of Israel were in the hands of their prophets. When one prophet died, another succeeded him, but after me there will be no prophet but there will be caliphs many caliphs." The Companions asked, 'What is your command to us about them. He said, "Swear allegiance to him who has been chosen by the people."
(Bukhari, Muslim)

Who can doubt that in Islam the position of the caliph is prominent but not for personal or party power, only for the people's service carried out by true caliphate rule. Democracy is apparent but for guarding the people's rights, not for wrangling over forms of government, majority and minority debates, and such. Islam's form of governance (caliphate) is not comparable with any old or new form. Justice for all and service to every individual of the Ummah are its real foundation. The caliph guides on Allah's path and is also the people's servant. Although being Allah's vicegerent, he is leader of the whole Ummah. In the execution of his duties he is bound to the Shoora (council of advisers). In fact, his grand objective is to abide by the advice tendered him by those worthy of giving advice.

In short, the caliphate as moulded by Islam is one in which there never is, even for a moment, such a thing as ruler and the ruled; and making equality-in-justice for all its foundation, puts an end to party and personal power warfare. A glimpse of the Amir's status is obtainable from the following.

عن الحسن قال كتب عمر الى ابي موسى ان الاعمال
موداة الى الامير ما دى الامين الى الله عز وجل (كتاب
الاموال)

"Hasan states that Omer ﷺ wrote Abu Musa Ashari a letter, saying, 'It cannot be denied that the people's deeds will be responsible to the Amir as long as the Amir looks upon himself as responsible to Allah and keeps fulfilling his duties as Allah's vicegerent.'"
(Kitab ul Amwal p.5)

قال انس بن مالك عن معاذ بن جبل قال يا رسول
الله ﷺ ارايت ان كان علينا امراء لا يستنون سنتك ولا
ياخذون بامرك

"Anas ﷺ tells us that Mu'az b. Jabal ﷺ asked the Prophet ﷺ what the Muslims were to do if a ruler were forced on them who neither acted on the Sunnah nor cared for anything that he, the Prophet ﷺ, spoke.

"The Prophet ﷺ said:

فماتا مرنا في امرهم قال رسول الله ﷺ لا طاعة لمن لم يطع
الله (رواه احمد)

"The people must not obey an Amir who does not obey Allah" (Ahmed)

قال علي بن ابي طالب رضي الله عنه كلمات اصاب فيهن الحق
قال: بحق علي الام ان يحكم بما انزل الله وان
يودي الامانة فاذا فعل ذلك فحق على الناس ان يسمعوا له
واطيعوا ويحبوه اذا دعا (كتاب الاموال)

"Ali رضي الله عنه reports. "There are some words in which the Truth has been spoken. It is compulsory for the Iman to decide according to the Qur'an and be worthy of trust. So if he does this it becomes incumbent on the people to obey him, but not otherwise."

قال رسول الله صلى الله عليه وسلم ما من امتي احد ولي عن امر الناس
شيئا لكم يحفظهم بما حفظه به نفسه واهله الا لم يجد
رائحة الجنة

"The Prophet صلى الله عليه وسلم has said, 'If any one of my Ummah becomes a waali, head of the people and he does not look after their affairs as he would those of his own family, he will not be given the breath of paradise.'"

Responsibilities of the Jama't and Obedience to the Amir

If the caliph, Amir or imam is bound by the principles of being Allah's vicegerent, the people too are bound by Islam to obey the incumbent of Allah's vicegerent's office because obedience to him is not to his person but to Allah and His Prophet صلى الله عليه وسلم. Moreover, it was considered necessary that they look upon themselves as part of the social order

even in their day to day life. The following Verses from the Qur'an and the Traditions prove the contention.

أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأَطِيعُوا أَوْلِيَّ الْأَمْرِ مِنْكُمْ

(آل عمران - ٥٩)

"Obey Allah and the prophet and the Amir."
(Aal e Imran-59)

وَأَطِيعُوا اللَّهَ وَرَسُولَهُ وَلَا تَنَازَعُوا فَتَفْشَلُوا وَتَذْهَبَ رِيحُكُمْ

(الانفال - ٤٦)

"And obey Allah and His Prophet and do not fight among yourselves or you will weaken and lose your wind." (al Anfal-46)

وَلَا تَكُونُوا كَالَّذِينَ تَفَرَّقُوا مِنْ بَعْدِ مَا جَاءَهُمُ الْبَيِّنَاتُ

(آل عمران - ١٠٥)

"Do not become as those to whom Allah's manifest signs came yet they remained divided." (Aal-e-Imran-105)

عن ابي هريرة قال رسول الله كانت بنو اسرائيل

تسوسهم الانبياء كلما هلك بنى خلفه نبي وانه لا نبي

بعدي وسيكون بعدي خلفاء (بخارى وترمذى باب

الاخلافة)

"The Prophet ﷺ said, 'The political affairs of the Children of Israel were conducted by their prophets. When one prophet died another took his place. But after me there will not be another prophet, and it is near, that caliphs

will conduct the political affairs." (Bukhari, Tirmizi-Chapter on Caliphate)

لا يحل لثلاثة يكون في الفلاة من الارض الامروا عليهم

احدهم (مسند احمد ومشكوة باب الاماره)

"The Prophet ﷺ said, 'If there are only three men on a plain of the earth, it is not permissible for them to live without choosing one of them as their Amir.'" (Ahmed, Ch. Amara)

لا اسلام الا بجماعة ولا جماعة الا بامارة ولا امانة الا بطاعة

(جامع لابن عبدالبر)

"The Prophet ﷺ said, 'There is no Islam without jama't and no jama't without an Amir and no Amir without obedience. (Jama'Ibn Abdul Aziz p.62)

عن ابى هريرة سمعت رسول الله ﷺ يقول من خرج من

الطاعة و فارق الجماعة فمات ميتا جاهليه (مسلم)

Abu Huraira ﷺ: I heard the Prophet ﷺ say, 'He dies the death of the Times of Ignorance who gives up obedience to the Amir and separates himself from the jama't.'"

عن عروة قال خطب ابوبكر ﷺ فحمد الله واثنى عليه

ثم قال اما بعد فاني وليت امركم ولست بخيركم ولكنه

نزل القرآن و سنن النبي ﷺ و علمنا فعلنا وان اقواكم

¹ Muslim Vol.2 p.128

عندى الضعيف حتى اخذله بحقه وان اضعفكم

- عندى القوى حتى اخذمنه الحق - ايها الناس انما انا متبع
ولست بمبتدع فان انا احسنت فاعينوني وان انا زغت
فقوموني - اقول قولى هذا واستغفر الله لى ولكم (كتاب
الاموال لابي عبيد)

"Urwah says that on one occasion Umar رضي الله عنه delivered a sermon. He first praised Allah, and after invoking blessings, said, 'I have been appointed your Amir although I am not better than you. But the Qur'an was revealed, and the Prophet صلى الله عليه وسلم established his Sunnah, We studied it and acted by it. Doubt not that those are weak for me until I take away from them the rights due to you, and those hands are strong for me until I take away for them the rights usurped from them. I am a practicing follower of Islam. I shall be no innovator. If I do right assist me, and if I waver, put me right. This is what I have to say, and I beseech Allah's forgiveness for myself and for you.'¹

عن سلمان قال - ان الخليفة هو الذى يقضى بكتاب الله
ويشفق على الرعية شفقة الرجل على اهله فقال كعب
الاحبار صدق (الاسلام والحضارة العربية)

"Salman says that in the true meaning of the word, a caliph is one who decides according

¹ Kitab ul Amwal al Abi Ubayda p.514

to the Book of Allah and treats his people with the kindness that he treats his family with. When Ka'ab b. Ahbar heard this, he said "Salman has spoken the truth."

Shoora

Just as it is necessary for Muslims to form and work as a group, jama't, and obey the Amir, so it has been made binding on the Amir to consult people of wisdom and strategy in matters of public importance. He should also consult the demos in exigencies. The Qur'an addresses the Prophet ﷺ in these words.

وَشَاوِرْهُمْ فِي الْأَمْرِ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ

(آل عمران - ١٥٩)

"And consult the people in their affairs, and when you have decided, then trust in Allah..." (Aal e Imran-159)

The ulema say that when such a resolute Prophet ﷺ, recipient of Divine revelations, not in need of consulting anyone, is commanded to consult, how much more binding it is on the caliphs of Islam to consult. For this reason the Islamic system of government may be defined as "consultative" one. Hafiz Ibn Teemiya says.

لا غنى للولي لا مر عن المشاركة فان الله امر بها نبيه ﷺ

فغير صلى الله ﷺ اولى بالشوره (السياسة الشرعية)

"The Amir cannot do without consultation because Allah has commanded His Prophet to consul. Therefore, all others are far more in need of consulting." (al Sayasat ul Sharaiya p. 75)

Then, when the Amir has consulted, he is bound by the opinion submitted to him, because this opinion constitutes his resolve which the Qur'an refers to.

عن علي عليه السلام قال سئل رسول الله صلى الله عليه وسلم عن العزم فقال

مشاورة اهل الرأى ثم اتباعهم (تفسير ابن

كثير ودرمنثور عن ان مردويه بسند حسن)

"Ali عليه السلام has reported that the Prophet صلى الله عليه وسلم was asked what the word *azm*, resolve, meant, and he answered, 'The amir consulting those worthy of opinion (*ahl e raa-e*) and then binding himself to the advice. (Tafsir e Ibn Kasir)

These words of Ali عليه السلام make the relation between the caliph and the Shoora quite obvious. Similarly do other Traditions and sources.

قال رسول الله صلى الله عليه وسلم لو كنت مستخلفا احدا عن غير مشورة

لاستغلفت ابن ام عبد (منتدرك حاكم)

"The Prophet صلى الله عليه وسلم said, 'If I were to appoint a caliph without consulting anyone, I should appoint Abdullah b. Masud. عليه السلام' (Mustadrik Hakim)

عن عمر بن الخطاب قال لا اخلافة الا عن مشورة

(فتح البارى)

Omar b.al-Khattab. "Without our consultation, the office of the caliphate is no caliphate. (Kanz ul Amaal)

On the occasion of the Battle of Uhad, many of the revered Companions advised that the enemy should be engaged from within the city, but the majority comprising

Hamza and other young men, insisted that the battle should be fought outside. Having resolved on the latter course, the Prophet went into his house to gird on his armour. Meanwhile, the elders taunted the young men for putting the Prophet to unnecessary trouble. The young men felt embarrassed and gathered at the Prophet's door to request him, when he stepped out, to apprise him of their change of mind, "It does not become a prophet to change his mind and put up his armour until after he achieves his objective. Come, we shall fight outside the city."

After Iraq and Syria were taken, Caliph Omer wanted to retain the lands as state property, but some of the Companions objected, and he approached the learned and 'men of opinion' but the matter still remained unresolved. He, then, called the Muslims to a general meeting in the mosque, and addressed the congregation in these words:

ان لم از عجمك الا لان تشركو افي امانتي فيما حملت من
اموركم فاني واحد كما حدكم وانتم اليوم تقرون بالحق
- خالفني من خالفني ووافقني من وافقني ولست اريد ان
تبعوا هذا الذي هو اى معكم من الله كتاب ينطق بالحق
فوالله لئن كنت نطقت بامر اريده ما اريده بالحق
(كتاب الخراج)

"I have given you the trouble of gathering here so that you may share the responsibility which you have burdened me with. Doubt not that I am only an individual like you. Today you will proclaim the true verdict. He who differs with me should express his agreement in like manner. I do not wish that you follow my opinion because you have Allah's given Book with you, which speaks the Truth. I

252423

*swear by Allah that in this speech I intend nothing but the truth."*¹

In Islamic law, except for the exercise of his official duties, the caliph in every department of life is not superior to the common man. Ruler or ruled, both are equal.

Abdullah bin Amru ؓ, son of the Governor of Egypt, Amr bin al-Aas ؓ, whipped an Egyptian who complained to Caliph Omer ؓ about it. Omer ؓ summoned both the son and Governor Amru ؓ to Medina and ordered the Egyptian to retaliate by whipping his offender, which he did, the Governor looking on. Then, Omer ؓ said:

مذكم تعبدتم الناس وقد ولدتهم امهاتهم احرارا

"Since when have you made the people slaves, when their mothers gave them birth as free men?"

Governor Amr explained.

يا امير المؤمنين لم اعلم ولم يائتني (حسن المحاضرہ)

"Amir ul Momineen! I know nothing about this case, nor did the Egyptian ever come to me."

Once, during the Hajj season, Caliph Omer ؓ summoned all the governors and gathering the people, delivered a speech saying, "I have called the governors here to tell you that they have not been appointed to cause you suffering but are guardians of your life and your honour and property. So, if there is any one among you who has been put to any pain by them and wishes to be redressed, let him come forward so that he may be satisfied."

¹ Kitab ul Kharaj p.25

One man stood up and accused a certain governor for having whipped him a hundred lashes for nothing and also harassed him. Omer ؓ ordered him to whip the governor similarly. But Amru bin al Aas ؓ, the Egyptian governor, advised Caliph Omer ؓ that if the order were carried out, there would be general resentment among the governors and a precedent would be set up for the future. Omer ؓ did not agree, saying, "How can I desist from doing justice and refuse the sufferer retaliation when I myself have seen the Prophet ﷺ offer himself to retaliation and ask the offended one to retaliate."

Amr, then, pleaded with Omer ؓ to permit him to speak with the complainant. Permission was given, and Amru ؓ persuaded the aggrieved man to accept two dinars for every lash inflicted on him. The matter was settled and the accused governor was relieved of his punishment for two hundred dinars.¹

The episode referred to by Omer ؓ concerning the Prophet ﷺ offering himself for punishment is about the Battle of Badr where he was lining up the fighters and, with the arrow he had in his hand, touched Sawad b. Ghazayya ؓ ordering him to get in line. Sawad ؓ complained, "You have hurt me although Allah has retaliated." The Prophet ﷺ bared his belly and told the man to retaliate. But, instead, Sawad ؓ embraced the Prophet and kissed him on the belly.

These two instances are quoted as examples. We may now refer to instance subsistence.

The Lady Ayesha رضى الله عنها reports that when her father Abu Bakr ؓ was elected Caliph, he said in his inaugural address:

¹ Kitab ul Kharaj p.116

"My people know very well that I am well provided for looking after my family and other dependents, but now I have to attend to my official duties and, therefore, they will have to be looked after by the Bait ul Maal, public treasury."¹

وكان عمر يرزق العامل بحسب حاجته وبلده (الاسلام
والحضارة العربية)

"And Omer ؓ used to give stipends to the governors according to their needs and conditions of their metropolitan."

جمع عمر المسلمين لاول عهده وقال ما يحل للوالى من
هذا المال فقالوا جميعا ما الخاصة فقوته وقوت عياله
لاوكس ولا شطط وكسوقهم وكسوته للشتاء والصيف
ودابتان الى جهاده وحوائجه وصلوته وحجه وعمرته
والقسم بالسوية

"Towards the beginning of his caliphate, Omer ؓ gathered the Muslims and asked them how much from the public treasury was permissible for the Caliph? The audience unanimously answered, 'The Caliph should take only as much as was necessary for him and his dependents, neither more nor less, and also clothes for winter and summer, and for jihad, and the daily expenses, and two

¹ Kitab ul Amwal p.226

*months for haj and umara; and all Muslims have an equal right in the spoils of war."*¹

قال عمر انما انا ومالكم كولى اليتيم ان استغنت
استغنت وان افتقرت اكلت بالمعروف (الاسلام
والحضارة العربية)

"Omer ؓ said, 'My right the public treasury is similar to that of an orphan's guardian in the orphans property. If I am not needy I will take nothing but if I am in need I will take only according to the custom.'

Omer's ؓ great solicitude for the people's prosperity is also shown in the following words.

اما والله لئن بقيت لارامل اهل العراق لاوعنهم لا
يفتقرون الى اميرى بعدى (كتاب الخراج)

"I declare by Allah that if I live, I will make every widow of Iraq such that after me she shall never have to go to a rich man as a beggar."²

ثم رأيت بعدان ولى الخلافة يمشى مشية الرهبان
(كتاب الخراج)

"Omer b. Abdul Aziz ؓ used to live in royal style but when he became Caliph he reduced himself to the position of

¹ Al Islam wa al Hadaarat ul Arabia Vol- pp.131,128

² Kitab ul Kharaj pp. 27, 3, 17, 4, 15

hermit." He wore patched clothes and followed the ways of a Rashid Caliph.

ان اردت ان تلحق صاحبك فارقع القميص ونكسر
الازار واخصف النعل وارقع الخف وقصر الامل و كل
دون الشبع (كتاب الخراج)

"When Omer ؓ was elected Caliph, Ali ؓ told him: 'If you want to attain to your friend Abu Bakr's ؓ stature, there should be patches on your shirt and trousers and shoes, your wishes should be small and you should never eat to full appetite."

Once Omer ؓ came late to the Friday prayers and explained that he had only one set of clothes which he had washed and they had not dried in time. Qatada and Imam Hasan report that they had seen Omer ؓ in a condition when he wore a shirt that had twelve patches on it, most of which were of leather.

اما بعد فاني وليت هذا الامر وانا له كاره ، ووالله لو وددت
ان بعضكم كفانيه ، الا وانكم ان كلفتمو في ان اعمل
فيكم بمثل عمل رسول الله ﷺ لم اقم به الا وانما انا
بشر ولست بخير من احدكم فراعوني فاذا رايتموني
استقمتم فاتبعوني واذا رايتموني زغت فقو موني
(اشهر مشاهير الاسلام)

"I have been appointed ruler in conditions that I did not wish to accept the responsibility of it. I swear by Allah that I would have liked that one of you take over this burden and save me from it. If you expect me to perform my

duties as the Prophet ﷺ did, I wish to make it clear that I am not worthy enough because I am a man like any of you, no better than even the most ordinary among you. Therefore, guide me. If I do right, follow me, if you find me wrong, put me right."

Abu Daud reports that Omer b. al Khattab ﷺ once wrote a letter to his governors:

"Look upon the people as being on the same level as yours. All of them, far or near, are the same in matters of justice and truth. Refrain from bribes and issuing orders according to your own desires. If in anger you call one to accountability, adhere to the truth, not for a moment should you avert from the truth."

Caliph Omer's ﷺ making nightly rounds of the city to keep himself abreast of what went on and to protect all manner of the people's rights are well known facts of history. He often used to say.

"If I live, I shall tour the entire realm throughout the year because I know that, in spite of every endeavour on my part, the needs of many people must remain unsatisfied. The people are unable to reach me, and the governors, perhaps, do not despatch the applications to me. I will tour Egypt for two years, Bahrayn for two years, and, similarly, Basra and other places."¹

Once Abu Bakr's ﷺ wife expressed a desire for something sweet to eat, which he said, he could not afford. She said she would like to be permitted to save part of the allowance the family received from the public treasury. Abu

¹ Ashar Mashahir ul Islam Vol. 2h, p. 296

Bakr ؓ permitted her to do so. Later, when she informed him of the meagre saving, he sent for it and deposited it in the public treasury, saying:

هذا يفضل عن قوتنا واسقط نفقته بمقدار ما نقصت كل
يوم وعزمه لبيت المال من ملك كان له
(اشهر مشاهير الاسلام)

*"It is obvious that we have been drawing from the public treasury more than our needs. He then made an account of the surplus so taken and as a penalty, deposited from his personal property, the equivalent in the public treasury."*¹

Abu Bakr ؓ had been elected Caliph, when he was going one day, with some sheets of cloth on his forearm. On the way, he met Omer ؓ who asked him, "What are you doing with trade matters after becoming Commander of the Faithful?"

Abu Bakr ؓ answered:

"After I have to look after my dependents, how else am I going to do that?"

"Come with me," said Omer ؓ. "Abu Obayda ؓ will assess your needs and fix an allowance for you."

When the two arrived at Abu Obayda's, ؓ he told Abu Bakr ؓ that he would fix same allowance for him as that of any other immigrant, mohajir, plus clothes for winter and summer.

¹ Ashar Mashahir ul Islam Vol.1 p.93

فقرضاه كل يوم نصف شاة وماكساه في الراس و

البطن (اشهر مشاهير الاسلام)

"Both (Omer ؓ and Abu Obayda ؓ) fixed half a goat per day for him plus enough clothing to cover his head and body."¹

Ibn Saeed reports:

"I once saw a man lying in the Prophet's Mosque in the afternoon with a pillow of raw bricks under him. When I arrived home, I asked my father who this very handsome man was. He told me it was Usman ؓ the Caliph."²

Abul Farad reports that one day in anger Usman ؓ twisted slave's ear but immediately repented and asked the slave to retaliate. On his persistence the slave gently touched Usman's ؓ ear but Usman ؓ insisted that the ear be twisted as harshly as he had done, saying:

يا حذا قصاص في الدنيا لا قصاص في الامر

(اشهر مشاهير الاسلام)

"How good is the retaliation which is taken in this very life so that it may not have to be suffered in the Hereafter!"

Once he wrote to the governors:

¹ Ibn Kathir Vol.7 p.213, *Ashahr Mashahir ul Islam*

² Ibn Kathir Vol.7, p.213

اما بعد - فان الله امر الائمة ان يكونوا رعاة ولم يتقدم

اليهم ان يكونوا جباة (اشهر مشاهير الاسلام)

*"After praise to Allah,..... There is no doubt that Allah has commanded that the Amir shall be the shepherd and guardian of the people. He has not been made Amir so that he may over-burden them with taxes."*¹

Abi Huzayl says, 'I have seen Ali when he was Caliph that he had a coarse shirt on his body which was also quite old'. And in another report, 'I saw Ali in the Kufa mosque that he was wrapped in two coarse sheets of cloth, one tied around him and the other covering him. He would go about in the market places, calling the people to be pious, truthful of speech and honest in business and other matters.'

Abu Naim tells us in Hulya that once a lot of gold and silver came to the public treasury which he distributed among the people. When nothing was left, he had the floor swept and offered two raka of prayers so that the earth may bear witness for him on the Last Day. In another report, we are told, he took nothing from Fay except one bottle which, he said, came to his slave Dahqan's share, who gifted to him.²

This is what the caliphate and amirate in Islam are, as the prophet ﷺ said:

"He who is not qualified for such responsibility and cannot wholly devote himself to public service should not aspire to it because of power, otherwise, he shall be humbled and put to shame before Allah."

¹ Ashlar Mashahir ul Islam Vol.4 P.749

² Life of Abi Talib. p.10, 4 etc

عن ابى ذرقلت يارسول الله ﷺ الاتستعملن قال انك
ضعيف وانها امانة وانها يوم القيمة خزي وندامة الا من
اخذها بحقها وادى الذى عليه فيها
(مسلم كتاب الزكوة)

Abu Zar Ghaffari رضي الله عنه tells us that he once asked the Prophet ﷺ why he was not appointed governor. The Prophet ﷺ told him:

"You are weak and this is a trust, which will be a cause of shame and humility on the Last Day, unless carried out with diligence and respect for rights and duties." (Muslim)

عن عبدالرحمن بن سمرة قال قال رسول الله ﷺ يا
عبدالرحمن بن سمرة لاتسأل الامارة فانك ان اعطيتها
عن غير مسئلة اعنت عليها وان اعطيتها عن مسئلة
وكلت اليها (بخارى ومسلم)

Abdul Rehman tells us: "The Prophet ﷺ once told me, 'Never desire an amirate, because if it is bestowed on you without your desiring it, Allah's assistance will be yours, but if it is given you on your asking for it, the whole burden of it will be placed on your shoulders.' That is, you will be deprived of Allah's assistance (Bukhari, Muslim)

عن ابى هريرة قال رسول الله ﷺ انكم ستحرمون
على الامارة وستكون ندامة يوم القيمة (بخارى ومسلم
وابوداؤد وترمذى وابن ماجه)

Abu Huraira رضي الله عنه tells us:

"The Prophet ﷺ has said, 'The day is not far off when you will become avaricious for power and position, and no doubt, that will be a cause of shame for you on the Last Day.'"

It was the effect of such precepts that the Khulafa e Rashidin, (the rightly guided, that is, the first four Caliphs and Omer b. Abdul Aziz رضي الله عنه), in spite of doing their best to perform their duties, trembled at the thought that they might be at fault and held responsible before Allah.

Sayuti informs us on the authority of Abd ur Rehman b. Aamir that whenever Omer رضي الله عنه felt more sensitive about his responsibilities as Caliph, he would pick up a handful of dust in his hands and exclaim.

"I wish I was dust, or worse if nothing at all, and my mother never gave me birth!"

When during his last days, people reminded him of the great things he had done, he said:

ولو ددت اني بخوت من هذا الامر كفا لالي ولا على

(اشهر مشاهير الاسلام)

"I should prefer that I were not judged at all on the Last Day, neither punished nor rewarded!"

Once, Caliph Omer b. Abdul Aziz رضي الله عنه wept the whole night sitting on the prayer-carpet. In the morning his wife asked him the reason for it and he replied.

"I am chief of the Muslim Ummah and I imagine that there must be far and near some weak and miserable people being ruined, many a destitute beggar, helpless prisoner and the weak and helpless.

فعلت ان الله تعالى سائلني عنهم وان محمدا جيئني منهم
فخفت ان لا يثبت لي عند الله عذرو ولا يقوم لي مع محمد
حجة فخفت على نفسي (كتاب الخراج)

"I am certain that Allah will ask me about them and the Prophet ﷺ will dispute with me on their behalf. I am afraid that I will not be able to offer an excuse before Allah nor be able to produce an argument before the Prophet ﷺ. This is the cause of my anxiety and tears."

Briefly, then, the institution of the caliphate, the rule of divine law as seen in the collective political, economic and other social spheres of life to secure equality and justice and enable every individual to live a happy, satisfactory life, are unambiguous.

And Islam condemns all forms of government which promote personal or party aggrandizement, or place obstacles between man and his Creator, and instead of love and brotherliness among the people, bring about mutual rivalry, hatred, class-warfare, and such.

ان فرعون علفا في الارض وجعل اهلها شيعا
يستضعف طائفة منهم يذبح ابناهم ويستحي
نساءهم انه كان من المفسدين ﴿﴾ وتريد ان تومن
على الذين استضعفوا في الارض ونجعلهم ائمة
ونجعلهم الوارثين (القصص - ٤٠٥)

"Pharaoh had created great mischief in the land and turnen his people into castes, slaughtering the males of Israel and sparing the daughters. We desired to be

compassionate with them and make them leaders and inheritors." (al Qasas-4-5)

The distinctive feature that marks off pharao,s satanic form of government from the Divine ordained one is that for personal interests, the former sets one group of people against another, so that there may never be universal equality and humanity may never become one large brotherhood. That is why the Caliphs constantly warned the governors to be ever watchful lest the government of truth (caliphate) should become a satanic government!

وكتب عمر بن الخطاب رضي الله عنه الى ابي موسى اما بعد: فان
اسعد الرعاة عند الله من سعدت به رعيته وان اشقى
الرعاة شقيت: به رعيته واياك ان تزيخ فتزيغ عمالك
(سيرة عمر رضي الله عنه بن الخطاب)

"Caliph Omer bin al Khattab رضي الله عنه wrote to Abu Musa: 'After Glory to Allah: be it understood that with Allah the best ruler is he whose people are prosperous and at peace; and the most accursed is he whose people are unhappy and in poor condition. Save yourself from going astray so that officers too may not astray."

The Holy prophet صلى الله عليه وسلم used repeatedly to warn the Muslims.

الاكلكم بني آدم و آدم من تراب (تفسير ابن كثير سورة
حجرات و مجمع الزوائد, باب البر والصيلة)

"Beware! All of you are children of Adam, and Allah created Adam of clay."

الخلق كلهم عيال الله فاحبهم الى الله انفعهم لعياله

(جامع صغير)

"All humanity is Allah's own family, and the most beloved is he who is the best to this family."

That is, in Islam's form of government there is neither capitalism nor class-war, it neither demolishes the individual's rights, nor separates him aside from the rest of human society. Its economics is not based on profit-making but on the satisfaction of human wants.

Its subsistence table is generously spread equally for, victor and vanquished, freeman or slave, black or white, Muslim or unbeliever. It does not permit the powerful to dominate the weak, and it does not let the wealthy make the poor their instruments of exploitation. It blesses all and deprives none. Not only the labourer and peasant, it elevates everyone and establishes common brotherliness and universal equality.)

How well has Maulana Abul Kalam Azad written:

"If the plan Islam has drawn for society were to be implemented, all the squares, not just a few, in their right places, a collective order would emerge in which there are neither millionaires nor miserable beggarly classes, but a medium condition would overtake the dominant individuals."

In short, Islam's economic order guarantees common prosperity and satisfaction, and this is the end of all correct social economics.

¹ Tarjuman ul Qur'an

It is now for us to probe into the details of the Islamic socio-economics order and analyze what has been stated in the foregoing pages.



Chapter 6**SUBJECTS OF THE FIRST PART**

The plan of the collective social order that Islam presents may be considered from two angles: one that is directly connected with the institution of the caliphate; and two, that concerns the caliphate indirectly through the public and the jama't. In both cases, however, the caliphate is the controlling authority.

The subjects directly connected are:

a. Bait ul Maal, or Public Treasury; or the establishment of a public treasury that suffices the demands of the government's economic order and the government's financial requirements. Public accounts, statistics, allowances, means of subsistence, their stability and expansion, the individual's rights of subsistence are the subjects under this head.

b. Land, its ownership and government's right to disturb the private ownership, or otherwise, connected details, and in case of conquered territory, whether it will be state property or distributed among the Ummah. Questions related to the zemindari system.

c. Control over the various revenue departments. That is, admitting the principle of private ownership, the preferential rights of the caliphate government. Under this head are the problems of limitation of private ownership rights and government's interference.

Subject indirectly connected are:

d. Legitimate spending, zaka't, charities, (tax on private income; inheritance (laws for distribution of wealth); and trusts

e. Impermissibility of hoarding and accumulation; usury and interest, gambling, control

destructive capitalism; controlling trade irregularities, abolition of monopolies, and such.

f. Permissible and impermissible income; encouraging honest trade, arts and crafts, facilities for permissible means of earning subsistence; and exceptional forms of private ownership of land.

Both these parts and connected issues may be presented concisely in tabular form as follows:

| | Subjects of the First Part | | Subjects of the Second Part |
|---|--|---|-------------------------------------|
| 1 | Bait ul Maal | 1 | Charities optional |
| 2 | Statistics | 2 | Trusts |
| 3 | Allowances | 3 | Gifted legacy |
| 4 | Expansion of | 4 | Legacy by will subsistence means |
| 5 | Curtailment of | 5 | Free loans private ownership |
| 6 | Principles of equilibrium between capital and labour | 6 | Loans |
| 7 | Special regulations related to | 7 | Keeping things in trust |

Bait ul Maal or Public Treasury

(2) (To make the Islamic economic order effective it is necessary for the caliphate to have a treasury lodged in a safe place called the Bait ul Maal (Treasury House) although the term may sometimes be used to apply to the entire revenue system.

The Central Treasury may have its branches in the provinces and districts to serve the needs of the local populations under its order. This Public Treasury receives all the revenues which should be deposited in it according to Islamic precepts; the expenditure for all collective; and

private needs as determined is also met from here. That is why the principles of its income and expenditure have been fixed in the Islamic system of government but the details are left to the option of the Caliph and his consultative council. A table of the two items may be as follows:

| | Income | | Expenditure |
|----|----------------|----|---|
| 1 | Ushr | 1 | Public Welfare |
| 2 | Khiraj | 2 | Education Stipends Military/Private/ Industrial |
| 3 | Jizya | 3 | Thamania Government Expenses |
| 4 | Zakat | 4 | |
| 5 | Charities | 5 | |
| 6 | Fai | 6 | |
| 7 | Khums | 7 | |
| 8 | Daraa-ib | 8 | |
| 9 | Land Contracts | 9 | |
| 10 | Ushoor | 10 | |
| 11 | Trusts | 11 | |
| 12 | Miscellaneous | 12 | |

We may take examples. A large part of the annual revenue of the property of Muslims is Ushr and the revenue from the lands of the "zimmis" (those under protection) is kharaj, and that from government lands is Karea ul Ard, (rent taken from the peasants). Zakat is fixed Annual Tax on cash held by its owner, trade commodities and domestic animals, while the undefined is sadqaat or charities. The Annual Tax levied on the zimmis is Jizya. Fai is the spoils taken without engaging in battle, but if taken during or after a battle the term is khums, applicable also to minerals and other 'hidden' wealth. Import or export duty on business owned by Muslims or non Muslim is ushoor. Taxes realized for social welfare and transitory requirements are Daraaib. Income from government owned

minerals and miscellaneous source is Amwaal e Fadila, and from Trusts Amwaal e Waqf.

Income from these sources is the property of the public treasury to be spent on the items mentioned above, and, therefore, an important part of the Islamic Socioeconomic system. (2)

The Individual and the Public Treasury

(Bait ul Maal) ✓

Before dilating on the details of the constituents or items of the Islamic Public Treasury, it is necessary to find out details of the individuals comprising their society.

Islam is not a religion that merely provides a few spiritual and moral lessons for nightly devotions or preparing disciplined ascetics; it is rather a revolutionary call which comprehends every phase of collective life together with devotional worship and ethical supremacy. That is why it has created a revolution in every department of man's life, political, economic or every other.

Islam holds that religion is not the name of laws and rules made by human society, changing with moods and conditions, but that of certain basic principles which have been announced by the Creator of this universe and in which there is no scope whatever for change. For instance, faith in the Divine Being and confession of His Unity, prophethood, heavenly Books, the angels, the Last Day, resurrection, reward and punishment.

Islam also announces that it is not for man directly to assume authority. Just as Allah is Creator of the universe so, too, He is Lord of Authority. However, man may be His caliph, Amir or imam but to make the basic law is not in the hands of any individual or group of men. It is only in the hands of Allah. But, subordinate to the basic law, and according to the prevailing conditions, rules, regulations and sub-laws may be framed. The Qur'an states:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي
 الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ
 وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ
 خَيْرٌ وَأَحْسَنُ تَأْوِيلًا (نساء - ٥٩)

"O you who believe! Obey Allah and His prophet and those who are in authority among you. And should there arise any differences, refer the issue to Allah and His prophet, (the Qur'an and the Sunnah or Traditions), if you believe in Allah and the Last Day. This is better for you and more profitable. (Nisa-59)

وَإِذَا جَاءَهُمْ أَمْرٌ مِنَ الْأَمْنِ أَوِ الْخَوْفِ إِذَا عُوَابِهِ وَلَوْ رُدُّوهُ
 إِلَى الرَّسُولِ وَإِلَى أُولِي الْأَمْرِ مِنْهُمْ لَعَلِمَهُ الَّذِينَ
 يَسْتَنبِطُونَهُ مِنْهُمْ (نساء - ٨٣)

"And when tidings of peace or fear come, it is broadcast among the people, though, if they came with it to Allah and His Prophet and those in authority, they would determine the truth about it...." (Nisa-83)

Accordingly, Islam states the basic principles. What is called "deen e Islam" is the name of the faith, devotions, politics, economics, the social sciences. It is sufficient as guidance for the individual, group and the whole society. Quite distinct from any other system of man-made guidance. The announcement made repeatedly is that the social order being proposed is nothing new, the truth of it being announced since Adam through a host of prophets and has now been brought to perfection by the Prophet Muhammad ﷺ. The world of human beings now is divided into two parts:

One, those who believe in Islam and bow their heads in submission to it, handing over their lives to it for disposal, believing that all happiness and welfare are to be found here only. These people are styled as Muslims;

Two, the other group is that of people who repudiate Islam and refuse obedience to it. They are styled as kafir.

When the Islamic social order has been established in authority (government plus caliphate) for the guidance of humanity, the kafir group continues its connection with the Islamic in one of two conditions. It may establish its own parallel authority in confrontation with the Islamic or it may accept the political and economic Islamic order, not the religion, and accept the supreme authority of the Islamic.

Of the two, whichever group establishes its own parallel system that keeps conflicting with the caliphate, is called harabi and its sphere of authority is called Dar ul Harab. If in spite of its parallel authority or system, a group enters into a pact with its Islamic counterpart, it is called Mu-aa-hid or Masalim. Temporary visitors, merchants or other, who come to the Islamic territory with due official permission are Mustaman (literally, desirous of peace). The group that submits to Muslim authority because of defeat, or for any other reason, and accepts the Islamic political and economic system, is called zimmi, (those for whose safety Muslims are responsible).

The Qur'an gives distinct commands in respect of these non-Muslim categories. Because they are related to a discussion on the forms of government, it is necessary to state a few details of distinction among them.

If the harbi community be a constant danger to Muslim supremacy or is at war with the Muslims, jihad becomes a duty to defeat the enemy and eradicate his evil authority.

فَأَقْتُلُوا الْمُشْرِكِينَ حَيْثُ وَجَدْتُمُوهُمْ وَخُذُواهُمْ
وَاحْصُرُوهُمْ وَأَقْعُدُوا لَهُمْ كُلَّ مَرْصِدٍ (توبه - ٥)

"Then kill the idolators wherever you find them, seize them and surround them and lie in ambush for them." (Tauba-5)

But for the mastaman the command is:

وَأَنْ أَحَدٌ مِنَ الْمُشْرِكِينَ اسْتَجَارَكَ فَأَجِرْهُ حَتَّى يَسْمَعَ
كَلِمَةَ اللَّهِ ثُمَّ أَبْلِغْهُ مَأْمَنَهُ (توبه - ٦)

"If any of the polytheists desire an asylum, give him asylum so that he may hear the Word of Allah; then take him to his place of safety." (Tauba-6)

For the seekers of peace:

وَأَنْ جَنَحُوا لِلسَّلَامِ فَاجْنَحْ لَهَا وَتَوَكَّلْ عَلَى اللَّهِ إِنَّهُ
هُوَ السَّمِيعُ الْعَلِيمُ (انفال - ٦١)

"If they incline to peace, you too incline to peace; then put your reliance in Allah, He is Hearer and Knower." (Anfal-61)

أَلَّذِينَ عَاهَدْتُمْ مِنَ الْمُشْرِكِينَ ثُمَّ لَمْ يَنْقُصُواكُمْ
شَيْئًا وَلَا يظاهروا عليكم أحداً فاتموا إليهم عهدهم
إلى مدتهم (توبه - ٤)

"But with those of the polytheists you are in treaty with and who have been faithful to it and have neither wavered nor helped anyone against you, abide you also with it until; the end of its term. (Tauba-4)

حَتَّى يُعْطُوا الْجِزْيَةَ عَنْ يَدٍ وَهُمْ صَاغِرُونَ (توبه - ٢٩)

"Strive against them until they are humbled and pay you jizya." (Tauba-29)

That is, if they agree to become your zimmi, then do not use the sword against them.

لهم ذمة الله وذمة رسوله (كتاب الاموال لابي عبيد)

*"After that they have become the responsibility of Allah and of you."*¹

Ali said:

انما قبلوا عقد الذمة لتكون اموالهم كما وانا ودمائهم

كدمائنا (برهان شرح مواهب الرحمن)

*"They have decided to be our responsibility for the reason that their lives and their properties may be as safe and secure as our lives and properties."*²

Besides these Verses and other passages, the decisive instructions are given in Surah e Mumtahina:

لَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُواكُم مِّن دِيَارِكُمْ أَن تَبَرُّوهُمْ وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ ﴿٥﴾ إِنَّمَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ

¹ Kitab ul Amwal

² Burhan Sharah muwajib al Rehma Vol.2 p.388 of the Ms.

قَاتِلُوا كُفْرًا فِي الدِّينِ وَآخِرِ حُجُورِكُمْ أَنْ تَوَلَّوْا هُمْ وَمَنْ
يَتَوَلَّهُمْ فَأُولَئِكَ هُمُ الظَّالِمُونَ (الممتحنه - ٨،٩)

"Allah does not forbid you to deal with kindness and justice with those who have not fought against you for religion and have not turned you out of your houses. Allah loves those who deal justly. Allah forbids you to be friendly with those who fight against you of religion or turn you out of your houses or help in turning you out. He who befriends such of them is of the transgressors."
(Mumtahina-8-9)

In his Bayan ul Qur'an, Ashraf Ali Thanvi comments on the words:

La yattkhizul mominoon al kafireen

"Dealings with the unbelievers fall under three heads: mavalaaat, friendship; madaraat, pleasant manners; mavassat, kindness and doing them good.

Detailing: friendship or mavalaaat is not permissible under any condition;

Pleasant manners or madaraat are appropriate in three conditions: as prevention against harm; religious expectation, that is, giving guidance; and for ikram e saif, and for mavasaat, cooperation, the command is that it is forbidden with those in open conflict and permissible with those not in conflict.

This is what is meant in the Verse.

(Vol.2 pp.11-12)

It has been necessary to digress into these references because the Islamic socio-economic order and its public treasury or Bait ul maal, its revenue and expenditure are

connected in some way or another, with the different categories of Muslim relations with unbelievers.

Ushr

Types of Taxes

Land belonging to a community that converts to Islam; or belonging to mujahids and ghaaimeen or brought under cultivation by a Muslim or comes into possession of a Muslim on the death of a zimmi, is liable to payment of ushr.

Ushr is the fixed tax leviable on the produce of land; one-tenth if the land is watered by a river or lake, and one-twentieth if watered by a well dug for the purpose.

The Qur'an stipulated the basic law:

"Pay up the right of the land at the time of the harvest."

In the Traditions we have:

عن عبد الله عن النبي ﷺ انه قال فيما سقت السماء
والعيون لو كان عشر يا العشر وما سقى بالنصخ نصف
العشر (بخارى باب الزكوة)

"Said the Prophet ﷺ, 'One-tenth shall be taken of the harvest of the land watered by springs or rivers, and one-twentieth, if watered by a well.'"

The difference is due to the fact that when the water comes as a free gift, the tax is more, and if it is derived as a result of labour, the tax is less.

Kharaj

This is the tax levied on tributaries for land left by the Caliph in the possession of unbelievers as a result of a peace treaty with them or their having become zimmi.

Imam Abu Yusuf says that kharaj is only a form of fai.¹

When the Caliph accepts a peace treaty and allows the lands to be left with the unbelievers, instead of distributing them among the ghanimin, the tax levied will be counted as fai. Thus the validity of kharaj is permitted by the Qur'an.

مَا آفَاءَ اللَّهِ عَلَى رَسُولِهِ مِنْ أَهْلِ الْقُرَى فَلِلَّهِ وَلِلرَّسُولِ
وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَأَبْنِ السَّبِيلِ كَيْ
لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ (حشر - ٧)

"That which Allah giveth as spoil unto His messenger from the people of the townships, it is for Allah and His messenger and for the near of kin and the orphans and the needy and the wayfarer, that it become not a commodity between the rich among you..." (Hashr-7)

Jizya

Jizya is the meager tax paid by the Scripture peoples and the unbelievers of non-Arab countries in recognition of Muslim supremacy for securing full protection of life, property and honour. The Qur'an stipulates this as law:

قَاتِلُوا الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ وَلَا يُحَرِّمُونَ
مَا حَرَّمَ اللَّهُ وَرَسُولُهُ وَلَا يَدِينُونَ دِينَ الْحَقِّ مِنَ الَّذِينَ

¹ Kitab ul Kharaj p.23

أَوْتُوا الْكِتَابَ حَتَّى يُعْطُوا الْجِزْيَةَ عَنْ يَدِهِمْ صَاحِرُونَ

(توبه - ٢٩)

"Fight against them who do not believe in Allah or the Last Day nor look upon as forbidden what Allah and His Prophet have forbidden nor believe in the true religion....".....among them of the peoples of the Scripture until they are humbled and pay jizya with their hands." (Tauba-29)

Zakat ✓

Zaka't is one-fortieth part of the value of business commodities and building property used for business purposes and 52 ½ tolas of silver and 7 ½ tola of gold, if held for a year. This 'tax' is ordained by Allah as an important duty. It is one of the 'pillars' of Islam. It has been repeated again and again in the Qur'an sometimes along with faith in Allah, or with the Last Day or with the establishment of prayers and sometimes by itself.

وَرَحْمَتِي وَسِعَتْ كُلَّ شَيْءٍ فَسَأَكْتُبُهَا لِلَّذِينَ يَتَّقُونَ

وَيُؤْتُونَ الزَّكَاةَ وَالَّذِينَ هُمْ بِآيَاتِنَا يُؤْمِنُونَ

(اعراف - ١٥٦)

"My mercy comprehends everything. I shall write it down for those who fear (Me) and pay zaka't and have faith in Our signs..."

(A'raaf-156)

وَأَقِمُوا الصَّلَاةَ وَأَتُوا الزَّكَاةَ (بقره - ٤٣)

"And establish sala't (prayers) and pay zaka't" (Baqara-43)

وَوَيْلٌ لِّلْمُشْرِكِينَ الَّذِينَ لَا يُؤْتُونَ الزَّكَاةَ وَهُمْ بِالْآخِرَةِ
هُم كَافِرُونَ (حم سجده - ٦٧)

"Woe be to the polytheists who do not pay zaka't and also deny the Hereafter."
(Sajida-7-8)"

وَمَا تَيْتُمْ مِّنْ زَكَاةٍ تُرِيدُونَ وَجْهَ اللَّهِ فَأُولَٰئِكَ هُمُ
الْمُضْعِفُونَ (الروم - ٣٩)

"And the zaka't you give for Allah's pleasure, such are those who double their wealth."
(Rome-39)

Zaka't is also leviable on cattle, sheep and camels that pasture in the commons, but the rate differs. Details are given in Bukhari's Kitab ul Zaka't.

There is no zaka't on a herd of less than five camels. Nor on less than thirty cows and buffaloes nor on flocks of less than forty sheep and goats. Under an Islamic government zaka't must not be disposed of privately but deposited in the public treasury (Bait ul Maal). Abu Bakr's verdict on this point is unambiguous. (Reported by Anas in Bukhari).

Sadqaat ✓

Besides Zaka't there are other rights society has on the individuals. The well-to-do are persuaded and encouraged to donate various charities, sadqaat, some held as commendable and some as obligatory. The Qur'an induces in many ways:

وَأَنْفِقُوا فِي سَبِيلِ اللَّهِ وَلَاتُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ
(بقره - ١٩٥)

"And spend in Allah's path and do not destroy yourselves with your own hands." (Baqara 195)

That is, 'Do not close your hands out of love for your wealth and refrain from spending in striving for Allah's pleasure.

وَفِي أَمْوَالِهِمْ حَقٌّ لِّلسَّائِلِ وَالْمَحْرُومِ (الذاريات - ١٩)

"And in their wealth the beggar and the deprived ones have a right." (al Zarriyat 19)

فَاتِ ذَالِقُرْبِي حَقَّهُ وَالْمِسْكِينَ وَابْنَ السَّبِيلِ

(الروم - ٣٨)

"And give your relative and the stranded one and the traveller his right." (Rome 38)

يَا أَيُّهَا الَّذِينَ آمَنُوا أَنْفِقُوا مِمَّا رَزَقْنَاكُمْ (بقره - ٢٥٤)

"O believers! Spend of the wealth We have given you.." (Baqara 254)

يَا أَيُّهَا الَّذِينَ آمَنُوا أَنْفِقُوا مِمَّا كَسَبْتُمْ

(بقره - ٢٦٧)

"O believers! Spend of the good things you have earned." (Baqara 268)

Charity may be given either privately or handed over to the Caliph or his deputy for depositing in the public treasury for the express condition of assisting the deserving ones.

However, the obligatory charities must be made over to the public treasury.

The term fai includes all the baggage and other paraphernalia an army of unbelievers leaves behind after

losing to the Muslims in battle or after fleeing without battle; and the land left to the possession of the unbelievers on condition of their paying a tax on it; or if tribute or jizya is taken from them. Thus, tribute and jizya are also forms of fai.

Fai is the property of the public treasury and is not distributable among the mujahid or ghanimin.

وَمَا آفَاءَ اللَّهِ عَلَى رَسُولِهِ مِنْهُمْ فَمَا أَوْجَفْتُمْ عَلَيْهِ مِنْ
خَيْلٍ وَلَا رِكَابٍ وَلَكِنَّ اللَّهَ يُسَلِّطُ رَسُولَهُ عَلَى مَنْ يَشَاءُ
وَاللَّهُ عَلَى كُلِّ شَيْءٍ قَدِيرٌ (حشر - ٦)

"And whatever of spoils Allah brings to the Prophet for which you marched neither horse nor camel, but Allah makes His Prophet victorious over whomsoever He pleases, and Allah is dominant over everything." (Hashr-6)

Khums

خمس

Khums is one fifth part of war spoils or of buried treasure or the yield from mines, and belongs to the public treasury.

وَأَعْلَمُوا أَنَّمَا غَنِمْتُمْ مِنْ شَيْءٍ فَإِنَّ لِلَّهِ خُمُسَهُ
وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَابْنِ السَّبِيلِ
(انفال - ٤١)

"And know that whatever of spoils there are, one-fifth of them is for Allah and His Prophet and relatives and orphans, and the needy and the traveller." (Anfaal-41)

In several Books of the Traditions, including Bukhari rakaz is also subject to one-fifth tax.

فَقِيلَ لَهُ مَا لَرَكَاذِيَارِ سَوَّلَ اللَّهُ ؟

"The Prophet ﷺ has said, 'Khums is obligatory on rakaz.'"

In the literal meaning of the word, rakaz is applicable to buried treasure, but Imam Abu Yusuf tells us that the Prophet ﷺ has explained rakaz as meaning "...the gold and silver which Allah has placed in the earth as a gift or trust" that is, mines.

Dara-ib are taxes, other than zaka't or obligatory charities, levied on the wealthy during war or famine, or for public welfare or unemployment.

The Islamic concept of taxes is quite different from that of the modern tax system. The taxes levied on the public today are, as a rule, unjust or for the purpose of benefiting the government or its members and are not the least related to public welfare.

Zaka't, ushoor, ushr, jizya, kharaj, fai, khums, waqf and similar other sources of revenue have been constitutionally fixed in Islam for the purpose of meeting the requirements of all social expenditure. That is why it does not look upon other taxes as permissible. However, if these sources are not sufficient to meet the social needs, or during an emergency, other taxes may be levied on the wealthier people. Ibn Hazm in his Mahalla, discussing the beggar problem, says, "If the Public Treasury or Fai are not sufficient to meet the economic needs of the poor, the Caliph may impose other taxes on the well-to-do for the purpose of satisfying those needs, and should the well-to-do refuse to comply, he can use force to realize the taxes."

He says that the following verse, may be produced in support of this contention:

✓ *"And pay up whatever is due on you for the rights of the relatives and the needy and the traveller".*

Also several Traditions:

عن علي بن ابي طالب يقول: ان الله تعالى فرض على
الاغنياء في اموالهم بقدر ما يكفى فقراءهم فان
جاعوا وعروا وجهدوا فبمنع الاغنياء (محلّى جلد)

"Ali ؑ believes that without doubt Allah has stipulated as a duty so much of right as suffices the needs of the needy. Therefore, if the needy are hungry, naked or in straitened circumstances, the reason can only be that the well-to-do are not fulfilling their duty."

Therefore, if special taxes may be levied for meeting the needs of the poor, they may also be levied for other purpose, such as war.

The Prophet ﷺ asked the Muslims to contribute for the Yarmuk campaign and they responded with great enthusiasm.

Kara ul ard

The compensation for which the government, Caliph or Imam, gives land to a cultivator for cultivation is Kara ul Ard. In Islamic terminology, government owned lands on which neither ushr is taken nor tribute, kharaj, but are rented out for cultivation, are called ard ul mumlikah or ard ul hauz. These lands are either those which having no owner are transferred to the Public Treasury or battle conquered after a war are owned jointly by the Ummah and are rented out.

Verses from the Qur'an regarding ushr and kharaj are also applicable to kara ul ard.

Ushoor

Muslim tradesmen entering Persia or Rome were charged customs duty for their merchandise per every visit but merchants from non-Muslim countries entering Muslim territory were not subjected to any such levy. This resulted in a loss to the Muslim state and the Muslim businessmen. The matter was brought to the attention of Caliph Omer رضي الله عنه who, after due consideration, ordered all his governors to charge duty on all non-Muslim, (including zimmi) as well as non-Muslim territories but that the customs duty would be payable only once in a year irrespective of the number of times the journey was made and only on merchandise exceeding the value of 200 dirhams or 200 misqal of gold. However, there was to be a difference between the duty payable on a Muslim's or zimmi's merchandise and that on a non-Muslim's merchandise.

Such customs duty is ushooor $1/40^{\text{th}}$, on of the value of a Muslim's merchandise, $1/20^{\text{th}}$, on that of a zimmi and $1/10^{\text{th}}$, on that of a harbi (one from non-Muslim territory).

Trusts

Trusts in Islam are properties; movable or immovable, donated or bequeathed 'in the path of Allah'. A trust donated to the Public Treasury becomes its property. The first donor of such trust in Muslim history was Caliph Omer رضي الله عنه.

It is recorded in the Traditions that when the verses:

*"Who will lend Allah a handsome loan" and
"You will not attain to piety until you give
away that which you love"*

were revealed, Talha رضي الله عنه came to the Prophet صلى الله عليه وسلم saying that he had an orchard which was very dear to him and he wished to donate it in the path of Allah.

The Prophet ﷺ advised him to donate it in trust for the needy among his, Talha's ﷺ, relatives.¹

Amwal e Fadilah - Miscellaneous

The income of the Public Treasury from sources other than those stated above is entered in the books as Miscellaneous. The property of a Muslim or zimmi dying without leaving an heir, or that of a zimmi who rebels, or of a Muslim renegaded escaping to a non-Muslim country, automatically becomes the property of the Public Treasury.

Public Treasury (Expenditure)

Islamic jurists believe that in view of the details stated in the Qur'an regarding the principles of expenditure, there should be four sub-treasuries working under the control of the central Public Treasury:

One; dealing with Khums (of spoils, accumulations and hidden treasures); and the "charities".

Two: Zaka't, Ushr and customs duties realized from Muslim traders;

Three; kharaj, jizya, customs duties realized from non-Muslims, fai, rents of government owned lands and daraib;

Four; Income from Miscellaneous Sources.

The expenditure of the first two are masarif samania as per some Verses of the Qur'an.

وَأَعْلَمُوا أَنَّمَا غَنِمْتُمْ مِنْ شَيْءٍ فَإِنَّ لِلَّهِ خُمُسَهُ
وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَابْنِ السَّبِيلِ

¹ Bokhari, Kitab ul Amwal p.561

ان كُنْتُمْ اٰمِنْتُمْ بِاللّٰهِ وَمَا اَنْزَلْنَا عَلٰى عَبْدِنَا يَوْمَ الْفُرْقَانِ
يَوْمَ التَّقٰى الْجَمْعَانِ - وَاللّٰهُ عَلٰى كُلِّ شَيْءٍ قَدِيْرٌ

(انفال - ٤١)

"Know that whatever of spoils you get, one fifth is for Allah and His Prophet and his near ones, and for orphans, and the needy and the traveller; that is, if you believe in Allah and that which We have revealed, on the day of making distinctions, the day when the two armies met, and Allah is powerful over all things."

(Anfal-

41)

اٰمَّا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسٰكِيْنِ وَالْعَمَلِيْنَ عَلَيْهَا
وَالْمُوَلَّفَةِ قُلُوْبُهُمْ وَفِي الرِّقَابِ وَالْغَارِمِيْنَ وَفِي سَبِيْلِ اللّٰهِ
وَاٰبِنِ السَّبِيْلِ فَرِيْضَةٌ مِّنَ اللّٰهِ (توبه - ٦٠)

"Zaka't and the charities are the rights of the beggars and the needy, and the collectors of them, and those whose hearts are to be persuaded, and for the freeing of slaves, and those bowed down under weights, and for the path of Allah: a duty ordained by Allah."

(Tauba-60)

In the first Verse quoted, the name Allah is mentioned for blessings and signifies the expenses for the maintenance of the Ka'ba and the mosques. After the passing away of the Prophet ﷺ, his relatives, the Banu Hashim lost their significance. Orphans, if they are well off, are also not covered by the words of the Qur'an, otherwise they are to be included among the beggars and the needy. Therefore, the implication of both the Verses is masarife kamania detailed in the other Verse; that is, the beggars, the

needy, the collectors, for the softening of hearts, freeing slaves or captives, travellers, the ghanimin, and "in the path of Allah."

This is the interpretation of the Hanafi school. Somewhat similar are the views of Imam Shafai and the other imams, but regarding the words "in the path of Allah", the Hanafi hold that they are applicable only to the mujahidin while the other imams believe that they cover all other expenditures.

The third relates to allowances and government's expenditure on administration.

The fourth covers general public works and welfare, looking after unclaimed orphans and all general duties.¹

The jurists also hold that when the assets of one department are not sufficient to meet its expenses, the Caliph or Imam may borrow from another department and continue to do so until the former department becomes self-supporting.

وعلى الامام ان يجعل لكل نوع بيتا يخصه وله ان يستقرض من احدها ليصرفه للآخر (ردالمختار)

"It is incumbent on the Imam that he establishes a separate public treasury for every category; and it is proper for him to borrow from one treasury to meet the expenses of another." (Dar Mukhtar).

Various fiqah, Islamic law books, also support this view. It is also held that except obligatory charities, such as zaka't and ushr, non-Muslims may also benefit from the revenues of the Public Treasuries exactly as the Muslims.

¹ Rawa ul Mukhtar pp 78,79 Vols 2 and 3 pp. 389 and 588

Caliph Omer رضي الله عنه included destitute zimmi non-Muslims in the category of beggars and the needy (masakin). Harabi may also be so benefited. Imam Abu Yusuf holds this as the authority to be followed.

Imam Abu Hanifa and Imam Muhammed hold this view.¹ Besides, when it has been made incumbent on the Imam or Caliph that not a single person in his dominions shall remain without sustenance, the discussion is superfluous because that is his duty, in any case. Although there are differences of opinion on trivial points among the jurists, all are agreed that on the basis of the Qur'an the subject of expenditure is left to the Caliph or Imam and his consultative council. Abu Yusuf writing on the subject of fai in his Kitab ul Kharaj, quotes Caliph Omer's رضي الله عنه decision in regard to the lands of Iraq.

قال ابو يوسف: والذي رأى عمر رضي الله عنه من الامتناع من قسمة الارضين بين من افتهاعندما عرفه الله ما كان في كتابه من بيان ذلك توفيقاً من الله كان له فيما صنع وفيه كاذت الخيرة لجميع المسلمين وفيما راه من جمع خراج ذلك وقسمته بين المسلمين عموم النفع لجماعتهم لان هذا لولم لکن موقوفاً على الناس في الاعطيات والارزاق لم نشحن الثغور ولم تقوا الجيوش على السير في الجهاد ، ولما من رجوع اهل الكفر الى مدتهم اذا نزلت من المقاتله والمرتزقة و الله اعلم بالخير حيث كان

¹ Shami Bab ul Musraf Vol.3 p.92, Kitab ul Kharaj p. 126

"Abu Yusuf's opinion is that Caliph Omer's decision is that the conquered lands should not be distributed among the mujahidin. Since there is no clear indication in Allah's Book on the subject, this is an excellent decision for which Allah guided him. Whatever Omer did was in the best interests of the Ummah. Collecting the tribute on the land and distributing it among the Muslims was socially the best thing to do, because if the lands were distributed among the mujahidin and not made a trust for dispensation of allowances for the Muslims generally, the frontiers of the Muslims territories would not be guarded and the raising of a proper army of mujahids would not be possible, encouraging the unbelievers to march on the Muslims." And Allah is the best of those who Know." (Page 27)

Syed Alizada Hanfi discussing the duties of the amir writes in his commentary Sharhat ul Islam.

ولا يدع نفيرا في ولايته الا اعطاه ولا مديونا الا قضى عنه
دينه، ولا ضعيفا الا اعانه ولا مظلوما الا نصره ولا
ظالما الا منعه عن الظلم ولا عاريا الا كساه كسوة

The imam in his territory must not let anyone be destitute or any borrower remain a borrower, or any weak person weak or any oppressed one without assistance, or any naked person undressed, or permit any tyrant inflict tyranny.

In short, those in authority are only protectors in so far as zakat and ushr are concerned and spend them only on

the stipulated needy ones, such items as fai and tribute are left to their option and that of their advisers.)

XOOOOOX

Chapter 7

STATISTICS AND THEIR IMPORTANCE

On the surface it would appear that counting numbers is of no importance, nor apparently do they form any intrinsic part of the Islamic economic system, but the fact is that statistics are of very great significance in the subject of economic problems because unless a correct census is taken of a country's population, statistics prepared of the employed and unemployed, artisans, tradesmen, beggars, the needy and the disabled and sick, it would not be possible for any government to provide every individual for all his basic needs. And it would not be possible to maintain a record of mines and the hidden treasures of the earth, nor of incomes, revenue and expenditure.

This is the reason why during Caliph Omer's time, when many territories fell to Islam; and great wealth kept coming in, special attention was given, among several subjects, to the maintenance of statistics. Registers were opened for recording a census of the populations gifts and allowances, buildings, and such.

Usman argued,

ارى مالا كثير ايسع الناس وان لم يحصوا حتى تعرف من
اخذ من لم يأخذ خشيت ان ينتشر الامر (طبرى)

"Since our wealth is expanding so greatly, it is increasingly possible to satisfy the needs of the people. If the number of the people are not determined, I am afraid that great complications will arise."

Caliph Omer agreed with this view.

وكتب الناس على قبائلهم و فرض لهم العطاء (طبرى)

"Lists were prepared of the tribes and clans and their allowances were fixed."

فدعاعقيل بن ابى طالب ومخرمه بن نوفل وجبير بن
مطعم وكانوا من نساب قريش فقال اكتبوا للناس على
منازلهم (طبرى)

"Caliph Omer رضي الله عنه sent for Aqil ibn Abi Talib رضي الله عنه, Makhrama b, Naufal رضي الله عنه and Jahir b. Matam رضي الله عنه, who were well versed in the genealogy of the Qoreish, and asked them to count the population heads by their houses."

قال رأت عمر بن الخطاب رضي الله عنه يحمل دوادين خزاعة
حتى، يترل قديدا فتاتيا بقديدا فلا يغيب عنه امرأه
بكر ولا يثب فيطيهن في ايديهن ثم يروح بعسفان فيعفل
مثل ذلك ايضا حتى توفي

*"Kharam says that he saw Caliph Omer رضي الله عنه in Qadeed with a register in one hand and distribute allowances to the people, Virgin or widow was not left out of the counting and received her due share. He did this also in Usfan; and he kept up the practice every year throughout his life."*¹

In the same way, a census was made of the populations of Iraq and Egypt and lists were drawn up of the zimmi and their allowances stipulated.

It was because of the importance of statistics that a beginning was made of tadween and dawadeen (p. 134). These are looked upon as among the first accomplishments of Caliph Omer رضي الله عنه.

¹ Tabari Vo. 5 pp. 22-23, p.22, p.43

والسبب في تدوين الدواوين ان عامل عمر على البحرين اتاه يوما بخمسة الف درهم فاستظمها وجعل عليها حراسا في المسجد فاستشار عليه بعض من عرفوا فارس والشام ان يدون الدواوين يكتبون فيها الاسماء ومالواحد واحد ، وجعل الارزاق مشاهرة

"At first the need for opening registers arose because 500,000 dirham were received from the governor of Bahrein. Caliph Omer رضي الله عنه had them stored in the mosque and appointed guards over them. Then he consulted the Companions and those among them who were familiar with the practice in Syria and Persia. He advised that registers should be prepared for writing down the names of the people and the amount of their allowances which should be distributed on a monthly basis."

ولما توسع المسلمون في الفتح و انتشروا في الممالك وكثرت مواد الدولة وتبسطت في مناحي العمران واخذيزداد الفنى من الخراج والجزية زيادة لاطاقة للغليفة وامرائه بضبطها ولا قبل لهم باحصاء مستحفيها وتوزيع الاعطيات (المرتبات) على اربابها بالعدل الا بضبطها وترقيتها على اصول ثابتة وقيهها في قيود خاصة دعا عمر رضي الله عنه الصحابة واستشادهم في كيفية تدوين الديوان (اشهر مشاهير الاسلام)

"When Muslim conquests expanded and they took possession of many countries and the revenues of the treasury also increased, Caliph Omer ؓ consulted the council of the Companions asking them how registers were to be prepared for recording the population numbers and the incoming revenues, because the frontiers of Muslim society expanded, moneys from tributes and jizya, fai and spoils increased so greatly that the Caliph and his officers were at their wits end not knowing how to cope with the situation. It became impossible to determine the expenditure and distribution of the allowances and their recipients... "

When Bilal ؓ returned from Bahrein with a great treasure of wealth, Caliph Omer ؓ called a meeting of the Consultative Council and addressed them with the words,

ايهاالناس انه قد جاءكم مال كثير فان شئتم ان نكيل
لكم كلنا وان شئتم ان نعدكم عددنا وان شئتم ان ترون
لكم وزنالكم فقال رجل من القوم يا اميرالمؤمنين دون
للناس دوادين يعطون عليها فاشتهى عمر ذلك
(كتاب الخراج)

"This great treasure of wealth is here. If you desire that I should distribute it by the measure, I shall do so; and if you desire that I should count it out to you, I shall do so; and, if you want that I should weight it out, I shall do that. One man stood up and advised, 'Amir ul Momineen, (Leader of the Believers), get registers prepared for recording the number of the people and then distribute the

allowances accordingly. Omer ؓ was very pleased with the suggestion."

In this connection Caliph Omer ؓ also said,

نصيه من هذا المال باليمن ورمه في وجهه

(كتاب الخراج)

"Bilal ؓ, if it is true that the amount of money you have brought is what you say it is, it will suffice for a Yemini shepherd, his face red because of the journey."

Besides these, there are many other references quoted in Muqraizi, Ibn Kathir, Tabari, Abi Ubaid and by Abu Yusuf, which throw light on the importance of statistics in respect of population census, state revenues and expenses.

It may be asked that since statistics are an intrinsic part of every government office, capitalist, socialist or any other, what peculiar relation can they have with a good (Islamic) economic system?

This is true but in any perverse capitalist or other system, statistics are used to exploit the masses, specially the poor, and promote its own interest, and whatever the progress, the motives remain unchanged. But in the Islamic system statistics are used for the benefit of the masses. It is incumbent on those in authority to maintain registers separately for recording the number of Muslims, non-Muslims, zimmi and others, the sick, the disabled, the employed and unemployed, and so forth, in order that every one of them may receive whatever his economic requirements may be and the government may deserve being truly described as a caliphate.

¹ Kitab ul Kharaj. P.46

Chapter 8**ALLOWANCES**

It has been shown in the preceding pages that in an Islamic system of government there are two distinct groups of the population who benefit from its civic rights; one, the Muslims who accept every detail of the Islamic system, every verdict of the Islamic deen; and, two, the zimmi who do not subscribe to the Islamic spiritual norms, such as prayers, but submit to the political, economic, legal and other social matters and have a safe asylum among the Muslims. They pay no taxes, except jizya and kharaj or tribute, nor may they be compelled to render military or civil government service, whereas the Muslims have to submit to every Islamic law, and, in certain circumstances, may be compelled to render particular services.

This difference is because when people have accepted Islam in its totality, Islam may, according to the needs of the times, call upon them to render any service to it for the achievement of the objectives of Allah's government. And it is every individual's duty to render the service because Islam has its own system of governance as opposed to every other system.

Now, since under this principle, a Muslim's life and property are only for Islam and the Islamic government, it is the Islamic government's duty to assume the responsibility for the fulfillment of the economic requirement of every individual so that the individual, free of all manner of anxiety and with joy in his heart, may be able to devote himself entirely to the service and welfare of the Islamic society.

Besides, the great benefit of this system is that the effects of such progress and welfare will spread over the individual enabling him to attain the best in every sphere of life according to his natural talent and capacity.

In brief, the Islamic government or caliphate takes a variety of services from the individuals and, in return, looks after the individual and his family. There is the service of jihad in the path of Allah, or collection of zaka't and the charities, imparting education and missionary work, or service in the various departments of government. The burden of looking after the disabled who cannot render any service, the widows and orphans and the destitute, is also that of the government. This is the category for which allowances and gifts are stipulated and set aside.

The executive plan devised by Caliph Omer رضي الله عنه for this purpose is recorded in a number of books. Abu Ubayd sums it up in these words:

فلما كثرت الاموال في ايام عمرو وضع الديوان فرض
الرواتب للعمال واقضاه ومنع ادخار المال وحرم على
المسلمين اقناء الضياء والزراعة ارا المزارعة لان ارزاقهم
وارزاق ايالهم تدفع لهم من بيت المال حتى الى عبيدهم
واموالهم اراد بذك ان تبقوا جندا على اهبة الرحيل لا
يمنعهم انتظار الزراع ولا يقعدهم الترف والقصف
(نظام العالم والامم)

"When there was great increase of wealth during Caliph Omer's رضي الله عنه time and the necessary registers had been prepared, salaries were fixed for the government servants, governors, judges and other, and savings and accumulation of wealth were forbidden. Muslims were also forbidden, to cultivate or be land-owners, because allowances from the Public Treasury had been fixed for them and their families as well

*as their slaves and even the freed slaves. The idea was that the entire society may become military, and neither land nor farming may fall into habits of comfort and pleasure".*¹

It should not be supposed that forbidding agriculture and land-ownership to Muslims was intended to be a permanent feature of Muslim society. At that time, most of the land cultivation was done by the zimmi and, therefore, enough food products were available to everyone. The Muslims had to be prepared for jihad duties and missionary work for spreading the Word of Allah and it had to be ingrained in them that no anxiety for land or harvest was to hold them back from exerting themselves for these supreme ends. But in due course of time when such strictures would no longer be necessary, Muslims could revert to farming and such but only to the extent that life's main objectives did not suffer. The land-ownership system leads to indolence love of comfort and pleasure habits from which Muslims had to be discouraged.

Had Muslims not become involved in land-ownership and farming but lived simple lives for performing jihad to uphold the truth, the banner of Allah's governance would have been fluttering in every corner of this globe!

This system of allowances covers a number of departments and for each department it is necessary to maintain separate registers.

Department 1.

This Department concerns allowances for those who participate in "jihad by the sword". Every Muslim is duty bound to render military service to the Islamic State and,

¹ Nizam ul Alim al Umm. Vol 2 p. 183 quoting from Abu Obayd and Abu Yusuf

therefore, this Department is sub-divided into two sub-departments, one that of the regular army of professional soldiers and the other of the volunteers who serve when called upon to do so. In the Caliphate system allowances are stipulated for both these categories of fighters. In the beginning, during Caliph Omer's رضي الله عنه time, the allowances fixed for the Emigrants and the Helpers, muhajir and ansar, were fixed under this head and continued as such when later, wealth began coming in from Bahrain. When Caliph Omer رضي الله عنه consulted the companions, one of them, Waleed b. Hisham رضي الله عنه, said,

يا امير المؤمنين - قد جئت الشام فرائت ملوكها

قد دونوا ديوانا وجندوا جندا فدن ديوانا

وجند جندا فاخذ بقوله (طبري)

"Amir ul Momineen! I have been in Syria and have seen that the rulers there maintain registers with the names of the soldiers recorded in them. You should also get registers prepared." Caliph Omer رضي الله عنه accepted the proposal.

لما فتح الله عليه وفتح فارس والروم جمع اناسا من اصحاب رسول الله صلى الله عليه وسلم فقال: ماترون فاني اري ان اجعل عطاء الناس في كل سنة واجمع المال فانه اعظم للبركة قالوا اضع مارات فانك انشاء الله موفق قال ففرض الاعطيات فدعا باللوح فقال: بمن ابدأ؟ فقال له

¹ Tibri Vol. 5 p. 23

عبدالرحمن بن عوف ابدء بنفسك فقال: لا والله ولكن
 بنى هاشم رهط النبي ﷺ (كتاب الخراج)

"When during Caliph Omer's time, Allah expanded the field of victories, and Persia and the Roman Dominions were also conquered, he called a meeting of the consultative council and speaking before it, said: 'It is my intention that I should store the wealth in the Public Treasury as this will bring blessings to it. I shall fix annual allowances for the people from it; what, then, is your opinion?' The people said, 'Do whatever you think is proper, for, Allah's help is with you.'

"Then Omer fixed the allowances and called for a slate and asked, 'Whose name shall I write first?' Abdur Rehman said, 'Begin with your own name.' Omer said, 'By Allah! That shall never be. I shall begin with the relatives of the Prophet, the clan of Hashim.'

Although, at first, several names besides those connected with the army are to be found, later separate registers were made, and just as allowances were fixed for the mujahideen so were they fixed for their family members.²

¹ Kitab ul Kharaj p.44

² Kitab ul Amwal pp. 237-241

Allowances for nursing babies were not fixed until the weaning, but one night as Omer ؓ was on his nightly rounds, he heard the cries of an infant and on inquiry was told by its mother that since its allowance would not be due until its weaning, she had stopped nursing it before the due time. Early next morning Omer ؓ ordered that with immediate effect, an infant's allowance would be due as soon as the baby was born.¹

Department 2

This is concerned with the state judiciary and executive. In the Islamic system these two departments are very different from those existing in former or present times. Allowances are fixed for each one of the personnel in such a manner that they suffice for their needs and the needs of their families, always sufficient to ward off temptation for bribes. This means that generally there will be no income gap.

Abu Yusuf comments on the allowances for the judiciary, executive and mail personnel:

وتامر باختيار الثقات العُدُول من اهل كل
بلد ومصرف توليهم البريد والَاخبار وكيف ينبغي ان لا يقبل
خير الامن ثقة عدل؟ ويجري لهم الرزق من بيت المال
(كتاب الخراج)

"O Haroon! Send orders throughout the realm for the selection of personnel for the

¹ Kitab ul Amwal p.237

judiciary, executive and mail departments, because if the judiciary and executive are not reliable, who else can be looked upon as reliable? Also fix allowances for them."

وكل رجل تصيره في عمل المسلمين فاجر عليه من بيت

مالهم ولا تجر على الولاة والقضاة من مال الصدقة

شئاً الا الى الصدقة فانه يجري عليه منها كما قال الله

تبارك وتعالى والعاملين عليها فاما الزيادة في ارزاق

القضاة والعمال و الولاة والنقصان مما يجري عليهم

فذلك اليك (كتاب الخراج)

"And fix a daily allowance from the Public Treasury for every one you appoint for the service of Islam. The governors and judges should not be given these allowances from the zaka't money. Only the collectors of zaka't should be given from this item, as the Qur'an states, Wal aamaleena alaiha. As for increasing or decreasing the allowances, this is left to your discretion."

Shah Waliullah writes:

ثم ان الامام لما كان لا يستطيع بنفسه ان

يياشر جباية الصدقات واخذ العشور وفضل القضاء في

كل ناحية وجب بعث العمال والقضاة ولما كان اولئك

لمشغولين بامر من مصالح العامة وجب ان تكون

كفايتهم في بيت المال

'Since the imam cannot personally go about collecting the charities, zakat or ushoor and settling all manner of disputes, it is necessary that judges and other officers should be appointed and that being done, it is also necessary that their remuneration should be from the Public Treasury.'"

Imam Abu Obayd رضي الله عنه:

فإنما لهم من المال بقدر سعيهم وعماليتهم

(كتاب الاموال)

'The workers, officers and other Muslims should get their allowances according to their labour and effort.'

Imam Malik says that the daily allowances are not determined, nor changeable amounts but are dependent on the imam's discretion."

قال ابو عبيد وكذلك قول سفيان واهل العراق

وهذا عندنا هو المعمول به (كتاب الاموال)

'Abud Obayd رضي الله عنه says that this is held true by Abu Sufyan and is the practice in Iraq and is also our practice.'

Department 3:

This concerns education; that is, allowances for the students as well as educators of the Qur'an and problems of the Islamic faith and those engaged in mission work.

¹ Kitab ul Amwal p.606

Islam makes religious and beneficial secular education compulsory for every Muslim, and, therefore, the necessary allowances are also made compulsory. Ideally the services of the educators of religion should be in the "path of Allah", that is, without remuneration, but because they too have to devote their full time to this work, it is the government's duty to give them allowances sufficient for their needs and the needs of their families. Omer ؓ and Usman ؓ, in their respective times, organized education on a grand scale and fixed allowances for teachers and missionaries.

عمر بن خطاب وعثمان بن عفان كانا يوزقان

شؤون وائمة و معلمين (كتاب الامور)

Caliph Omer ؓ and Caliph Usman ؓ used to give monthly salaries to the mosque-imams, muezzins and teachers.

Ibn Jauzi also tells us that salaries were fixed for the fuqaha or interpreters of law. The practice was followed by Caliph Omer b. Abdul Aziz ؓ.

عمر بن عبد العزيز بن ابى مالك

دمشقي و حوزت من محمد لاسعوى يفتيان الناس في

سور و حري عيب روق و ما يزيدفتين و ما حارث فابي

(كتاب الامور)

Caliph Omer b. Abdul Aziz ؓ appointed Yezid b. Abi Malik and Haris b. Yemjad Ashari to teach religion in the villages and also fixed their salaries. Yezid accepted the

¹ Ibn Jauzi in Srat ul Omerain

salary but Haris declined and taught without receiving any salary."

Allowances were allotted to students also.

ان عمر بن الخطاب رضي الله عنه كتب الى بعض عماله ان اعظ
الناس على تعلم القرآن (كتاب الاموال)

"Caliph Omer رضي الله عنه wrote to some of the governors that they fix allowances for students of the Qur'an."

On these instructions, the governors reported that some of the students had no inclination to learn the Qur'an but had enrolled as students only for the sake of the allowances. Despite, Omer رضي الله عنه did not stop giving them allowances.

Department 4

This concerns beggars, the needy, deprived of their subsistence means. As said before, the objective of this department is that there should not remain a single individual without his proper sustenance. The idea is that the aged, the sick, weak, disable, widows, orphans should not become a burden on society, but, instead, the government should look after them and fix allowances for them from the Public Treasury. This is supported by the principles enunciated in the Qur'an and summed up in the Tradition,

تؤخذ من اغنياءهم وترد على فقراءهم

"Take sadqat, charities, from their well-to-do ones for sending on their needy ones."

There are other Traditions to the same effect.

وعن جرير رضي الله عنه قال اتى النبي صلى الله عليه وسلم قوم حفاة عراة
مجتاى النمارا والعباء متقلدى السيوف عامتهم من مضر

فتمعروجه رسول الله ﷺ لما رأى بهم من الفاقة فدخل

ثم خرج فقال

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ

وَخَلَقَ مِنْهَا زَوْجَهَا (نساء - ۱) إِنَّ اللَّهَ كَانَ عَلَيْكُمْ

رَقِيبًا (نساء - ۱) وَالْآيَةُ الَّتِي فِي الْحَشْرِ اتَّقُوا اللَّهَ وَانظُرُوا

نَفْسٌ مَّا قَدَّمَتْ لِغَدٍ (حشر - ۱۸)

الآية (مسلم كتاب الزكوة)

It is reported on the authority of Jarir that once there came to the Prophet ﷺ some people who were clad in leopard skins, their swords in the scabbards, and their hunger was apparent from their faces, seeing which, the Prophet's face turned red. He went in and returning recited some verses of the Qur'an.... 'O mankind! Fear your Lord Who created you from a single soul, and created from it your pairs and Allah is Guardian over all.'

'Fear Allah, for, you are all to appear before Him on the Last Day... ..'

Caliph Omer ؓ invited some men of good appetite to dinner and, then, by the same measure appointed allowances for everyone else.

According to another Tradition:

¹ Muslim, Kitab ul Zaka't

قال عمر واخذ المدي بيد والقسط بيد في قد فرضت لكل
نفس مسلمة في كل شهر مدي خطة وقسطي زيت و
قسطي خل فقال رجل والعبد قال نعم والعبد
(فتوح البلدان)

ان عمر سعد المنير فحمد الله ثم قال انا اجرينا عليكم
اعطياتكم و ارزاقكم في كل شهر وفي يديه المدي
والقسط
(فتوح البلدان)

*Omer held a liquid-measure in one hand and a dry-grain measure in the other and said, 'I have appointed two weights of wheat and two measures of oil and vinegar for every one.' A man stood up and asked if the slaves were included, and Omer answered, 'Yes, slaves also'*¹

*"Omer stood on the pulpit, delivered a sermon, and having praised the Lord, said, 'I have appointed for you gifts and monthly allowances', and in his hand there was a muda and a qust, two measures."*²

On seeing the aged and the many family members of Khayar e Nahdi and having inquired about the number of their children, appointed separate allowances for them.³

¹ Kitab ul Amwal p.246

² Kitab ul Amwal p. 248

³ Kitab ul Amwal p. 248

We have already noted that the army received its allowances mostly from fai revenues and the needy from zaka't, ushr and ushoor and other charities.

So far we have been dealing mainly with the allowances etc., for Muslims. The position of non-Muslims, zimmi, is not much different. Islam declares that if a zimmi of his own accord, without any kind of coercion, joins the Muslim fighting services, he is exempted from jizya, and is entitled to a due share from the spoils, and, if the imam or caliph so wishes, a military service allowance of agreements made with the zimmi during the times of the Khulafa e Rashidin, for instance; it is stated in the agreement made on the occasion of the victory at Jarjan:

ومن حشر منهم في سنته وضع عند جزاء تلك السنة

(صبري)

And the zimmi who participates in the Muslim fighting services, shall be exempt from jizya."¹

The zimmi's share in the spoils of war is stated in Dar Mukhtar:

(اودل الذي على الطريق) ومفاده جواز الاستعانة بالكافر

عند الحاجة وقد استعان عليه الصلوة والسلام باليهود

على اليهود ورضخ لهم ولا يبلغ به السهم الا في الذمى

اذا دل في زاد على السهم لا نه كالاجرة (شامى)

"(Or the zimmi guides the way for a Muslim army) It is quite valid to take the help of non-Muslims according to the needs of the

¹ Tibari Vol. 4 p.284

Muslims. The Prophet ﷺ accepted the assistance of some Jews against some other Jews and allotted them a share in the spoils. This share should not exceed the normal share, but, if extra is given for showing the way, it is quite legitimate because this extra is in the category of compensation."¹

Imam Shafa-I in his Kitab ul Alaamr justifies receiving assistance from non-Muslims in connection with war.

فلا بأس ان يستعان بالمشركين على قتال المشركين اذا
اخرجوا طوعا ويرضخ لهم (كتاب الاسلام)

*"There is no harm if assistance comes from non-Muslims against non-Muslims, provided they render the assistance quite happily; And they are entitled to a due share in the spoils as a gift."*²

Balazari has recorded in the Futooh al Baldan that Obaydullah b. Zayed invited a large number of the people of Bukhara to the fold of Islam and also offered them economic allowances. They accepted Islam joyfully and settled down in Basra.³

This is with regard to non-Muslims as far as military organization is concerned, but in respect of the needy, the beggars and such, Islam makes no difference between

¹ Shami Vol 4. p 325

² Kitab ul Umm Vol. 3 P. 107

³ Futooh p. 169

Muslims and non-Muslims, and depriving any of them of his subsistence is not permissible in Islam.¹

Once Caliph Omer رضي الله عنه passed by a house and saw an old, blind man begging for food. "Who are you?" Omer رضي الله عنه asked him. "I am a Jew." The beggar informed him. "But what has brought you to this condition?" The beggar answered, "Jizya, my need for food and old age." Hearing this Omer رضي الله عنه took hold of the man's hand and leading him to his house, gave him whatever there was, and sent orders to the treasurer of the Public Treasury,

انظر هذا وضربائه، بالله ما انصفناه ان اكلنا شية ثم
نخذله عند المهرم "انما الصدقات للفقراء والمساكين والفقراء
هم المسلمون وهذا من المساكين من اهل الكتاب
ووضع عند الجزية وعن ضربائه (كتاب الخراج)

وجعلت لهم ايماء شيخ ضعف عن العمل او اصابته افة من
الافات او كان غنيا فافتقر وصار اهل دينه يتصدقون عليه
طرحت جزيته وعيل من بيت مال المسلمين وعياله ما
اقام بدار هجرة ودار الاسلام (كتاب الخراج)

By Allah! We cannot claim to be just if we eat of the labour of the young age of the zimmi but leave them of misery and disgrace when they are old. The Qur'an says, 'the sadaqat, charities, are for the fuqara, beggars, and the masakin, needy. By the word fuqara, the needy ones of the Muslims are implied, and by the word masakin, the beggars and needy

¹ P. 151 last line

*ones of the Peoples of the Scriptures are implied.' Then Omer ؓ exempted such persons from jizya and also fixed allowances for them from the Public Treasury."*¹

During Abu Bakr's ؓ caliphate, Khalid b. Waleed ؓ made an agreement with the people of Hera, in which the equality of the social rights of Muslims and non-Muslims was stipulated in far more emphatic terms.

"I declare", he wrote, "that if any one is incapacitated for reasons of old age, or suffers from any calamity, or if a man of wealth among them is reduced to poverty and his people give him charity, such a person shall be exempted from jizya and the Public Treasury will look after him and his family as long as he lives in Muslim territory."²

Caliph Omer ؓ was so concerned in this respect that when Huzayfa and Usman b. Unayf ؓ returned from their mission of collecting tribute money, each from different places near the Tigris, he asked them whether they had collected more from the zimmi than they could afford. Huzayfa assured the Caliph that what he had brought was very little compared with what he had left with them, and Usman ؓ said that he had left twice as much with them as he had brought. Yet Omer ؓ expressed his anxiety by saying,

اما والله لئن بقيت لارامل اهل العراق لادعنهم لا

يفتقرون الى امير بعدى (كتاب الخراج)

"By Allah, let it be known that if I live I shall leave the widows of Iraq in such

¹ Kitab ul Kharaj p. 126

² Kitab ul Kharaj p. 144

condition that after me they will never have to be dependent on anybody!"

In short, in its economic order Islam establishes its allowances system so that the ultimate objective of the order may be effective and none in Muslim society may remain unblessed with it. The ulema have again and again proclaimed this. A quotation from Ibn Hazm has already been given in the preceding pages. A valuable quotation from Mukhtar ul Kaunayn may be given here: ¹

ثم اعلم بانہ لا بد للانسان من ثلاثة اشياء بلوازماتها سواء كان ذكرا او انثى لانه لا يمكن حياته وفراغه لعبادة دبه وبقاء نسله الا بما فيجب على الامام ان يقصد بتيسير الاشياء لثلاثة بكل من الناس على حسب استعداده وحاله سواء كان غنيا وفقيرا او ذكرا وانثى اولها الطعام والشراب وهو سبب لحيوة فلا يمكن حيوته الا بها والثاني اللباس سواء كان من القطن والكتان الصوف او غيرها الثالث التزويج لانها سبب بقاء النسل

"Know that three things are indispensable in the life of men as well as women because both devotion to Allah and procreation are bound up with these things. It is incumbent upon the imam (caliph) that he provide every one, whether rich or poor or beggar, man or woman, with facilities of all kinds according to his or her needs. These three things are: first, food and water, second clothing whether

¹ p. 153 3rd last line

*of cotton, wool or other material --- because both these things are necessary for human life - and three, married life, ---because this is necessary for the continuation of the human species."*¹

The *Al-I al-Sana'* discussing the subject of maintenance, states that some things will be necessary for the man who is made responsible for anyone's livelihood.

وينجب عليه المأكل والمشرب والملبس والسكنى والرضاع
ان كان رضيعا لان وجوبها للكفاية والكفاية متعلق
بهذه الاشياء فان كان للمنفق عليه خادم يحتاج الى
خدمته تفرض له ايضا لان ذلك من جملة الكفاية
(بدائع الصنائع)

"Food and water, clothing and a house; and for an infant, also milk. This is because the one has been made surety only for the purpose of taking care of the other's maintenance, and these things are necessary for life. And if the needy person is in need of a servant, the maintenance of the servant is also the responsibility of the surety."

In connection with the allowances we have mentioned here but a few departments, but it should not be understood that the economic order is limited only to these examples. The Caliph may increase or decrease these departments as and whenever necessary. This will be appreciated by anyone

¹ P.44. The author wrote this book after his impression of the tyranny of the kings of his time. As a work on social problems, it is incomparable.

who has made a careful study of the practice of the Rashidin, "rightly guided", Caliphs.

We have mentioned in the preceding pages that the Islamic economic system does not follow "business rules" by making two mutually opposing groups of mental intelligence and physical labour. The imam rather dispenses the allowances sometimes on the basis of superior virtue in practice and labour and sometimes on the principle of absolute equality.

During his caliphate, Abu Bakr ؓ acted on the principle of absolute equality and ignored virtue as a ground for fixing allowances. On one occasion when some wealth arrived, he began distributing it in equal measure. Some Companions objected, saying, "Caliph of the Prophet, you have made every one equal in your distribution. We wish that you might show greater regard for the virtue of those who were foremost in Islam and sacrificed their lives and property too."

Abu Bakr ؓ replied:

امام اذكرتم من السوابق والقدم والفضل فما اعرفني
بذلك وانما ذلك شئى ثوابه على الله جل ثناؤه وهذا
معاش فالاسوة فيه خير من الأثره (كتاب الخراج)

"I know more about the virtue of those who were foremost in Islam, but this is something the reward of which is with Allah Lord of all Praise; this is an economic matter in which equality is better than preference."

Caliph Omer ؓ, at first, used to distinguish between those who were early comers to Islam and were mujahid in such campaigns as those of Badr and those who entered the fold after them, and gave preference accordingly in the

dispensation of gifts and allowances. But later he decided to follow Abu Bakr's practice.

لئن عشت الى هذه الليلة من قابل لا لحقن اخرى الناس
باولاهم حتى يكونوا في العطاء سواء (كتاب الاموال)

"If I live until the next distribution time," he said, "I shall bring the first and the latter together and dispense equally among them."

Abu Obayd tells us that Ali also supported Abu Bakr's stand.

وكذلك يروى عن علي التسوية ايضا ولكلا الوجهين
فذهب (كتاب الاموال)

"Similar, as recorded, was Ali's belief
However, both the practices are before us."

It should be understood that the 'equality' principle is valid only in respect of the allowances and gifts from the Public Treasury or the Caliph. It is not applicable to private property, with which we shall soon be dealing. Considering this system of allowances, it may be thought that if this system is extended beyond the government workers/officials and those in need, business and the arts and crafts and other media of subsistence would be reduced to zero, though on them progress and economic welfare depend.

This is, of course, an important question and calls for serious consideration. Discussing the problem in his Hujjat ul Baligha, chapter City Politics, Shah Waliullah states that the Islamic socio-economic order does not tolerate that business or the arts and crafts and beneficial media of subsistence should suffer in the least and that the country's population may be that of idlers and parasites on allowances and gifts. Nor is it necessary, he says, that the entire

population should be occupied with military service, for, there have to be artisans, craftsmen, and such.

اويكون توزعهم في الاقبال على الاكساب بحيث
يضر بالمدينة مثل ان يقبل اكثرهم على التجارة
ويدعو الزراعة اويتركسب اكثرهم بالغزو ونحوه وانما
ينبغي ان يكون الزراع بمترلة الطعام والصناع و
التجار والحفظة بمترلة المسلح المصلح (حجة البالغة)

"It is necessary in the country's politics that there should be division of labour and a variety of subsistence workers. If this is not done and the majority gets occupied only with one profession, the whole country would be ruined. For instance, getting occupied with military duties, and ignoring the other work leading to the country's development, would be detrimental to it. The citizens should think that the peasantry is like food for social life, and traders, craftsmen and soldiers are like the flavouring salt."

Shah Waliullah also states that one of the great causes of the destruction of a state is that people give up earning their subsistence and shift their whole burden on the Public Treasury and become a source of trouble for it, although the rights of some of them, for instance, ulema and mujahid, may be related to it.

وغالب سبب خراب البلدان في هذا الزمان شئيان
احدهما تضيقهم على بيت المال بان يعتاروا التكسب
بالاخذ منه على اهم من الغزاة او من العلماء الذين لهم

حق فيه او من الذين جرت عادة الملوك بصلتهم
 كالزهار والعشراء او يوجه من وجوه التكدى ويكون
 بعمده عندهم هو التكدى دون القيام بالمصلحة فيدخل
 على قوم فيغصون عليهم ويصيرون كلا على المدينة
 (حجة البالغة)

"There are two dominant causes of the destruction of states in these times. First, that the central revenues may become bankrupt. This can happen by those people throwing their whole burden on the Public Treasury who have a right on it, for instance, the mujahidin and the ulema; and also those people, like poets and sufis, on whom the kings have opened their coffers; and such wrong ways of draining the exchequer. It should be understood that the best subsistence is to earn with one's own sweat of the brow, and not remain content with the Public Treasury, because this leads to rivalry between groups causing one to get the better of the other. Finally, it becomes too much of a burden on citizenship and the state."

Condemning illegitimate economics, he states that the citizens give up those principles on which the whole global order is based.

وصار جمهور الناس عيالاً على الخليفة يتكفون منه تارة
 على ائتم من الغزاة والمدبرين المدينة يتر سمون برسومهم
 ولا يكون المقصود دفع الحاجة ولكن القيام بسيرة
 سلفهم وتارة على ائتم شعراء جرت عادة الملوك

بصلتهم وتارة على انهم زهاد وفقراء يصح من الخليفة ان لا يتفقد حالهم فيضيق بعضهم بعضا ووتوقف مكاسبهم على صحبة الملوك والرفيق بهم وحسن المحاورة معهم التملق منهم وكان ذلك هو الفن الذى تعمق افكارهم فيه وتضيق اوقاتهم معه فلما كثرت هذه الاشغال شح في نفوس الناس هئيات خسيسة واعرضوا عن الاخلاق الصالحة (حجة البالغة)

"The whole citizenry becomes the caliph's family and a burden on the Public Treasury. Some come forward to claim that they are ghazis and political leaders. Demanding allowances is not for meeting necessary needs but continuing the practice of their fathers and forefathers, to eat free doles. Some profess to be court poets and it is customary for kings to receive their praises and shower them with wealth; and some that they are sufis and darveshes. The caliph looks upon investigating their condition as improper and thus they become the cause of one another's poverty. Their only means of subsistence is sycophancy and their thinking faculty and time go to utter waste. When such habits spread over the society, low petty thoughts prevent them against developing high morals."

After reflecting on these references can there be any doubt that the system of dispensing allowances encourages those habits which the questioner suspected? Obviously not.

Such suspicion may arise because we are dealing here separately with each phase of the Islamic social order, but when the whole pattern lies before our eyes, the confusion is bound to disappear by itself.

Once when Caliph Omer رضي الله عنه was distributing the allowances, Abu Sufyan b. Harab put the same question to him, as quoted by Mullah Zari in Futooh ul Baldan.

فلما وضع عمر الديوان، قال ابو سفيان بن حرب:
 اديوان مثل ديوان الاصر انك ان فرضت للناس اتكلوا
 على الديوان وتركوا التجارة فقال عمر رضي الله عنه: لا بدمن
 هذا فقد كثرت في المسلمين (طبقات ابن سعد)

"When Caliph Omer رضي الله عنه had registers prepared, Abu Sufyan b. Harab asked him, 'By getting these registers prepared as the Romans do for distributing allowances, will the people not begin to depend on them and give up trade?' Omer رضي الله عنه answered, 'I have been constrained to do this because wealth is coming in abundantly to the Public Treasury'."

Caliph Omer رضي الله عنه does not refute Abu Sufyan's suspicions, but merely explains by implication that every necessary state expenditure is being met from the assets of the Public Treasury, and what is being distributed among the people is only the surplus that exists by virtue of the abundant wealth coming in. He did not look upon appropriating it to himself as proper or creating a huge treasure from it, but wished only to help the poverty-stricken the beggars and others in need so as to help them supplement what they already earn by their labour, thus contributing to general prosperity.

It should not be forgotten that every individual is a part of the social fabric and it is his duty to serve his society according to his ability to enable the national Public Treasury to be of assistance to him. Caliph Omer ~~se~~ once announced that since all Muslims including the families and slaves received allowances from the Public Treasury, they would not be permitted to own agricultural land or cultivate it.



Chapter 9

MORE ABOUT SUBSISTENCE MEDIA

Land, labour and capital are the basics of economic subsistence. Agriculture, trade, industry and arts and crafts are the means.

Wealth and capital are one and the same things, but the terms imply two differences: the word 'capital' is used when wealth is employed to produce wealth and 'wealth' is that which is produced for consumption. For instance, if a building is used for personal residence, it is wealth, but if used as a factory, it is capital. A car for personal use is wealth, but if driven as a taxi, it is capital.

Says Shah Waliullah:

واصول المكاسب الزرع والرعى والتقاط الاموال
المباحة من البر والبحر من المعدن والنبات والحيوان
والصناعات من بخارة و حـدادة و حياكة وغيرها
مما هو من جعل الجواهر الطبيعية بحيث يتاتي منها
الارتفاق المطلوب (حجة البالغة)

Agriculture, looking after animals, acquired from land or water, flora and fauna, minerals, and the various crafts and industries, --- carpentry, iron work, cloth-weaving and such and all that can be used to produce wealth are capital." Each of the three factors of production, land, labour and capital, are related in varying degrees to agriculture, industry and trade, stated in economics as:

“Land, labour and capital are necessary for the production of wealth. In agriculture, the land factor is dominant; in industry, capital; and labour is equally necessary in both.”

After these introductory lines it should be clear that the foundations of the means of production are agriculture, industry and trade, and economic welfare is dependent on their progress and development. Therefore, although Islam does not go into elaborate and confusing treatment of economics as a technical art, it recognizes the importance of economic effort, aims and objectives as a basic factor in life. At the same time, it insists that the means of production must neither be allowed to become corrupt so as to make the very roots of the economic order sag and become hollow, nor should they be so developed as to make one group of the public progress rich instead of creating welfare and prosperity common to all, because this not only corrupts the economic order but ultimately also the culture and morals and spiritual life of the whole society.

Rather, Islam seeks to benefit both the individual and his society in such a way that each helps the other to prosper, not become a curse for one another.

Shah Waliullah:

وايضا لما كان الناس مدينين بالطبع لا تستقيم معاشهم
 الا بتعاون بينهم نزل القضاء بايجاب اتعاون وان
 لا يخلوا احد منهم مما دخل في التمدين الا عند حاجة لا
 يجد منها بداوا ايضا فاصل التسبب حيازة الاموال المباحة
 او استنماء ما اختص به بما يستمد من الموال المباحة كالتمل
 مل بالرعى والزراعة باصلاح الارض وسقى الماء

ويشترط في ذلك ان لا يضيق بعضهم على بعض بحيث
 يعني الى فساد التمدن (حجة البالغة)

*"Since man is by nature inclined to social life and his economic subsistence is not possible without mutual cooperation, his Creator's decision is to make such cooperation a duty; and that any one who can be a source of good to his society, should not separate himself from it. And that, except in cases of severe exception, the amwal e mubah should be taken possession of or from amwal e mubah that which is good, should be exploited to develop them. For instance, to improve the breed of cattle, or, to develop agriculture by means of canals and fertilizers. The condition necessary for mutual cooperation for acquiring the economic factors is that the possession or the progress should not be allowed to become a cause of hardship and suffering for anyone, the result of which can only be the general corruption of the whole economic system."*¹

Agriculture

In the Qur'an, Allah Almighty has drawn our attention to the special importance of agriculture among the natural factors of subsistence.

¹ Hujjat-ul-Baligha Vol. 2. P.103

أَفَرَأَيْتُمْ مَا تَحْرُثُونَ ءَأَنْتُمْ تَزْرَعُونَهُ أَمْ نَحْنُ
 الزَّارِعُونَ - لَوْ نَشَاءُ لَجَعَلْنَاهُ حُطَامًا فَظَلِمْتُمْ تَفَكَّهُونَ -
 إِنَّا لَمُعْرِضُونَ بَلْ نَحْنُ مَحْرُومُونَ (واقعه - ٦٣ تا ٦٧)

"Of the land you cultivate, are you the producers of its produce or We? If We will, We could reduce it to rubble and you would prate 'Lo! We have been penalized; we have been deprived!'" (Waaqiah-63-67)

To emphasize this importance, the Prophet ﷺ has said:

قال رسول الله ﷺ اطلبوا الرزق في خبايا الارض
 (رواه ابو يعلى)

"Look for your livelihood in the hills of the earth."

Commenting on this Verse, Imam Sarakhsi says:

يعنى علم الزراعة

"These words imply agriculture and cultivation of the land."

عن انس رضى الله عنه قال: رسول الله ﷺ ما من مسلم يغرس
 غرسا او يزرع زرعاً فبا كل من طير او انسان او بهيمة
 الا كان له به صدقة (بخارى)

"The Prophet ﷺ has said, 'The Muslim who plants a tree or cultivates the land, and mankind and animals derive their subsistence from it, --- this act becomes one of

charity for him'. " (That is, It becomes an act deserving of reward in the Hereafter). '1

The implication is that though the motive is not such reward, society does benefit. Shaykh Badruddin Aini comments:

وفيه حصول الاجر للغارس و الزراع وان لم يقصد ذلك
حتى لو غرس وباعه او زرع وباعه كان له بذلك صدقة
لتوسعته على الناس في اقواتهم (عيني شرح بخارى)

"We are told in this Tradition that although the man who plants a tree or cultivates the land, may not have been motivated by the thought of earning a reward in the Hereafter, and he might sell the tree and the produce of the land, even so he is entitled to a reward as that of an act of charity because his deed contributes to the subsistence of Allah's creatures. "2

Sarakhsi, further comments that besides bringing the man nearer to Allah, his deed is a blessing for both Muslims and Non Muslims, as these words of the Prophet ﷺ convey:

عمرو ابلادي فعاش فيها عبادي (مبسوط)

"Inhabit my habitations that my creatures may be able to live in them."

¹ Muslim. Kitab uz Zara-at

² Aini Sharah e Bukhari Vol. 5 p. 701

فلهذا قلنا هذا الفعل حسن من كل احد

(كتاب المزارعه)

*‘That is why we say that this deed by whomsoever is a good deed’.*¹

Sarakhsi also records

واذرع رسول الله ﷺ بالجرف (مبسوط)

‘The Prophet ﷺ himself cultivated land in Jaraf’.

In view of these Verses of the Qur’an and the Traditions, our ulema have often considered which of the means of economic subsistence is the best. Sarakhsi notes that in the opinion of some sheikhs of the Hanfiyah school,, land cultivation is superior to business and industry.

ولهذا قدم بعض مشائخنا رحمهم الله الزراعة على التجارة

لانها اعدنفعاً واكثر صدقة وفي الحديث رد على من

يكره عن المتعسفة الغرس البناء

‘Considering these very Traditions, our sheikhs look upon land cultivation as superior to trade and industry that is because its benefits are common to all and its blessings are manifold and the words and example of the Prophet ﷺ contradict those who look upon land cultivation and building work as bad.’

Shaykh Badruddin Aini’s verdict is excellent. He says that the importance of the three media of subsistence is not

¹ Mabsoot Vol. 3 Kitab ul Mazara

subjective but because they bring about general welfare and prosperity. In those countries where naturally land cultivation is more beneficial, it is preferable to trade and industry, and where industry and trade suffice for the needs of the people, they are to be preferred. That is, the natural condition of the place determines the preference, and not any superiority per se. The Shaykh's exact words are:

واذا كان كذلك فينبغي ان يختلف الحال في ذلك باختلاف حاجة الناس فحيث كان الناس محتاجين الى الاقوات اكثر كانت الزراعة افضل للتوسعة على الناس وحيث كانوا محتاجين الى التجر لانقطاع الطرق كانتا التجارة افضل وحيث كانوا محتاجين الى الصنائع اشد كانت الصناعة افضل وهذا احسن (عيني)

"And now when it is proved that the purpose of the media of subsistence is general common welfare, it is obvious that their differences too will vary according to the differences between the peoples of one country and another. Thus¹ if the people of a country are more in need of raw material, land cultivation will be preferable so that its benefits may be common; and if the agricultural resources are poor, trade will be superior, while in a country whose people are in greater need of industry than of trade and agriculture, the crafts and industry will be looked upon as the best. And this is the sanest conclusion."

¹ Aini Vol. 5 p. 711

The philosopher of Islam Shah Waliullah gives great importance to agriculture. If, he says, indifference is shown to agriculture in a country where the natural resources for it are present, the civic conditions of that country can never remain satisfactory and their deterioration is certain that is because without the cultivation of food grains of all kind, neither industry nor trade can be of any great avail.

He says:

فانهم ان كان اكثرهم مكتسبين بالصناعات وسياسة
البلدة و القليل مكتسبين بالرعى و الزراعة فسد حالهم
في الدنيا (حجة البالغة)

"If the majority of a country's population remain occupied with the crafts and industry and politics and only a few occupy themselves with agriculture and looking after the animals, their secular life is bound to become corrupt."

Proceeding further, he holds agriculture, industry and trade as important elements of civic life, and goes on to declare that when nations turn away from paying due attention to economic resources and take to luxury living, capitalistic ambitions and rivalry in wasteful pursuits, holding them as life's criteria, they can never prosper in civic life and their luxurious ways take them speedily to perdition.¹

فاذا قبل جم غفير منهم الى هذا الاكساب اهملوا مثلها
من الزراعات والتجارات واذا انفق عظاما المدينة

¹ Hujjat-ul-Baligha, Vol. 3 p. 109

فيها الاموال اهلوا مثلها من مصالح المدينة وجر ذلك الى
التضيق على على القائمين بيالا كساب الضرورية
كالزراع والتجار والصناع وتضاعف الضرائب عليهم و
ذلك ضرر بهذه المدينة يتعدى من عضومنها الى
عضو حتى يعم الكل ويتجاري فيها كما يتجاري الكلب
في بدن المكلوب (حجة البالغة)

"When the great majority of a country's people becomes absorbed in such forms of earning (Unnatural and harmful), it renounces such arts as agriculture and trade, and when the nobles and the rich expend on such useless and improper means of subsistence, they destroy the civic values and gradually this improper obsession becomes the cause of suffering for those engaged in producing the necessities, of life; for instance, peasants, tradesmen and artisans. Moreover, this putrid obsession leads to heavy taxes on the professionals, This, in turn, is so detrimental to civic life that it spreads like a disease from one limb to another, infecting permanently the whole body as incurable. Allama Abdul Rehman Jazairi says,

اما الزراع في ذاته سواء كان مشاركة اولا فهو فرض
كفاية لا احتياج الانسان والحيوان اليه -

"But land cultivation, whether in partnership or without partnership, is a duty because both man and animals stand in need of it."

It is evident from the references quoted above that Islam desires universal unity in its economic order. It wants that even those nations which do not subscribe to its higher value should cooperate for economic purposes. None should do anything that may lead to the dominance of one over another. The agricultural countries and the industrial should assist one another, not set up mutual rivalry.

Those countries are indeed blessed which are agricultural as well as industrial and trading. Such countries, if they are independent and possess the pride, will not only save themselves from begging at the doors of others like slaves, but will be in a position to extend many a benefit to others and be ahead in matters of extending economic welfare far and wide.

It should not be thought that agriculture is of no importance because we see that industrial countries are more prosperous and civilized. Such nations owe their prosperity to the fact that because of their superiority of weapons of war they have subjugated the agricultural countries and forced their economic dominance over them. But, as Shah Waliullah says, an economic system so based cannot last very long and by its very nature is doomed to failure. Mutual rivalries and warfare will continue as long as the road is not taken of a right and just economic order. And no better economic order is possible other than the one of which the basic principles are laid down by Islam.

In the preceding pages it has been shown that in the light of some verses from the Qur'an and the Traditions, agriculture is of great importance. How then it may be asked, are we to take another Tradition given in Bukhari's Kitab ul Muzara'a, which reads:

الحرث فقال سمعت النبي ﷺ يقول: لا يدخل هذا بيت

قوم الا دخله الله الذل

"When Abu Amama saw some agricultural implements somewhere, he said, 'I have heard the Prophet ﷺ say that Allah enters humility and indolence into the house in which such implements enter.'"

From this Tradition it would appear that the profession of agriculture deprives one of the respect Allah bestows on one. To dispel the contradiction the ulema from the earliest times, have explained this Tradition as meaning, in the words of Imam Muhammad and, following him, Shah Waliullah,

ظنوا ان المراد بالتزام الخراج وليس كذلك بل المراد ان
المسلمين اذا اشتغلوا بالزراعة واتبعوا اذنان البقر
وقعدوا عن الجهاد كر عليهم عدوهم فجعلواهم اذلة
(مبسوط)

"Some people have very wrongly taken this Tradition to imply that since tribute is taken for lands occupied by non-Muslims, therefore, the profession of agriculture may possibly be a contemptible one. This is wrong. The Tradition really means that if Muslims make of agriculture a permanent profession and go about holding the bull by his tail, ignoring such duties as that of jihad, their enemies would overtake them and reduce them to humiliation."

Imam Bukhari interprets the Tradition to the same effect. Shah Waliullah's words are:

اعلم ان النبي ﷺ بعث بالخلانة العامة وغلبة دينه
على سائر الاديان لا يتعلق الا بالجهاد واعداد الآتية

فاذا تركوا الجهاد واتبعوا اذنان البقر احاط بهم الـذل
 وغلب عليهم اهل سائر الاديان (حجة البالغة)

*"Let it be understood that the Prophet ﷺ was sent to bring about a universal revolution – khilafat e aamma – and the dominance of this revolution over all other religions cannot be accomplished without jihad and the means of jihad. Therefore, if Muslims renounce jihad and content themselves with agricultural pursuits holding to the tails of their oxen, humiliation and disgrace would overtake them from all sides, the believers of false religions overpowering them."*¹

The traditionist Da-oo-di agrees with the meaning but confines it, holding that the words are not generally applicable but concerned only those Muslims who were settled near the frontiers.

Da-oo-di:

هذا لمن يقرب من العدو فانه اذا اشتغل بالحرب لا
 يشتغل بالغروسة ويتاسد عليه العدو اما غيرهم
 فالحرب محمود لهم وقال عز وجل **وَأَعِدُّوا لَهُمْ مَا**
اسْتَطَعْتُمْ (توبه - 60) وهو لا تقوم الا بالزراعة
 ومن هو بالثغور او المفارقة للعدو لا يشتغل بالحرب
 فعلى المسلمين ان يمدوهم بما يحتاجون اليه
 (عيني شرح بخارى)

¹ Hujjat-ul-Baligha Vol 2. p.173

*"These words concern the people who being settled near the frontiers would be easily overcome by the enemy if they became absorbed in agriculture and careless about the arts of valour. But for others agriculture is quite proper. Allah commands: 'Prepare yourself against the enemy according to your capacity.' It is obvious that such preparation would be impossible without land cultivation. It is, therefore, the duty of other Muslims to grow food to help them."*¹

So far for the words, but they do not, according to Ibn Mateen, the famous traditionist, express the Islamic view of agriculture; they sound a warning of things to come: that the peasantry will be the most despised and oppressed of classes.

هذا من اخباره عليه السلام بالمغيبات لان المشاهدة الا ان

اكثر الظلم انما هو على اهل الحرث

"These words convey one of the messages the Prophet ﷺ used to receive from the invisible world, because today we see that the most oppressed are those who cultivate the land."

This is Ibn Mateen's observation of approximately the fifth century of the Hijra. Today the condition of our growers of raw material; of those on whose labour depend the foundations of civic life is before our eyes. Is it then unbelievable that the economic system given by him who was the recipient of Divine inspiration and saw the profoundest of details in Allah's granted light, should be sufficient for all humanity, a guarantor of common brotherhood and peace?

¹ Aini Sharah e Bukhari, Vol 5 p.712

However, this is only an incidental digression. The point is that Islam lays the greatest store by land cultivation as the basic of economic media. That is why the stipulations it has made for developing the soil may rightly be described as essential in scientific economics.

It will be appreciated that the following principles are the most contributive to this end:

- 1) Land rent should be the minimum;
- 2) Peasants should be given special concessions and privileges.
- 3) Barren and uncultivated land should be brought under cultivation.
- 4) Irrigation should be made easier and also expanded.

Land Rent and Land Revenue

There are two ways of cultivating land: either by the owner himself; or the owner, who may be the government, giving the land to someone else to cultivate on agreed conditions, one of which may be a fixed rent. The tax levied on the cultivated land is Land Revenue.

It has been observed throughout the world, generally, that the cultivator is subjected to many unjust practices by the land owner reducing him to a position of serf and slave. This results in class war. Islam stipulates that the landowner and the cultivator are equal because if, on the one hand, the land is wealth, on the other, the labour, the seeds, fertilizers and implements comprise the wealth. How then may one be lord and commander and the other, slave and subject?

“Once a zimmi peasant complained to Caliph Omer ؓ that Muslim armies in Syria accidentally marched through his field and destroyed his crops. Omer ؓ compensated him with 10,000 dirhams from the Public Treasury.

Commentators state, after Imam Abu Hanifa, that the agreement, in jurist language mukhabara, the Prophet made with the Khaybar Jews does not in the least imply that they become slaves of the Muslims. They remained owners of their lands and only paid tribute to the Muslim government.

وهذاصح التاويلين فانه لم ينقل عن احد من الولاة انه
تصرف في رقابهم اورتاب اولادهم كما التصرف في
الماليك (مبسوط)

"Of the two reasons advanced, this one is correct because it is not proved from any source whatever that they (the Muslims) treated the Jews like slaves."

There are several proofs on record that in the Islamic economic order no difference was ever made between Muslim and non-Muslim and in fixing the tribute, the Caliph always kept in view that in spite of being conquered the land owner was not a slave but a peasant or revenue paying landlord. Since this is the treatment given by a Muslim government to its tributary when all the territory was their conquered property, how can it be possible that anywhere else or in any other form of land cultivation the peasant should be treated like a slave? He is a lease holder or a co-sharer, if the agreement is on the crop-sharing principle. This is the view of the jurists. Islam looks upon the land owner and lease holder as equal and in case of any differences arising, the dispute is to be decided in the light of this principle. The well-known Hanafi work Bda-e al-Sana-e states.

لان المزارعة فيها الاجارة والشركة تنعقد اجارة ثم تتم
شركة (مبسوط)

"This is because (in the crops-sharing system) both lease and co-sharing are implicit. In the beginning it is lease and in the result it is co-sharing."

Imam Abu Yusuf says:

وكذلك الارض عندى هى بمنزلة مال المضاربة
(كتاب الخراج)

"Just as madarebut is correct, (goods for sale belongs to one party but the disposal labour is that of another) so, I believe, is land capital for madarebut: one party is the owner and the other a lease-holder. Both share the profits, whether the agreement be one of lease or crop-sharing."

Imam Basai quotes Muhammad b. Sireen as saying:

روى النسائي من طريق ابن عون قال كان محمد يعنى
ابن سيرين يقول: الارض عندى مثل مال المضاربة
فما صلح فى مال المضاربة صلح فى الارض وما لم يصلح
فى المال المضاربة لم يصلح فى الارض

"I believe that land is like madarebut capital. What is correct in the one is correct in the other, and what is wrong in the one is wrong in the other."

That is, land whether given out on lease, on crop-sharing terms or on rent payable in cash is like trading on madarebut, which, according to the ulema is a form of

cooperation and the best example of co-sharing. Both the parties are co-sharers, not master and slave.

Reduction of Land Revenue and Rent.

In any economic order there are only two forms of land revenue and rent, one that of crop-sharing, the other of cash payment. But in Islam the details concerning both are considerably different. If the land is privately owned and the government realizes an annual tax on it, this tax will be either Ushr one-tenth of the harvest, or tribute. The ushr may be once or twice or more a year, depending on the annual number of harvests, but the tribute only once a year. If a plot of tribute land is purchased by a Muslim, the tribute will continue. The plot cannot be converted to ushr. But if a plot of ushr land is purchased by a non-Muslim, it will not continue as ushri because ushr is a form of zaka't which is not payable by a non-Muslim. If the land is rented out, whether by the government or privately, for cash payment; the rent is realizable only once a year. This is called *istikra ul ard*. Crop-sharing is *mazar-i-at*; if the land be an orchard, the term applied to the agreement is *masaqat*.

In any of these conditions, no difference is to be made in respect of rent or land revenue (except ushr) between Muslim and non-Muslim for giving preference to the ease and convenience of the peasant over that of the government or private land owner. Reduction of rent or tax is commendable. To fix the rent or tax in excess of the condition of the land is looked upon as tyranny.

To be lenient in fixing the tax or rent has special significance in Islam. The Prophet ﷺ left the Khaybar lands in the possession of the Jews. When Abdullah b. Rawah came to realize the dues from them, he addressed them in these words:

لم يبعثني نبي ﷺ لا كل اموالكم وانما بعثني لا قسم
بينكم وبينهم ثم قال: ان شئتم عملت وعالجت وكلت
لكم النصف وان شئتم عملتم وعالجتم وكلتم النصف
فقالو: بهذا قامت السموات والارض (كتاب الخراج)

'The Prophet ﷺ has not sent me to devour your property, but that I may divide the crops according to the terms of the agreement made with you. You have the fullest authority to decide whether I should make the estimate and divide half and half or, if you prefer, you yourselves make the estimate and divide accordingly. Either of the two conditions is acceptable to me. Hearing these words, the Jews said, "This, indeed, is that justice on account of which earth and sky exist today."

Caliph Omer ؓ once sent Huzayfa b. Aliman ؓ to the lands by the Tigris and Usman b. Hunnayf ؓ to those by the Euphrates for collecting tribute money. When they returned with considerable amounts of cash, he suspected that it might have been realized with undue strictness and asked,

كيف وضعتما على الارض لعلكما كلفتما اعل

عملكما مالا يطيقون (كتاب الخراج)

"At what rates did you fix the tribute? It seems that the peasants have been burdened beyond their capacity."

In some Traditions the words are:

لعلكما حملتما على الارض مالا تطيق (كتاب الخراج)

"Perhaps, you realized more tribute than the condition of the land."

Huzayfa replied:

لقد تركت فضلا او، وصنعت عليها امرأحى له محتملة
وما فيها كثير فضل (كتاب الخراج)

"I have left considerable amounts with them and taken only such rents as were proper, leaving much more to them."

Omer ؓ was convinced, yet he warned,

انظر الاتكونا حملت ما الارض ما لا تطيق امالين بقيت لا
رامل اهل العراق لا دهن لا يفتجن الى احد بعدى
(كتاب الخراج)

"At the time of fixing the amount of tribute or realizing it, be very careful that it does not exceed the quality of the land. If I live long enough I will make the widows of Iraq so well provided that they will never have to approach another."

Whenever the tribute money came from Iraq, Caliph Omer ؓ would call delegations of ten each to declare on oath that whatever has been realized is with the voluntary consent of the zimmi and without the least coercion; no hardship has been inflicted on any one, Muslim or non-Muslim.

Imam Abu Yusuf:

ثم تكون المقاسمات في اسماء ذلك او يقوم ذلك قيمة
عادلة لا يكون فيها حمل على اهل الخراج ولا يكن على

السلطان ضرر ثم يوزع منهم ما يلزمهم من ذلك اى
 ذلك كان لئلا يثقل على اهل الخراج فعل ذلك بهم
 (كتاب الخراج ، باب تقبيل السواد)

*"The crops or fruit should then be divided or their price so estimated that it may not be a burden on the payers of tribute nor be a loss to the government. Then what falls due from them should be taken, but in either case, it must be kept in view that the option is what is easier and light for the payer."*¹

And in another place:

فخذ في رفق وتسكين لاهل الارض (كتاب الخراج)

*"Realize the tribute in such a way that it may be easy on the peasant and leave him in peace of mind."*²

And again, quoting Caliph Omer رضي الله عنه:

فلم يحملهم ما لا يطيقون ولم نأخذهم من الخراج الا بما
 تحتمله ارضهم (كتاب الخراج)

"We shall not fix the rents beyond their capacity to pay or what is above the quality of the land."

On refraining from the use of force, we have in Bahr ul Raaiq:

¹ Kitab ul Kharaj

² Kitab ul Kharaj

وقالوا ونهاية الطاقة ان يبلغ الواجب نصف الخارج
لا يزداد عليه التنصيف عين الانصاف (بحر الرائق)

واما اذا اراد الامام توظيف الخرج على ارض ابتداء
وزاد على وظيفة عمر فانه لا يجز عند ابي حنيفة وهو
الصحيح لان عمر رضي الله عنه لم يزد لما اخبر بزيادة الطاقة
(بحر الرائق)

"The jurists hold that the last capacity limit is half the harvest crops; to go beyond is unjust and not permissible."

"When the Imam fixes the rate of the tribute in the beginning, he should not exceed it following Caliph Omer's رضي الله عنه example, who never increased it even after the increase in the tributary's capacity to pay."

Caliph Omer رضي الله عنه deputed Usman b. Hanif رضي الله عنه, who was versed in land-measuring, to survey Iraq. Leaving the hills, jungles and canals, the cultivable areas were found to be 30, 630 000 jareed, Of these, the royal fields and lands belonging to the temples, the emigrants and rebels, the mail services and river-side fields were declared khalisa, yielding an annual revenue of 7,000,000 dirhams, and set aside for general social welfare. The rest of the land was left in private ownership for which nominal rents were fixed as follows":

| Food Grain (Wheat) | Per Jareeb | 2 $\frac{1}{4}$ bigha (Raw) | $\frac{3}{4}$ bigha Pukhta | 2 Dirham | Approx 8 paisa |
|--------------------|------------|-----------------------------|----------------------------|----------|----------------|
| Wheat | -do- | -do- | -do- | 2 Dir. | 4 paisa |
| Oats | -do- | -do- | -do- | 1 Dir. | 8 paisa |

| | | | | | |
|------------|------|------|------|---------|----------|
| Naishkar | -do- | -do- | -do- | 6 Dir. | 4 paisa |
| Cotton | -do- | -do- | -do- | 5 Dir. | 4 paisa |
| Grapes | -do- | -do- | -do- | 10 Dir. | 8 paisa |
| Dates | -do- | -do- | -do- | 10 Dir. | 8 paisa |
| Til | -do- | -do- | -do- | 8 Dir. | 1 paisa |
| Vegetables | -do- | -do- | -do- | 3 Dir. | 12 paisa |

If the land and crops were of a superior quality, the rate for wheat was 4 and for oats 2 dirham. Even with such easy terms, the tribute revenue from Iraq amounted to 80,000,000 dirhams annually during Caliph Omer's time. Because of the superiority of the lands along the Nile in Egypt, the rents fixed here were higher but always in keeping with the principle that they should be the minimum. The uncertainties of the river waters resulting in differences of the harvest were kept in view and the rents altered according to estimates made after consultations with local landlords, officials and experienced estimators.

Even so, Omer would demand oaths from the collectors that they did not coerce the payers, and subsequently he would have their statement confirmed by the Egyptian peasants and land-owners.

During the times of the pharaohs the rules for revenue collection were as follows:

- i. Tribute was payable both in cash and kind.
- ii. Estimates were made on the basis of the average of four years of produce.
- iii. Revenue settlement was on four-yearly basis.

When the Romans occupied Egypt, they added two rules.

- iv. A considerable part of the land produce besides tribute and rents had to be dispatched to Constantinople.
- v. Victuals for the army had also to be sent from here.

In the interests of justice, Caliph Omer ~~to~~ modified these rules. Although Tribute could be realized both in cash and kind, the peasant's convenience had always to be considered. The four-year average system was abolished as being tyrannical and rent was fixed according to the quality of the land and actual amount of the produce and as agreed to by both the government and the peasant. It was also considered that fixing a time for drawing up the settlement was good neither for the government nor for the peasant and should be according to the convenience of both the parties.

Acquiring anything besides the rents was also looked upon as tyrannical and the relevant rules were abolished. Even during the regime of Amir Moavya his government paid the whole bill for the land produce sent to Makkah and Medina.

Distinction between Ushr and Kharaj, Tribute

This subject belonging appropriately to government administration is irrelevant to our thesis and has been very ably dealt with by Allama Shibi in Part 2 of his *Al Faroop*. Here we shall only state that ushr is a more burdensome tax than tribute, and, therefore, non-Muslims are better off in this respect because it is a fixed proportion (one-tenth) of the land produce and is not reducible in any condition whatever, but tribute is the very minimum payable and may be reduced according to the payer's convenience by agreement. That is, it may be modified according to the prevailing conditions. Ushr is compulsory with every harvest, but tribute is payable only once a year. Moreover, tribute may be waived altogether, if the Caliph so pleases, but ushr can never be waived.

It will be appreciated that ushr being a form of zaka't should be leviable only on Muslims and to make it compulsory for those who do not subscribe to the tenets of Islam would have been unfair and cruel.

Sometimes even if tribute appears to be more than ushr, it should be remembered that a Muslim does not cease to be liable for payment of several other taxes, but a non-Muslim who chooses to live under a Muslim government is absolved of payment of all taxes once he pays only tribute and jizya, and, at the same time, enjoys all the civic rights and protection of life and property that a Muslim does. He is an equal and there remains no difference of victor and vanquished.

These references relate to a government's revenue (tribute), but the relations of contract between landlord and peasant are not similar to those between government and subject. In the Islamic economic order the landlord and the peasant or contractor are equal, but as the peasant invests both his labour and capital, while the land owner subscribes only capital in the form of land, it gives precedence to the peasant.

Allama Sarakhsi holds that a peasant who, cultivating land, whether on rent or produce sharing, refuses to continue with it during the current year, cannot be compelled by the land owner to do otherwise. His argument is,

لان المزارعة على قول من يجيزها اجارة والاجارة
تنقض بالعزر وهذا لان الاجارة جوزت لحاجة المستاجر
ففى الزام العقد اياه بعد ما عداله ترك ذلك العمل
اضراربه

"The jurists who look upon renting out land for cultivation as permissible hold it to be a

lease, and lease is annulled by objection because it has been made permissible on account of the needs of the peasant. Thus, if the peasant changes his mind, he cannot be compelled to continue as this would be detrimental to him."¹

Allama Abdul Rehman Jazairi has made an excellent commentary on this subject:

واذ كان الحال على ما ذكر فانه يمكن ان نطبق رأى الفريقين على ما هو واقع فى زماننا وان نختار ما هو مناسب لصالح الناس و منا نعيم فمن الناس من ينتهز فرصة حاجة العامل الشديدة الى العمل فلا يعطى له ارضه الا اذا غيبه غيباً فاحشاً دار عقه ارهاقا شديد افاذا مادفعته الحاجة الى العمل مزارعة فى تلك الارض كانت نتيجة عمله للمالك خاصة فيستولى على غلتها فوق ما يفرضه عليه من مال و عمل وهذا لا يجوز فى نظر الشريعة الاسلامية التى توجب مشاعرة المضطر ومعونة العامل الضعيف فلهذا ينبغى تحذير الناس من المزارعة التى يترتب عليها حرمان العامل من كده واستغلال المالك اياه لحاجة اما اذا كانت عاطفة الخير متبادلة بين الناس وكل من الشريكين لا يريد الا ان ينقح

¹ Vol. 2 p. 25

بما يستحقه من ارض ارعمل فلا ينبغي في امر ولا تخونه في
 عمل ما كانت المصلحة يقتضى العمل في الارض
 مزارعة بقسمة ما يخرج من غلتها فانه في هذا الحالة
 يفتى براى من اجازت اجير الارض
 (كتاب الفقه على المذاهب الاربعة)

"Since the matter is as stated, it is for us to choose between the two traditionists in the light of what is beneficial. He who is very concerned with the peasant's welfare, and waits for an opportune time when the peasant approaches the landowner. The landowner does not lease out his land without laying down conditions that are oppressive. Subsequently when the peasant is unable to continue under them, the entire fruit of his labour is misappropriated by the landowner. This is not permissible in Islam because the Shariah makes assistance to the weak and suffering a duty. Therefore, landlordism that deprives the peasant of the fruits of his labour and exploits his helpless condition for augmenting the owner's wealth, should be discouraged and threatened. The jurists who have made the aforementioned law permissible, assume that conditions will be such that both the parties wish each other well, none bears any malice to the other, that each of the two is entitled to his due rights which he must receive, whether the land is rented or given on crop-sharing basis, and the recognition of the importance of economic needs generally prevails.

This shows that in the Islamic economic order the relations between landowner and peasant are one of the several forms of mutual cooperation, and here also preference of treatment will be shown to the weaker, the more needy, the more hard-working for a living. It is obvious that the peasant is more deserving of such treatment. This can be done only by reducing the rent and on the basis of the quality of the land. Of course, both the parties should be honest with one another. If the relations between the two discontinue to be such and the landowner takes wrong advantage of the peasant's needs and poor circumstances, the Imam or Caliph has every right to abrogate the agreement in question and even abolish the system."

"Briefly, then, the Islamic ideal is that there should be moderation in the matter of revenue and rent, keeping in view the landowner's interest as well as the peasant's labour and requirements. In other words, reduction of rent should always be considered."

Supporting this view, Shah Waliullah states that when luxury living, extravagance and destructive capitalist tendencies take root in a society, the inevitable result is that government imposes burdensome taxes, increases rents and land revenue so that the demand for money may also increase. Thus civilization/culture and ethics are destroyed.

وحر ذلك الى التضيق على القائمين الاكساب الفرورية
كالزراع و التجار والصناع وتضاعف الضرائب عليهم
(حجة البالغة)

"This unnecessary luxury becomes a curse for the professionals engaged in the activity of providing necessities; for example, peasants, merchants, artisans who become burdened with taxes, land revenue and rents."

Special Rights and Prerogatives

In the Islamic economic order there is no chapter under this heading because it has announced such clear principles in this regard that there is no need for the subject.

Those who are owners of land have no right on it except to reduce the rent because being owners they may dispose it of as they please; but those who take it on rent or lease, the jurists hold, have the responsibility to prevent any damage being done to the land and that the ownership of whoever owns it is not disturbed, while the rights of the cultivators to benefit from the land are fully secured according to the terms of the agreement to execute which they are quite free. They are bound only to pay the agreed rent or crops and, far from being looked upon as a slave or subject, no other burden may be placed on them. Had this principle been followed up in the world, a separate chapter on rights would not have been necessary. But this was not done, with the result that after the period of the Caliphs (Rashid or 'rightly guided'), as before, the peasantry, because of its needs of sustenance, has always been a victim of the landowner's excesses. We shall, therefore, quote the relevant commands and stipulations so that the cultivator may be saved further oppression. Islam seeks to lighten the burden of this impotent and persecuted class.

Before Islam, there were two great imperialist powers in the neighbourhood of Arabia, Byzantine and Persia. Byzantine was Christian while Persia followed the fire worshipping cult, but both were alike in their corruption of culture and ways of life. The monarches and their nobles and big landlords had so crippled the masses that the merchants, artisans and other such professionals, in general, and the peasant, in particular, were held to be subjects and slaves, who accepted this position because of their continued poverty. They were called tarazi and raazi, implying that they had accepted of their own free will their subject status as serfs and, therefore, it was not oppression!

When on coming to Medina Islam announced the caliphate and one by one, these countries accepted its sovereignty. revolutionary programmes were launched for establishing justice throughout Iran, Egypt, Syria, Iraq and elsewhere.

It was customary for Persians and Byzantine governments to look upon the peasants as serfs and extract rents and revenue taxes from them by extremely cruel methods. Following the example, the big landlords, instead of resorting to law-courts, also did the same, even inflicting physical punishments on the poor wretches.

Islam put an end to all this by juristic means. Slavery was declared to be forbidden. For cruelty, warnings of punishment in the Hereafter were sounded. It was also declared to be immoral. If an executive violated the Islamic principle, the Caliph either dismissed him from service or reprimanded him, as necessary. There was to be no bondage in the community. If one was unable to pay the dues, it was made compulsory that he should be given some work he could do for them with ease.

Caliph Umar was returning from Syria when he came across some people searching in the soil. On inquiring he was told that they were being punished for not paying the tax. He asked them the reason for this and they told him that they were simply unable to pay. Upon this he prohibited the oppressive practice, ordering

... ..

... ..

• *Allah will be harsh with him in the Hereafter.*"¹

Omer's ﷺ counsel is well-known.

اوص الخليفة من بعدى باهل الذمة خيرا ان يوفى لهم
بعدهم وان يقاتل من ورائهم ولا يكفوا فوق طاقتهم
(كتاب الاموال)

*"I counsel the caliph who will come after me that he treat the zimmi with kindness that he fulfil the promises made to them, fight their enemy to protect them and not burden them beyond their capacity for realizing the tribute."*²

عن عبدالرحمن جبير بن نفير عن ابيه ان عمر بن
الخطاب ﷺ اتى بمال كثير قال ابو عبيد احسبه قال من
الجزية فقال انى لاظنكم قد اهلكتم الناس قالوا لا والله
ما اخذنا الا عفوا صفوا تذل بلاسوط ولا نوط؟ قالوا نعم
قال الحمد لله الذى لم يجعل ذلك على يدي ولدى
السلطان (كتاب الاموال)

"Abdul Rehman b. Jubair b. Nufair tells us that once when a lot of jizya was brought to Caliph Omer ﷺ, he exclaimed, "I fear that you have realized this by victimizing the people." The executives swore that they had

¹ Kitab ul Kharaj p. 125 and Kitab ul Amwal p.43

² Kitab ul Kharaj p.125, Kitab ul Amwal p.44

realized the dues taking only what was above the needs of the people.

"Without thrashing or dangling them?"

"Yes, without causing them any pain whatever."

"All gratitude be to Allah!" exclaimed Omer ؓ, "that He has not made my hands do such things, nor has such persecution taken place in my time!"¹

Once Saeed b. Aamir, Governor of Syria, came late with the tribute revenue. Caliph Omer ؓ asked him in stern tones for the reason. Saeed replied, "You gave me two orders and I consider myself bound by them. First, that the rent I was to stipulate would not be more than four dinars per jareeb, and second, that I should be gentle in realizing the dues. Therefore, I do not take anything until I see that the people really have the income to pay."

Omer ؓ was happy to hear this and said, "This is what you should do. Now I will never dismiss you."

والامن العامر الاوظيفة الخراج في رفق وتسكين لاهل

الارض (كتاب الاموال)

(Kitab ul Amwal p. 14)

Omer b. Abdul Aziz ؓ dispatched a detailed letter to the Governor of Kufa, Abdul Hameed, stating:

"Do not realize more from the inhabitants of the earth than what has been agreed upon, and whatever you realize take with mildness....."

Imam Yusuf says,

¹ Kitab ul Amwal p.44

ولا يضربن رجل في دراهم خراج ولا يقيم على رجله
فانه بلغنى انهم يقيمون اهل الخراج في الشمس
ويضربونهم الضرب الشديد ويعقلون عليهم الجراد
ويقتيدونهم بما يمنعهم الصلوة وهذا عظيم عند الله شنيع
في الاسلام (كتاب الخراج)

*"Do not realize tribute by physical violence. I say this because I have learnt that the executive officers do such things as make one stand in the sun on one leg, beat him, hang water-pitchers by his neck and imprison him so that he is unable to offer his prayers. All this is a great crime with Allah and Islam looks on them as the worst of deeds."*¹

Further he says,

ان العدل وانصاف المظلوم و تجنب الظلم مع في ذلك
من الاجريزيدله الخراج وتكثربه عمادة البلاد والبركة
مع العدل تكون وهي تفقد مع الجور، والخراج الملحوز
مع الجور تنقص البلاد به وتخرّب (كتاب الخراج)

"It is understood what the reward for justice with the persecuted and abstaining from persecution of the poor is. Besides, the tribute add city population increase by such deeds. Justice brings greater blessings, while blessings are negated by cruelty; tribute that

¹ Kitab ul Kharaj p.109

*is realized by persecution causes cities to become desolate and nations are destroyed."*¹

These references are applicable to those peasants who are also subjects of the state. How, then, can Islam permit cruelty by landowners and have the peasantry treated as virtual slaves?"

To make realizations over and above the agreed rent was looked upon as perfectly legitimate during the British imperialist period., but Islam declares all this to be totally impermissible.

Imam Yusuf says:

ولا يؤخذ منهم ما قد يسموهم رواجاً للدرهم يودونها في
الخراج فانه بلغنى ان الرجل منهم ياتى بالدرهم ليوديتها
في خراجها فيقتطع منها طائفة ويقال هذا رواجها
صرفها (كتاب الخراج)

"Do not realize what is taken in the name of tradition in excess of the tribute (or rent). I have come to know that when the tributary comes with the cash, the officer takes some coins out of it, saying, 'this is the traditional due; there remains so much due for the tribute.'"²

Islamic jurists state in their dissertation:

¹ Kitab-ul-Kharaj p.111

² Kitab ul Kharaj p.109

لانها كالبيع تفسد بالشروط الفاسدة فكل ما افسد البيع
افسدها (سعيديات ابواب معاملات نصف ثاني)

*"Contract is a form of sale which becomes corrupt by corrupt conditions. What corrupts sale also corrupts contract."*¹

او شرط فيه شرط لا يقتضيه العقد

(سعيديات ابواب معاملات نصف ثاني)

*"Or a condition is pretended to be implied in the terms of the contract which is not a part of it. This, too, leads to corruption."*²

Imam Yusuf advising Caliph Haroon ul Rashid about the commands regarding tribute and rent, says that the officers fix the remuneration of their assistants whom they send for collecting the dues and quite often this remuneration exceeds the tribute dues. This is great tyranny and a great sin and it is incumbent on the Caliph to put a stop to such practices.

بلغني انه ربما وظف له اكثر مما يطالب به الرجل فمن
الخراج فاذا اتاهم ذلك الموجه اليه قال له: اعطى جعلي
الذي جعله لي الوالي فان جعلي كذا وكذا فان لم يعطه
ضربه وعسقة وساق البقر والغنم ومن امكنه من
ضعفاء المزارعين حتى ياخذ ذلك منهم ظلما وعدوانا

¹ Saeedyat p.154

² Bahr ul Raaiq Vol.7 p.329

وهذا كله ضرر على اهل الخراج ونقص للفقير مع ما فيه

اثم

"I have been informed that often the demands of the remuneration exceed the rents and when the officer comes, he tells the peasants that so much is his right over and above the tribute dues. If the peasant refuses to pay, he is flogged and victimized in other ways and his cattle and other goods are confiscated. Such action is extremely harmful to the payers of the tribute and, as a result, reduces the state income. Above all, it is a great sin."

Another prevailing custom of the imperialist regime is for the rulers to demand unpaid services from the big landlords, and these landlords, in turn, palm the burden on to their tenants who become the real target of the tyranny. And that is not all. Unpaid services are taken in the day to day affairs of life even today where traces of imperialism still remain.

Islam eliminates this form of persecution also. Anything taken over and above the agreed amount is declared illegitimate. How can the helplessness of the wretched poor be described as "agreement"? Relevant quotations from Shah Waliullah have already been given.

The Mahalla of Ibn Hazm clarifies that no services other than the labour on "known" land may legitimately be taken from the cultivator. Getting a house built, repaired or cleaned, erecting a hedge around a garden, and such, and stipulating them as part of the conditions of cultivation corrupts the cultivation itself because the cultivator is responsible only for what he is paid in connection with the cultivation of land.

لان السنة انما وردت بان الشرط عليهم ان يعتملوها
 باموالهم و بانفسهم فقط
 (بحر الرائق)

“What we derive from the sunnah is that there is only one condition binding on the cultivator, namely, that he could plough and sow in the earth by using his capital and labour.”¹

Islam announces a general, basic principle in connection with unpaid labour being a great sin, whether the labour is that of a tiller of the soil or any other.

قال رسول الله ﷺ قال الله تعالى ثلاثة انا خصمهم يوم
 القيمة رجل اعطى لى ثم عزرو رجل باع حرا فاكل ثمنه
 ورجل استاجزا جيرا فاستو في منه ولم يعطه اجرة
 (بخارى باب الاجارة)

“The Prophet ﷺ says, ‘There are three kinds of human beings whom I shall fight on the Last Day, one, he who makes a promise with me and, then, betrays me; two, he who takes a free man into slavery and eats of his price; and, three, he who uses a man’s labour and does not pay his full wage.’”

Hafiz Ibn Hajr Asqalani and Shaykh Badruddin Aini, famous commentators of the Traditions, state that the words, rajl ul astajir, ‘hired labourer’, indicate that to employ a man’s labour and not pay him his wage is a tremendous sin because the employer virtually proves by his

¹ Bahr ul Raaiq

deed that he has turned a free man into a slave, which is very great sin.

هو في معنى من باع حرا واكل ثمنه لانه استوفى ضعفته
 بغير عوض و كانه اكلها و لانه استخدمه بغير اجرة
 و كانه استعبده (بخارى باب الاجاره فتح البارى)

*"To use a man's labour or service and not pay him for it is like selling a man and using the proceeds for making a living. To take a service without payment is making a slave of the man."*¹

واما الثالث فهو داخل في بيع حر لانه استخدمه بغير
 عوض وهذا عين الظلم (عمدة القارى)

"The next part of the Tradition refers to the illegitimacy of selling a free man. To use one's service without payment is a great sin."

Similarly, The Prophet ﷺ has said:

"Pay the labourer his wage before his perspiration be dry."

This, again, shows to what great lengths Islam goes to establish a fair balance between capital and labour.

Another prevalent custom among the Persians and Romans was that the expenses of such ceremonies as marriage and death and of building a house, and such, were extorted from the peasants. This often amounted to sums greater than the due rents, but the poor wretches bore all this with patience. Today the custom still prevails among the

¹ Bukhari

big feudalists. Terms such as 'shadiyana, for marriage expenses, 'hathiyana for buying an elephant, 'motrana' for a car are still to be heard of.

Since these extra demands are not compensated by a proportionate decrease of the rent or increase of the land, they amount to riba. Imam Yusuf wrote to Caliph Haroon ul Rashid,

وامرك ان لاتاخذ في الخراج الا وزن سبعة ليس فيها تبر
ولا اجور الضرابين ولا اذابة الفضة ولا هدية النير
وزوالمهر جان ولا ثمن الصحف ولا اجور البيوت
ولا دراهم النكاح (كتاب الخراج)

*"I command you that besides saba (a coin like dinar) you take no other coin because pure gold is not used in the latter's weight. Nor take (the equivalent) cost of mintage, nor of the melting of silver, nor of the celebration of nauroz and mehrjan, nor the wages of issuing receipts, nor any tax on canal water nor house tax nor marriage tax."*¹

ولا يؤخذ اهل الخراج برزق عامل ولا اجر مدي
ولا احتفان ولا نزلة ولا حمولة طعام السلطان ولا يدعى
عليهم بنقيصته فتؤخذ منهم ولا يؤخذ منهم ثمن صحف
ولا قواطيس ولا مؤنة لاحد عليهم في شئ من ذلك

¹ Kitab ul Kharaj p.86

ولا قسمة ولا نائبة سوى الذى وصفنا من المقاسمة
(كتاب الخراج)

*"Nor may you take the collector's salary from the peasants, nor anything for weighing and measuring or cutting the crop, nor anything of the harvest for the caliph, nor may any burden be shifted for your entertaining of guests; nor should any extra be taken on the pretext that the peasant has not declared the full amount of the harvest; nor the cost of maintaining registers and issuing receipts; nor for the use of canal water, nor the wages of those who weigh, nor any other similar burden be placed on them; nor a share of the crop above what we have stated, nor any other kind of share nor may any penalty for an accident be taken from them."*¹

These orders were also sent by Caliph Omer bin Abdul Aziz رضي الله عنه to Governor Abdul Hameed.

Imam Abu Yusuf also advised that effective steps should be taken against bribery and the custom of accepting gifts should be abolished.

انما مذهبهم اخذ شئ من الخراج كان او من اموال الرعية
ثم انهم ياخذون ذلك فيما يبلغنى بالعسف والظلم
والتعدى ثم لا يزال الوالى و من معه قد نزل بقريه

¹ Kitab ul Kharaj p. 109

ياخذاهلها من نزله بما لا يقدرون عليه ولا يجب عليهم
حتى يكلفوا ذلك (كتاب الخراج)

*"It is religion with the officers to extort whether it be the fixed tribute or the private property of the subjects. I have also learnt that the persecutors do not cease to pursue the cruelty until they get what they want. And if the chief officer and his assistants go to the peasants they extort in the name of guest-right, even above the wretch's capacity to pay, and what is not their right they declare it to be their right and extort it."*¹

It is sometimes said that the free labour or gifts the landlord receives have nothing to do with land cultivation but are a form of remuneration for the peasant being allowed to build a house for himself on the land belonging to its owner and he has accepted his status as a subject of his own free will.

This is thoroughly wrong. Islamic law permits no such transaction or agreement, particularly, because it opens the way to oppression and tyranny. Since permission to live on the land in return for rent was not part of any original agreement but was given to facilitate improvement of the soil and for the landlord's own benefit, no compensation falls due on the peasant and no right can be claimed against him.

However, the law permits agreements for improving relations between peasant and landlord. Details are given in many Islamic law books.

Before Islam, it was also customary for the landlord to lay down conditions at the time the peasant was given a

¹ Kitab ul Kharaj p.107.

plot to cultivate, which would improve its quality but shift his own work and responsibilities to the tiller so as to bring him, the landlord, ever increasing profits.

Islam abhors such manipulations. In Bahr ul Raaiq we have:

فعلم بهذا ان مايقع في زماننا من اجارة ارض الوقف
باجرة معلومة على ان المغارم وكلفة الكاشف على
المستاجر او على ان الجرف على المستاجر فاسد
(بحر الرائق)

*"This also proves that the custom which has come to be established in our times, namely, giving Trust land for cultivation with preconditions to the effect that whatever it requires for improvement, such as the digging of a water-way, shall be the responsibility of the leaseholder, is absolutely impermissible."*¹

Now, if this is the law concerning Trust land, how much more is it applicable to personal land where the landlord places responsibilities on the peasant which contravenes the agreement. Obviously this is tyranny.

The worst of persecution of the peasant and tributary was that if they were unable to pay the rent or other dues on account of insufficient harvest or some natural calamity, their ploughs, beasts and cattle were confiscated and sold with the result that the next season they were deprived even of the means of making a living. For the landlord to forego the demand was out of question.

¹ Bahr ul Raaiq Vol. 7 p. 329; Shami Vol. 5 p. 38

Islam forbids this form of tyranny as well. It is recorded that on one occasion Caliph Ali reprimanded the Governor of the Syrian town of Akbara in the presence of the tributaries, telling him:

انظر اذا قدمت عليهم فلا تبين لهم كسوة شتاء ولا
صيفا ولا رزقا يا كلونه ولا دابة يعملون عليها ولا
تضربن احدا منهم سوطا واحدا في درهم ولا تقمه على
رجله في طلب درهم ولا تبع لاحد منهم عرضاشئ من
الخراج (كتاب الخراج)

"Beware! Do not sell their winter or summer clothing, nor the utensils of their daily food, nor their plough- animals, nor whip them even a single lash, nor make them stand on one leg, nor sell anything of their household."

In other words, they were to be given all the time they required until they could pay the dues with perfect convenience, otherwise their lives would be ruined and the state income would also be reduced.

Before Islam, the custom was, and in our own times as well, that governments permitted landlords to raise a fence around common grazing grounds on payment of a nominal tax, and profit from the grass and trees and improve their cattle. This is known in Arabic as hama and, in Urdu, as rakkha. The system proves extremely harmful to the meaner peasants who are deprived of proper fodder for their cattle and subjected to other deprivations. Islam does not permit this either.

قال رسول الله ﷺ لا حمى الا لله ورسوله
(بخارى كتاب المزارعة)

"The Prophet ﷺ said, 'Hama is not permissible to anyone other than Allah and His Prophet ﷺ'."

That is, this right vests only in Allah and His Prophet ﷺ for the benefit of charity, cattle and animals used in warfare.

Shah Waliullah comments,

اقول لما كان الحمى تضيقا على الناس وظلما عليهم
واضرارا نهي عنه
(حجة البالغة)

"I say since hama was a source of trouble for the people and detrimental to social welfare, the Prophet declared it to be forbidden."

Caliph Omer b. al Khattab ﷺ ordered that if there were a shortage of natural grass because of poor rains, state owned hama should be opened to the public.

عن اسلم قال رأيت عمر بن الخطاب ﷺ استعمل مولى
له على الحمى فقال له ويحك يا هني اضمم جناحك عن
الناس واتق دعوة المظلوم فانه دعوته مجابة ادخل لي رب
الصريمة ورب الغنيمه ودغني من نعم عثمان بن عفان
وابن عوف فان ابن عفان وابن عوف ان هلكت
ماشيتارجعا الى المدينة الى نخل وزرع وان هذا
المسكين ان هلكت ماشيته جاءني يصيح يا

¹ Hujjat-ul-Baligha p.104

امير المؤمنين: يا امير المؤمنين والماء والكلاء اهون على من
ان اعزم له (كتاب الخراج)

"Sayd bin Aslam reports that his father was present when Omer ؓ appointed his slave Hani as superintendent of an hama state owned grazing ground ---, he said to him, 'Beware! Keep your arms away from the people and be afraid of the persecuted one's imprecations of a curse because he is accepted by Allah. Permit all people to have their animals graze in the pastures I have laid out. Be not anxious about Usman bin Affan's ؓ animals because, even if they die, he can compensate himself with his orchards of date-palms and his fields of crops, but if the poor lose their animals they will come crying, 'Amir ul Momineen, help us'; therefore, it is easier for me to let them benefit from these pastures and the water than help them from the Public Treasury."

Another prevailing custom was that the feudalist monopolized the waters, pastures and nature's grown trees, depriving all others of the use of what Allah had gifted free to his creation.

Islam declared these gifts, except the beasts and what was produced by labour to be the common property of all and sundry.

عن ابى هريرة ؓ عن النبي ﷺ قال لا تمنعوا فضل الماء
لتمنعوا به فضل الكلاء (مسلم)

"Abu Huraira ؓ reports the Prophet ﷺ as saying, do not prevent people from using the

surplus water above your needs because you want to save it for growing grass."¹

ولأبي داؤد و المسلمون شركاء في ثلاث في الماء والكلاء
والنار

*"All Muslims are equal partners in water, grass and fuel wood."*²

Some Traditions also include salt; in several others, hell is promised to those who do not abide by this principle.

قال ابو عبيد وهو عندي في الارض التي لهارب ومالك
ويكون فيها الماء العذالذي وصفناه والكلاء الذي تنبته
الارض من غير ان يتكلف لها ربحا لذلك غرسا ولا بذرا

"Abu Obayd ؓ says, 'This order given to me is concerning land which may belong to someone, and it may contain a spring of water, as described, or it may grow natural grass, without any seed having been sown or cultivation done.'"

ومن السحت ما يؤخذ على كل مباح كماء وكلاء
ومأعاون (در مختار على حاشيه رد المحتار)

"That tax is downright tyranny which is levied on salt or grass, or water or surface mines."

¹ Muslim

² Abu Daud

قال ابو يوسف رحمة الله تعالى: ولوان اهل قرية لهم مروج يرعون فيها ويحتطبون منها قد عرف انها فهى لهم على حالها يتبايعونها ويتوارثونها ويحدثون فيها ما يحدث الرجل فى ملكه وليس لهم ان يمنعوا الكلاء ولا الماء ولا صحاب المواشى ان يرعوا فى تلك المروج ويستقوا من تلك المياه (كتاب الخراج)

"Abu Yusuf says that if it be known that such and such people own grazing grounds and their beasts graze in them, their ownership may not be disturbed. They have every right to alter and improve or sell them, and their inheritance rights too are to be respected. Nevertheless, they do not have the right to prevent the beasts of other people from grazing there or drink of their water, while the shepherds and cattle-drivers have every right to use them without any hindrance whatever."

That is, owners and non-owners are equal in this regard.

In any relationship between feudal lord and peasant and any transaction the principle that should invariably be kept in mind is goodwill and sincere cooperation. The Prophet ﷺ has advised:

عن ابن عباس رضي الله عنه قال قال رسول الله ﷺ لا ضرر ولا ضرار (مسند احمد)

¹ Kitab ul Kharaj; Shami

*"Do not permit any loss to yourself nor cause any loss to another."*¹

This invaluable precept is the guide to everything in life. Once again, that is, justice, fraternity and equality. There are other relevant details.

ولاخراج ان غلب على ارضه الماء وانقطع او اصاب
انورع انة (كترمع شرح بحر الرائق)

If the land is flooded with water or becomes uncultivable because of dryness for a season, the tribute, whether payable in cash or kind, must be waived. In case of partial loss, a proportionate amount has to be foregone.

However, according to Imam Abu Hanifa,

رجل استاجر ارضاً ليزرعها فزرعها فاصاب الزرع افة
فهلك او غرق ولم ينبت كان عليه الاجر ولو غرقت
الارض قبل ان يزرعها فلا اجر عليها وكذا لو غصبها
رجل فزرعها الغاصب لا اجر على المستاجر وذكر الشيخ
الامام المعروف بخواهر زاده انه اذا استاجر ارضاً للزراعة
فزرع فاصطلمه افة كان عليه اجر ماضى وسقط عليه
ما اجر ما بقى من المدة بعدة الاصطلام

(فتاوى قاضى خان)

"If the calamity should come after the land has been cultivated, rent shall be due from

¹ Ahmed

*the peasant, even if the harvest is destroyed by flood or draught. But if the land is flooded or is uncultivable because of draught before it is ploughed, the rent must be waived. Similarly, if a trespasser takes possession of the land, the peasant shall not be liable to pay the rent." A cousin of the Imam says, "If the peasant completes the cultivation and then a calamity overtakes and destroys the harvest, the full rent shall not be due but only for the period the cultivation was not destroyed; and from the time of the destruction until the end of the year, no rent shall be due."*¹

رجل استاجر ارضاً نزرعها فلم يجدها يسقيها فيبس
الزرع قالوا ان استاجرها بغير شرب فلم ينقطع ماء النهر
الذي يرجى منه السقى فعليه الاجر وان قطع كان له
الخيار وان استاجرها بشربها فانقطع منه الشرب فجاء
وقت الذي يفسد فيه الزرع عند القطع الماء فسد الزرع
سقط عنه الاجر

"The jurists say that if a peasant takes a plot of land on rent and cultivates it, and, later, water is not available to him and the crop dries up, rent shall be due from him, provided water was not included in the terms of the lease and the canal-water too is not cut off. But if the water is cut off and cannot be restored, he is at liberty to return the land to its owner. If the lease includes the water

¹ Fatawa Qazi Khan, Kitab ul Ijarat

supply but is cut off, and the crops are destroyed, no rent shall be due."

ولو استاجر ارضا بشرها ليزرع فيها فخرّب النهر لا عظم فلم يستطع سعيها فهو بالخيار ان شاء ردها وان شاء امسكها فان لم يزد حتى مضت المدة كان عليه الاجر اذ كان بحال يمكنه ان يحتال بحيلة وزرع فيها شيئا بغير ماء بوجه من الرجوه ولا حيلة في ذلك فلا اجر عليه

"And if the conditions for land taken include water, and the main canal ceases to supply water and the peasant cannot use drums or bags to fetch the water, and there is no way in which water may be availed of, he may return the land or keep it. If he keeps it and the prescribed period is over, and a water supply is available, the rent shall be due; but not if there is no way to cultivate the land."

رجل استاجر ارضا فانقطع الماء ان كانت والارض تسقى بماء الارض وماء المطر وانقطع ماء المطر ايضا لا اجر عليه لانه لعد يتمكن من الانتفاع بها

(فتاوى قاضى خان)

"If the peasant takes the land on cash rent, and the land, though capable of being irrigated by rains or from wells, water is not available to it, the rent shall be waived because in such condition, it is not possible to cultivate the land."

Imam Abu Hanifa and Imam Shafai who hold that rent remains due, also advise that the landlord should not make any demand until the peasant is able to pay with ease.

Commenting on the relevant Traditions, Shaykh Mansur Ali Nashif is also of the same opinion. But this applies only when the calamity that befalls the land or crops is beyond the cultivator's control; not if the loss is due to his own negligence, because this is deliberately causing loss to the landlord and is to be included in darar.

والحاصل ان العشر عند الامام على رب الارض مطلقا
وعندهما كذلك لو لبزر ولو من العامل فعليهما ثم اعلم
ان هذا كله في الشعر اما الخراج فعلى رب الارض
اجمعا (بحر الرائق)

*"In short, according to Imam Abu Hanifa ushr is payable by the landlord in all conditions whatsoever and Abu Yusuf and Abu Muhammed conclude that responsibility for paying ushr will be according to the ratio of the supply of seed by the landlord and the cultivator. This detail is only in respect of ushr. In respect of tribute and rent, the responsibility is wholly that of the landlord."*¹

وفي المزارعة ان كان العزر من رب الارض فعليه ولو من
العامل فعليها بالحصته (ردالمختار)

"In case of crop-sharing, if the seed is supplied by the landlord, he shall also be

¹ Bahr ul Raiq

responsible for paying ushr, but both will be responsible, if supplied by the cultivator."

These details show that in the Islamic system balance is maintained between capital and labour. However in certain matters, labour is given a greater share of the profits.

The importance given to the supply of seed is because in land cultivation, the greater share in the profits is considered to be that of the party that supplies it.

If the land is government owned and the peasant regularly pays the due rent, he may not be dispossessed of it because the land in his possession is his means of subsistence and he is paying for it.

Shami's comment in respect of trust land is,

ثم اعلم ان اراضى بيت المال المساة باراضى المملكة
واراضى الخوذ اذا كانت فى ايدى زراعها لا تترع من
ايديهم مادا موايودونها ما عليها ولا يورث عنهم اذا
ماتوا ولا يصح بيعهم لها ولكن جرى الرسم فى الدولة
العثمانية ان من مات بمن ابن انتقلت لانه مجاناً
والاقلبيت المال (ردالمحتار)

"Let it not be forgotten that a cultivator who continues to pay the due rent cannot be dispossessed of the land which belongs to the Public Treasury. It is also called state property, but such land shall not be inheritable by an heir, nor may the cultivator sell it. But a custom has come to prevail during the Usmania period that if a cultivator, at the time of his death, has a

living son, the land is transferred to him free, otherwise it returns to the Public Treasury."

Although this statement is in respect of trust land, the condition advanced, namely, the regular payment of rent, holds good for all other rented out land as well, if so decreed by the Caliph.

Moreover, when a cultivator takes any land on rent and invests his labour in it, he expects that he will continue to reap the benefit of it in proportion to his investment. Also, if the feudalist possesses the unconditional right to dispossess the cultivator whenever he pleases on the ground that he is the owner, he renders himself guilty of usurping the profit which the cultivator's labour makes possible for him.

However, if some considerable time passes after the agreement between the landlord and the tenant and provided the general conditions improve, the landlord has the same right to demand an increase in the rent, that the cultivator has for a reduction, if the conditions deteriorate.

If a cultivator wishes to grow a tree in the compound of his house on the rented land, the landlord should permit him to do so, provided the tree causes no harm to the land, and if the cultivator has already grown a tree; the landlord should not force him to uproot it. The tree will remain the cultivator's property, but he will have to remove it on demand when his term comes to an end or he is dispossessed of the land.

للمستاجر غرس الشجر بلا اذن الناظر اذا لم يضر
بالارض و ليس له الحضر الا باذن و ياذن لو
خيرا والا لا وما بناه مستاجرا دغر سه فله ما لم ينوه
للقوف (ردالمحتار)

*"The cultivator has the right to plant a tree without anyone's permission, provided this does not affect the quality of the soil, but he has no right to dig up the ground without the owner's permission. The landlord should not withhold his permission if there is no danger to the soil but not otherwise. However, the house a cultivator builds and the tree he plants is his property until he bequeaths them as a trust."*¹

In short, the jurists advocate mutual cooperation between feudalist and peasant, but emphasizing that moderateness and the latter's convenience should always be kept in mind.

Making Barren Land Fit for Cultivation

Rocky soil, dry plains and sandy earth are usually barren but by hard labour and intelligent tillage most of them can be brought under cultivation. To do so is an important part of the Islamic system. All barren soil should be made cultivable, as far as possible, so that the country may become prosperous with abundant raw material. Land which is fertile but lies neglected or unclaimed should be similarly cultivated.

There are two ways in the Islamic system to do this. Once, the Amir may announce that whoever brings the uncultivated land to life shall become the owner of as much as he does. This is known in Arabic as Iqta and in Urdu as jagir.

¹ al-Mukhtaer Vol.3

وللامام ان يقطع كل موات وكل ما كان ليس لاحديه
ملك و ليس في يدا حدو يعمل في ذلك بالذى يرى انه
خير للمسلمين واعم نفعاً (كتاب الخراج)

"And the Imam should give away lands that are barren and unowned so that they may become cultivable, and he should do so in a way that is good and beneficial for the Muslims."

According to the jurists, land that is barren and far from habitation and is unowned and has been unused for a long time, is to be looked upon as dead.

If a zimmi or other unbeliever brings dead land to life by the Imam's permission, he too becomes its owner. The Imam may also waive the rent on it for a year or two if he thinks that only after great labour and cost it will be cultivable.

The Prophet ﷺ has said about such land:

من عمر ارضاً ليست لاحد فهو احق بها
(مسند احمد و بخارى)

*"Land that is not owned by any one belongs to him who cultivates it."*¹

من احيا ارضاً مواتاً فهي له (كتاب الخراج)

*"Dead land belongs to him who brings it to life."*²

¹ Bukhari

² Kitab ul Kharaj

But there are three conditions:

First, that it should not be in the common use by the people. Imam Yusuf says, "Amir ul Momineen, you have asked me for advice regarding land which has been acquired by conquest or truce, and also about land in the villages whereof there are no traces of buildings or cultivation.

If the land is not under cultivation by anyone, nor belongs to anyone, is neither a graveyard nor common pasture nor owned by anyone nor in anyone's possession, it is dead land. It will belong to him or that part of it will belong to him, who brings it to life. Such land may also be gifted by you to any one or you may have it cultivated on payment of wages, or you may use some other proper way for it."

The second condition is that if the cultivator, after taking possession of the land with the Imam's permission, does not fulfill the purpose for which it was given him and leaves it in its barren condition for three years, he will be dispossessed of it in favour of some other party who will cultivate it. The Prophet ﷺ says:

عادی الارض لله ولرسول ثم لكم من بعد ، فمن
احيا ارضامينا فهي له وليس بالمحقجر حق بعد ثلاث
(الحديث)

"Unowned land belongs to Allah and His Prophet and, after them, to you. So he among you who cultivates it becomes its owner; but he loses his right to it who does not cultivate it for three years."

Bilal bin. Harith ؓ had a large plot of land but he was able to cultivate only a part of it. Caliph Omer ؓ called him and said, "Since you are not capable of cultivating the

whole plot you should return the rest of it so that it may be cultivated by others.”

فقال لا افعل والله شيئا اقطعنيه رسول الله ﷺ فقال عمر
والله لتفعلن فاخدمنه ما عجز عن عمارته فقسمه بين
المسلمين (كتاب الاموال)

“Bilal رضي الله عنه objected, ‘This land has been gifted me by the Prophet ﷺ and, by Allah, I will not return it.’ Omer رضي الله عنه said, ‘By Allah, you shall have to return it’. And Omer رضي الله عنه dispossessed him of that part of the land which Bilal رضي الله عنه could not cultivate and divided it among others who could not do so.”¹

Caliph Omer رضي الله عنه, by general proclamation, permitted all and sundry to bring any dead land to life and so become its owner. This had the effect of turning every uncultivated plot of land into cultivable soil. (Kitab ul Kharaj).

Imam Yusuf tells us that this custom prevailed throughout the times.

“We gather from this that the Prophet ﷺ gave lands to various nationalities and, after him, the Caliphs also did the same. The reason seems to have been that such doing promotes goodwill towards Islam, and increases the population of uninhabited parts of the countries. The Caliphs looked upon this as a way of augmenting the Public Treasury and daunting potential enemies. That is, material prosperity contributes to loyalty to the government.”

¹ Kitab ul Amwal

The third condition is that the land should not be containing a water-well, tank or spring.

Of course, the government itself may have any barren land cultivated as belonging to it. The juristic command for such land is that if the land is given to the possession of a zimmi, the rent payable on it will be kharaj, but if given to a Muslim kharaj will be payable on it if the land is adjacent to kharaj land, and ushr, if adjacent to ushr land. This is according to Imam Yusuf and some others.

According to Imam Muhammad ushr is chargeable if the land is irrigated by water from other ushr land, and kharaj if irrigated by water from other kharaj land.

Canals

As irrigation is essential to the promotion of cultivation, Islam has set down certain rules for the development of canals and water-wells and facilitate supplies from them.

1. Tanks, lakes, springs and wells that are not anyone's property are open to all and may not in any case be privatized. The Qur'an has this reference to the Prophet Saleh and his she-camel.

لَهَا شَرِبٌ وَلَكُمْ شَرِبٌ يَوْمَ مَعْلُومٍ (شعراء - ١٥٥)

"One day is fixed for her to drink, and the next day for you."

وَنَبِّئُهُمْ أَنَّ الْمَاءَ قِسْمَةٌ بَيْنَهُمْ كُلُّ شَرِبٍ مَّحْتَضِرٌ

(قمر - ٢٨)

"And tell them that the water is common to you and the she-camel, so take your turn."

"The Prophet ﷺ once said, 'Common among Muslims are three things water, grass and fuel'.

On another occasion he said, "All mankind are equal partners in water, grass and fuel".

"This latter Tradition includes believers and unbelievers alike. Concerning water, it should be noted, that benefiting from the rivers is like benefiting from the sun or air. No one has the right to deny others the right to use them. A public road is common to all, believer and non-believer alike. Partnership means equal participation, that all humans are equal; none can be owner of what is common. Water from the rivers and springs is not in anybody's ownership."

Sale or purchase of water is improper and not permissible. But except for watering animals and bathing, permission to use water for cultivation must be obtained from the landlord. This permission should always be granted unless it causes any damage to his own crops. Such Hanafi books as Saeediyaat, Mabsoot, and Kitab ul Kharaj, state.

"Some waters are privately owned, such as those of the wells, ponds and certain springs, but the public right even to them is generally recognized, as shown in the Tradition just quoted above. But if there is any risk of the wells or canal banks going bad because of the animals tramping about, the landlord is within his rights to refuse access to them.

واماء في الحوض ليس مملوك لصاحب الحوض فلا

يجوز بيعه (مبسوط)

"The water collected in ponds does not belong to the owner of the pond. Therefore, he may not sell it."

وله ان يمنع السقى الارض والزرع والنخل والشجر
وليس لاحد ان يسقى شيئا من ذلك الا باذنه
(كتاب الخراج)

*"But the owner has the right to refuse access to cultivated land, date orchards or water for trees, and none has the right to irrigate without the landlord's permission."*¹

Abdullah b. Omer's رضي الله عنه slave once wrote to his master that after he had used enough water for his plots of land, he had struck a deal for the rest of it for 30,000 dirhams, and now awaited permission to effect it.

Abdullah رضي الله عنه wrote back that he understood what the slave meant but that he had before him a Tradition warning that on the Last Day humility would be the lot of him who denied surplus water and pasture to others. Therefore, the neighbours should be allowed to avail gratis of the water for irrigating their lands and orchards, precedence being given to nearness. (Kitab ul Kharaj).

Canals should be constructed on a vast scale, the funds being provided from the Public Treasury; but if the funds of the Treasury cannot meet the expenses, philanthropists should be approached to assist the government in the project. However, since people generally do not willingly spend on public welfare, the Imam has the right to use force for the purpose. (Kitab ul Kharaj).

If a demand is made by the public for provision of smaller canals, not for irrigation but only for water supply to the towns or for general urban needs, the Imam should accept it, provided that if the water is to be obtained from

¹ Kitab ul Kharaj

river, the river is not damaged in any way. In this case, the cost of the construction of such canals will not be met by the government but by those who make the demand.

Should the canal be intended for private use, the cost of its construction and maintenance will be the responsibility of him who owns and builds it. (Saeediyaat).

Canals and water-wells are meant for public welfare and general economic progress, not for increasing state revenue. Government should either not levy any tax on them or only so much as may be required for their maintenance. The cost of the administration will be entirely borne by the Public Treasury. We have in Mabsut:

“Do you not know that it is incumbent on the Imam to build bridges and big and small caravanserai? Similarly, it is his duty to have the Public Treasury bear the expenses of any big canal and also of the maintenance of its banks lest it should submerge in a flood.”

During Caliph Omer's ﷺ time great importance was laid by the irrigation department. Canals were built, dams constructed, tanks laid out, wells excavated and channels and drains forged. Thus the problem of water shortage was solved and agriculture also developed and increased.

History records the names of hundreds of canals: Abu Musa from the Euphrates, Sa'd in Abna and the Amir ul Momineen in Egypt; and after Omer ﷺ, the Saar, Wabees, Asawarah, Amru ﷺ, Harab, and so many others.



Chapter 10**SPECIAL PROVISIONS REGARDING
THE LAND****Land and Its Private Ownership****Special Commands:**

Private ownership of land is fully recognized by Islam, and this is as it should be, because such ownership, far from being a cause of evil, ensures justice and balance. It is the omission of these values which results in all manner of mischief.

Moreover, disregard for private ownership is interference with the concept of legitimate rights and responsibilities and a cause of blunting incentive and slowing down the practical work. It is rebellion against nature. That is why Islam holds that consonant with the laws of nature, private ownership should be legitimate but for the sake of general social welfare certain limitations should be imposed on it to ensure justice and maintain proper balance. It is the common ideal of both ethics and collective progress that individual rights and responsibilities are essential to collective rights and responsibilities.

With this ideal in view, Islam accepts private ownership of land on certain conditions and within certain limits. Some of these conditions and limitations have been discussed in the paragraphs on land cultivation to show how Islam controls the evils of capitalism in order to promote general social welfare and prosperity.

Islamic Inducement

Islamic socio-economics admits the legitimacy of private ownership of land but not the oppression and tyranny that go with it in our age. It abhorred even the form

of contract in this otherwise legitimate system that prevailed between the ansar and mohajir, 'helpers' and immigrants.

عن رافع بن خديج قال نهانا رسول الله ﷺ عم امر كان
لنا نافعا اذا كانت لاحد اناارض ان يعطها ببعض
خراجها او بدراهم وقال اذا كانت لاحدكم ارض
فليمنعها اخاه اوليزرعها (ترمذى باب الزكوة و بخارى
باب المزارعه)

✓ "Rafay' b. Khadij reports the Prophet ﷺ as having forbidden something that appeared to be profitable, namely, that he who possessed land should neither give it for cash rent nor on crop-sharing terms but that if one could not cultivate it himself, he should give it away free to a fellow Muslim."

عن ابى هريرة ربه قال رسول الله ﷺ قال: من كانت
له ارض فليزرعها اوليمنعها فان ابى فليمسك روضه
(مسلم باب المزارعة)

✓ "Abu Huraira reports the Prophet ﷺ as having said, 'He who has land should either cultivate it himself, or give it free to another to cultivate it, but, if one cannot do either, he should let it lie as it is.'"

عن جابر بن عبدالله قال نهى رسول الله ﷺ ان يؤخذ
للارض اجر او حظ (مسلم)

✓ "Jabir: 'The Prophet ﷺ has forbidden making profit of cash or kind from land.'"

وكان ابن عمر رضي الله عنهما يكرى مزارعه على عهد النبي صلى الله عليه وسلم
 وابي بكر وعثمان وصدرا من امارة معاوية فلما سمع
 حديث رافع ترك ذلك خشيته ان يكون النبي صلى الله عليه وسلم قد
 احدث فيه شيئا (بخارى كتاب المزارعة)

"Since the time of the Prophet صلى الله عليه وسلم until Amir Moavya's reign, Abdullah b. Omer رضي الله عنهما rented out his land on cash payment, but when he heard the Tradition reported by Jabir, he renounced the practice fearing that the Prophet might have given the direction towards the closing years of his life."¹

These and other such Traditions handed down by highly revered Companions are well-known, leaving no doubt whatever that land may not be rented out for cash or kind though its private ownership is fully recognized and gifting it to another is lauded. Abu Huraira رضي الله عنه held to this view. But there are other Traditions, equally well known, which permit giving land on rent for both cash and kind, and the practice of numerous Companions since the Prophet's time through the times of the first four Caliph confirms the practice.

عن حنظلة بن قيس رضي الله عنه قال سألت رافع بن خديج عن
 كراء الارض فقال هي رسول الله صلى الله عليه وسلم عنه فقلت
 اباالذهب والورق فال فلا بأس له (بخارى،
 مسلم، ابوداؤد، نسائي كتاب المزارعة)

¹ Trimezi, Bukhari, Muslim

✓ "Hunzala b. Qays رضي الله عنه asked Ra'fa b. Khadij رضي الله عنه about leasing land on terms of crop-sharing. Raza' رضي الله عنه said that the Prophet صلى الله عليه وسلم had forbidden this. Then he asked if it could be given on rent for payment in gold and silver, and Raza' رضي الله عنه said that there was no harm in doing so."

عن أبي عمر رضي الله عنه أن رسول الله صلى الله عليه وسلم أعطى خبير
اليهود على أن يعملوها ويزرعوها ولهم شطر ما خرج
منها (بخارى كتاب المزارعة)

✓ "Abdullah b. Omer رضي الله عنه reports that the Prophet صلى الله عليه وسلم gave the Khaybar Jews land on condition that they would cultivate it and give half the produce as rent."

عن سعد بن أبي وقاص أن المزارع في زمن النبي صلى الله عليه وسلم
كانوا يكرون مزارعهم (ابوداؤد و نسائي)

"Sa'd b. Abi Waqas رضي الله عنه: 'During the Prophet's time, land-owners used to give their lands on rent.'¹

✓ Abu Jafar tells us that there was no house of the immigrants in Medina which did not cultivate land on crop-sharing terms of a half, a third or a fourth of the harvest. Ali, Sa'd b. Malik رضي الله عنه, Abdullah b. Masud رضي الله عنه, Omer b. Abdul Aziz رضي الله عنه, Qasim رضي الله عنه, Urwah رضي الله عنه, the children of Abu Bakr رضي الله عنه and Omer رضي الله عنه and of Ali رضي الله عنه and Ibn Sireen رضي الله عنه used to give their fields similarly on rent.

¹ Bukhari, Abu Daud, Muslim, Nisai

Imam Abu Yusuf states, "The best we have heard is that renting land for a half or third or fourth of the crops is quite valid. I believe that this is similar to trading in commodities (maal e mudarabah) and both are permissible. However, Abu Hanifa holds that the crop-sharing system is not permissible (rent for cash is permissible).

All these Traditions and juristic pronouncements show that it is permissible for the landowner to rent out his land for payment both in cash and kind.

There is an evident contradiction between the two sets of Traditions. To resolve the difficulty, we have the verdict of three highly eminent Companions:

Khadij b. Raza رضي الله عنه, who reports the Tradition disallowing lease on crop-sharing basis, states that the reason for doing so is based on the apprehended dispute arising out of the uncertainty of the harvest from the two parts of the field, one being determined for the landlord and the other for the cultivator. Some landlords also stipulated that the crops from the part of the field nearest to a canal would be his, and those from the farther would be the cultivator's.

عن رافع بن خديج قال حدثني عمادي انهم كانوا
يكرون الارض على عهد النبي ﷺ بما ينبت على
الاربعاء او شي يستثنيه صاحب الارض فنهى النبي ﷺ
عن ذلك
(بخارى كتاب المزارعة)

'Raza' b. Khadij رضي الله عنه says, 'Our uncle told us that during the Prophet's time he used to lease out land on the condition that the harvest from the part of the field nearest to the canal, or some stipulated part, would be his. When the Prophet ﷺ was informed of this practice, he forbade it.'

That is, such practice is forbidden because of the wrangling it involves, not because it is impermissible per se.

Abdullah b. Abbas رضي الله عنه states that the reason why the Prophet ﷺ forbade the practice was not because of any inherent impermissibility of it, but out of regard for the principle of brotherhood and mutual goodwill, which should be the incentive for all dealings between landlord and cultivator, and, therefore, the landlord should either cultivate the land himself or give it away as a gift.

Shah Waliullah interprets the Tradition as:

قال ابن عباس رضي الله عنه ان النبي ﷺ لم ينه عنه ولكن قال ان
يمنع احدكم اخاه خيره من ان ياخذ شئيا معلوما
(بخارى . كتاب المزارعة)

✓ "Abdullah ibn Abbas رضي الله عنه says, 'The Prophet ﷺ did not forbid the leasing out of land but preferred that the landlord should gift the land to his brother, the cultivator.'"

ان رسول الله ﷺ لم يحرم المزارعة ولكن امر ان يرفق
بعضهم ببعض (مسلم، ابوداؤد، نسائي، ترمذی)

"The Prophet sal Allah-u alai-hi wa sallam has not declared the leasing of land as impermissible but that there should be love for one another amongst us."

"Zayd reports that because there used to be a lot of disputes over this matter, the Prophet ﷺ forbade the practice only as a transitory measure, not absolutely."
(Bukhari, Abu Daud, Tirmezi, Nosai, Muslim)

او على مصلحة خاصة بذلك الوقت من جهة كثرة
مناقشتهم في هذه المعاملة حينئذ وهو قول زيد رضي الله عنه
(حجة البالغة)

*"Or this impermissibility was only for that special period because of the many disputes and wranglings, this is Zayd's opinion."*¹

Although Rafa b. Khadij رضي الله عنه, Abdullah b. Abbas رضي الله عنه and Zayd are of the opinion that leasing out land is not impermissible per se and the practice of that whole period has been in accordance, we cannot overlook the verdict of the jurists.

According to Abu Zar Ghaffari رضي الله عنه leasing or renting for cash or kind, both are forbidden. Abu Hanifa holds that renting for cash is permissible but not for kind. Taoos and ibn Hazm believe that leasing on crop-sharing terms is permissible but not for cash. The general mass of ulema declare that rent or lease for cash and kind, both are legitimate, and this has been the practice of the old and contemporary generations,

In short, whatever the interpretation of the problem, it has its supporters. Further, Nisai believes that the words which legitimize renting for cash are mudarrij, while Saeed b. Musayyab holds that these words are not of the Prophet صلى الله عليه وسلم.

Some people advance the Prophet's example of his terms with the Jews of Khaybar. He leased them the land on terms of payment in kind, namely, harvested crops. This

¹ Hujjat-ul-Baligha

Abu Hanifa states, was because the party was zimmi and the payment was actually payment of tribute, while the problem under discussion is that of dealing between Muslims and Muslims, where such dealings are utterly forbidden by the Traditions.

We can only conclude that although the general practice was to rent or lease land for cash or kind, the Prophet ﷺ, abhorred the system, and also feared lest the mutual disputes bring about violent reaction. He permits the Imam to declare the system as impermissible. In the Islamic order we find, at the most, the permissibility of a feudal system in which the landlord and the cultivator are seen as two participants, but Islam has nothing to do with that form of landlordism, state or private, in which big or small estate owners exploit the lives and personal properties of the peasants.

Besides, we also note that despite the presence of estates in private ownership, great areas of conquered land are vested in the government, not in private hands.

In those days, some of the owners of lands were those Companions who had been gifted them by the Prophet ﷺ or the Caliphs and these lands sufficed for no more than simple living. They were not whole villages but small sized cultivable fields and it was these which were leased or rented or even sold. The fields of the conquered countries were made state property, and remained in the possession of erstwhile owners but the revenues derived from them belonged to the state Public Treasury.

Not a trace is to be found in Islamic history of the times of privately held large estates and the peasant reduced to the position of serf and slave. Omer ؓ declared the Roman system as nothing but tyranny and abolished it altogether, forbidding it for all future time. The cultivation of agricultural fields allotted to the Muslims in countries conquered during his time, Persia parts of the Byzantine

empire, Egypt, Syria, Iraq was left to those who owned them before. The Muslim government realized tribute from non-Muslims and ushr for Muslim owned lands. The state, not any individual, was the feudal lord of them.

When Syria and Iraq were conquered, the Companions asked Omer ؓ to distribute the agricultural lands among them. Bilal ؓ and Zubair ؓ were particularly insistent.

But Omer ؓ refused on the ground that if these lands were made over to them, how would the needs of coming generations, allowances for the poor, and defence and administration expenses be met. Therefore, he retained them in state hands devoting the revenues to various collective needs and requirements.

Referendum

This was rather an exceptional arrangement. Seeing that there were considerable differences of opinion, Omer ؓ first convened a meeting of the most eminent of the Companions and, then, of the general body of the Ummah and presented his case before them. He addressed them, saying.

فانى واحد كاحدكم وانتم اليوم تقرون بالحق خالفنى
وليست اريدان اتبعوا هذا الذى هواى معكم من الله
كتاب ينطق بالحق فوالله لئن كنت نطقت بامر ايدى
ما اريد ما اريد به الا الحق (كتاب الخراج)

"I am an individual like any of you, and today it is you who have to decide the matter. There are those who differ with me and others who agree. I do not want that you should act as I want you to; you have Allah's Book with you which distinguishes the truth."

By Allah! I have no motive other than the truth." He supported his contention with quotations from the Qur'an and, ultimately, everyone agreed with him.

فقالوا جميعا الراى راىك فنعم ماقلت وما رايت-

"They all said, 'What you say is correct, proper and the best.'"

Referring to this incident, Imam Abu Yusuf says, "What Omer ؓ did, refusing to distribute the lands among the mujahidin and conquerors, was from Allah. It was for the good of the Muslims. Levying tribute and spending it on their needs and requirements was, collectively, better by far than distributing the lands."

After Omer ؓ, Usman ؓ and Ali ؓ followed the example. No lands of the conquered countries were ever given as estates to the victors.

Omer ؓ went still further. At one time he forbade Muslims to own (agricultural) land or cultivate it on the ground that since all of them, including their slaves, were being given sufficient allowances from the Public Treasury, there was no reason why they should not devote themselves wholly to serving the state and its armed forces. To be volunteers of Allah's Word was better than holding on to the tails of the plough-animals.

As we have in Nizam ul Aalam wal Umm,

"When there was abundance of wealth during Omer's ؓ time and allowances were given from the Public Treasury, even to the slaves and freed slaves, registers prepared, stipends for the collectors fixed and accumulation forbidden, it was also forbidden to own land, cultivate it or lease it. Omer's ؓ objective by this order was that Muslims should always be prepared to march

out as an army permitting neither awaiting the harvest nor comfort and luxury to tempt them to stay back. The order went so far that if an old zimmi converted to Islam, all his assets were distributed among the zimmi who would pay the tribute on them. Only his personal belongings and animals would be given to him and an allowance from the Public Treasury would be fixed for him.

This precedent was devoutly followed by Caliph Omer b. Abdul Aziz ؓ who emulated Omer b. al Khattab ؓ in everything."

عن عبدالله بن هبيرة قال ان عمر بن الخطاب ؓ امر
مناديا ان يخرج الى امراء الاجناد يقدمون الى الرعية ان
عطاء هم قائم وان الرزق عيالهم سائل فلا يزرعون
(حسن المحاضرة)

Abdullah b. Habira ؓ reports that Omer b. al Khattab ؓ had it announced among the commanders of the Muslim army in Egypt that allowances from the Public Treasury had been fixed for all Muslims and their children, therefore, no Muslim would henceforth own any land or plough it."

Sharik b. Summi Ghatifi pleading with Amru b. al Aas ؓ that the allowance given him was not sufficient for his requirements, began tilling his land, which Amru reported to the Caliph. Omer ؓ sent for him and told him that he would award him such punishment as should be a lesson for all future time. Sharik begged forgiveness and was pardoned.

In short, although Islam does not relish landlordism and the greater part of the lands remain vested in the state

The practice of the earlier and later generations has been to permit lease, the ulema, generally, not disapproving. The word 'zemindar', literally, 'land-holder', is fully applicable to the feudalist. But that concept of tyrannical landlordism which is current today has nothing to do with the permissibility which Islam reluctantly grants. Large estates have no place in Islam, because they are but one of the several forms of accumulation. Apart from the persecution and tyranny inherent in them, they are founded on accumulation of wealth instead of division of wealth; they stand in opposition to the division of wealth; they stand in opposition to the division of inheritance.

The system prevailed in the early years of Islam when most of the mohajir, immigrants from Makkah, were tillers of the soil and the ansar, 'helpers', natives of Medina, were the landlords, and also among Muslims and non-Muslim.

Just as Islam does not justify the present feudal system, it also does not permit the peasant to insinuate himself to the position of becoming owner of a plot merely because he has cultivated it.

عن ام سلمة ان رسول الله ﷺ قال انما انا بشروانكم
تختصمون الى ولعل بعضكم ان يكون الحن بحجته من
بعض فاقضى له على نحو ما سمع فمن قضيت له بحق
اخيه شيا فلا ياخذة فانا اقطع قطعة من النار-

"The lady Umm e Salma رضى الله عنها reports that the Prophet ﷺ said, 'I am a human being like you and you come before me with your disputes. It may be that one of you may be gullible and pleasing speech take a verdict from me in his favour. But let him beware that he should not take what I will be giving him, for, I will be giving him only hell-fire.'"

However, government may purchase land and distribute it free among the peasants and may also buy away that land from the feudalist which is not under cultivation and allot it to the peasants and fix suitable rates for the plots.

(Trade)

what is Trade.

The second most important medium of subsistence is trade, and for that reason it is the government's duty to promote and assist in its expansion. The jurists state.

فالباع والشراء من اكبر الوسائل الباعثة على العمل في

هذه الحياة الدنيا واجل اسباب الحضارة والعمران

(كتاب الفقه على المذاهب الاربع)

"Trade is the biggest medium among the media of subsistence, and the greatest factor in building up culture and civilization."

Recognising its importance, Islam has divided trade in two sections:

Right principles of trade,

And,

Corrupt principles of trade.

Islam provides incentives and also rules consonant with those principles for promoting trade; and, on the other side, condemns the malpractices and stipulates commands to counter them.

Incentives

The secret of the progress and ascendancy of the economic order lies, above all factors, in trade practices. The more a people takes interest in its trade the more it becomes self-sufficient; while those who do not take any interest in their trade always become dependent on others for the

economics. This is the road that is used for dominating another's culture, subsistence, politics and even religion, ultimately enslaving one and establishing a despotic government.

A big country, like India, and some smaller countries of Europe are under alien rule today for the same reason. The British came to India to do business; occupied Egypt by way of trade; Iran's former slavery was because of trade in oil and today she is being victimized for it; the occupation of Iraq and Syria is due to it. The result of the tours made by "experts" before the springs of Mosul and mines of Damascus were discovered was ultimately the same that comes about because of economic dominance of the weak by the strong.

Germany is hungry for colonies only to promote its trade and develop its economics, and is swallowing them up one by one; Italy destroyed Abyssinia, and Spain was overrun on the same account. The persecution of China at the hands of Japan is a page from the same story, and the secret of Britain's atrocities in Palestine also lies here.

In short, the present World War that engulfs the East and the West, and greed for world domination is not being waged to civilise the uncivilized, but to increase markets and promote own economic welfare. The nation that is without trade is bound to be enslaved tomorrow, if not today; the country which is deprived of the blessings of trade is doomed to ruin. For that reason Islam repeatedly offers inducements, states its many blessings and explains the benefits.

فَإِذَا قُضِيَتِ الصَّلَاةُ فَانْتَشِرُوا فِي الْأَرْضِ وَابْتَغُوا مِن

(جمعه - ۱۰)

فَضْلِ اللَّهِ

"When you have said your prayers, disperse in the land to seek Allah's blessings."

(al Juma-10)

Here blessings refer to the search for subsistence wealth, and the revelation is based on inducement to trade.

لَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ الْآنَ تَكُونُ تِجَارَةً
عَنْ تَرَاضٍ مِّنْكُمْ
(نساء - ٤٩)

"O you who believe! Do not devour your wealth in falsehood among yourselves, but by mutual agreement through trade."
(al Nisa-49)

يَا أَيُّهَا الَّذِينَ آمَنُوا أَنْفِقُوا مِنْ طَيِّبَاتِ مَا كَسَبْتُمْ
(بقره - ٢٦٧)

"O you who believe! Spend from the good things you have earned." (Baqara-264)

According to all well known commentators "earning here, clearly refers to the medium of trade.

قال رسول الله ﷺ التاجر الصدوق الأمين مع النبيين
والصديقين والشهداء (ترمذى باب البيوع)

"The Prophet ﷺ said, 'The end of an honest and trustworthy tradesman will be with the Prophets, the truthful and the martyrs.'"¹

عن النبي ﷺ قال التاجر يحشرون يوم القيمة فجارا الا
ان اتقى وبر وصدق (ترمذى وبيهقى فى شعب الايمان)

¹ Trimezi

*"The Prophet ﷺ said, 'On the Last Day businessmen will rise as doers of evil except those who traded honestly and with truth.'"*¹

Basic Principles of Trade

In the Islamic System propriety of trading and mutual dealings depends on the following principles:

1. Because permissibility to trade depends on mutual cooperation, it is necessary that all matters pertaining to it should be by cooperation, not causing maximum profits to one of the two parties and maximum loss to the other.

تَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ

(١) (مائده - ٢)

"Help one another in goodness and fear (of Allah), taqwaa, and not in sin and commission of excesses." (al Ma'idah-2)

2. Mutual agreement should be by sincere, voluntary consent, not by compulsion; one side being forced by untoward circumstances.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ إِلَّا أَنْ

تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ (نساء - ٤٩)

"O you who believe! Do not devour one another's wealth in falsehood but by mutual agreement in business. (al Nisa-49)" (٢)

3. Both the parties should be of sane mind, of adult age and able to discriminate.

1 - written form

¹ Trimezi, Baihaqi

5 - written form

قال رسول الله ﷺ رفع العلم عن ثلاثة عن المجنون
المغلوب حتى يثرو عن النائم حتى يستيقظ وعن الصبي
حتى يحتلم - الحديث (ابوداؤد)

"The Prophet ﷺ has said, 'The shariah is not applicable to the insane, the sleeping one and the minor.'"¹

نهى رسول الله ﷺ عن بيع المضطر
(ابوداؤد وابواب البيوع)

"The Prophet ﷺ has forbidden sale by force (purchase by force)."²

4. There must be no fraud, deception or breach of trust, and no dealing in the forbidden things.

قال رسول الله ﷺ: افضل الكسب بيع مبرور وعمل
الرجل بيده (الحديث) ⑤

"The Prophet ﷺ has said, 'The best of livelihood is trade baroar and earning with one's own labour.'"

والبيع المبرور هو البيع الذى يرفيه صاحبه فلم يغش ولم
يخن ولم يعص الله فيه

(كتاب الفقه على المذاهب الاربعه الجزء الثانى) ⑥

¹ Abu Daud ⑤

² Abu Daud ④

"And trade baroar is that in which the parties cooperate with one another for mutual good; there is neither deception in it nor breach of trust nor disobedience to Allah." (5)

قال رسول الله ﷺ لا ضرر ولا ضرار

"The Prophet ﷺ has said, 'Neither let yourself be harmed nor harm others.'"

Islam looks upon the following as corrupt and forbidden:

Increasing wealth plentifully and such dealings as result in excessive wealth to one party and definite loss to the other. For instance, gambling, lottery, and all forms of speculation.

يَسْأَلُونَكَ عَنِ الْخَمْرِ وَالْمَيْسِرِ قُلْ فِيهِمَا إِثْمٌ كَبِيرٌ

(بقره - ۲۱۹)

"They ask you about strong drink and games of chance. Say, there is great sin in both."

(Baqara-219)

إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ (مائده - ۹۰)

"Without doubt, strong drink, idols, and divining arrows are the devil's handiwork; therefore, avoid them so that you may prosper."

(Ma'idah-90) (6)

Usury is forbidden and so is paying a labourer less than he deserves.

¹ Kitab ul Fiqah Ala Mazhabul

أَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا (بقره - ۲۷۵)

Allah has made trading lawful and forbidden riba. (Usury and all forms of excess). (Baqara-275)

هـى رسول الله ﷺ عن بيع المضطر (ابوداؤد)

"The Prophet ﷺ has forbidden every dealing by compulsion."

Shah Waliullah says,

فان المفلس يضطر ان التزم ما لا يقدر على ايفائه وليس رضاه رضافى الحقيقة فليس من العقود المرضية ولا الاسباب اصالحة وانما هو باطل وسحت
(حجة البالغة)

"This is forbidden because one who is compelled by force of circumstances has no option but to accept what he would not otherwise. This is not real consent. Riba is neither a pleasant way of business dealings nor beneficial to them. Every such dealing is false and cruelty."

Every such deal as Islam looks upon as arising out of disobedience, strong drink, consuming the unslaughtered dead, idols, swine-flesh, or buying and selling of things that are unclean and impure in themselves.

حُرِّمَتْ عَلَيْكُمْ الْمَيْتَةُ وَالْدَّمُ وَلَحْمُ الْخِنْزِيرِ

(مائده ۳)

*"O Muslims! Blood and the (naturally) dead and swine-flesh are declared forbidden to you!
(al Ma'idah-3)*

عن جابر انه سمع رسول الله ﷺ يقول: ان الله حرم بيع
الخمر والميتة والخنزير والاصنام

(رواه الجماعة، نيل الاوطار ج)

"Jabir reports that the Prophet ﷺ said that Allah had forbidden strong drink, the (naturally) dead beast, swine flesh and the buying and selling of idols."

Forbidden also are transactions which although agreed upon by both the parties, may likely lead to dispute or loss to either party because this is opposed to the objective of trading. For instance, there may be some doubt about the price or sale, or the price or commodity may not have been clearly stated; or one transaction may be turned into more than one, it being argued that if cash is paid, the price will be less than if price is to be a loan; or buying a commodity which has not been seen; or attaching a condition that is not part of the transaction; or there may have been only talk but no real transaction. These and other similar situations are likely to create dissension and dispute rather than maintain mutual cooperation and goodwill.

هى النبي ﷺ عن بيعتين في بيعة (نسائي و ترمذى)

"The Prophet ﷺ has forbidden the turning of one transaction into two transactions."

هى النبي ﷺ عن بيع و شرط

(معجم الاوسط للطبراني)

"The Prophet ﷺ has forbidden the laying down of an external condition to a transaction."

فهي النبي ﷺ ان ابيع ما ليس عندي (ترمذى) ⑤

"The Prophet ﷺ has forbidden me to sell a thing that is not in my possession."

A transaction with ulterior motive, not mentioned in the deal, is null and void.

فهي رسول الله ﷺ عن بيع الحصاره وبيع العزر (مسلم)

The Prophet ﷺ has forbidden all fraudulent transactions as well as buying a thing by casting a stone at it."¹

فهي رسول الله ﷺ عن الملامسة والمزابنة

(بخارى و مسلم)

"The Prophet ﷺ has forbidden a transaction merely by touching a thing, or placing it on the seller or buyer."²

فهي رسول الله ﷺ عن النجش (بخارى)

"The Prophet ﷺ has forbidden adulteration."³

All such transactions are likely to lead to dissension and dispute and are, therefore, declared impermissible.

¹ Muslim

² Būkhari and Muslim

³ Bukhari

نهى رسول الله ﷺ عن تلقى الركبان

"The Prophet ﷺ has forbidden that one should go out of the town and conclude a transaction with the caravan."

The idea is that there may be a famine in the region, and some wealthy traders may go out and purchase food from peasants or merchants at a low price and sell it in the town at arbitrary prices. This is a fraud on the peasants as well as the caravan merchants. Such motivated transactions are known in Islam as *talfi-e-jalab* and *talfi-e-rakban*.

The Hanfi jurists discuss the logic of such impermissibility and conclude that if fraud is not involved nor any bad effect on market condition probable, it is quite legitimate to conclude transactions outside the city limits or with the peasants.

نهى رسول الله ﷺ ان يبيع حاضر لباد

The Prophet ﷺ has not forbidden city dwellers to make transactions with village folk, *hazir-lil-baadi*.

In the terminology of the Islamic economic system, *hazir lil-baadi* implies that a merchant may possess a commodity which he does not sell to the city people but takes it out to sell it to naïve villagers at high prices, or he may assume the role of a broker between the villagers and the city people, preventing direct contact between the two, and manipulates so that it is sold at high prices. If such transaction is harmful to the buyer or seller, it is impermissible but not otherwise.

In short, Islam forbids all such transactions as resemble gambling or usury and profiteering.

Arts and Crafts

These comprise the third important medium of subsistence. They contribute not a little to the cultural and

civic development of a nation. Trade depends almost entirely upon them.

In the early days of Islam, there were no machines and all manner of articles of utility were hand-produced, details of incentives and inducements to which were recounted with meticulous care.

عن المقدم عن النبي ﷺ : قال ما اكل احد طعاما قط خيرا من ان ياكل من عمل يده وان نبي الله داود عليه السلام كان ياكل من عمل يده (بخارى باب البيوع)

Muqadam reports that Prophet ﷺ said: "The best of livelihood is that which is earned with one's own hands and David used to eat of his own labour".

The Prophet David was an artisan who made coats of iron.

Khalid reports that the Prophet ﷺ was asked which was the best way of earning a livelihood, and he answered, by handcraft.

Abdullah b. Abbas ؓ is quoted in Hakim's Mustadrak as reporting that the Prophet ﷺ said:

كان داود عليه السلام زرادا كان ادم حراثا وكان نوح نجارا
وكان ادريس الخياط وكان موسى راعيا
(فتح الباري، كتاب البيوع)

"David used to make armour from iron, Adam was a tiller of the soil, Noah a carpenter, Idris a tailor and Moses a shepherd."

The Qoreish, generally, were tradesmen and Surah Ilaf refers to their "going and coming" as such, but they also

followed other vocations, such as gambling, dacoity and dealing in usury.

Islam put an end to all such media of livelihood and legitimized only honest business and provided incentives and inducements for it. The Prophet ﷺ himself bought and sold on behalf of the lady Khadija رضى الله عنها in the markets of Basra, leaving this as an example for his disciples to follow and making them honest tradesmen. He encouraged them to go in for cloth weaving, making footwear and household utensils, thus assuring material progress through handcraft as well as conveying happy tidings for the life Hereafter.

Islam did not content itself by merely offering inducements and making some necessary improvements, it also developed and extended the media of the arts and crafts and of trade. During the period of the first four caliphs and of Omer bin Abdul Aziz ؓ, markets were extended beyond Arabia, to Iran, Syria, Iraq, Egypt and many facilities were provided for their development.

Practical Media of Industry and Trade

In this materialist age, foreign exchange and import and export duties play an important role. In the first period of Islam, foreign exchange was unknown and trade was by barter and sometimes in exchange for pieces of gold and silver and even minted coins. The tragic effects on trade seen today as a result of money exchange were unknown then. However, the system of customs duties did prevail as now.

Today every country desires to regulate currency exchange and customs duties in such a way as to assure the maximum benefit to itself however ruinous it may be to other countries. But, because Islam's message is for the whole world and stands for universal brotherhood, it does not stand for that preferential treatment which creates business rivalry and economic dictatorship, overlordship for one and slavery for another, prosperity here and misery

there. Therefore, it does not stipulate customs duties to ruin the civilized nations of the day to exploit others.

Islam merely stipulates that since mutual trade is one of the best ways of subsistence, it should, without discriminating between one's own and foreign owned, be kept clear of taxes and customs duties so that Allah's gift be shared to the other, and all His creatures may enjoy the mutual cooperation of one another and become one brotherhood, one single family. But until this becomes possible, effort should be made to establish equality for the purpose of a group's development and progress. Caliph Omer ؓ levied import duty, known as ashoor, on goods brought in by Jewish merchants but only because they levied the same duty on goods brought to their country by Muslim merchants.

وكان مذهب عمر ؓ فيما دفع من ذلك انه كان
ياخذ من المسلمين الزكوة ومن اهل الحرب العشرتا
مالانهم كانوا ياخذون من تجار المسلمين مثله اذا
اقداموا بلادهم (كتاب الاموال لابي عبيد)

*"Omer's ؓ principle was to realize zaka't from Muslims and ashoor from non-Muslims because it was the custom of the Governments of non-Muslim countries to levy taxes on goods taken there by Muslim merchants."*¹

Moreover, Omer's ؓ orders were that irrespective of the number of times a merchant came in or went out, duty was to be charged only once in the year. There was no duty levied on fruit.

¹ Kitab ul Amwal of Abi Obayd

There were other ways, too in which an Islamic government sought to develop trade and industry and general economic conditions. For instance, before Islam, Arab trade was largely with the Byzantine, India, Iran and Egypt, and, for the purpose, markets were established in Dumat ul Jundal, Mashqar, Hijr, Sahar, Riya, Shahar, Aden, Sana', Rabiya, Hadramaut, Akkaz, Zul Majaz and Busra.

The Islamic Caliph retained these and many eminent Companions engaged in the trade. The Qur'anic words, "And seek the blessings of Allah", reinforced the trade effort. Abu Bakar had a store and cloth-weaving factory at Salakh in Medina; Omer's trade extended as far as Persia; Zubayt too was a cloth merchant trading with Syria. The Akkaz market in Hijaz existed until 129 AH. Amru b. Al-Aas and Ammara bin al Waleed's trade dealings were with the Abyssinian nobility. Similarly there were Jewish markets in Medina. The people of Median learnt their arts and crafts here and when they converted to Islam they retained them in their own hands. The Jews had taught them the art of weaving cloth, dying, forging swords and other weapons of war and armour-plating.¹

There was also overseas trade. Before Islam, the Arabs exported gold, silver, pearls, precious stones, iron, copper, perfumes, spices, leather and skins, saddle covers, sheep and goat; and imported cloth, food-grains, war weapons, mirrors and other articles of decoration, musk, black pepper, Indian aloe wood, tamarind, qast e Hindi, camphor, sandalwood, coconut and cloves.

The Qur'an alludes to overseas trade in these words:

¹ Al Islam wal Madarat el Arabia vol 1 p. 120

وَتَرَى الْفُلْكَ فِيهِ مَوَاجِرَ لَتَسْتَفُوا مِنْ فَضْلِهِ

(فاطر - ٩٠)

*"Thou sees ships playing the seas like hills
that you may seek of His bounty."*

These details are recounted here to show that Islam looks upon trade as a very important medium of subsistence, and, therefore, it should be free of the trammels of customs duties and other taxes, so that the whole world may prosper and articles of necessity be available to every individual. As opposed to this what the new age of civilization has done is before everyone's eyes.

The Mint

Currency plays a very important role in the day's economy. In former post-barter days the medium of exchange of commodities was precious metals, copper etc.,. Then came minted coins and, later, printed paper currency notes backed by gold deposits in the state treasury of the value stated on them.

This system has proved ruinous to the undeveloped nations as well as to the developed. It might be useful in certain ways but the bad effects of it exceed by far the good.

"The harm of the two is greater than their benefit."

Therefore, the Islamic economic order can accept paper currency as a certificate but not as currency lest the owner of this piece of paper be deprived of its real value and the subject nations ruined through this device at the hands of the other.

This was the reason why the ulema argued whether paper currency or Money Order payable in paper currency for zaka't was legitimate or not and came to the conclusion that it was not.

At that time the verdict was ridiculed by our "enlightened" elite who could not see the reason behind it. In the absence of an Islamic government, when the verdict began to prove harmful, the ulema, in the interest of the general good, pronounced a verdict of permissibility, but still refused to recognize paper notes as currency.

During the period of the Rashid Caliphs, a mint existed for coining metal, and coins known as dinar and dirham were in circulation.

وضرب الدراهم على الخط الفارسي وزاد في بعضها

الحمد لله وفي بعضها محمدرسول الله

(تاريخ الاسلامى السياسى)

"Caliph Omer رضي الله عنه set up a mint for coins on the Persian pattern and had the words al-hamd u lil Lah (all praise belongs to Allah) embossed on some and Muhammad ur Rasool Allah (Muhammed is the Sent One of Allah) on others."

Muqrezi tells us in Kitab ul Naqood al Islamia that Omer رضي الله عنه was the first Caliph who had coins, resembling the Persian, shaped from gold and silver bullion and with the words as quoted above. Also that ten dirhams weighed six mishqal.

The Encyclopaedia Britannica records that for the first time in Islam Ali رضي الله عنه set up a mint in Basra in 40 AH for the purpose of turning out silver coins. In Bostani's Daaerat ul Moaarif we have,

درهم او درهما اسم لضروب مدور من الفضة والمشهور

ان تدويره في خلافة الفاروق رضي الله عنه وكان قبله على شكل

النواة بلا نقش

"A dirham is a silver coin which has been forged in a mint and is round in shape. It is well known that this shape was given it during Omer's caliphate whereas formerly it was in the shape of a date-palm seed and was ungraven."

In many Sirah books the credit for this is given to Abdul Malik b. Marwan while some mention Abdullah b. Zubair's name. Details are given in Mawardi's Kitab ul Sultani, Balzari's Futuh ul Baldan and Ibn Jarir and Ibn Kasir's history.

I believe that the differences of opinion are not based on the facts but on current reputation or want of reputation. Although a beginning had been made during Omer's time, gold and silver pieces continued to be used side by side. Later, as progress was made, the minted gold and silver coin became the only currency in circulation.

Status of the Mint

Because currency is a medium of public convenience, its purpose is also public benefit, not a government's source of income, therefore, the mint should be open to the public to enable those who possess bullion to get coins forged on the pattern of the existing currency.

The conclusion we derive from this discussion is that in the Islamic economic order:

1. The exchange rate should depend on the decision of the Imam and his advisory council in the light of the principles stated here, and they should adopt any course of action they deem to be beneficial for the common good of the people.

2. That the Islamic order does not advocate strictness in excise and customs duty, and such. Rather it stands for unrestricted universal trade. But since this ideal cannot be given practical shape until, like its message,

truth, its government also becomes universal, agreements, fair and just, should be made with other countries, no harm being intended for other, no harm to itself.

Discussing the subject, Ali Pasha writes:

“There are two opinions on such economic subjects: one holds that trade should be unfettered, no customs duty or other tax levied. Because the British badly need raw they impose no duty on foreign imports, they also want that no taxes levied on their internal business.

“The other school believes in preferential treatment. Its argument is that when there is an abundance of manufactured goods in a country, its power with infiltration power increases enormously. Therefore, it is the duty of the national government to safeguard its own manufactures, give them first priority and treat them with preference; that is, impose heavy customs duty on imported goods.”¹

Controlling Trade Irregularities

Side by side of holding trade as an important adjunct of the subsistence media, Islam also stipulates that those irregularities must be done away which impede and even destroy the purpose of the economic order and, in the name of business, promote the evils associated with capitalism. Whatever and howsoever many may be the irregularities or malpractices, they may be summed up under two headings, concentration of wealth and hoarding and accumulation.

Wealth concentration implies its confinement in the hands of a group, and hoarding or accumulation means that it is stored up and its circulation limited. Islam condemns both and lays down certain rules to counteract them.

¹ Khwatir ul Qada wa al Iqtisar w al Ijtima p. 211

قال رسول الله ﷺ من احتكر فهو خاطئ وفي رواية
المحتكر ملعون (طیسی شرح مشکوٰۃ کتاب البیوع)

"Says the Prophet ﷺ, 'He who hoards wealth is a sinner'. And, in another Tradition, 'He is the accursed of Allah.'"

According to the jurists, an example is that of a merchant who stores up a necessary commodity and holds it back so that prices may go up and he may even gain a virtual monopoly of it. A living example is that of a money-lender who lends money to the peasants on usurious terms and takes control of the earnings of these wretched creatures by purchasing the crops at very cheap rates and hoarding them in his store.

Next only to usury, it is this method of business that is the main cause of the plight of the masses.

Gambling or Speculation

Gambling is a part of hoarding, by which we do not mean the common form of the game played for losing or winning cash, but all those similar forms of it which are used in the name of business. For instance, speculation which, in the greed for profits without effort, ruins many homes. During the period of Ignorance, speculation was practiced in many forms: malamasta, munabiza, baiy e hisat, etc.,.

Malamasta was an agreement between buyer and seller that a commodity neither seen nor inquired into about its condition, would belong to him who merely touched it. Munabiza meant that whatever commodity was thrown to a buyer, without any deal being struck up, would be looked upon as belonging to him. In baiy e hisat, several commodities would be placed together for sale and the buyer would throw a small pebble or other thing at them. Whichever commodity the pebble touched would belong to the thrower.

In the advanced civilized form of business today, lottery and the races are included in gambling.

Islam looks upon them as meesar 'gambling' and disastrous to public welfare, besides being a disgrace and harmful to character. They also cause dissension and destroy the humane in man.

يَسْأَلُونَكَ عَنِ الْخَمْرِ وَالْمَيْسِرِ قُلْ فِيهِمَا إِثْمٌ كَبِيرٌ

(بقره-٢١٩)

"They ask thee about strong drink and gambling. Say, there is great sin in them."
(Baqara-219)

إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلامُ رِجْسٌ مِّنْ عَمَلِ
الشَّيْطَانِ فَاجْتَنِبُوهُ (مائده - ٩٠)

"Verily, strong drink, gambling, idols, divining arrows are unclean, handiworks of Satan, so keep away from them."

(al Ma'idah-90)

إِنَّمَا يَرِيدُ الشَّيْطَانُ أَنْ يُوقِعَ بَيْنَكُمُ الْعَدَاوَةَ وَالْبَغْضَاءَ
فِي الْخَمْرِ وَالْمَيْسِرِ وَيَصُدَّكُمْ عَنْ ذِكْرِ اللَّهِ وَعَنِ
الصَّلَاةِ فَهَلْ أَنْتُمْ مُنْتَهُونَ (مائده - ٩١)

Satan desires to create ill-feeling and prevent you from Allah and worshipping Him. Therefore, will you not keep away from such evil?" (al Ma'idah-91)

Discussing the subject, Shah Waliullah writes, "When Allah created man and spread his livelihood in the earth and provided him the opportunity to benefit from it, there popped up dissension and enmity between one another. When Allah's law gave the verdict that no one had the right

to interfere in another's possessions owned through inheritance or one's own labour or other permissible ways but one may acquire a thing through purchase and mutual agreement, provided there is not a shade of fraud or craftiness in the deal. Since man is by nature inclined to civic life, his subsistence is not possible without mutual cooperation, Allah has declared it to be essential. Therefore all those deals and other ways are impermissible in which there is neither proper exchange nor mutual agreement such as gambling.

In short, there is no place in the Islamic system for those forms of business which resemble gambling. Modern economists agree that all such ways are disastrous.

Gambling is one form of hoarding, forbidden because it also results in concentrating wealth in a few hands, ruining many to benefit the few. It is a crime against human character and an unforgivable sin against humanity.

Usury and Interest

These are the worst forms of hoarding; wherever they prevail they bring disaster. They ruin millions of human lives to concentrate wealth in the hands of a few select groups.

From the beginning of creation there have been two prevailing views: one, that of a just order, the other, that of a capitalist system.

The former desires a social order in which there be neither millionaires nor paupers, but a medium structure wherein there may be natural differences but not without the right to equality of subsistence. It does not require that the articles of subsistence should be the same, but that every one should get according to his needs and the path of progress and labour should be open to all and sundry. All religions have advocated this principle and Islam presents it to the world as a complete plan.

The other view holds that nature has divided human beings in two groups: some are born to rule and command, and some to obey and supplicate. Thus it is nature's intention that some should be perennial monopolisers of wealth and ease, make money in any manner whatsoever, secure Allah's blessings to themselves and leave the rest to stew in their sufferings and poverty, none having even the right to level out the differences.

This view belongs to the followers of Satan, devils in human form. Basic to the success of this view is usury which, in civilized and uncivilized shapes and forms, sucks the blood of the masses to enrich the few and turns Allah's creatures into oppressors and the oppressed, rulers and the ruled. Usury has always been at the back of the disreputable form of capitalism.

Before Islam, Arabia too was subjected to this curse. No difference was made between trade and usury, which was looked upon as business genius.

قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا (بقره - ٢٧٥)

"They say, usury is like trade..."

(Baqara-275)

Usury was looked upon as so perfectly in order that it was used as an argument for the propriety of doing business. If today, fourteen centuries since then, businessmen were asked the same question, they would give the same answer.

Riba - Usury/Interest

Riba literally implies an increase by excess or enlargement. Technically, it means an excess as a particular form of profit, once looked upon as just as permissible as buying-and-selling. Islam, in the interest of human welfare, actual fraternity and equality and elevation of character in business matters, declared it to be entirely forbidden, not only condemning those practices which were prevalent at

that time but also laying down principles to eliminate every vestige and resemblance to them and leaving the Islamic canvas thoroughly purified.

So far the Arabs confined riba to loans and looked upon trade as unconditionally permissible. When Islam declared riba to be impermissible, they forthwith said that this could not possibly be since riba and trade were alike, profit being derived from both. If riba were impermissible so should trading be. It could not occur to them that there could be riba in normal trade also.

That is, in the Islamic social order, riba exists in loans as well as in business trade.)

Usury

Usury prevailed among the pagan Arabs in several forms. One of them was to lend money and stipulate, at the same time, that so much per unit of cash would be taken extra if the loan were paid back by such and such time.

Another was to stipulate that if the loan and whatever the interest were not paid by the agreed time, the remaining interest would be added to the principal and interest would henceforth be payable on the sum of the two amounts. Compound interest, in other words.

Yet another was the mortgage system. If the principal plus the interest were not paid by the agreed time, the mortgaged article would be purchased by the lender at nominal price. In Islamic juristics, fiqh, this is known as riba-nisia.

Islam declared all these forms to be forbidden, equating them with tyranny and oppression. Thus,

لَا تَأْكُلُوا الرِّبَا أَضْعَافًا مُضَاعَفَةً (آل عمران - ۱۳۰)

"Do not make interest upon interest your livelihood!" (Aal-e-Imran - 130)

And further,

✓ أَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا (بقره - ۲۷۵)

"Allah has made trade lawful and riba (in every form of it) unlawful." (Baqara-275)

Besides declaring interest in any form to be unlawful, Islam went further and declared that whatever had been taken of interest so far might be overlooked, but, henceforth, immediately after the declaration,--whatever was left of unpaid interest must be waived; and, if not waived, the lender should prepare himself for war with Allah and His Prophet ﷺ.

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَذَرُوا مَا بَقِيَ مِنَ الرِّبَا إِن

كُنْتُمْ مُؤْمِنِينَ فَإِن لَّمْ تَفْعَلُوا فَأْذَنُوا بِحَرْبٍ مِّنَ اللَّهِ

وَرَسُولِهِ (بقره - ۲۷۸ - ۲۷۹)

"O you who believe! Fear Allah and waive whatever is left of riba; and if you do not, them, be prepared for war with Allah and His Prophet." (Baqara - 278-279)

But if the unpaid interest is waived, the principal loan remains due.

وَإِن تُبْتِغُوا فَالْأَوْلَىٰ بِرُءُوسِ أَمْوَالِكُمْ لَا تَظْلِمُونَ وَلَا

تُظْلَمُونَ (بقره - ۲۷۹)

"And if you repent, your principal will be payable to you. Do not oppress others so that you may not be oppressed." (Baqara-279)

The purpose of all this is:

يَمْحَقُ اللَّهُ الرِّبَا وَيُرْبِي الصَّدَقَاتِ وَاللَّهُ لَا يُحِبُّ كُلَّ
كَفَّارٍ آثِمٍ (بقره - ۲۷۶)

"Allah blights riba and nourishes charity; Allah does not like the ungrateful, the sinners." (Baqara-276)

According to the faith that is Islam, the climax is:

وَمَا آتَيْتُمْ مِنْ رَبًّا لِيَرْبُوًا فِيْ اَمْوَالِ النَّاسِ فَلَا يَرْبُوًا
عِنْدَ اللَّهِ (روم - ۳۹)

"The increase you expect of your wealth from riba is no increase with Allah....." (Rome-39)

That is, according to the natural law of deeds and results, riba-based trading can only end in loss. There may apparently be increase in counted material wealth, but considering the increased rivalry, envy and consequent lack of mental peace, there is little but loss upon loss, and the punishment of the Hereafter must also be reckoned with, while the fruit of charity is quite the opposite. By forbidding riba Allah wants to exterminate riba; and by encouraging charity, Allah wants to make charity popular and flourishing.

He who does not avail of this counsel, virtually casts himself into darkness, far from the light of humane qualities, and defying the challenge of battle with Allah, invites the damnation of perpetual loss and misfortune!

The reader may easily imagine the plight of the borrower who does not visualize that some day he might be deprived even of his poor hut and the few utensils of his hearth and thrown out on the streets, as a result of a small loan, some day having to be paid a hundred times more. And the lender satisfying his conscience by the thought that if he relented, he himself would have to face starvation!

He who thrives on usury gets so intoxicated with love for money that he loses all sense of propriety and fellow-feeling, and looks upon humaneness as a meaningless word. His ideal in life, born out of his selfishness and cupidity, is to destroy others.

Therefore, the Qur'an warns him:

الَّذِينَ يَأْكُلُونَ الرِّبَا أَلَا يَتَذَكَّرُونَ أَلَا كَمَا يُقْسِمُ اللَّهُ
يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ
مِثْلُ الرِّبَا (بقره - ۲۷۵)

"They who devour usury will come before their Lord in the Hereafter as though Satan had made them insane by his touch. This is because they say, trade is like riba."

(Baqara-275)

عن جابر رضي الله عنه قال لعن رسول الله ﷺ اكل الربوا
وموكله وكاتبه وشاهديه وقال هم سواء (مسلم)

"Jabir reports that the Prophet ﷺ has cursed him who takes usury, who pays usury, who writes the agreement paper for usury and who witnesses it, saying they are all equal."
(Muslim)

Commercial Interest

In Islam, not only is interest paid on cash loans forbidden, but, according to the jurists, also in connection with certain transactions. For instance if currency is exchanged for currency or foodgrain, or gold and silver coins with similar coins, certain principles must be followed, otherwise, the permissible may become foul and impermissible.

If the commodity is bought and sold with its own kind as medium gold for gold, silver for silver, or wheat, barley, salt, dry grapes etc., scrupulous care must be taken that both the commodities are of the same quality, the same weight, engraved or not engraved, low priced or high priced. In short, equal in every respect. Besides, purchase must be by cash payment.

(If on both sides, exchange via medium of the same commodity is not intended gold for silver, silver for gold, wheat with barley, etc., the difference in quantity may be proper, but not as loan; cash transaction is necessary.)

عن عبادة بن الصامت رضي الله عنه قال: قال رسول الله ﷺ

الذهب بالذهب والفضة بالفضة والبر بالبر والشعير

بالشعير والتمر بالتمر والملح بالملح مثلاً. بمثل سواء

بسواء يدا بيد فاذا اختلفت هذه الاصناف فيبيعوا كيف

شئتم اذا كان يدا بيد (مسلم)

"Ibada b. al-Samit رضي الله عنه reports that the Prophet ﷺ has said: 'The exchange of gold with gold, silver with silver, wheat with wheat, barley with barley, dates with dates, salt with salt should be similar and hand to hand. If the exchange is by different commodities, the transaction may be as desired except that it must not be on loan and must be hand to hand.' (Muslim)

Muslim jurists hold this Tradition as basic to all business transactions. Such riba is known as riba afzal, and considerable research has been done on the causes that lead to transgression of the conditions detailed in the Shariah.

The several relevant Traditions also indicate that the Prophet ﷺ wishes to see the Islamic economic order

transcend all manner of national and other prejudices and firmly established in universal fraternity and equality, so that the message of Truth may propagate by this path also.

In the usual manner of business transactions no one buys gold for gold or silver for silver, but the economists are not blind to the fact that in the present world, the prevailing exchange system is only a form of riba give and take, because gold or silver of one country is exchanged for that of another on the less-and-more non-principle known as discount. The exchange policy system in vogue leads to the economic sovereignty of one country over another. If the system were allowed in the Islamic economic order, it would imply the permissibility of economic dictatorship, negating clean trade practices and honest profit making.

We need not go far. It is said that in the present age business is conducted according to well thought out theories and on scientific principles. Bank interest is called commercial interest. But are the reports of the League of Nations and the condition of European and Asian countries not proof that the business methods of the banks are the main cause of general poverty and shortage of purchasing power? The system is the foremost means of unrestricted profit making and accumulation of wealth by the big capitalists, concentrating it in the hands of a few groups.

Impermissibility of the Several Categories of Interest and the Arguments Various Kinds of Riba

It is quite possible to think that what Islam condemns is usury and not commercial interest. Superficially, no doubt, usury and commercial interest appear to be different but the fact is that the evil results of both are identical commercial interest opens the way to the evils of capitalism, concentration of wealth in the hands of a few groups and hoarding and accumulation.

As an example let us assume that there are two merchants one with five thousand ounces of gold and the other with ten. Now, the merchant with five thousand ounces will want to buy the other merchant's ten ounces and will acquire it by compelling him somehow to sell it as cheaply as possible. If he fails to make the man acquiesce, he may offer to buy his gold at a very high price. Thus he will go on his store of gold by another ten ounces. This he will go on doing until he acquires a virtual monopoly of the gold market. He makes up for his former temporary losses and becomes richer than before. Like him, there are other equally shrewd merchants. We see how wealth passes into the control of few groups. The same tactics are employed for gaining control of other commodities. The objective always is to get richer and richer and make the other poorer and poorer; to substitute profiteering and injury to others in place of the real objective of buying and selling which is to satisfy demands by mutual cooperation. No just and proper economic system can permit such outrages.

But if the commodities are different and, therefore their qualities and rates differ, there can also be other differences, even so, no impropriety or misappropriation is permissible. Quality and the value balance of both the commodities shall have to be maintained. Should the infringement be excessive and detrimental, the caliph or his deputy must take the required action. We have in the Muta:

ان عمر بن الخطاب رضي الله عنه مر على حاطب بن ابي بلتعة ✓

وهو يبيع ذبيبا له بالسوق فقال له عمر اما ان تزيد في

السعر واما ان ترفع من سوقنا

"Once Caliph Omer رضي الله عنه passed through a market where Hatib b. Abi Balta'ta was selling dry grapes. Omer رضي الله عنه told him either to raise his prices or leave the market."

Exchanging gold for gold or silver for silver, or any other commodity for its own kind and, with it, differences of buying and selling, makes one country dominate another. India, for instance, in spite of the abundance of its raw material, is poor only because Britain has fixed the Indian rupee at a third of its value as compared to her own currency, the exchange between the two being on the discount (Batawan) basis. Within India itself, the worth of the Hyderabad rupee is arbitrarily fixed at less than the Indian rupee.

During the time of the Prophet ﷺ the Roman currency was worth less than the Persian because at the time of the first phase of Islam, the mutual rivalry between Byzantine and Persia had reduced the latter to a subordinate position but by the time Islam had the ascendancy over both, while the Roman coin remained current side by side of the Muslim, the public rejected the Persian and used it for other purposes.

It should now be appreciated that as in other departments, the Islamic system desires a universally uniform and single currency, so that one nation may not dominate over another through the exchange media.

The last quoted Tradition also implies that gold and silver should be employed only as exchange medium and not as objectives of mere possession because this inevitably leads to concentration of wealth among special groups.

Moreover, the reason for absolute equality in weight and measure of the same kind of commodities is that the real purpose of buying and selling is the availability of necessities through mutual cooperation and this is possible only through a medium of exchange or barter. But reducing another to such a weak condition that a virtual monopoly is established in favour of a special group of exploiters. An artificial shortage of supply of commodities is thus brought about at will.

These are the reasons why the Leader of Shariah has forbidden rib ul fadl as, otherwise, buying and selling, together with equality, are rendered futile.

In this new age, several other very learned reasons for justifying "interest" have been advanced as basic to transactions. One of them is that since gold and silver as coins are included in capital, why should they not be looked upon as media for profit that arises from them, specially when the same results take place at the time the profit accrues that are considered to be inevitable with capital. In other words, profits arising out of production and as reward for waiting should be deemed as equally justifiable, even if arising out of the sufferings of the poor! The profits banking and cooperative societies yield from interest, it is argued, should not be included as riba.

This is the best argument advanced in our enlightened times, but thinking deeper reveals that it is far from being correct. The economic system which bases itself on the principle that capital and labour should be so balanced that in any condition whatsoever, capital should not be permitted to assume those proportions which prove destructive to social welfare can have no place for high sounding, hairsplitting intellectual endeavours for legitimizing commercial interest. How can the Islamic economic order exclude commercial interest from riba, specially when the statistics of our present banking system and other similar systems are uncovering the evil effects of capitalism in concrete terms?

The majority of famous economists are now agreed that there can be no general social welfare until the rate of interest is reduced to zero. In this connection we may refer the reader to Dr. Anwar Iqbal's *Islam aur Sood*, and his quotations from Keynes, the eminent British authority on economics.

It may also be argued that since commercial interest can be justified because of some of its benefits, why should gambling also, including its several forms, not be legitimate? After all, they, too, require some intelligence and are not usually destructive to the parties concerned.

The Islamic system rejects them also because they do gradually lead to destructiveness and the prosperity they may bring is confined to a few and does not extend to the many. It should not be forgotten that in business transactions cash is essentially price and altering its reality, doing which is demolition of righteous labour and termination of the fair and proper ways of cooperation. This would adversely affect the industry and trade and corrupt culture and civic well-being.

It is also said in favour of commercial interest that the difference between it and riba is the difference between the usual, legal rate of interest and what is above this rate is usury. The legal rate is profit and no more, in today's terminology, "interest". Muslims, influenced by modernism and unfamiliar with the Qur'an echo the concept that it is not interest but riba that is forbidden by Islam.

The economists debating among themselves and holding mutually contradictory opinions have not yet been able to decide on the frontiers of usury and interest. And no sooner than the limits are stated, experience again proves that the new rate of interest is usury. In this way, the problem is never finally decided, and never will be, until the rate is reduced to zero.

When we have proved that riba in any form whatsoever is always socially detrimental, it is useless to go on debating it unless it can be proved that the results of interest are not as harmful as those of usury. But modern economists tell us that commercial interest slowly but surely results in the same effects that come about by the practice of usury.

The truth is that the desire for unchartered luxury living has created a mentality that dreams of a society in which the development of a grand culture, trade and arts is impossible without commercial interest. The result has been that side by side of great inventions and industrial output, and progress in trade and arts and crafts, the purchasing power of the masses has gradually declined, the power of the capitalists increased and wealth has become the monopoly of a few special groups, while millions suffer in economic hardships. All this has happened because interest has been declared as different from *riba*, and the modern banking system with its usury, commercial bonds and promissory notes, and such, has been legalised.

As opposed to this, the Islamic social order is one of which, instead of unlimited luxuries, the foundation rests on the satisfaction of basic needs and mutual brotherhood and equality. That is why it encourages us to experiment not only with its theories but also its society in which civic, industrial and commercial progress reach the very zenith, without any interest bearing transactions. This has been clearly proved during the times of the first four Caliphs, as well as after them, when, although the true Islamic principles of governance prevailed no longer, commercial interest was still looked upon as forbidden and, therefore, the Muslims were superior to all other nations of the time in the development of the various industries and trade.

It may be recalled, once again, that the Qur'an does not sound so stern a punishment for any sin as it does for the sin of charging "interest upon interest." First, this was made forbidden in order to terminate its prevailing custom; later, all manner of interest was declared forbidden:

"Allah has permitted trade but has forbidden riba."

There is no condition stated to modify this. The Qur'an envisages no difference between *riba* and "interest."

The well-known Egyptian scholar Abdul Rehman al Jariri writes in his *Al Fiqâh al-Mazahib ul Arba'*:

"Some people suspect that only compound interest is implied in the word 'riba'. As mentioned in the Surah e Aal e Imran.

This is absolutely wrong. The intention of the Verse is to make the riba habit repugnant and the lender visualize the terrible condition the borrower is reduced to, a beggar, miserable and wretched. This is bound to have terrible consequences for society as a whole.

No intelligent person can derive the conclusion from this Verse that trebling the interest is forbidden but doubling the interest or part of it is not forbidden!

Besides, when the Qur'an permits,

*"But, if you repent, you have your principal due to you," can it be intelligently imagined that absolute interest is permitted while interest upon interest is not permitted?"*¹

The Qur'an says that the All-Wise Allah has made a great difference between riba and honest profit; precisely, that profit is derived from buying and selling, while riba is derived from delayed property delivery or exchange and time-increase. Profit should be permissible because it is derived from mutual cooperation between buyer and seller and agreed compensation.

And interest should not be permissible because on the side of the borrower, the repayment of the loan is after a certain, predefined lapse of time, while, on the lender's side, the profit accrues from delay and time-increase and is not by

¹ Vol.2 p.323

mutual agreement, but because of the borrower's advantage condition and the lender's profiteering without compensating the borrower.

In short, to look upon riba and profit as identical, the same is against the letter and spirit of the Qur'an. Differentiating between riba and profit is no more than hairsplitting. Both contribute equally to promote the evil aspects of capitalism.

The ulema have discussed the riba problem from the legal and moral angles as found in several of their books on fiqh, principle of fiqh and various commentaries. But the authorities have shed considerable light on their economic aspect as well. Their findings are not merely defensive; they challenge the present day universal concept of riba to prove not merely that it is not destructive, but that it contributed to economic and social progress.

Shah Waliullah comments on the wisdom of the impermissibility of gambling:

"Let it be well understood that whatever is false and forbidden is so because it plunders by what belongs to others and the underlying motive is ignorance, greed false hope and fraud, and there is nothing in it of mutual cooperation and culture".

If the loser in gambling is silent after he has lost, it is out of anger and shame; and if he cannot control himself, the result is fighting and even bloodshed, and the winner exults at his opponent's loss and ruin and his avarice and desire increase. The gambling habit leads to waste of wealth and wrangling. Most of all, the proper economic support is rendered useless. The loss is not made up for a long time, the amount increases by compound interest, no relief comes and all is eventually lost. Such "transaction" becomes the cause of many and long lasting disputes. Among which people the habit of making money without labouring for

At its root, where the correct path are blocked, the natural principles of industry, arts and craft and trade become uncooperative.

There is no other more delicate and intricate problem than that of strong drink and in transactions such as that of gambling, where, below the surface of apparent profit, there lurks definite ruin. Both are intoxicants that seduce the human mind to act against the Divine precepts and, more than any other intoxicant, are the cause of disputes, enmity and bloodshed. That is why Islam forbids them both.

*"And because there are two kinds of riba, one the real, the basic, is declared to be forbidden absolutely; the other riba e fazal, such as transacting business in gold and silver and by reducing or increasing their amounts or quality: It is permissible to trade in these commodities but not by methods the result of which correspond to that of gambling."*¹

All such transactions are but different forms of hoarding and accumulation, which, if widespread, lead to wealth-concentration and are thoroughly destructive for the masses.

Imam Ghazali writes in his *Ahya al Uloom*:

"Among the countless blessings of Allah are gold and silver from which we make dinars and dirhams. If you reflect on the intrinsic worth of these metals, they are nothing but kinds of rocky stones, quite useless for human needs, but if you consider their benefits, the economic order of the whole world seem to be based on them. Human beings seem to be compelled to depend on them because they

¹ Hujjat-ul-Baligha Vol. 3

depend so greatly on a number of commodities to satisfy their needs. But no one possesses everything he needs. For instance, one has a packet of saffron but he does not require it for his own use, and may be in need of a camel which he does not possess. But another may be in need of saffron and he has a camel which he does not require. It is natural that the two men should exchange the one for the other commodity and so satisfy their requirements. But their worth and value differ and, therefore, a medium of exchange has to be agreed upon so as to decide how much of the one will equate with how much of the other, otherwise all business would come to a standstill. Allah, then, guided His creatures to His providence and made them understand that He has made the seemingly worthless metals for the purpose of serving as virtual measure and balance and distinguishing between two different species of commodities with justice."

It is obvious that the exchange medium should be something which in itself is not controversial but can be a means for satisfying needs, although by itself it satisfies no need. For instance, when one man is in need of gold and silver and another is in need of food and clothes. To the former the importance of gold and silver will be very great while to the latter it will try to reduce its importance. This will mean that there is nothing to maintain a proper balance between the two commodities. That is, the whole social socio-economic order collapses.

Considering, then, that gold and silver are not desirable for themselves but to serve as media, Allah created them so that they may circulate in the hands of

people, serving as a just balance in the exchange media but never becoming desirable on their own.

This means that whoever possesses these metals in the form of currency possesses any proportionate thing in the world, but if one possesses any other thing, however excellent, he cannot claim to possess any other thing by its power. For instance, if a man has one rupee, he has everything worth that rupee, but if he has a yard of cloth it will remain a yard of cloth until a gold or silver coin exchanges it for some other thing. That is why currency should be kept circulating and never allowed to concentrate. Nothing should be permitted to interfere with the economic order.

Says the Qur'an:

الَّذِينَ يَكْنِزُونَ الذَّهَبَ وَالْفِضَّةَ وَلَا يَنْفِقُونَهَا فِي سَبِيلِ
اللَّهِ فَبَشِّرْهُمْ بِعَذَابٍ أَلِيمٍ (توبه - ٣٤)

"Those who treasure up gold and silver and do not spend it in the path of Allah, give them tidings of a painful doom."

With this in view, it is forbidden to use pots and pans and plate ware of gold and silver. Other metals and even clay can serve the purpose of such utensils, but their material has not been able to become a "just balance". Therefore, he who transfers gold and silver to make utensils of them, transgresses against Allah's purpose.

من شرب في آتية من ذهب او فضة فكانما يجرف في بطنه

نار جهنم (متفق عليه)

"The man who consumes out of a bowl of gold or silver, fills his belly with hell-fire."

This is a Tradition worth reflecting on.

Therefore, it should also be remembered that he who transacts with *riba* in gold or silver, that is, exchanges them by increase or decrease, transgresses against Allah's wisdom and interferes with His economic order; he denies Allah's blessings by violating the purpose of His law according to which these metals have been created.

Some people may object that if this is correct, why has Islam permitted the mutual exchange of gold and silver by increase or decrease, and commodities of the same kind in equal proportion?

The answer is that gold and silver are intrinsically two different metals, their values and prices too must differ and, therefore, their exchange values for other commodities must also differ. For instance, silver is used more than gold as an exchange medium because it is of less values and can acquire the desired things in smaller quantity. If the "more and less" elasticity were not permitted, there would be considerable difficulty in their being made the media of exchange. If, for instance, a man possessed only gold currency, such as a guinea or dinar, and wanted to buy something not even remotely of the same value, he would be hard put to if it were not permissible to exchange it for silver, or silver for gold.

To change dirhams with dirhams or guinea with guinea is permitted because this has no adverse effect on the economic system. If the two were of the same quality, changing them for one another would be a useless exercise. The same is true of other commodities.

A loan of gold or silver, equally repayable, is not permitted because, apart from the economic reasons, it is morally improper. A loan is not a business transaction. Its purpose is to satisfy the need of the needy, which is a moral issue deserving of Divine reward. Any one who converts the loan to a compensation and exchange commits a moral crime.

which is highly improper. Therefore, the moral issue has been given legal status and such loan declared forbidden.

In matters involving food grains, such loans are forbidden because the lender can go in for transactions only when he has surplus above his needs; that is, he is guilty of hoarding. He does so to monopolise the market; he transgresses the purpose for which the commodities have been created. The Islamic sharia condemns the hoarder, greater punishment being promised him.¹

Imam Fakhruddin Razi writes:

"The ulema have stated many arguments condemning riba."

1. *"He who sells one dirham for two, whether by way of a loan or cash transaction, gets one dirham free --- he gives nothing in exchange for it, though in commercial transactions an exchange for some sort of compensation is essential. Neither labour nor investment is involved for the extra dirham he gets. And because commodities are necessary for satisfying human needs, the security of them and respect for them is as important as those for his life."*

The Prophet ﷺ says:

Therefore, he who takes another man's property without compensating him for it, commits an act of great transgression, which is entirely forbidden."

"It may be argued that the extra dirhams that he takes is not an excess because, if he had kept it to himself, he could invest it somewhere and earn a profit by it, which now

¹ Ahya al Uloom Vol. 4 and Tahaful Sadaatul Muttaqi-een

he has to forego. And since the borrower may invest the loan somewhere and make a great profit with it, he practically gives away nothing of his own. Therefore, it is not correct to describe the interest as "extra" or "surplus". It is, in fact, compensation.

The answer is that it is not necessary that the loan should bring in a great profit. It might be a total loss of investment. But to take two dirhams for one is a definite gain. To secure a definite gain as against a mere possibility is deliberately to injure the second party, the borrower. And this is entirely forbidden.

2. The economic order is based on agriculture, the arts and crafts, industry and trade, and it is because of them that all manner of material needs are satisfied. If in any economic system riba is permitted, that is, making profits without investing effort and labour in them, there is bound to arise a group that will renounce the regular ways of subsistence and make of easy money a profession, thereby creating a special group that will monopolise the national wealth. The result for the masses will be paucity of purchasing power.

3. As a rule, no one is prepared to give more in exchange for less except that he may be compelled by force of circumstances to do so, and only he can do the business of loaning who possesses enough surplus capital for it. If such a system were legalised, the result would be that the lender would go on getting richer and richer and the borrower poorer and poorer. The rich would take possession of the national wealth. No economic system based on the concept of mercy for all can tolerate such an outrage.

4. Riba has been forbidden also because it puts an end to handsome dealings and mutual sympathy among human beings. When one is compelled to borrow, it becomes another to extend him sympathy and assistance and give him a loan without compensation. If riba were permitted, it

one would be prepared to lend without compensation, thus closing the door on a great moral value.

If the former system is permitted, loans will become a business transaction rendering futile their real objective. The wealth of the wealthy increases in direct ratio of the poverty of the poor. The vast numbers of the needy would confine their wealth in the hands of the wealthy and reduce their own purchasing power. Therefore, the loan system should be established on the latter principle.

Hafiz Ibn Qeen writes in his *Alaam ul Mauta-een*:

“Riba is of two kinds: jali or manifest, and khafi or veiled. The ‘manifest’ has been declared forbidden because its harm is very great and corrupts widely; the ‘veiled’ is forbidden because it leads to the ‘manifest’. The impermissibility of the ‘manifest’ is intrinsic, that of the ‘veiled’ is a preventive.

1-‘Manifest’ riba is the excess on loans. It prevailed in pre-Islam times also. Loans were given for a certain period on certain interest and if the loan were not returned by the prescribed date, the interest would be added to the capital loan and also increased. In this way, a loan of, say, a hundred would become one of thousands. Obviously, such a transaction would be accepted only by one in very straitened circumstances. Seeing the lender prepared to postpone the time for repayment, and to avoid imprisonment and other harassment, the borrower would agree to all manner of increase. Ultimately the time would come when the lender would take possession of all that belonged to the borrower who would realize too late that his inability to repay and acceptance of the lender’s terms brought him no gain whatever. The lender deriving profit upon profit without compensating the borrower in any way meant that he had been devouring the other man’s, his brother’s property in roguish, false ways. Consequently, the Merciful One, the Wise declared riba to be forbidden absolutely, and cursed its

consumer, the writer of its document and even the witness to it by his signature. Moreover, for him who would not desist henceforth, the Divine challenge to him was announced. "Be prepared for war with Allah and His Prophet ﷺ! "No sin is threatened with greater punishment than transacting in riba. It is looked upon as the greatest of the great sins. Abu Sayed reports:

عن النبي ﷺ لا تبيعوا الدرهم بالدرهمين فاني اخاف

عليكم الربا

"The Prophet ﷺ said: 'Do not buy or sell one dirham in return for two because, I fear, you may become involved in riba.'"

That is, the Prophet ﷺ forbade riba ul fadal (taking an excess in cash buying and selling) because it leads to riba ul nasiya (buying and selling on loan/credit). A smart man can sell one dirham in return for two because between them there may be such difference is looked upon as standard it can easily shift the transaction from cash to credit. This is riba al nasiya. The good coin will now be taken for cash and the spurious for purchaseable commodity. Loans will be just as justifiable here as in the case of cash loans. Therefore, it is correct to hold that riba al fadal is a very near medium for riba ul nasiya. That is why the wisdom of the Prophet ﷺ decided to close the door on this medium.¹

Caliph Omer ؓ instructed:

¹ Aalaam ul Mauqeen Vol.2

"Renounce riba and all transactions resembling riba."

In another place, Allama writes:

"The Creator of the Shariah is wise. He does not impose restrictions on human beings unless there exist injury and destructive qualities in a thing, directly or indirectly, which exceed its benefits. The wisdom of forbidding riba ul fadal is not manifest to many people and even some latter day commentators have confessed their ignorance of it, although we have shown here that its impermissibility is based on the glorious wisdom of Shariah and regard for the welfare of Allah's creatures. And that riba is of two kinds:

1. Riba ul nisiya, forbidding which the Shariah leader considers among the supreme objectives of Shariah; and

2. Riba ul fadl, which is forbidden because of its being a medium for the former. It is a weakness of human nature that when one is faced with present shortage of cash, he tries to acquire it on future terms, landing himself, in this way, on riba al nisiya. Therefore, a barrier was placed against the former so that none may reach the latter. Let thinking people reflect if there can be any superior wisdom or command.¹

In short, Islam does not tolerate "interest" in any condition whatsoever. There is no place for it in Islam's economic planning and programme because it is among the most serious causes of man's social and moral destruction.

Moreover, Islam does not content itself by declaring only those forms of "interest" which prevailed during the Times of Ignorance among the Arab pagans, and prevail

¹ Aalaam ul Mauqaeen, Vol 3

even today, it also stipulates certain principles to counter all those forms of "interest" which end in unearned income.

Banks

Besides the usual interest/usury transactions, the impermissibility applies equally to banks and other present day companies run on similar lines. It is said that banks are indispensable to facilitate big business and safeguard large amounts of money. But hidden behind the glitter of the façade, the truth is that banks exist for the purpose of augmenting enormously the capital of big business and transferring the wealth that should be used for the benefit of the middle and poor classes, to a special group, thus enabling the banks to play with the fate of all trade and industry. Neither trade nor agriculture nor one's private daily life can then be secure against the interest-usury net work of banking and the world inevitably drifts into two distinct groups, the few very rich and the many very poor.

Yes, banks are necessary and indispensable but only for the very rich, not for the poor. They concentrate wealth in the hands of wealthy groups and increase the poverty of the masses to deplorable extremes. They may be looked upon as the modern form of the old hundi system.

If the world economic system were run as prescribed by Islam, there would be no need for banks because here unchartered acquisition of wealth is not possible, nor does Islam permit any operation that destroys the masses to benefit the few, nor does it recognize institutions that cater to enriching only the big guns and in which the poor do not have even a small share.

Since the banking system is like the interest-usury system, it has no place in Islamic socio-economics.

It is possible to argue that although the banking system might have originated for the purpose of promoting capitalist interests, its great advantages are due to the

present day commerce being run on corrupt capitalist lines. If, instead, a just and properly beneficial system were adopted, borrowing capital could very well be done without the banks. And if the banks are indispensable the system could be run on interest-free basis; no interest on loans, none on securities nor any possibility of commercial interest. The banks would be no more than trading companies run on madarebut lines.

(Vide Jama'a February 1939. Also Dr. Iqbal Qureishi's Islam aur Sood wherein he agrees with Geoffery Bad that it seems correct that a society influenced by its bankers is not capable of morally sermonizing them. Social evils are due to these very bankers).

What appears on the surface is because of the wrong social fabric. If this were changed, its needs and requirements and responsibilities, all would change and once again there would be peace, progress, general welfare and human fellow-feeling everywhere.

(Interest-free banking is discussed in the pages that follow).

Transaction by Hundis

The work done by banks in our times used formerly to be conducted by hundis. One form of them was darshani hundi and another non darshani. The system operated on interest/usury lines was defined by the mahajans as sood-batta.

Although banking has replaced the hundi system to a great extent in India, it still lingers on in some trade circles.

Cooperative Societies

These operate somewhat like banks. They have been established for poor peasants, labour and middle-income people, but because their method too is based on interest, wherever run by the government, the poor borrower suffers

ultimately. Islam repudiates them also. It forbids all manner of riba transactions, apparent or hidden.

Cooperatives in Islamic Socio-Economics

However, Islam does not reject all kinds of cooperatives; rather, it encourages them provided they abstain from interest based commerce and satisfy their real objectives. It guides us to those ways and means which enable the poor subscriber to support himself. The societies must steer clear of interest bearing transactions however small, and acquire profits on their investments by such permissible methods as secure their capital and also suffice to meet their running expenses.

For example, the societies should be named after their function, commercial, agricultural, industrial, etc., and their members made to pay a mild tax in proportion to their assets and agreed upon by public ballot to meet the administrative expenses. This tax will be in lieu of the income by interest.

In other words, the motive for subscribing to the society should not be acquisition of interest but spending in the path of Allah, while the administrative and other expenses required to sustain the society should be met by levying a small tax on the merchant community, each man according to his assets. The public should not find the tax burdensome. Of course, legislation will be required to do all this. (Caliph Omer Farooq's precedence points to this).

There are other functions similar to those of present day societies, but they are carried on along profit-making lines instead of interest or usury. The relevant details are given in the books on Islamic fiqh and may be obtained directly from the ulema when it is intended to give practical shape to this subject.

Here we deliberately refrain from quoting them for fear of making the reading too long and tiresome and,

Besides, there is the danger of committing an error that may, from the Islamic point of view, drift into interest bearing commerce.

Briefly, then, in Islam banks and societies are conditional. It wants the interest rate to be zero and shifts the responsibility of running them to the government which must sustain and operate them as it does the other of its welfare departments. Islam shows the ways by which they may be made viable and also their objectives achieved.

Some Better Ways of Running Cooperatives

تَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ

(مائدہ - ۲)

"Help one another in goodness and fear of Allah; do not help one another in sin and transgression" (al Ma'idah-2)

Because mutual cooperation is a highly important duty of collective life, whether in religion, or politics, economics or other social activity, Islam offers inducement and incentives and also shows the ways and means; for instance, *madar-e-bah*, compensation, sharing profits, partaking in the arts and crafts in commerce, and *mazariah* (leasing out land for cultivation, *ma-amla*, *masaqaat*, and such, in agriculture.

Madar-e-bah is that form of trading in which one party contributes the capital and another the labour, the profits shared as agreed.

There are people who possess the capital to invest but not the ability to do business; and there are others who possess the ability but not the capital. Mutual cooperation and handsome treatment of one another is the best way to assist and benefit both. It is also the duty of rich merchants to contribute a part of their wealth through *madar-e-bah* for helping the needy individuals of their society.

Before his enunciation the Prophet ﷺ is reported to have been conducting the lady Khadija's *رضى الله عنها* business in Syrian markets on *madar-e-bah* terms. The commerce brought in huge profits. Looked at from the economic angle there is no better way than *madar-e-bah* of giving such assistance to capable, intelligent, honest and business-minded, self-respecting individuals of courage as satisfies their pride and requirements and is also pragmatic.

Shah Waliullah writes:

*"There are several forms of mutual cooperation and one of them is madar-e-bah, one party subscribing the capital and another the labour, the profits being shared as agreed between the two of them."*¹

We have in *Saidiyat*:

"Madar-e-bah has been made permissible because some wealthy people are unfamiliar with business methods and some of the poor are well versed in them. This system prevailed even before the Prophet's enunciation. He looked upon it as good and let it continue. The Companions practiced it, and he liked Abbas's terms of the deal. The Qur'an contains the words;

"And there are others who go in for madar-e-bah in search of Allah's bounty."

"That is, the well-to-do invest the capital and those capable of labour go to countries and cities to do business with it."

¹ *Hujjat-ul-Baligha* Vol.2 p. 116

In this way the capital of the capitalist becomes, not a curse, but a blessing, and the labour, integrity and ability of the needy one who makes the effort are not wasted but end in great benefits. The capitalist will not then be a cause of wealth concentration or hoarding, nor the worker unable to emerge from his poverty. There will be no starving ones in the society nor the capitalist hated. There are other similar ways of co-sharing the proceeds:

Muaviza is that commerce in which several people form a company to invest their capital and share the profits or loss, and also look after one another and equally share the responsibility of the venture.

Anaan is very like this system.

Shirkat e Sanae' is another company form in which co-professionals launch a business and equally share the profit and loss.

Shirkat e wujhoo is that commerce in which, not capital, but labour is invested by several individuals and profit and loss are shared equally by them.

If these methods of commerce were practiced today with freedom, unemployment and the consequent poverty would be eliminated to a large extent and general prosperity would return to our society. But it is a pity that the prevailing corrupt capitalist order has destroyed these laudable methods, created a lack of confidence in them and in their place instituted an interest-bearing system of commerce with its present day consequences.

The all pervading interest-usury commerce that we see in every industry and transaction has so influenced the Muslims that they demand of the ulema to pronounce it as permissible. This is what the Prophet's vision foresaw more than thirteen hundred years before when he said:

ياتى على الناس زمان ياكلون الربا فمن لم ياكله اصابه
عن عباره (نسائي عم ابى هريرة رضي الله عنه مرفوعا)

"A time shall come when people, generally, will consume riba, and even if one keeps away from it, at least, some of its dust will touch him."

Intoxicants

Besides interest-loaded commerce, Islam forbids commerce in intoxicants also. Strong drink and other intoxicants lead to a number of immoral deeds. Although intoxicants, like every other thing, may contain some good in them, it cannot be denied, that the evil of them far exceeds their benefits.

يَسْأَلُونَكَ عَنِ الْخَمْرِ وَالْمَيْسِرِ قُلْ فِيهِمَا إِثْمٌ كَبِيرٌ وَمَنَافِعُ
لِلنَّاسِ وَإِثْمُهُمَا أَكْبَرُ مِنْ نَفْعِهِمَا (بقره - ۲۱۹)

"They ask you about intoxicants and gambling; tell them there is great sin in them and also some good, but the evil of them is greater." (Baqara-219)

Accordingly, Islam forbids them both.

إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلامُ رِجْسٌ مِّنْ عَمَلِ
الشَّيْطَانِ فَاجْتَنِبُوهُ (مائده - ۹۰)

"Intoxicants, gambling, idols and divining arrows are the devil's handiwork; therefore abstain from them." (Ma'idah - 90)

Islam goes further and declares their commerce impermissible.

عن عائشه رضى الله عنهما لما نزلت آيات سورة البقرة،
 الخمر خرج النبي ﷺ فقارحرت التجارة فى الخمر
 (بخارى باب تحريم التجارة فى الخمر)

"The lady Ayesha رضى الله عنها reports that when the last verses of Surah e Baqara were revealed, the Prophet ﷺ said, 'Now commerce in strong drinks has been forbidden.' (Bukhari)

Although Islam makes some exceptions permitting the consuming of wines for those whose culture or religion makes their use valid, it forbids absolutely their commerce. As the fiqah books state:

"If any one trades in blood or flesh of the naturally dead, slaves intended to be set free by their owner at the time of his death, intoxicants or interest and usury, his commerce is haram and false, because, here, there is no exchange of property for property." (From the Islamic angle, these things are not counted as wealth.)¹

It should be obvious now that Islam has shown the very best and balanced of ways to encourage permissible commerce, and discourage and put a stop to dishonest practices, corrupt capitalist tendencies and use of forbidden things.

Limitations on Private Ownership

Islam does not recognize a socio-economic order in which individuals, in some way or another, directly or

¹ Saidiyaat Pt.2

indirectly, do not have a right to ownership of movable commodities and land and the means of cultivating it. It looks upon any system opposed to this concept as unnatural, defective and unsatisfactory.

Whether this view is correct or not in the light of experience will be discussed in the section relating to comparative study of the various economic systems. Here we need only point out that wherever the Qur'an induces us to spend "in the path of Allah", it does so along with admitting the right of private ownership.

وَأَتَى الْمَالَ عَلَى حُبِّهِ ذَوِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ
وَأَبْنِ السَّبِيلِ وَالسَّائِلِينَ وَفِي الرِّقَابِ (بقره - ۱۷۷)

"And whatever He has given you of wealth is in order that, in spite of your love for it, you spend it on your relatives, and the orphans, and the needy and the wayfarer and the beggars and the freeing of slaves and prisoners and relieving the debtors of their debts.
(Baqara-188)

وَفِي أَمْوَالِهِمْ حَقٌّ لِّلسَّائِلِ وَالْمَحْسُورِ

(الذاريات - ۱۹)

"And in their wealth, the beggar and the needy have a right."
(al-Zariyat-19)

يَا أَيُّهَا الَّذِينَ آمَنُوا أَنْفِقُوا مِمَّا رَزَقْنَاكُمْ (بقره - ۲۶۷)

"O believers! Spend of the wealth We have given you."
(Baqara-268)

There are many such Verses in the Qur'an; nothing of movable or immovable property has been discriminated nor ownership of one thing or another distinguished.

Nevertheless, though recognizing in principle the right of private ownership, it does place certain limitations on it. It does not tolerate any interference with the essentials of its economic order or anything that renders its objectives futile. Accordingly, it announces that private ownership is not absolute but that all things are a gift of the Almighty Creator to His creatures equally to benefit every one.

هُوَ الَّذِي خَلَقَ لَكُمْ مَّا فِي الْأَرْضِ جَمِيعًا (بقره - ٢٩)

"It is Allah Who has created all that is in the earth for you."
(Baqara-29)

After this, and according to the principle one part of the Qur'an explains another part of it", there are other Verses, Traditions and juristic pronouncements that distinguish or annotate the general permissibility, detailing the things that may be owned privately and those that may not be owned privately.

Thus, in its economic order Islam has set aside certain things for common general welfare, and no individual or group may assert their ownership of it on the basis of paying a government tax on it or giving a share of its profit. But an individual does have the right to own those things which he may use or possess in proportion to his requirements.

The government has the right to administer and control things to maximize their benefits for everyone; and to this end import them and do whatever it considers fit and proper to develop its economic system in this behalf and in the name of public ownership.

The first things of compensation are the minerals.

عن ابيض بن جمال المأربي انه وفد الى الرسول ﷺ

فاستقطعه الملح الذي بمأرب فاقطه اياه فلما ولي قال

رجل يا رسول الله ﷺ لما له الماء العقد قال فرجعه منه
(ترمذى كتاب البيوع)

"Abeed b. Hammal al Trabi reports that he presented himself before the Prophet ﷺ and asked for the salt-mine nearby and he granted the request. Seeing this, another Companion objected saying that the mine was perennial treasure. The Prophet ﷺ asked that it be returned." (Tirmezi)

عن عمرو بن عوف المزني ان النبي ﷺ اقطع بلال بن
الحارث معاون القبيلة جلسيها وغور يها و حيث
يصلح الزرع من قدس و لم يعطه حق مسلم و كتب له
النبي ﷺ كتابا (ابوداؤد: كتاب الامارة والفى و الخراج)

"Amru b. Auf al Mazni reports that the Prophet ﷺ gifted the mines of some high and low grounds to Bilal b. Harith and also the land near Quds which could be ploughed, but in this gift he did not give announcement for the purpose." (Abu Daud)

These are the two Traditions on which the jurists base their verdict. A summary is as follows:

"Mines are of two categories, the apparent and the hidden. The apparent are those found on the earth's surface or, if below the surface, may easily be reached with a little effort, discovered as a treasure and not compounded with such matter as slush or gravel. For instance, salt and oil.

The "hidden" are those that lie as particles in the earth or the mountains and cannot be separated from dust except with considerable labour and expense.

The mines of the first category cannot be made over to private ownership but used equally by all without any liability of payment. They may be looked upon as government property for the benefit of the masses. As Shah Waliullah writes:

لا شك ان المعدن الظاهر الذى لا يحتاج الى كثير عمل
اقتطاعه لواحد من المسلمين اضرارهم وتضييق عليهم
(حجة البالغة)

"There cannot be any doubt that the mines which are on or near the surface require no special effort to use their content. To give them away into private ownership would be the cause of great hardship to the masses. This is not permissible"

In Khatabi's commentary on Abu Daud we have:

وهذا يبين ما قلنا من ان المعدن الظاهر الموجود حيره
ونفعه لا يقطع احد والماء العذ هو المار الدائم الذى لا
ينقطع (معالم السنن)

"This Tradition explains that the benefit of an apparent mine cannot be gifted to any particular person. And ma'awa-un is perennially flowing water." (Muaalim ul Sanan)

The same commentary is given in the juristic books:

اعلم انه (ليس لامام ان يقطع ما لاغنى للمسلمين عنه)

من المعاون الظاهرة وهي ما كان جوهر الذى اور عه
الله فى جواهر الارض بارزادك معاون (الملح) والكحل
والقار والنفط (در مختار كتاب الخراج اعياء)

"It should be known that it is not permissible for the Imam to gift away anything to the exclusion of the masses. That is, mines the contents of which Allah has placed in apparent form among the earth's contents; for instance, salt, antimony, oil."

As for the other category of mines the contents of which require considerable labour and investment, it is left to the option of the government (caliphate) to retain them under its control or lease them or gift them to any one for his use, as the Prophet ﷺ did, giving Bilal ؓ the mines of Qutbya. But the condition always is that the mines must not be made to lie idle. If one does not exploit them as one should, the government may take back the whole or that part of them which remains unused, and give it to someone else or retain it for itself.

Abu Yusuf narrates:

حدثني بعض اشياخنا من اهل المدينة قال اقطع رسول
الله ﷺ بلال بن الحارث المزني ما بين البحر واصخر فلم
كان زمن عمر بن الخطاب ؓ قال له: انك لا تستطيع
ان تعمل هذا فطيب له، ان يقطعها ما خلا المعادن فانه
استثناها

"One of my Shaykhs of Medina has reported that the Prophet ﷺ gifted Bilal b. Harith ؓ a valley between the sea and dry land, but when Omer b. Khattab's ؓ time came, he

told Bilal ؓ, 'Since you do not have the ability to exploit so vast a place, I shall take away the part you cannot use. And he took back the unused part, the mines, and allowed the rest to remain with Bilal ؓ.'

Here, it should be noted that Omer ؓ took back only the mines part of the valley.

Yahya b. Adam writes in greater detail:

"When Omer ؓ became Caliph, he told Bilal ؓ: 'You acquired a vast territory from the Prophet ﷺ as gift. It was his habit that he never refused a request, but you are unable to exploit the region, therefore, you may keep whatever part you can manage and return the rest to me so that I may distribute it among the Muslims.' Bilal ؓ said, 'By Allah! I will not return an inch of what the Prophet ﷺ presented me'. Omer ؓ said, 'By Allah! You will have to return it'. And he took away what was beyond Bilal's ؓ capacity to use and distributed it among the Muslims."

Commenting on Imam Shafai's opinion, Khattabi writes: "If territory the Caliph of Islam has acquired by the sword is lying unused and is not any one's property, he may give it to anyone he pleases. Then if this land is used and cultivated, it becomes the man's property. But if it is a mine, it will have to be seen whether the mine is apparent or hidden. If it is apparent, for instance, of salt or oil, such a gift will be wrong and should be abrogated, because the contents are usable without much labour and the masses require them constantly. Therefore, whatever a person may acquire of them shall be his and none may claim sole ownership of it to the exclusion of others."

"If the mines contain gold, silver, copper or other similar metals so concealed in the earth that they are mixed

up with particles of dust or stone and cannot be separated without great labour, they may be given to others. Should they remain unexploited, they may be taken away and their use by others cannot be rightfully denied. As long as he can work on it he may do so, otherwise he must give them up."

The guiding spirit behind the permissibility of giving hidden mines to individuals is well described by the jurists. Imam Abu Yusuf writes in his al-Kharaj:

قال ابو يوسف: اما ان افارى اذالكم يكن فيه ضرر على
احد ولا لاجد فيه خصومة ان اذن رسول الله ﷺ
جائز الى يوم القيمة فاذا جال الضرر فهو على الحديث
وليس لعرق ظالم حق (معالم السنن)

"In connection with donating land, my investigation leads me to conclude that if no individual or group is injured thereby and the land is not dispute, a gift by the Prophet ﷺ is to be respected until Judgment Day. But if the gift becomes a source of injury, it has to be subordinated to the Tradition, "A tyrant/wrongdoer has no right to the vein."'

That is, the Imam should stay clear of a gift which is injurious to the masses, otherwise it will be cruelty.

وللامام ان يقطع كل موات وكل ما كان ليس لاحد
فيه ملك وليس في يدا حدوله في ذلك بالذى يرى انه
خير للمسلمين واعم نفعاً

¹ Maaalim ul Sanan Vol.3

"And it is permissible for the imam to gift barren land to anyone, provided it is not owned by another or in someone's possession. And he may do with it whatever he pleases for the benefit of the masses."

Abu Obayd ؓ writes in Kitab ul Amwal that someone requested Caliph Omer ؓ for the grant of a plot of land, assuring him that this would not entail any harm to the Muslims. Omer ؓ ordered the governor of Basrah, Abu Musa Ashari:

ان كانت كما تقول فاقطعها اياه

"If the truth is what this man says, give him the plot he has asked for."

Bilazari's version of Omer's ؓ words is:

ان كانت ليست تضر باحد من المسلمين وليست من

ارض الخراج فاقطعها اياه

"If giving this plot of land is neither injurious to any Muslim nor liable to payment of tribute, it may be given to this man as an estate."

The conclusion from all this is that no land whatever, leave alone mines, may be given to anyone except on the conditions noted below, otherwise the act, will be one of tyranny.

1. The land must not be already owned by any one or in one's possession.

2. There must be no traces on it of having been cultivated or of any construction, nor set aside for common use nor pasture nor cemetery nor used for cattle or flocks of other animals.

3. The gift must not be the cause of injury to the masses.

The right to gift land has been conferred on the Imam in order that no part of it may lie uncultivated or unused, that the revenue from land may be reduced to the detriment of the Public Treasury.

فان ذلك اعمر للبلاد واكثر للخراج (كتاب الخراج)

"The gifting of the estate is correct because it can then be inhabited and the tribute increased thereby."

These are the conditions on which the Imam may give an estate for the welfare of the masses in general, not to their detriment. He has the optional authority but only where barren land is concerned. If the land contains hidden mines, Caliph Omer's example should suffice for his guidance:

ان يقطعها ما خلا المعادن فانه استثنائها

Omer permitted Bilal to keep all land to himself except the part which contained mines."

During the Prophet's time vast areas of land lay unexploited. If there were mines anywhere, it was very difficult to utilize them. It was, therefore, considered that the system of gifting plots of barren and unoccupied land be adopted to make them useful. This is to be done only as long as the system is beneficial for the masses and the government but discontinued when it is detrimental to their cause, as in the present machine-age. In such conditions giving mines to private hands is forbidden even by the Prophet.

Besides these Traditions and verdicts of the jurists, those words of the Prophet ﷺ too should be kept in mind which his prescience prompted.

عن رجل من نبي سليم عن جده انه اتى النبي ﷺ
بفضة فقال هذه من معدن لنا فقال النبي ﷺ : سيكون
معدن يحضرها شرار الناس (مجمع الزوائد)

"A man came to the Prophet ﷺ with some silver, and said, 'This is from our mine'. The Prophet ﷺ responded, 'That time is near at hand when evil men will take possession of them.'"

Here the words 'evil men' do not refer to individuals but to nations and despots who, instead of doing good for humanity, will ruin this world by becoming instruments of capitalism and fill the world with their mischief and evil. This is supported by a Tradition in Abu Daud:

Abdullah b. Abbas ﷺ reports that he owed ten dinars to a man who called on him and said that he would not budge until he got his money back or some one stood surety for him. The Prophet ﷺ offered to be the surety. After a few days a man came who asked him where he acquired the gold from.

من اين اصببت رسول الله ﷺ قال: من معدن: قال
لا حاجة لنا فيها ليس فيه خير فقضاها عنه رسول
الله ﷺ (ابوداؤد، كتاب الاماره والفيء والخراج)

"The man answered, 'from a mine'. The Prophet said, 'We have no need of it, for, there is no blessing in it.' And he also repaid the loan."

The famous Traditionist Khattabi, commenting on the words, "there is no blessing in it", writes, that these words imply that the capitalist, usually, becomes avaricious in this profession and either pays no zaka't on it or by showing his income to be less than the actual amount, pay the collector less than the due. Often such wealth is not without taint of suspicion. Besides, since the mines cannot be operated without considerable labour, the owner or leaseholder is very hard on the workers. Wealth obtained with such compulsion and labour is deprived of blessings and mercy.

The words of the Prophet ﷺ are proving far more true in our times than they did before.

Since gold, silver, coal, iron and oil and other such mines are the very life veins of an economic order, it may be emphatically asserted in the light of the command concerning the Islamic economic system that these mines should be owned and administered by the government and not made over to the private sector for individual gain and benefits.

Who does not know that the railways, steamers, aeroplanes, motor cars, city lights and such cannot be run without coal, oil, iron and other metals; gold, silver and copper are required for minting coins, besides making ornaments and household utensils. If this Allah-gifted wealth were placed in the hands of a few individuals, the capital divided into monopolies, the greater part of the nation's population would be deprived of most of its benefits. There would be

*"Circulation of wealth among the rich" and
"accumulation of gold and silver."*

Whenever the government of a country has tried to run the mines counter to this principle, it has suffered great losses in its own economic system, and even foreigners have exploited this weakness to enslave the nation which has not

been able to shake off the yoke for centuries. India, Egypt, Iraq, Iran in our, and the Americas and central Europe in former times have been victims of the straying away from the right path. And today the greater part of the work of the governments of Europe and Asia is conducted by a handful of individuals. Economic prosperity and adversity and even the rise and fall of nations are but toys in the hands of the self-centered capitalist.

He controls the fluctuations in market prices, the gold and silver standards of the coins, and foreign trade agreements. In their lust for imperialism, Governments permit him to play with the people's welfare. If historical proof is to be taken for what it is worth, it can be said without fear that the genesis of usury lies in the monopoly and ownership system of mines.

Islam does not tolerate mass adversity in its economic order. All it recognizes is that if buried treasure is discovered in any one's house or plot of land or a mine, and he puts his labour to recover it, he may keep it as his property, paying only Zaka't on it or khums a 20% tax.

The jurists state that if the buried treasure belongs to the Islamic period, there being signs of Muslim engraving on the coins, for instance, it will be looked upon as the finding of something accidentally dropped. (Details may be found in the fiqah books). But if the discovered wealth bears the signs of a non-Muslim period or no signs at all, it will be liable to a 20% tax, whether found in a house or a plot of land, irrespective of whether tribute, ushr or any other tax is chargeable on it. This is in compliance with the Tradition "Khums is payable on buried treasure."

There are three kinds of yields from the mines:

1. They should not be fluid but should melt on fire, e.g. gold, silver, copper.
2. They may be volatile, e.g. various kinds of oil.

3. They may neither melt on fire nor be volatile, e.g. emerald, diamond, sapphire, antimony.

If these are discovered in one's own house, the government shall have no right on them, except that of Zaka't at the end of twelve whole months. If found in a mountain, desert, or land liable to tribute or ushr, the first category will be liable to a 20% tax, and the remaining two none, except Zaka't, if the contents are used as merchandise.

The jurists explain that the difference between buried treasure and mines is that the former is not part of the earth but extraneous to it, while a mine is an intrinsic part of it. Therefore, the distinction made in connection with whether the land or house is personal subject to ushr or tribute is quite reasonable.

Imam Malik goes so far as to state that if a Caliph takes arbitrary possession of a country and not by entering into a truce with such country's public, the ownership of the mines will be transferred from their erstwhile owners to him and his government will have full discretionary authority to dispose of their contents as it deems fit and proper for the public welfare, whether by export or leasing or giving away as gift.

قال وما اقتسحت عنوة فظهر فيها معاون فذلك الى

السلطان يصنع فيها ماشاء ويقطع بها لمن يعمل فيها

لان الارض ليست للذين اخذوا عنوة (ملوته انكبرى)

Malik states that if the Caliph acquires land arbitrarily, the mines in it shall revert to him for disposal as he desires, or give them to those who work in them. This is because land

*cannot be owned by the soldiers who fight and conquer it."*¹

But the lease or giving away is conditional on the welfare of the masses. The well known Andalusian philosopher and jurist Ibn Arshad discussing Imam Malik concludes:

"The Caliph may dispose of the mines as he pleases. There is the Prophet's ﷺ example, who gave some land and part of some mines to Bilal b. Harith رضي الله عنه. But the mines are not to be treated as the land because gold and silver which are in the mines were present there before anyone's possession of them. Therefore, ownership of the land does not imply ownership of the mines. Thus we have Allah's words to support this view:

انَّ الْأَرْضَ لِلَّهِ يُورِثُهَا مَنْ يَشَاءُ مِنْ

The words are not that Allah can make whomsoever He wishes the owner of both the land and whatsoever is in it, but owner of the land only. This means that all mankind has an equal right to whatever is in the earth, gold or silver, and such.

Monopoly Companies

Monopolies over mines usually assume the form of trading companies and the best part of the nation's capital which should be devoted to the welfare of the greater part of humanity is diverted to a few individuals and ultimately leads to mass suffering.

Wherever such monopolies have existed, in former or modern times, they have lead to the rise of two warring parties, the capitalist and labour or factory owner and

¹ Madunat ul Kubra Vol.1

worker, the battle some time ending in the fall of governments.

Marxian theory received its inspiration from the and Russian communism is their offspring. If this company and competitive shares system had not been adopted as the principle and basis for operation of mines but made over to the government for the welfare of the common good, a balanced path would have been carved out to which, beyond inflation and deflation crises, Islam points. There would be neither communism nor sufferings in the wake of imperialism. That is why, in normal conditions, Islam does not encourage such companies, and, in special conditions while permitting lease and monopoly, it does not waive the basic principle of welfare and prosperity for all nor allow the rise of corrupt capitalism. When such business institutions look abroad for augmenting their special interests they do their best to channelise the political, economic and other social tendencies of their government to their own ends, wholly ignoring the general welfare of the people, even though the latter's life and the general social conditions sink to the danger level. This is the poison which looks attractive in the beginning but, in the long run, eats into the very vitals of Allah's creatures.

The reader may, perhaps, go through these lines with amazement because what is called modern progress has come about as a result of the companies system. On close scrutiny it will be observed that all this was nothing but fraud and delusion. It is this system which has laid the foundations of international hatreds and exploitation. Within its own frontiers it has subjected the common people to the slavery of few capitalists and, in the name of economic progress, has given rise to tensions, selfishness and civil brigandage in every corner of the globe.

This would never have been the case had the commodities been reserved for common social welfare by the government, confining itself to this end, retained

administration in its own hands. It will be no exaggeration to claim that if the Islamic economic order based as it is in moderation and which holds collective ownership as fundamental but allows private ownership under certain conditions, were accepted, not only would there be general prosperity for all but it would also make trade flourishing for the common good and increase the means for improved agricultural cultivation.

For instance, if the discovery and administration of oil mines were retained by the government in its own hands, eliminating the middle-man and his profits altogether, there would be no undearable price hike, the benefit would not be confined to special capitalists but spread over society as a whole, the middle classes, in particular, on whom the country's prosperity depends so much.

Can any businessman deny that if coal were available to the public directly from government hands, instead of via the middle agents, the prices of so many other commodities, which depend on the price of coal would go down benefiting the middle and lower classes as well.

Railway and steamship tickets and various transport expenses depend on the price of oil; electricity supply depends to a great extent on coal, the prices of both of which influence the prices of all other commodities.

Mills and Factories

When machinery replaces human hands, the capitalist turns the workers into his slaves, even worse. It is amusing to note that those very people who, in this modern civilized age, condemn the institution of slavery, are full of praise for the new form of slavery which they consider necessary for reinforcing imperialism, more and more stable.

Now religion is brought in for their support. The contrast between labour's wretched condition and the opulence of the capitalist may be clearly seen in such

industrial centers and Bombay, Calcutta, Karachi, Madras (now Chennai), Delhi, Cawnpore and Sholapur, where palatial mansions stand side by side of the quarters in which human beings live like herds of cattle. But nature is retaliatory. The flames of labour-capitalist war have kindled, making the way clear for re-establishment of the old but just social order.

Equilibrium between Labour and Capital

Because Islam is a nature-based religion, having nothing to do with revengeful spite or reaction, it contains within itself the revolutionary message of peace and prosperity in all matters, mundane and spiritual, for the whole of mankind. It does not support corrupt capitalism in its socio-economics but establishes a balance between capital and labour which leaves no possibility of a war between them. It seals up those channels by which the capitalist destroys the labourer, allowing the natural law of mutual cooperation to be implemented according to a proper schedule.

1). The capitalist takes full advantage of the worker's poverty. The worker accepts far less than the wages for his worth because if he refuses he faces death by starvation. He sees others in worse condition working for far less than his wage.

The labourer is also made to work far longer for the same wage. This condition too is accepted by him for the same reason to gratify his employer.

Islam does not recognize such acceptance and submission as genuine. It looks upon them as tyranny. Sha Waliullah writes:

If profit is derived in a way which is not that of practical labour and mutual cooperation between the two parties, for instance, by gambling or forced agreement, it

is apparent that the poverty stricken one takes upon himself responsibilities which he has not the strength to fulfill. His agreement is not real agreement. All such transactions cannot be described as agreements by will, no income from them as permissible or pure. Such transactions with reference to civilized behaviour are false and specious.

عن ابى هريرة رضي الله عنه قال قال رسول الله صلى الله عليه وسلم قال الله عز وجل ثلاثة انا خصمهم يوم القيمة ومن كنت خصمه خصمته (الى) ورجل استاجرا اجير استوفى منه ولم يوفيه

(بيهقى)

"Said the Prophet صلى الله عليه وسلم " There are three kinds of people I will fight on Judgment Day, and him whom I fight I will humble and conquer. Of them one is he who takes full work from a labourer but does not pay him proportionately." ¹

وليستعملهما فيما يحسانه ويطيقانه بلا اضرار بهما
(محللى ابن حزم احكام الاجارات)

"It is incumbent on the employer to take only so much work from the two categories of wage-earners, (free men and slaves) that they are able to perform well and in proportion to their strength. It must never happen that they

¹ Baihaqi Vol.6

work too hard and spoil their health, and such."¹

Yet another rule employed by the capitalist is to take work without fixing a wage and when the work is done, to pay the labourer whatever the capitalist wishes of his own sweet will. Islam abhors this also equating it with breach of trust.

عن ابى سعيد الخدرى ان رسول الله ﷺ نهى عن
استجار الاجير حتى يبين له اجره
(بيهقى كتاب الاجاره)

*"The Prophet ﷺ has forbidden that a wage earner should be made to work without his wage being fixed,"*²

Another stratagem is to fix a wage and take the full work but at the time of payment use all manner of excuses, bordering even on cruelty, to deduct from the agreed amount.

This too Islam forbids declaring it to be a great sin, breach of trust and tyranny,

عن ابى هريرة رضى الله عنه ان رسول الله ﷺ قال مطلق الغنى
ظلم (بخارى ومسلم)

"The Prophet ﷺ has said that it is tyranny for a rich man to delay payment, in spite of his wealth." (Bukhari, Muslim)

¹ Ibne Hazam

² Baihaqi Vol.6

قال رسول الله ﷺ اعط الاجير اجره قبل ان يخف عرقه

(بيهقى).

"The Prophet ﷺ has said, 'Pay the worker his wage before his perspiration be dry.'"
(Baihaqi)

The employer may find fault with the work done by the worker as an excuse for not paying him the full agreed wage.

Islam condemns this also.

"Whether the wage earner be one who works for all and sundry, such as a tailor, a weaver, and such or a private servant, such as a household cook, should his job be spoilt or he die, nothing is deductable from his wage, unless it can be proved on oath that the spoiling was deliberate".

"The work given to the worker for doing is a trust."

At the same time, Islam in its economic system, forbids both the worker or the professional and the owner of wealth or capital to desist from committing excesses against the other party.

عن النبي ﷺ قال خير الكسب كسب العامل اذا نصح

(رواه احمد مجمع الزوائد)

"The Prophet ﷺ has said, 'The best livelihood is that of the labourer, provided he works with sincerity for him whose work he does.'"

Once again: Islam does its best to maintain a proper balance of fairness to both sides.

"It is the way of Islam to make people (employer and worker, seller and buyer) perform one another's work with mutual sympathy and well-wishing; that is, wish for the other what one wishes for one's own self. One should keep in mind not only one's own good but the good of the other party as well."¹

For this reason Shah Waliullah has included *ijarah* in "cooperation and assistance". All transactions that concern two parties and are profitable to both parties are included in the chapter on "Assistance".

"Assistance is of several kinds: *ijarah* in one sense is exchange and in another, assistance."

But should there arise disputes between the two parties, it is up to the government to intervene in determining the wage or price or duration of the validity of the transaction or such matters as involve human rights and, with justice in view, do what is necessary leaving not a shade of doubt or harm to the rights of either party. The jurists have stated in their discussion on price hike that when the harm is widespread or expected, the government has the right of intervention:

ولا يسع حاكم الا اذا تعدى الارباب عن القيمة تعد يا

فاحشا فيسعر بمشورة اهل الرائي (درمختار مع الشامى)

"Government should not intervene until the price-fixers resort to excessive steps. Then government should fix the prices, in consultation with those worthy of opinion,"

The Imam should appoint a committee of experts to help him.

¹ Sharaha Shara-tul-Islam. Chapter on Talab ul Halal, "Seeking the permissible."

It will be observed that side by side of providing guidance and inducements for developing trade, arts and crafts and other industries for general common prosperity, Islamic laws are equally applicable to the mills and factories of our times. Their cooperation can be legitimate only if the government channelises them for the benefit of the common man and does not provide loopholes for the rich to use labour as machine parts and, side by side, of the starving many, cultivate a group of the few in whose hands wealth concentrates. Should, however, the rich desire to seek government's permission to augment their wealth and that of the nation, it is duty bound to accept such a request on the conditions outlined here so that, avoiding excesses, a balance may be established and capitalism may not degenerate to corruption level and the wage earner cooperate with his employer, not as a slave but as a partner. Class war then becomes redundant.

As for the health problems of the workers and the poor, their food, housing and education of their children, Islam has only this verdict to pronounce, namely that the provision of all legitimate public requirements, without discrimination of rich and poor, is the government's responsibility.

Individual Luxuries

The individual has every right to spend his wealth on his requirements, comfort and enjoyment but if this spending goes beyond a balanced limit and the wealth is squandered on such luxuries as jewellery, expensive decoration, requirements of fashion, excessive entertainment and ostentatious display, and all this pervades society nationwide, and business in luxuries becomes greater than that of commodities of necessity, and the arts and crafts and general trade confined to such trifles, resulting in shortage of purchasing power, it should be understood that the national economy is near collapse.

Therefore, to prevent the country from sinking to such a state of economic breakdown, it is among the most important duties of the government to impose moral and legal restrictions on the individual's freedom to abuse his rights. Although Islam recognizes private ownership of income and several media of income, it requires that such ownership must not become the cause of general economic ruin; it does not wish to see the common man get emersed and destroyed in the luxury of the few. Shah Waliullah holds that luxury living corrupts culture and civilization.

"Among all that leads to the ruin and death of culture and civilization is that a nation's owners of wealth become totally obsessed with jewellery, dresses, buildings, women's luxuries, and more than life's necessities spend their time totally submerged in amusements, and such.

*The consequences are that great sufferings overtake the people. Those who wish to develop the arts and crafts, agriculture and trade, cannot do so. The disease of one part gradually makes its way into another of the body politic, until the whole nation is infected by the common malady."*¹

Once again, Islam comes to the rescue. Shah Waliullah continues:

"This malady pervaded pre-Islamic cultures. Then Allah inspired in the heart of His Prophet ﷺ to eradicate for ever the very germ of it. He saw that the prevailing culture was based in the love for singing girls, silks and velvets as men's dresses, the glitter of gold

¹ Hujjat-ul-Baligha Vol.2

and trading in gold was on the increase and decrease principle, and, therefore, he forbade all such things and ordered that this artificial luxury-love be put to an end, and simple living adopted. "

Zakat

We have shown in the paragraphs on trade irregularities that concentration of wealth and hoarding both are forbidden in the Islamic economic system because they contribute to the destructive elements of capitalism. We have already discussed the subject of hoarding and shall now deal with those commands which place limits on private ownership.

All those forms of wealth which deny or stand in the way of its distribution are 'accumulation'. Therefore, the economic equilibrium of Islam stipulates that wealth is not for amassing but for distribution and circulation so that the balance of wealth between one individual and another may be equitable.

The most important command in this connection is that concerning Zaka't. That is why its payment is not left to the individual's voluntary option but is made compulsory by law. Those people who do not comply are subject to legal punishment in addition to the punishment of the Hereafter.

وَالَّذِينَ يَكْنِزُونَ الذَّهَبَ وَالْفِضَّةَ وَلَا يَنْفِقُوهَا
فِي سَبِيلِ اللَّهِ فَبَشِّرْهُمْ بِعَذَابٍ أَلِيمٍ (توبه - ۳۴)

"They who accumulate gold and silver and do not spend it the path of Allah (by way of zaka't and other right causes), give them tidings of a painful doom." (Tauba-34)

يَوْمَ يُحْمَى عَلَيْهَا فِي نَارِ جَهَنَّمَ فَتُكْوَى بِهَا جِبَاهُهُمْ
 وَجُنُوبُهُمْ وَظُهُورُهُمْ هَذَا مَا كَنَزْتُمْ لِأَنفُسِكُمْ
 فَذُوقُوا مَا كُنْتُمْ تَكْنِزُونَ (توبه - ۳۵)

"The day when the fire of hell will be set ablaze and their foreheads and sides and backs will be branded with their wealth and it will be said to them now taste the joy of what you used to accumulate." (Tauba-35)

The ulema are agreed that these Verses refer to non-payment of Zaka't and other rightful dues. Zaka't is bracketed with prayers a number of times in the Qur'an.

When one is in the act of devotion to Allah and the heart is turned to Him, Zaka't is commanded for refreshing the faith and purifying the spirit and establishing nearness to the Divine Being. This is a way of showing gratitude to Him. If the ritual of prayer is a physical way of worship, Zaka't is the financial way. If the physical devotion is based in sincerity and truth, the financial devotion is proof of it.

The lexicon meaning of Zaka't is purification. Zaka't purifies the filth of wealth, and discourages corrupt capitalism and purifies the heart and mind of pride and lust for wealth.

There are two basic motives for Zaka't:

To discourage corrupt capitalist activity;

To inspire incentives and inducements for economic development.)

The first is quite clear. In Islam one is a capitalist if he possesses seven tola of gold or fifty-two-and-a-half of silver, or a surplus of goods and things above one's necessities equal to the value of so much gold or silver. If this surplus is held for one whole year, Islam commands that

Zaka't calculated as one-fortieth of its value be deposited in the public treasury.

By commanding payment of Zaka't as a compulsory duty, Islam establishes such an equitable balance between the rich and the poor that if the Muslim community as a whole fulfill its duty, there would be no corrupt and despotic capitalism and no poverty and starvation; no class war, and no grouping in the name of competition. The times of the Rashid Caliphate, especially those of Abu Bakr ؓ and Omer Farooq ؓ would be seen once again!

When the people of Yemen submitted to the light of Islam, the Prophet ﷺ appointed Mua'z b. Jabal ؓ as their governor and instructor and advised him:

"You will have to do with a Peoples of the Scripture, so first teach them to witness that Allah is One and Muhammad ﷺ is Allah's messenger. Then, when they have assimilated this, instruct them to offer the five daily prayers; then, when they do this also, tell them that Allah has also made Zaka't binding on them. And the reason and motive behind Zaka't, tell them, is

تؤخذ من اغنياهم فترد الى فقرائهم

(بخارى كتاب الزكوة)

"That it will be taken from the well-to-do among them and distributed among their needy ones." (Bukhari)

These words of supreme wisdom translate the essence of Zaka't. The well-to-do should not think for a moment that the wealth he possesses belongs to him alone, but that it is of Allahs' great blessing that he has been endowed with it. He should never forget that the more he earns the greater are the rights of others on him. He who

denies this and claims out of pride or vanity that his earnings are not endowed by Allah but are the fruit of his own cleverness and labour denies the blessings of the supremacy of Allah and, forgetting the lessons of history, challenges the wrath and punishment of the Divine Being.

An example is the story of Moses and Kora. When Moses reminded Kora of the responsibility of paying zaka't, Kora responded with arrogance,

ان قَارُونَ كَانَ مِنْ قَوْمِ مُوسَى فَبَغَى عَلَيْهِمْ وَآتَيْنَاهُ مِنَ
الْكُنُوزِ مَا اِنْ مَفَاتِحَهُ لَتَنُوءَ بِالْعُصْبَةِ اُولَى الْقُوَّةِ

(القصص - ٧٦)

"Korah was of the people of Moses and was arrogant. We had given him so much that it was a burden for many of his servants to carry about the keys of his treasures." (Al Qasas-76)

When the people reminded him of Allah's blessings and advised him,

اِذْ قَالَ لَهُ قَوْمُهُ لَا تَفْرَحْ اِنَّ اللَّهَ لَا يُحِبُّ الْفَرِحِينَ وَابْتَغِ
فِي مَا اَتَكَ اللَّهُ الدَّارَ الْآخِرَةَ وَلَا تَنْسَ نَصِيْبَكَ مِنَ
الدُّنْيَا وَاَحْسِنْ كَمَا اَحْسَنَ اللَّهُ اِلَيْكَ وَلَا تَبْغِ الْفَسَادَ فِي
الْاَرْضِ اِنَّ اللَّهَ لَا يُحِبُّ الْمُفْسِدِيْنَ

(القصص - ٧٦ تا ٧٧)

"Not to be arrogant, for, there is no doubt that Allah does not like the boastful but prepare for the Hereafter by means of that which Allah has given him, and do not forget, and do good to fellowmen as He has

done good to you, and do not corrupt the earth, for, Allah does not like the corrupters", he replied, (as Qasas 76-77)

قَالَ إِنَّمَا أُوتِيْتُهُ عَلَىٰ عِلْمٍ عِنْدِي (القصص - ٧٨)

"This wealth which I have is because of my own knowledge thereof." (That is, 'my own artfulness for increasing my capital)

(al Qasas 78)

These questions and answers forcefully draw our attention to historical examples of the past proud and rebellious individuals and nations and their consequences. It is eloquently asked.

أَوَلَمْ يَعْلَم أَنَّ اللَّهَ قَدْ أَهْلَكَ مِنْ قَبْلِهِ مِنَ الْقُرُونِ مَنْ هُوَ أَشَدُّ مِنْهُ قُوَّةً وَ أَكْثَرُ جَمْعًا (القصص - ٧٨)

"Did he not know that Allah destroyed many a generation who possessed more power and wealth?" (al Qasas 78)

And when he stubbornly refused the good advice and the lessons of history, Allah's ever unchangeable natural law grasped Korah and disposed him of as it had disposed of many like him before.

فَحَسَفْنَا بِهِ وَبَدَّارَهُ الْاَرْضَ فَمَا كَانَ لَهُ مِنْ فِئَةٍ يَنْصُرُوهُ
مِنْ دُونِ اللَّهِ وَمَا كَانَ مِنَ الْمُتَصَرِّينَ

(القصص - ٨١)

"Then We pushed him and his treasures deep into the earth, and none came to his rescue confronting Allah nor could he bring any help for himself." (al Qasas-81)

That is when Allah's revolutionary hand destroys such capitalists, there is no power that can save them.

Similarly, those who are indifferent to charity and zaka't are threatened with dire consequences

يَا أَيُّهَا الَّذِينَ آمَنُوا إِن كَثِيرًا مِّنَ الْأَعْمَارِ وَالرُّهْبَانِ
لِيَآكُلُوا أَمْوَالَ النَّاسِ بِالْبَاطِلِ وَيَصُدُّونَ عَن سَبِيلِ اللَّهِ
وَالَّذِينَ يَكْنِزُونَ الذَّهَبَ وَالْفِضَّةَ وَلَا يَنْفِقُوهَا فِي
سَبِيلِ اللَّهِ فَبَشِّرْهُمْ بِعَذَابٍ أَلِيمٍ (توبه - ٣٤)

"O faithful ones! Many a learned man and pious falsely devour the wealth of mankind and prevent them from the path of Allah. Give those who treasure up gold and silver warning of a painful doom." (Tauba-34)

We have in Abu Daud that Muslims were greatly distressed when they heard this Verse thinking that to save for one's necessities also fell within its meaning. Omer رضي الله عنه said that he would solve this problem for them and went to see the Prophet صلى الله عليه وسلم who explained to him that Allah had commanded zaka't only in order that the rest of the property may be purified. What was besides was not included in accumulation. Hearing these words Omer رضي الله عنه cried 'Allah o Akbar'. Here fulfillment of a duty has been equated with 'spending in the path of Allah', and by defining the wealth of him who ignores this duty as 'accumulated treasure', the warning is sounded that this is the capital which in Islam is looked upon as accursed and is the cause of economic destruction for humanity. Why does man become so obsessed with wealth and why does he not understand that even if he has earned it, he could not possibly have done so without the cooperation of his fellow-beings, otherwise success in trade or industry would be impossible.

Therefore, when his fellow men are old or sick or for any reason incapacitated to look after themselves, is it not his duty to be of assistance to them, to give a small portion of what he has, not as charity but as a duty? This tax is also a spur to those people who, possessing some wealth, wish to remain idle and are in the habit of spending their lives doing nothing, so that they may consider that it might all be exhausted by way of Zaka't and necessities, and they sit downcast holding their heads, and, according to the Tradition,

"The hand that is above (that of the giver) is better than the hand below", (that of the receiver), be compelled to look for charity. Reflecting on this, everyone should move forward to increase one's wealth in the right manner and be independent so that this collective tax may be devoted entirely to public welfare, there being none in need of receiving and all capable of giving.

Shah Waliullah dilates on the reasons for zaka't.

"There are two main reasons for Zaka't:

"to discipline the self,

to contribute to the satisfaction of social requirements".

Discipline of the self means that since wealth creates miserliness, selfishness, envy and sexual immorality, the best way to overcome them is by loving Allah, generosity and spending in His way.

This puts an end to miserliness and selfishness and replaces sexual envy with sexual love. It is this sexual love which is the basis of noble ethics and habituates man in noble conduct of transactions. The result is that man becomes an embodiment of handsome ethics. This is discipline of the self.

Zaka't is the best way of regulating civic and collective needs. The civic order cannot be put right without

the economy being stable and strong so that the big and small requirements of the civic administration and the public needs may be satisfied. Besides, the indigent, the needy, the weak, the widows and orphans may not have to beg, the government looking after them in everything. These responsibilities can be met only if the government revenue sources include zaka't collected from the well-to-do.

For this reason, in compliance with natural law and good sense, Islam has divided this tax into four categories:

1. Zaka't, leviable on that wealth which is capable of increase. There are three-sub-divisions of this:

i) animals domesticated for breeding;

ii) agricultural produce; and

iii) trade profit.

2. It is leviable on those people whom the shariah looks upon as possessors of capital, e.g. those who keep gold and silver.

3. also on wealth which comes easily to people without their making an effort for it, as their coming by a share in the discovery of a treasure or precious stones.

4. on artisans.

In certain conditions, adverse weather or accidents, zaka't may be waived, or time allowed for payment or the amount payable reduced.

All the religions of the world advocate charity and service to fellow beings, but it is only Islam which not merely advocates but also stipulates a tax to provide for such requirements. The very underlying motive for this tax is self-discipline and social welfare and it is given so high a ranking that in the Qur'an it is bracketed together with prayer, thus holding it as a symbol of faith.

هُدًى وَبُشْرَى لِلْمُؤْمِنِينَ الَّذِينَ يُقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ
الزَّكَاةَ (نمل - ٣٢٢)

"It is a message of guidance and good cheer for those who believe, for whom the sign of faith is that they pray and give zaka't."

(*Namal-2-3*)

It is for this reason that Abu Bakr ؓ announced at an august gathering of eminent Companions,

والله لا قتلن من فرق بين الصلوة والزكوة (بخارى)

"By Allah, I will fight them who discriminate between prayers and zaka't". And the Companions supported him.

Islam stipulates the reason for making zaka't compulsory.

كَيْ لَا يَكُونَ دَوْلَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ (الحشر - ٧)

"So that wealth may not be confined to the rich among you." (*Hashr 7*)

The Prophet ﷺ made this clear in his reply to Mu'az b. Jabal ؓ:

تؤخذ من اغنياء هم فترد الى فقرائهم

"The purpose of Zaka't is to collect it from the rich and distribute it among the poor."

In short, then, zaka't is not like charity, but a compulsory government tax which is more comprehensive than other modern class of taxes. It is not dependent on the profit or loss of business but is leviable also on the wealth which may not have yielded any income at all in the year past, and also on that wealth which has the capability of increase.

Zaka't is an important part of the revenue of the administrative system and its method of collection is made a part of the government's executive duties. It should be collected through the district officers and their subordinates such as the tehsildars, deposited it in the public treasury (Bait-ul-Mal) and disposed of for the stipulated ends.

عن ابن عمر رضي الله عنهما قال ادفعوا الزكاة الى الامراء فقلل
له رجل انهم لا يضعونها مواضعها فقال : وان عن ابن
عمر رضي الله عنهما قال اقاموا الصلوة فادفعوها اليهم
(ابوداؤد، مصنف ابن ابي شيبة، بيهقي)

"Abdullah b. Omer رضي الله عنهما says, 'Give your zaka't to the umara'. Some one said that the umara and the caliphs do not dispose of it in the right manner. Abdullah رضي الله عنهما insisted that as long as they offer the (five stipulated) prayers, keep giving them the zaka't money."¹

Abu Saleh says that he asked Sa'd b. Abi Waqas رضي الله عنه, Abu Huraira رضي الله عنه, Abu Saeed Khidri رضي الله عنه and Abdullah b. Omer رضي الله عنهما whether zaka't should be paid to government officers who are corrupt, and each one of them answered that zaka't should be made over to them. (Because this is necessary for social life).²

The well-known jurist and Traditionist Abu Bakr Hassas Hanafi discusses the subject in his Ahkam ul Qur'

¹ Abu Daud, authored by Ibn Abi Sheba

² Baihaqi

concludes that Zaka't should be made over to the Imam and must not be spent on non-Muslims.

"If it be argued that the right of collecting zaka't on hidden wealth (baatina) does not vest in the Imam, when it must not be spent on a zimmi, the answer is that the Shariah law commands that it should be made over to the Imam and the right of its collection also vests in him. The Prophet ﷺ, Abu Bakr ؓ, and Omer ؓ used to collect Zaka't. Then when Usman's ؓ time came, he announced, "This is the month for paying Zaka't; so first pay back any debt you may owe, and then pay Zaka't on what remains." On account of this announcement the owners of wealth became attorneys on behalf of the Imam, but this does not mean that the imam lost his right to collect zaka't on hidden wealth."

The present method of paying zaka't and collecting it is due to similar conditions prevailing today because of the absence of the amarat administrative order to revive which is every Muslim's duty. Although it was impossible to re-establish an Islamic government in India for outward reasons. Muslims always had it in their power to set up a Bait-ul-Mal, a central treasury of their own and appoint an Amir for their religious affairs, but, it is a pity, that so far this has not been done.

However magnanimous may be the generousities of the well-to-do, they cannot satisfy the needs and requirements of the Ummah or the finalisation of its social order. If it were at all possible to solve the economic problem by means of donations and conferences, it would have been resolved long ago in Europe and America, where huge treasures of wealth are piled up and which have excellent ability for conferences and setting up institutions. But the conditions are before our eyes to see. Nothing has been done for the lower middle classes and the lowest and un employed.

The best way to achieve success is to adopt that which Islam has given us, namely, that the well-to-do should

by law give a fixed portion of their wealth for the welfare of the poor and weak.

Charity-Voluntary and Compulsory

Islam does not absolve a man from certain other financial obligations after he has paid zaka't. He is advised to give in charity out of his own free will. This is *nafilah* or optional charity. The other is commanded charity – *wajiba* --- which, again is of two kinds: one, to look after the needy, or spend on parents, wife and children. Should he ignore this responsibility, the Imam has the right to compel him to it. The other obliges him to contribute to the collective needs of his society, for instance, to assist the operation of a war or important public works. This assistance is besides *ushr* and tribute.

Demanding Satisfaction of Commanded Rights

Although some *ulema* disagree because of their lack of sufficient thinking most concur that there are financial responsibilities on the well-to-do other than zaka't. So important are these responsibilities that in case of infringement, an Imam has the right to enforce their satisfaction.

The Andalusian Traditionist Abu Muhammad Ibn Hazam, who is looked upon by some *ulema* as the fifth generation revivalist, has discussed the problem quite comprehensively, presenting a programme of Islamic economics in the light of the Qur'an and words of the Prophet ﷺ, which supercedes any given by modern authorities.

Although what Ibn Hazam has written in two pages may be in need of several volumes for detail and comment we quote him here because these words contain all that is necessary for solving economic problems which face the world today.

funds are not sufficient for the purpose. Such necessities as food, clothing according to the season, housing to protect against the sun, rain, cold or floods, must be taken care of by them.

"The command for performance of this duty is contained in the words of Allah: 'Give your relatives and the needy and the traveller their rights. And, do good with parents and the relatives and orphans and near neighbours and stranger-neighbours, friends, travellers, slaves, male or female'"

"These Verses prove that Allah has made it binding on the well-to-do to satisfy the rights of the needy and the travellers and afraid e mulk/milk e yameen and, together with this, handsome treatment of parents, relatives and neighbours. On the priority list, the first is food, then dress and shelter. No doubt is left that he who ignores these rights is guilty of a very great sin."

Allah says:

"When the people in paradise ask those who go to hell, what has brought you to this place, they will answer, we used not to pray nor fulfil the rights of sustenance of the needy."

"Here Allah has commanded the fulfillment of the rights of the poor with prayers. And the Prophet ﷺ has said, 'Allah does not have mercy on him who is not merciful to his fellows.'" (Muslim and Bukhari)

"It should be obvious that a man who is rich and sees a fellow Muslim hungry and naked, yet does nothing to help him shows no mercy". The Tradition quoted has been

reported by Nafa'a b. Jabeer b. Moatam ؓ, Qays b. Abi Hazam ؓ, Abu Zabyan ؓ, Zayd b. Wahab ؓ, on the authority of Jareer ؓ. Abdullah ؓ, who heard the words directly from the Prophet ﷺ.

Another pertinent Tradition from Lais b. Sa'd ؓ and Abdullah b. Omer ؓ is:

والمسلم اخوالمسلم لا يظلمه ولا يسلمه

"One Muslim is brother of another Muslim; therefore, he should do him no wrong nor leave him without assistance."

Abu Muhammed Ibn e Hazam says that if a person is hungry or naked, and another is able to feed and clothe him, but does not, he undoubtedly transgresses the Prophet's ﷺ words for leaving the man without help. Abdullah b. Yusuf ؓ, by way of confirmation, quoted me a Tradition from Abu Saeed Khudri:

ان رسول الله ﷺ قال: من كان معه فضل ظهر فليعد به على من لاظهر له ومن كان له فضل من زاد فليعد به على من زادله قال: فذكر من اصناف المال فاذا ذكر حتى رأينا انه لاحق لاحد من في فضل

"The Prophet ﷺ has said, He who has a mount in excess of his needs should give it to one who does not have one; and he who has food above his needs should give it to another who does not have any."

"The Prophet ﷺ kept enumerating things in this strain until we were convinced that any of us who has anything above hi needs should give it to others who need it."

"I say that this is a gathering of the Companions of whom the news is being given by Said, and we believe in every word of the Tradition. Further Abu Musa Ashari quotes the Prophet ﷺ as saying, 'Give food to the hungry and get the prisoner released. (Bukhari)

In short, there are many Verses of the Qur'an and well authenticated Traditions in support.

Abdul Rehman b. Mahdi ﷺ conveys to us another Tradition that Omer b. Khattab ﷺ said,

"Had I known before, I would have taken the surplus wealth from the wealthy and distributed it among the poor and the refugees".

وهذا اسناد في غاية الصحة والجلالة

"This Tradition stands high by way of its importance"

I have from Said b. Mansur the words of Ali b. Abi Talib ﷺ.

ان الله تعالى فرض الاغنياء في اموالهم بقدر ما يكفي
فقراء هم فان جاءوا او عروا وجهه وا فيمنع الاغنياء
و حق على الله تعالى ان يحاسبهم يوم القيمة ويعذبهم
عليه

"There is no doubt that Allah has made it obligatory on the wealthy to give so much as will suffice for the needy and the beggars. Should there be any going hungry and naked and in pain, the reason can only be that the wealthy have not fulfilled their duty, and on

the Last Day Allah will take them to task for it and punish them for the negligence."

Abdullah b. Omer رضي الله عنه has quoted him as saying:

مالك حق سوى الزكوة

"Besides zaka't there are other liabilities on your wealth."

Whenever anyone asked the lady Ayesha رضي الله عنها, or Hasan b. Ali رضي الله عنه or Ibn Omer رضي الله عنه in this regard, they would answer:

ان كنت تسال في دم مرجع او عزم نفضع او فقر مدفع

فقد وجب حقلك

"If you were to ask that this was a matter of painful doom or of unbearable penalty or starvation nearing death, then you have established your right on the wealthy, (Which must be satisfied by them)."

And it is proved by Abu Obayda رضي الله عنه and three-hundred Companions among his friends, that

ان زادهم فني فامرهم ابو عبيده فجمعوا ازوادهم في

مزودين وجعل بقوتهم اياها على السواء

"When the food of the fighting men was almost finished, Abu Obayda رضي الله عنه ordered that whatever anyone had should be brought to him, and when this was done, he distributed it equally among them. This was a gathering of some of the most eminent of the Companions, and there is no second opinion about the authenticity of the record."

The well known Sha'bi, Mujahid, Taoos and several others, successors to the Companions of the Prophet ﷺ, held that

"Besides zaka't there are other rights on one's property."

"I vouch that except Dahak b. Mazahim, I found not a single person among the learned opposed to this view. Dahak alone says that zaka't does away with all other liabilities on one's property. Dahak's opinion can hardly be an argument, when even his source is worthless, for, he contradicts himself by holding that there are liabilities other than zaka't on a rich man's wealth, such as supporting indigent parents, the wife's subsistence, and that of slaves and domestic animals, repayment of debts and such.

And if it be said that I quote from Abdullah b. Abbas رضي الله عنه in Ibn e Abi Sheba's chain of authorities that:

"There is no sin on him who has paid zaka't if he does not give in charity." And that, similarly, I quote from Ibn Abbas رضي الله عنه in tones of issuing a command, that the command is cancelled by the command for ushr and half ushr, my answer is that the second Tradition which has been quoted by Muqassim is very weak, and even if it is correct, it does not go against us, (because the words refer to optional, not to compulsory rights).

Moreover, it is worth reflecting that these ulema hold that if a man is thirsty and fears that he may die because of his thirst, it is incumbent on him to obtain water wherever he may be and in whatsoever a manner, even though he may have to fight and shed blood for it. If so, how can it be different that to keep from dying of thirst, one is permitted to fight and shed human blood, but one is forbidden to commit such action in the face of death by hunger or nakedness! Such an opinion would be against the Qur'an and sunnah, as

well as unanimous opinion and probability. (And if bloodshed were permitted, it will have to be submitted that any needy person has the right of using force against the wealthy for vindicating his right on a rich man's wealth to obtain it by force.

I say that it is also worth reflecting that if a man has food above his genuine needs and another man is so hungry that he is about to collapse, he must not eat swineflesh or a carcass, though he has the right to use force to obtain the other's surplus food to the measure of his appetite, whether it belongs to a Muslim or a zimmi.

This is because it is incumbent on him who has to feed the hungry one. Therefore, it cannot be said that the needy one is restless for eating swine or carcass.

In any case, it is justifiable for the needy to use force for taking into his possession so much of a rich man's property as will suffice for his needs; and if he succeeds, the one who kills will be liable to blood-money, and if the owner of wealth is killed in the skirmish, he hastens to the curse of Allah, because he refused to fulfil the right which was incumbent on him. In this condition the order of the man of wealth is the command of Allah's command for such people is:

فَإِنْ أَمَّ بَغْتًا أَحَدَاهُمَا عَلَى الْأُخْرَى فَقَاتِلُوا الَّتِي تَبْغِي

حَتَّى تَفِيءَ إِلَى أَمْرِ اللَّهِ (الحجرات - ٩)

"And if from among the Muslims, one rebel against another, then fight the rebel until he returns to the obedience of Allah's command." (al Hujraat 9)

It is evident that against him who has a right, he who denies the right and duty is a rebel. This was the reason why Abu Bakr ~~to~~ went to battle against those who refused to pay zaka't."

These extracts from Mahalla should be studied very carefully. What better a resolution can there be for social economic welfare and progress and eliminating general corruption and distress and preventing class warfare than Ialam's declaration of basic human rights and the manner in which it shapes the practical order. Does the Islamic socio-economic programme not excel the other economic welfare programmes presented by their claimants, for the reason that there is no possibility of class-war in it nor can the present conflict between poverty and riches take place.

The Law of Inheritance

One of the worst forms of corrupt capitalism and wealth-concentration is that wealth is accumulated in one place and not distributed among the heirs after the owner's death but is secured as a sort of estate of its own. Had the present day large estates, including our so called princes' states, been constantly divided among the heirs, there would not be any such property in existence. The lands and accompanying treasures would long have been divided among thousands and millions of human beings.

This system, prevalent also before Islam, and now in many parts of the world, is the root cause of capitalism. Islam's revolutionary message abolished the system, holding it to be ruinous, and replaced it with a law of inheritance.

When the new law was announced, the capitalist minded people raised the objection that this would mean the end of wealth and the large estates would gradually be split up into fragments creating countless small fields of agricultural cultivation.

If it had been said at that time that this exactly was Islam's intention the people would have laughed in amazement and looked upon the new religion as a charter of tyranny. But the time came when this law of distribution began to be looked upon as a mercy and even non-Muslim nations began taking legislative measures for its adoption. Today it is generally admitted that wealth is meant for distribution, not accumulation. Quite independent of other nations, Islam launched its own battle against capitalism and through its law of inheritance opened the way for widespread distribution of wealth.

لِلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ
نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ
أَوْ كَثُرَ نَصِيبًا مَّفْرُوضًا
(نساء - ٧)

"There is a share for the men in what parents and relatives leave and there is a share for the women in what parents and relatives leave; little or much, there is an appointed share." (al Nisa-7)

آبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفْعًا
فَرِيضَةٌ مِّنَ اللَّهِ إِنْ اللَّهُ كَانَ عَلِيمًا حَكِيمًا
(نساء - ١١)

"Your fathers and your sons, you do not know who is nearer to you for benefit. This is apportioned by Allah; no doubt, Allah is Knower and Planner." (al Nisa-11)

عن ابى عباس رضي الله عنه عن النبي صلى الله عليه وسلم قال اقسّموا المال بين
اهل الفرائض على كتاب الخراج الله
(رواه مسلم و ابوداؤد)

"Abdullah b. Abbas reports that the Prophet said, Distribute your wealth among those whose rights have been appointed in the Book of Allah." (Abu Daud)

So wise and balanced is the system of wealth distribution in the Islamic law of inheritance that if it were sincerely executed and commonly adopted by human society, there would not be any possibility of the rise of capitalist wealth which makes for large estates nor of poverty and starvation because there comes into being an order in which items of wealth keep circulating from hand to hand benefiting, more or less, every individual.

We may translate some passages from Shah Waliullah's chapter, al Faraiz in Hujjat ul Baligha.

"Reflect, there is no doubt that it is the demand of wisdom that there should be some way for the people of a community to help and cooperate one with another, give evidence of their sincerity and mutual goodwill, and think of the benefit or loss of others as their own benefit or loss. This would be impossible without the development of such natural disposition, jiballat, as depends for its security on some external tradition of inheritance.

"Here by jiballat or natural disposition we mean those relations which exist between father and son and brother and brother, and, similarly, among relatives; and by external tradition, we mean, mutual love, guidance, sympathy and such, because these qualities inspire the courage required for assisting others. Tradition or Sunnah is that which the Shariah makes compulsory for mutual feelings of brotherliness, and condemns the negligence of it. For instance, Shariah commands handsome treatment of relatives, silah e rahmi and holds one who disobeys as

*a sinner. But when it was seen that people did unseemly things and rebelled against so excellent a value, it became necessary to make humane principles binding, irrespective of whether they admit or reject them. For instance, inquiring after the health of the sick, or repaying the debts of others in bad circumstances or getting prisoners released, helping relatives out of their difficulties. One realizes the importance of such deeds when death approaches and he becomes indifferent to possessions, for, now he would like to see them devoted to social and other beneficial ends or bequeath them to his relatives and help them in this way. In any case, this is the way of distributing wealth."*¹

But Muslims themselves transgress these principles and demand in law courts that Allah-given laws are not applicable to their case; they are bound by the customary tradition, the British granted law giving security to large estates, and the Hindu code which prescribes no law of inheritance. Going through the records of the Bombay, Punjab, Gujrat and other law courts, one cannot help exclaiming,

تُؤْمِنُونَ بِبَعْضِ الْكِتَابِ وَتَكْفُرُونَ بِبَعْضٍ (بقره - ٨٥)

".....They believe in some parts of Allah's Book and disbelieve in some parts of it."

(Baqara-85)

Although it should have been otherwise:

¹ Hujjat ul Baligha Vol.1

يَا أَيُّهَا الَّذِينَ آمَنُوا ادْخُلُوا فِي السِّلْمِ كَافَّةً وَلَا تَتَّبِعُوا
 خُطُوَاتِ الشَّيْطَانِ
 (بقره - ٢٠٨)

"O believers!! Enter Islam totally and do not go by Satan's footprints." (Baqara-208)

There are other details of the principles of private ownership in Islamic socio-economics which we leave out here because it is not our purpose to be over-comprehensive but only to present an outline.

Islam recognizes private ownership in principle but hems it in by conditions so that it may not adversely affect the social good.

Putting this in other words, Islam recognizes the natural differences of wealth ownership but it does not for a moment tolerate that capitalist way of life which concentrates capital in the hands of a few to destroy the economic life of the many or set up human beings above other human beings to lord it over them.

Islam legalizes the individual's right to ownership of income and the media of income but makes any department of the individual's activity which is detrimental to collective welfare impermissible.



Chapter 11**DEPARTMENTS OF PART TWO**

The responsibilities which directly fall on the government in the Islamic socio-economic order have been detailed in the previous pages. We may now briefly state those other responsibilities which are not legally binding but are morally desirable to make the individual conscious of his social responsibilities more than he is of his own individuality. Therefore, he should not for a moment get so lost in himself as to turn indifferent to what he owes to society as one of its members. Every action of his should be for the welfare of all, not such as may cause distress and unhappiness. The Qur'an defines this in its peculiar style as 'spending in the path of Allah'.

Every manner in which human beings can render economic assistance to one another is included in the word 'spending'. Spending can be compulsory as well as optional. One such optional way is to help another in need. To be of financial assistance to another without conferring ownership on him and without seeking any benefit for one's self is also 'spending'. Optional charity, trusts, bequeathing by will and giving as gift are part of the former and loans without expecting their return, qarz e hasana, aariyat and amanat are part of the other. In Ethics, such assistance is interpreted as sacrifice.

Optional Charities

Optional personal charity too is important in the Islamic economic order. Besides zaka't and compulsory charity, inducement is made for helping others by gifts to ease them out of their temporary needs by describing the act as a 'good deed'. Again and again do the Qur'an and words of the Prophet ﷺ remind one of the great reward awaiting one in the Hereafter for such performance, all to enthuse us to it. As the deed is to be personal and of high morality,

there are two possible dangers attached to it: the donor might try to impress on the recipient that he was doing him a great favour and thus humiliate him; or the motive underlying the deed might be that of ostentation, not Allah's pleasure and helping the needy. The Qur'an, therefore, seeks to curb the ego:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَبْطُلُوا صَدَقَاتِكُمْ بِالْمَنِّ وَالْأَذَى
كَالَّذِي يُنْفِقُ مَالَهُ رِثَاءَ النَّاسِ وَلَا يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ
(بقره ۲۶۴)

"O people of the faith! Do not falsify your charities by making the recipient feel obliged and anguishing him, like one who spends for show off and believes neither in Allah nor in the Last Day." (Baqara-264)

Trusts

Islam also induces us to establish trusts which is another laudable way of spending in Allah's path. The Companions, by their example, further sustained this practice. People do not as a rule like devoting their surplus wealth to charitable ends until, perhaps, when death faces them. Islam, therefore, advises them to think of these last moments while they are yet in their full senses and capable of putting their possessions to right use. They are urged to make perpetual charity, *sadqa e jariya*, that is, establish trust. The Qur'an says:

لَنْ تَنَالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا تُحِبُّونَ (آل عمران - ۹۲)

"You will not attain to goodness unless you spend of that (in Allah's path) which you love most." (Aal-e-Imran-92)

The Prophet ﷺ explains, as reported by Abu Huraira رضي الله عنه:

عن ابى هريرة رضي الله عنه عن النبي صلى الله عليه وسلم قال: اذا مات الانسان
انقطع عنه عمله الا من ثلاثة الا من صدقة جارية او علم
ينتفع به او ولد صالح يدعو له (مسلم)

"When a man dies all his actions come to an end except three: perpetual charity, knowledge that profits others, and pious children who often pray for him."

Establishing a trust tops the list of the numerous ways perpetual charity can be made. Therefore, the well-to-do Companions converted their properties into Allah's properties.

*"Anas رضي الله عنه reports that Abu Talha رضي الله عنه was the wealthiest of the Ansar of Medina and he had an orchard named Beraha facing the Prophet's Mosque, which the Prophet صلى الله عليه وسلم used to frequent and drink of its sweet water. When the Verse *لَنْ تَأْكُلُوا السَّرَّ* was revealed, Abu Talah stood up and said, 'O Prophet of Allah, I look upon Beraha as the dearest to me of my possessions; I would, therefore, like to devote it as charity in Allah's name. I seek Allah's goodwill and of His treasure. Now do with it as you please.'" (Bukhari, Muslims, Trimezi)*

Accordingly, the Prophet صلى الله عليه وسلم had the orchard's income distributed as a trust among Abu Talha's رضي الله عنه relatives. Similarly, Omer رضي الله عنه created a trust of the estate which came to his share in Khayber.

"Omer رضي الله عنه gave it in charity as a trust on condition that the estate should never be sold or purchased, nor inherited nor gifted away, but used for the poor and relatives, administrator of the trust should be entitled

to a daily allowance and, without accumulating, also entertain his friends." (Bukhari, Muslim, Trimezi)

This is the correct definition of a trust. Whatever is made a trust in Allah's name is for the benefit of the beggars, the needy, the travellers and orphans, and such, and none may sell it, gift it, nor inherit it.

Even the Caliph or a government official cannot interfere with the terms of the Trust. If the trust is that of immovable property, it is exempt from the conditions attached to non-trust property. Nor may its conditions be altered or its income reduced, nor anything done that may be liable to destroy it.

The conditions stated for a trust must be executed like the commands of the Shariah. Except for Land Revenue tax and the rent payable on it, no other tax may be charged to it unless otherwise stated by the executor of the trust. This is because the trust is no one's personal property but a source of perpetual income for social welfare.

The properties of a family trust, - *alal aulad* - are, however, subject to the same taxes as non-trust properties.

There are two kinds of trusts: trust in perpetuation of the successors to the establisher or the trust, *waqfe alal aulad*; the other trust for social welfare. The former may share conditions for social welfare, but the latter is only for one purpose, social welfare, and none other. However, every trust is perpetual, for ever, and not time limited.

Gift Deeds

Making a gift of property is also one of the beneficial ways included in socio-economics, provided the motive is satisfaction of the rights of Allah, *zaka't* and other charities, and rights of fellow beings, and nobody's right is infringed. If a person finds that after satisfying both these categories of

right, he still has a surplus left, he may register it as a gift to whomsoever he wishes.

Although in law there is no condition attached here of poverty of the recipient who may himself be wealthy enough, our subject concerns only that gift which is relevant to the Islamic economic order and is made for alleviating the requirements of the poor and needy. The Prophet ﷺ advised the cultivation of the habit of making gifts because it contributes to mutual love and affection, *tahadu wa athabu*.

Islamic juristics define gift, *hiba*, as 'transferring the ownership of anything from one's self to that of another' and the Traditions explain its wisdom as "an increase in economic means."

"If without being asked and without waiting a Muslim extends economic assistance to a Muslim brother, the gift should be accepted and not refused because it is from Allah Who is Providence and provides it by such means."

Wills

In spite of being aware of the inevitability of death, man is often forgetful of the dutiful and optional rights of his society. Therefore, the tradition of writing a testament to bequeath property by will. In Islam; only one-third of the property may be disposed of by a will, the remaining two-thirds left intact for the legal heirs whose rights cannot be tampered with and who cannot be entirely deprived of them. For that reason a will cannot be written for the legal heirs, as the Prophet ﷺ has said so.

Said the Prophet ﷺ to make a will in order to deprive the rightful person of his right is a great sin:

"Drawing up a will in favour of murderer is not permissible."

Conditional to any will is that the bequether must not be so much in debt that all the property he leaves behind

is sufficient only for repaying it. Paying up a debt has precedence over both will and inheritance.

Making a will is laudable as it helps the needy and may also help the execution of many a desirable social project. That is why the Qur'an states more than once,

"Will has precedence over inheritance."

Qarz-E-Hasana

Of the forms of 'spending in the path of Allah' and 'mutual cooperation', a very beneficial one is qarz e hasana literally 'handsome loan' lending money or whatever with the intention that if it is returned, well and good, and if not, it is equally well and good. Such loans help the poor and those who may wish to invest in some business. Since this is a moral issue, the lender, according to the Traditions, should be very careful about accepting an invitation from the borrower or a gift, unless, there be such relations before. So that there may be nothing as a compensation lest it become a sort of riba. It is just possible that the borrower may be extending the invitation or presenting a gift in order that the lender may not soon demand the return of the loan. Since there is the danger of dishonesty and breach of promise on the part of the borrower, such assistance is not made compulsory but left to Allah's promises of reward.

من ذا الذى يقرض الله قرضا حسنا فيضاعفه له وله

اجر كريم (حديث)

"Is there any one who will lend to Allah a handsome loan, that Allah may return it two-fold and more; and this is a noble compensation." (al Qur'an, Ch. Hadeed)

The borrower, too, is reminded that qarz e hasana does not mean that he should deliberately not pay back the loan in spite of having the ability to do so or delay so long as to cause the lender any harm.

مطل الغنى ظلم (بخارى و مسلم)

"Having the ability to repay, it is cruelty not to."

قال رسول الله ﷺ الدين مقضى (ابوداؤد)

"Said the Prophet ﷺ, It is your duty to repay the loand within time." (Muslim, Bukhari)

قال رسول الله ﷺ عمل اليدما اخذت حتى تودى

(ترمذى)

"When any one borrows a thing the burden of returning it remains until it is returned."

It will have been observed that the borrower should discriminate between honesty and dishonesty. The prevalence of the system depends on his sense of morality.

Aariyat

This may be defined as making another person the owner of the benefit of anything without compensation. According to Islamic jurists,

واجتمعت الامة على جوازها واستحبابها واستحسانها

لما فيها من اجابة المضطر واغاثة الملهوف (سعيديات)

"The ummah is unanimous that aairyat is not only permissible but also good because it helps the distressed and those who do not possess with what they need."

There would be a sorry lacuna in socio-economics if loaning or gifting benefits were not included. The Qur'an severely rebukes those who do not extend such help to others.

وَيَمْسَعُونَ الْمَاعُونَ (ماعون - ٧)

"Destroyed are those also who refuse to loan small things of use." (Maoon-7)

Lending small things temporarily is a high moral value for which moral inducements are made. The borrower is advised not to look upon the borrowed thing as his own but to return it immediately after using it.

العارية مواداة (ترمذى و ابوداؤد)

"The responsibility for returning the thing borrowed is on the borrower."

Amanat (Giving in trust for safekeeping)

Although on superficial thinking this has nothing to do with economics, it cannot be denied that amanat can be useful at times. For instance, a man gives some one something for safekeeping and permits him also to use it, if need be. In this case the trustee may avail of its use. A moral obligation is placed both on the truster and the trustee. Just as those who have possessions in excess of their requirements are commanded or advised to give the surplus away, so may people be advised to leave their possessions for safekeeping with others. This is one more way of helping those who may be in need. The trustee should be advised to refrain from committing a breach of the trust. He should consider the punishment of the Hereafter and earning a bad reputation in this world and prove worthy of being trusted.

ان الله يا مركانم ان تؤدوا الامنت الى اهلها

(نساء - ٥٨)

"Allah commands that the thing which has been left with you in trust must be returned to its owner in good faith." (al Nisa-58)

او الامانة الى من اتمنك ولا تخن من حسانك

(ابوداؤد و ترمذی)

"Leave a thing in trust with one who can be trusted, and (even) if he commits a breach of faith with you, do not commit a breach of faith with him." (Abu Daud, Trimezi)

لا ايمان لمن لا امانة له

ان الله لا يحب الخائنين (انفال - ٥٨)

"He who does not have the quality of being trusted has no religion in him. Allah does not like anyone who commits a breach of trust".

(Anfal-58)

Trusting any one with a thing to keep with him is like depositing money in a bank, except that the latter becomes a subject of interest bearing transaction while safe keeping in trust with permission to use is free of any such taint. Banks use deposits for creation of corrupt capitalism and contribute to concentration of wealth in a few hands and adversely affect general social welfare, while the other system virtually prevents the happening of any such thing. The truster is saved from a likely sin and the trustee is helped to relieve himself of his need, which may include investment in a business enterprise.

A Tradition describes safe keeping in trust as a financial good. Ibn Asir writes in his Nahaya :

"The meaning of these words of the Tradition is that safe keeping in trust can be the cause of benefit to the trustee because when he becomes well-known for his trustworthiness many people will want to

deposit their cash and things with him allowing him to benefit by them."

Natural Ways of Economic Revolution

There are only two effective ways of preventing wealth-concentration and corrupt capitalism, and, at the same time, of circulating economic media among the masses.

One, sealing up by law all the ways that lead to mass suffering on which the few thrive, anyone infringing on the law to be punished as a criminal, the whole economic structure based on such law, the benefits accruing to the greatest number possible.

Two, education of ethical practices through religion to eliminate corrupt capitalism and create the zeal for substituting the principle of "spending in the path of Allah" in place of hoarding and concentrating wealth.

Islam uses both these methods the fruits of which were seen during the times of the first four Caliph of the Prophet ﷺ. The best examples of the first are the law for regulating zaka't, compulsory charities, ushr, kharaj or tribute, and inheritance, and the laws forbidding interest bearing transaction, commerce in intoxicants, impure foods, gambling, and large estates.

One should avoid making landlordism a permanent source of livelihood. Mutual cooperation, trade, co-sharing, optional charities, setting up trusts and brotherliness and sympathy through "spending in the path of Allah" are examples of the latter method.

It can, therefore, be said that the methods Islam adopts for a universal economic order are the best possible and just resolution of that difficulty which, according to our great secular thinkers, is the cause of class-war between capital and labour.

Chapter 12**COMPARATIVE STUDY OF VARIOUS ECONOMIC SYSTEMS**

After going through the Islamic socio-economic order it will be worth while considering the other systems as well.

Economic systems known to the world come either by way of religion or secular thought.

World Religions and the Islamic Economic System

Besides Islam, the other great religions are Christianity, the Hebrew, Vedic and Zoroastrian, each of which has its own history. We shall confine ourselves to these four.

Christianity is based on the Gospels of Mathew, Luke, Mark and John, a study of which leads us to conclude that it teaches monasticism and there is no place in the Kingdom of Allah for the rich.

"You cannot serve both Allah and Mammon....."

"I say to you be not anxious for your food or drink nor for your bodies nor for what you will wear. Is not life more important than your food or body more than your dress? (Mathew 24-26..)"

"Consider the revens: they neither sow nor reap; they have neither storehouse nor barn and yet Allah feeds them. Of how much more value are you than they?" (Luke 12.24)

"And he said to them, take heed and beware of all covetousness for a man's life does not consist in the abundance of his possessions.

"And He spoke a parable to them, saying, the land of a rich man brought forth plentifully, and he thought to himself, 'What shall I do for I have nowhere to store my crops? And he said, I will pull down my barns, and build larger ones; and there I will store all my grain and my goods. And I will say to my soul, Soul, you have ample good laid up for many years; take your ease and eat, drink and be merry. But Allah said to him, 'Fool, this night your soul is required of you, and the things you have prepared, whose will they be? So is he who lays up treasure for himself, and is not rich toward Allah.'" (Luke 12. 13-21.)

"Then Jesus said to his disciples, Be not anxious about your life, what you shall eat nor about your body, what you shall wear, because life is more than food, and body more than clothing." (Luke 12.22-23)

"Truly I say to you that it will be hard for a rich man to enter the Kingdom of Heaven It is easier for a rich man to pass through the eye of a needle than for a rich man to enter the Kingdom of Allah." (Mathew 19.23-24)

"He who had received the one talent also came forward saying, 'Master, I knew you to be a hard man, reaping where you did not sow and gathering where you did not winnow; so I was afraid, and I went and hid your talent in the ground. Here you have what is yours. But his master answered him, You wicked and slothful servant! You knew that I reap where I have not sowed, and gather where I have not winnowed. Then you ought to have invested my money with the

bankers, and at my coming I should have received what was my own with interest." (Mathew ends/25. 24-28)

"You shall not lend upon interest to your brother, interest upon money, interest on victuals, interest on anything that is lent for interest. To a foreigner you may lend upon interest but to your brother you shall not lend upon interest..." (Deut. 23.19)

"If you lend money to any of my people who is poor, you shall not be to him as a creditor, and you shall not exact interest from him..." All that we learn from the New Testament is that Christianity abhors capitalism. Besides sermons and counsels there is no legal base on which a just economic system may be planned or make religious minded individuals useful members of the social fabric.

Similarly, there is nothing in the Old Testament to help us. Take the Books "Kings" and "Judges" which concern governance. Here, too, there is not a shade of a social economic order. There are battles and conquests of enemies or laudations of monarches and their pomp and glory and nothing else. Not even the little we find in the New Testament to censure capitalism.

However, in both the Testaments, we find that the use of wine is not only permitted but that it was looked upon as a blessing in the feasts of the holy prophets, which means that commerce in wines was common and looked upon as economically beneficial and an important part of social life.

Also permissible is interest-usury based commerce with the gentiles, not between one Jew and another.

We find Jesus saying in one of his parables:

"His master said, you foolish servant, do you not know that I reap where I did not sow and gather where I did not scatter. You should

have invested my money with so that when I came back I would take it back with interest....(Math. 25/27-28)

*"Why did you not place my money with a money-lender so that when I returned I should take it back from him with interest."
(Luke 19/24.)*

In the Old Testament

"Do not treat the poor among my people as though you were a money-lender (Exodus 22/25)

"Do not lend to your brother on interest, neither on crops, nor anything else...but you may lend on interest to the gentiles."

Taurat, ISTISNA 23/19-20

Although I have not read the Zoroastrian inspired books, Zend and Istisna, some parchments in Pahlave and Persian said to be of Divine origin have been under my study for a considerable time, but here, too, besides censure of unjust means of acquiring wealth, I could find nothing by way of laws to develop any economic system.

Similarly, on account of my lack of familiarity with Sanskrit, I had to depend only on the reliable translations of Satyarath Prakash and Adibahashiya Bhoska and their commentaries, but I can say without prejudice and without desiring to exaggerate that here too, besides condemnation of the atrocities of the rich and some counsels, I found nothing by way of economic laws and principles.

Manu, whose law provides the civic basis of Hindu society, permits interest-bearing commerce within certain limits, and wealth accumulation in the form of joint-families instead of wealth distribution and inheritance

individuals. Corrupt capitalism, thus, is given religious sanction.

We have evidence that in India interest-based commerce was prevalent during the Vedic period four-thousand years ago. By 500 B.C. we find professional bankers known as sariyastahis who sent hundis from one place to another to collect their bills. Sariyasthais are found to have been living in the famous Buddhist centers Champa, Rajgrahiya, Saraosti, Kosambhi and Unai.

The Dharam Shastras and Kautaliya's Arathhrashtra tell us how much interest is permissible. The difference between the two is that the latter does not confine the money-lending profession to any caste while the former confine it to the Vaishya. (Jama', Delhi, February 1939)

All this shows that the economic system which accepts accumulated capital and interest/usury as an intrinsic part of it must lead to corrupt capitalism where labour-capitalist antagonisms are difficult, if not impossible, to resolve.

Secular Socio-Economic Systems and the Islamic Socio-Economic System

Here we shall be concerned to show how the secular systems which prevail in the world today or seek to become prevalent stand in contrast with the Islamic. Can they really contribute to the objectives of an economic order or is Islam the only means?

There are only two systems which, in varying shapes, dominate the present day governments, fascism and socialism.

Fascism or Nazism

The theoretical philosophy of these systems is quite lengthy and we need not go into the details. Briefly stated, the principles, as seen in their objectives, are as follows:

1. All the means of production should be treated only in such a way as to benefit certain special individuals, not society as a whole or the majority of it.

2. Production should be on the principle of private benefit, not on the principle of benefit of public needs; all estimates to be made at random for private interest, not keeping in view the social.

3. Based on these two principles, the form of government is one that gives security to capitalism and provides the commodities for its development.

It will be necessary to glance through the salient details of fascism. As opposed to a just economic system, capitalism has always tried to dominate the world and has also succeeded. One such form dominating the governments of Germany and Italy, in particular, is fascism.

In Europe, the Dark Ages came to an end by about the 15th century giving place to an era of enlightenment.

Governments became preoccupied with availing of new discoveries and seeking more wealth. In England feudalism and imperialism were at their zenith but commerce and trade were gradually becoming strong reinforced by political power. The greater part of the trade was wool. When the Stuarts came to rule, they introduced laws trying to curb the growing power of the merchants. This brought about the civil war in which the merchant came out victorious and feudalism came to an end. Monarchy was now retained in name but not as an autocracy. Legislative power passed into the hands of the tradesmen which strengthened them further.

Although feudalism was dead in England, trade as a medium of progress was not a common thought of well-being for the masses but only a mark of domination of special groups. Manufactories were floated but the turn-out

being sufficient to meet the demand, alternative sources of earning more and more wealth were sought.

About a hundred and fifty years later, the eighteenth century brought new inventions and new machines. The rich became more rich and wealth accumulated more and more in their hands. It was natural that when machines replaced manual labour, the small investors had to stop their work and the manual labour was forced to sell their skill at the lowest rate and live as the small capital owner of machinery.

We may now revert to the fourteenth century. The great wealth coming through the wool led the feudal lord to have his lands vacated by the cultivator for sheep-breeding and building huge barns for their shelter. Countless peasants were rendered penniless.

With the advent of the machine age, the feudalists began to cultivate their lands with machines. This further impoverished the remaining peasants for whom, too there was no alternative to virtual slavery as labourers. Yet production could not suffice to meet the demand and the labourers had to give up the fresh air of the country to live in the crowded slums of the city.

At this time, there were no factory or labour laws or trade unions and, therefore, the factory owner ruled as a despot over the workers inflicting great cruelties over them. They were forced to work for as many as fourteen to sixteen hours a day, and on occasions, for twenty and even more for subsistence; the Rome provided was too small to stretch out one's legs in and too noisome to breathe. The weaker died long before their time.

Such was capitalism. The first country which assumed its ugly face was England and then spread to the continent. In this system there was no thought of public social welfare; the principle of private ownership was taken advantage of to monopolise the means of production. The commodities manufactured by investing the least in them

but produced in the greatest possible quantity were sold at a price high up but being far in excess of the demand the surplus was a waste. The workers benefited by nothing, not coming by any increase of purchasing power to what they had before.

Greed and the spirit of competition and hunger for more land led to colonizing other continents and subjecting weaker peoples. Even India fell to foreign domination, a market, in particular, for British manufactured goods. But competition among the manufacturing countries had now become so great that they did not hesitate to wipe one another out of existence. Germany, Italy, France, Japan, Iraq, Albania, Palestine, Czechoslovakia, China are all living proofs of the tragedy.

It must not for a moment be supposed that democracy and fascism are two different concepts. Fascism takes on the shape of democracy to beguile peoples and then destroys them. Basic to both is capitalism.

Islam admits the principle of private ownership of the means of production but only on the condition that private ownership does not conflict with common public welfare. Rather that it contributes to the common weal. Where a conflict is suspected, the common weal is to be given preference.

We may present the contrast between Islam and fascism in tabular form:

| | Islamic economic system | | Fascist economic system |
|---|--|---|--|
| 1 | Wealth and its means are concentrated among special groups and destructive to common general prosperity are forbidden. | 1 | Wealth and its means are for the benefit groups. |

| | | | |
|---|--|---|---|
| 1 | Private ownership is subject to certain limiting conditions. | 2 | Private ownership is unlimited. |
| 2 | Private ownership is subject to social collective rights. | 3 | Private ownership superior to social right. |
| 3 | The economic order is based in the welfare of the masses and their needs. | 4 | The economic order is based on the prosperity of special. |
| 4 | Common general prosperity is necessary. | 5 | Economic destruction results. |
| 5 | Imperialism by way of economic imperialism is a curse. | 6 | Imperialism by subjugation is necessary. |
| 6 | Concentration and ignoring collective social rights have no place whatever in Islam. | 7 | Both concentration denying such rights economically a blessing. |
| 7 | Family, racial, class or geographical discriminations are inadmissible. | 8 | Such discrimination are necessary. |

It should be evident that the differences are so great that there can be no compromise between Islam and fascism. How can any system be joined to Islam, which seeks to confine wealth to a few and sacrifice millions and billions at their altar, cause wide spread unemployment, reduce common purchasing power, destroy world peace and subject the weak to the excesses of the strong?

Communism

The tyranny of the capitalist order roused labour and the poverty-stricken and they reacted by forming unions and rebelling. By the end of the eighteenth century, Socialism came up to support them and, in the present, a Marxist revolution took place in so large a country as Russia, introducing a new economic order which boasts of championing common social welfare and backing up labour and peasant and the downtrodden. It is, therefore, necessary to compare it with Islam, not emotionally and by conjecture but by reflection and studying the economic principles of both and in the light of their practical results.

Hegel was the first to present socialism as a theory and held it to be the basis of economic principles. While Karl Marx reshaped it as a programme for social and civic life. Known as 'Communism', it dominates Russia today and seeks a world revolution.

Islam cannot compromise with communism, just as it cannot go along with capitalism. The Marxian philosophy is based in atheism and its code of ethics is correspondingly devised. But if we consider only its economics we should not hesitate admitting that there are some points of similarity between it and Islam. Both are opposed to capitalism but the practical means used by the two are quite different.

The points of similarity are:

1. Accumulation of wealth and its concentration are forbidden by both, and both hold them to be destructive to social life.

2. Both hold that the economic order should be based on the concept of welfare of the masses and no individual should be deprived of the satisfaction of his basic needs.

3. Both believe that within the economic order this world of human beings should not be divided

geographical, racial, family or class distinctions but, transcending them, be equal for all.

4. Both also agree that collective welfare has precedence over considerations of private, individual welfare.

5. Also that economic imperialism must not lead to a system of master and slave or ruler and subject, and wherever such a system prevails it should be wiped out.

These are the common departments of Islam and socialism but the two basic differences are such that no compromise is possible between the concepts. These differences become all the more prominent in the last phase of socialism known as communism which is being experimented in Russia today.

Islamic Economic Order

1. While recognizing private ownership its limits should be defined.

2. Admitting equality of right in economic subsistence, and differences of grades in possessing it, accumulation, hoarding and concentration should be prevented.

Communist Economic Order

1. Private ownership of production and means of production should be abolished.

2. Grades in the possession of the means of economic subsistence must be denied, and economic equality in society must be recognized.

Commonsense and experience tell us that if private ownership of income and its means is done away there are bound to be depression and unhealthy reaction because as soon as state ownership replaces private ownership and the responsibility for providing the necessities shifts to the state,

human beings lose the incentive to work more and harder and devote their energies and time to the struggle for life.

In contrast with this, if private ownership is recognized, and the defects arising out of the competition race and the expected harm to society as a whole are controlled, and full opportunity and freedom allowed to the individual's natural talents, the results are very different. The recent changes Russia has made in its economic plans fully support this contention. There, because of lack of sufficient interest on the part of the cultivators, many fields had been lying idle for some time. Now private possession of them is being recognized and, in some places, even ownership. If this continues to be the process of learning from experience, the time is not far off when Islamic theory and principles will have to be adopted and implemented.

The Qur'an tells us that real ownership belongs only to Allah, and, for that reason, the masses have a collective right of sharing the individual's private ownership of things. The collective rights have precedence. By granting private ownership, the natural enthusiasm for competing to get ahead is roused and set in motion. The individual is made to enter the field of life's struggle for existence and the paths are opened before him.

The fear has been expressed that if private ownership is admitted, corrupt capitalism is bound to develop. But this fear is unfounded because Islam does not permit unchartered private ownership; limits and conditions are irrevocably attached. Side by side of private ownership, Islam lays down firm rules to prevent it from dominating the public sector. To deny a natural right on grounds of imagined fears is not wisdom.

The other difference is not in the sphere of economics. Islam admits equality in subsistence rights, even as a necessity, but not equality of subsistence grades. That is, Islam does not believe that every one should get one's

subsistence in the same way, though it does hold that every individual should get his subsistence and the ways and means of effort and progress should be open to all.

Socialism, on the other hand, subscribes both to equality of subsistence and equality of the very spirit of subsistence and denies totally the subsistence grades. It holds that the differences of subsistence conditions are not natural but society's own creation; and, therefore, if the future economic order were established on the concept of equality, a different kind of mental incentives would be created and people would continue working with the same enthusiasm and zeal as they do now.

Reflecting deeply on this contention, it will be seen that here, too, the Islamic approach is the correct one. Every individual is born with different talents and gifts, and, therefore, the results of the economic effort must also be different. To build a society on such artificial equality is not just or wise. It is also inadmissible that mental incentives will change with the coming into existence of an altered society.

In any case, admitting that talents and ability differ, there must also be natural subsistence differences. The Qur'an tells us that such differences are natural and necessary for the flourishing of natural powers and for progress. If everybody were the same there should be no obstructions and no competition; no occasion for development of latent human powers and none of the enthusiasm, activity and bustle on which this world revolves!

وَاللَّهُ فَضَّلَ بَعْضَكُمْ عَلَى بَعْضٍ فِي الرِّزْقِ (نحل - ٧١)

"Allah has preferred some above others in the matter of subsistence". (Nahat-81)

لَحْنًا قَسَمْنَا بَيْنَهُمْ مَعِيشَتَهُمْ فِي الْحَيَاةِ الدُّنْيَا
وَرَفَعْنَا بَعْضَهُمْ فَوْقَ بَعْضٍ دَرَجَاتٍ

(زخرف - ٢ تا ٣)

"We have distributed their subsistence among them in this world and preferred some above others".
(Zukhruf 2-3)

وَهُوَ الَّذِي جَعَلَكُمْ خَلَائِفَ الْأَرْضِ وَرَفَعَ بَعْضَكُمْ فَوْقَ
بَعْضٍ دَرَجَاتٍ لِّيُلَوِّكُمُ فِي مَا آتَاكُمْ إِنَّ رَبَّكَ سَرِيعُ
الْعِقَابِ وَإِنَّهُ لَغَفُورٌ رَحِيمٌ (الانعام - ١٦٥)

"And He it is Who has made you viceroys on this earth and raised some above others, so that He may try you by that which He has bestowed on you. He verily is swift in punishing and He is (also) Forgiving and Merciful." (An'aam - 165)

These Verses explain that one generation inherits from another, taking up the fruits left; that the grades of all are not equal; that the differences of high and low grades of subsistence are there so that man may be tried in his use of them and his deeds; that he may be given the opportunity to earn whatever he can by his effort; and may also be tried in respect of his devotion to Allah.

In short, although the objective before Islam and Socialism appears to be the same, to relieve the common man of his economic sufferings and save society from misery by eliminating corrupt capitalism, thus putting an end to accumulation and concentration of wealth the means to the end differ basically. The one admits differences of subsistence and recognizes private ownership, the other denies both and seeks to eliminate them.

Islam recognizes the right of equality in subsistence, opens the paths of progress and endeavour for all; abolishes accumulation, hoarding and concentration, thereby removing the obstacles which "the few" had set up in the way of the welfare and progress of "the many". By stipulating inheritance laws, zaka't, rules for regulating commerce and trade and forbidding gambling and interest/usury and such, Islam puts an end to accumulation and concentration of wealth thus closing all the doors which lead to improper capitalism.

It will not be unreasonable to state that the two principles of socialism were subscribed by Marx and Hegel because of that social order and religion the tyranny of which affected them bitterly. Otherwise the two principles are neither correct in the light of reason nor proved by experience.

The Islamic Economic Order at A Glance

1. Islam forbids accumulation and concentration of wealth. That is, the means to capitalism should not be allowed to assume dangerous proportions under any circumstances whatever, and, if already prevalent, they should be destroyed forthwith, replacing them with legally enforceable, zaka't, inheritance laws, trusts, "spending in the path of Allah", and abolishing feudalism, gambling and interest-usury, in all their forms.

2. Admitting differences of grades in subsistence, equality should be recognized as necessary and a natural item of faith so that a proper balance may be struck up between capital and labour, and capital may never be able to exploit labour for its selfish ends and that there may be general prosperity. To accomplish this, all those laws concerning mines, factories, mutual cooperation, which have been detailed above, should be implemented, and all commerce which reinforces a perverted capitalist order should be banned.

3. While admitting private ownership, such limits should be placed on it as would subordinate its benefits to collective social benefit. To this end, the commands stated above concerning land, private companies and commerce should be enforced.

4. To implement these principles, a government should be established which looks upon itself as responsible to the public, its ideal being service, not overlordship; satisfies the economic needs of every individual; is representative of the people, and besides being powerful enough to enforce the laws of a just social order, should also enforce equality of rights for the ruler, the government officials as well as the public.

To strengthen such a government, allowances from the Public Treasury or Bait-ul-Maal and a census, and other such stated means, should be listed and enforced. All tyrannical and capitalist forms of governance and feudalism should be abolished for ever. ¹

"A kind of sleep overtook me and I felt that I had been chosen as an imam to fulfil Allah's will in the common general order." Then drawing up a picture of the unbelievers and downtrodden condition of Muslims, he continues: "In this condition the Muslims asked me, 'Now what is Allah's command in this regard?' I replied, before establishing any just social order, it is our duty to overthrow all forms of governments by means of revolution." ²

In tabular form:

¹ Fu-yu-zul Haramayn p.87

² Shah Waliullah narrates a vision he saw in Medina

The Words of Allah and service of His creatures:

1. Establishment of a government of counselors (shuravi) on the principle that they will take care of the economic needs of every individual.
2. Equality in the economic rights of the caliph, state head, the officers and the public,
3. Unemployment allowances, a general military order, a census and allowances.
4. Imposition of limits on capitalism by way of the compulsory laws: Zaka't, inheritance, trusts and 'spending in the path of Allah'.
5. Interest and usury, gambling and commerce in intoxicants, impermissibility of irregularities in trade and business as another way of confining capitalism within proper limits.
6. Preference for public ownership in respect of mines, factories and agricultural lands, and pragmatic steps to the end.
7. Establishment of a just balance between labour and capital for the right type of private ownership of trade and commerce.
8. Admission of the principle of private but not undefined ownership of income and its means.
9. Admitting grades of difference in subsistence, yet equality without racial, geographical or class distinction.
10. Reduction of estates and abolition of feudalism.
11. Encouraging commerce on right principles and establishing interest-free cooperatives.
12. Providing for commerce on non-capitalism lines,

13. Encouraging free trade without national prejudice and on principles of brotherhood.
14. General permission for the public to use the mint for coinage, and fixing a just rate of foreign exchange.
15. Establishing a Bait-ul-Maal for public welfare, collective and individual needs and government requirements.
16. By law, and otherwise, eliminating all traces of luxury and all that contributes to it, and guiding to the highroad of simple living.

The objective and ideal of my endeavor is an economic order without extremes, the basis of which is unaffected by environment and, free of sentiments of revenge, calls for a government which secures rights of equality for high and low, and is responsible for providing subsistence to all and for their welfare, abolishes accumulation and concentration of wealth, is able to run the economic life of this world better, resolve the conflict between capital and labour by better ways and is all comprehensive and universal. The second name of such an order is Islamic Socio-economic order.

وَاللَّهُ بَصِيرٌ ۙ بِالْعِبَادِ (آل عمران - ۲۰)

"Allah is Seer over His devotees"

(Aal-e-Imran 20)

Consciousness of duty:

It is not my purpose to indulge in intellectual amusement or add to Islamic literature. I am inspired by a heartfelt call which rising from the core comes to my pen, that once more the world may be reminded of that forgotten lesson which during thirty years had brought peace, security and prosperity to Persia, Sind, Makran, the Byzantine, Egypt, Syria, Iraq and every corner of the Arabian mainland; which had established such a balance between labour and

capital that there was no need for class conflict, no upheaval like the present, because there was no opportunity for capital to exploit the poor for its ends, nor any need for labour to dream of taking possession of another's property. In that social order a moderate state prevailed in which, despite differences of grade, every country, town and habitation was happy and prosperous; everyone was at ease mentally and physically. There were many to give zaka't and charity, but none in need of it.

If fascism can dominate Germany and Italy and socialism Russia, why cannot the Islamic economic system prevail in Turkey, Iran, Afghanistan, Egypt, Hejaz and Yemen? It is a pity that this is not so!

It is necessary that our voice reach those free nations and that, at least, the government of one of them, free of being overawed by the European forms, may implement the Islamic order and display before the world an example to prove that to resolve the conflict between capital and labour and ensure prosperity everywhere there is no better alchemy. In the alternative, let the common Muslims rise and perform their duty.

وما سئلكم عليه من اجر ان اجرى الاعلى الله

"I do not desire any remuneration. My reward is with Allah"

There is no doubt that if we muster the courage and step forward, Allah's help will be with us.

لَا تَهِنُوا وَلَا تَحْزَنُوا وَأَنْتُمُ الْأَعْلَوْنَ إِنْ كُنْتُمْ مُؤْمِنِينَ

(آل عمران - ١٣٩)

"Be not be discouraged nor be sad; you will prevail, if you are true believers."

(Aal-e-Imran 139)

Chapter 13**SOLUTION OF THE ECONOMIC PROBLEM IN INDIA**

The demands we make so emotionally on Muslim countries, Islam makes on us.

There is a pronounced difference between the free countries and us. There it is only a question of changing the direction of the government; here we are subordinate to another country, while within, Muslims and non-Muslims must coexist together. Therefore, overlooking theoretic discussions and what the future shape of socio-economics will be in the country, the best thing to do is to prove to the inhabitants of Hindustan by speech and writing that the only way to achieve peace, security and general common prosperity for all mankind is to implement the basic economic principles of Islam.

If communism, capitalism, fascism, nationalism are active here (in Hindustan e jannat nishan), there is no reason why we should look upon the field as too crowded and retire in despair. If this country is vast enough for secular forms of government, how can it be too narrow for an economic order that has come through a spiritual channel?

But the condition is that for such invitation and mission, we should set an example with love instead of hatred, gentleness instead of intimidation, broad vision instead of narrow-mindedness, good manners instead of enmity and boorishness. The criterion should be the sacred principle presented by the Qur'an:

أَدْعُ إِلَى سَبِيلِ رَبِّكَ بِالْحِكْمَةِ وَالْمَوْعِظَةِ الْحَسَنَةِ
وَجَادِلْهُمْ بِالَّتِي هِيَ أَحْسَنُ (النحل - ١٢٥)

"Invite them to thy Lord with wisdom and handsome counsel and discussion that is yet more excellent." (Nahal - 125)

If we enlighten Muslims and non-Muslims with the superiority of Islam's economic order in this way, that day is not far off when, in spite of the formidable obstacles prevailing in these times, a revolution will take place without gun-fire and physical weaponry, and every community and nation will bow its head acknowledging the superiority of this sacred order. Thus the message of Allah the Most High will take shape in all its glory and splendour, and this subject nation of today become the beacon light for all mankind tomorrow.

Indian Economic System and its Complications

There are two main impediments in the way of a proper economic order: one, the problem of interest-usury and the other, feudalism, with both of which the peoples of India are deeply involved, particularly, interest-usury which is responsible for the misery of the majority of Muslims and non-Muslims alike.

In feudalism human beings are treated as slaves, their blood sucked as by leeches and the Shariah is brazenly flouted by ignoring the Islamic law of inheritance and holding even in courts of law that as far as this subject is concerned, tradition has precedence.

It will, therefore, be necessary first, to announce that there is no place in India for interest-usury and the existing shape of feudalism.

Of the two, interest and usury scarcely require comment because their destructive effects are well known. Feudalism is a little complex because of the ownership idea. The thought of its abolition causes raised eyebrows not only among non-Muslims, but Muslims too, who, because of their ignorance, look upon such abolition as un-Islamic an

imitation of socialism. It will be necessary to make the ulema familiar with the edicts which permit an amir or state head to declare the ownership of conquered territory to be vested in the state instead of privately among individuals.

These edicts were announced in India during the Moghul period and the early years of British rule. They clearly stated that Indian territory was not vested in individuals but collectively as a trust of the Muslims in the Public Treasury, Bait-ul-Maal. In Islamic economic terminology such territory is called, ard ul mumlika or ard ul hauza. The verdict is identical with that given by Caliph Omer رضي الله عنه in respect of ard ul Iraq, which, being confirmed by the Companions, comes down to us as an example to be followed.

To this end, Shaykh Jalaluddin of Thanesar (d. 989 AH), wrote a treatise, titled Investigation of Indian Territory. This has been published and the original manuscript is said to be in the British Museum.

والحجة لعلماء نافي التقرير امير المؤمنين عمر لسواد
عراق بموافقة من الصحابة رضوان الله عليهم اجمعين في
الهداية في باب الغنائم واذا فتح الامام بلدة عنوة اى
قهرافهو بالخيار ان شاء قسمه ما بين المسلمين كما فعل
رسول الله ﷺ بخيبر وان شاء اقر اهله عليه ووضع عليهم
الجزية وعلى اراضيهم الخراج كذلك فعل عمر لسواد
العراق بموافقة من الصحابة رضوان الله عليهم اجمعين
ولم يحمده من مانعه وفي كل من ذلك من ذلك قدوة
فيتخير

"To retain territory in the possession of the conquered people but vesting the ownership in the state government is taqrir. "Al taqrir is based on Hazret Omar's speech in respect of Iraq. The Hidayah (Ch. Al Ghanaim) states that if the Imam conquers a territory, he may, at his discretion, distribute it among the Muslims, as the Prophet ﷺ did with the lands in Khayber, or he may leave it in native possession and levy a tribute and jizya, as Omer ؓ did with the concurrence of the Companions. Those who disagreed were disapproved of. The Imam is at liberty to do whichever of the two he pleases."

In another place, he writes:

وفي نعي الملك عن الكفار في صورة التقرير وجعلهم
كالأجرة العاملة للمسلمين فوائد نيرة و منافع كثيرة
لأهل الإسلام المستحقين إذا لارض والخرج بالمنع و
العطاء المستحقين

*"In respect of Indian territory, to hold in the context of al taqrir that the lands are not the ownership of non-Muslims and look upon them as lease holders or cultivators, who are like officials on behalf of the Muslims, It is a means of great benefit for those of the Muslims who have a right, mustahiqeen, or deserving, because the problem of paying or not paying tribute is to be decided in the light of the needs of those who have the right."*¹

¹ pp.12-13

In yet another place, the author while detailing the different kinds of land, admits private ownership only in respect of one of them.

منها ما اعطى الامام باول الفتح لبعض الغانين او بعض
للمستحقين

*"Except that at the time the Imam conquers the territory he distributes it among the mujahidin and those who have the right, mustahiqeen."*¹

And, finally, he concludes:

*"In line with Imam Abu Hanifa, the greater part of Indian lands are not the owned property of those who are in possession of them. Reflect, when Indian lands fall in the categories stated here, it is not proper to give a verdict of ownership or non-ownership of an individual until the author of the verdict knows for certain that the land falls in one of these categories. A verdict may be pronounced only when it is fully ascertained that such and such land² belongs to such and such category. There should be no hasty decisions because haste is forbidden in the relevant chapter on Qazaya."*²

These verdicts of Shaykh Jalaluddin belong to the Moghal period, when Muslim governments were in power.

¹ p.11

² P.11

Muhammed A'la Thanavi has also given the same verdict; that Indian lands are not the private property of any individual but belong to the state treasury.

When the British came into power several centuries after, the ulema were once again confronted with the problem whether Indian lands were privately owned or not and whether ushr and jizya could be levied on them. Abdul Aziz pronounced that Indian lands were not privately owned but the property of the state treasury and, therefore, neither ushr nor tribute could be levied on them.

"Shykh Jalaluddin of Thanesar has written a treatise on the lands of Indian territory and with many arguments and proofs has concluded that the lands are not to be owned privately but are like those of Iraq, belonging in perpetual trust to the Muslims, that is, the state treasury. The position of the zemindars is no more than that of watchmen. Qazi Muhammed A'la Thanavi has also written on the subject, concurring with Shaykh Jalal.

*"That Shykh Jalal held that the position of the Indian territories was like that of Iraq. They were owned by the state treasury, and zemindars were no more than guardians and cultivators, and could live there to execute these duties. The word 'zemindar' implies this very meaning, not the right to gift or eject or make changes. This is proved by the granting of land-holding rights to Afghans, Baloch, the Sada'at Mashaikh which was on this principle."*¹

¹ Fatawa e Azizi Vol.1 p.43

Besides the ulema, the Moghul potentates continued their disposal of the lands on this principle. Shah Alam endowed no more than the same rights on Sir Thomas Roe when appointing him to administer the civil courts. Siraj ud Daulah stipulated similar conditions at the time he agreed to grant administration rights to the East India Company in respect of the lands of Bengal. These rulers and the British government itself, in its early period, did not consider the Indian lands to be the private property of the feudalists, who were looked upon only as watchmen and local officials.

Now, since the verdicts of the ulema, ignoring the feudalists altogether, and following Hazret Omer's example, prove that Indian lands have all along been looked upon as being owned by the state treasury, how can a system of privately owned estates be valid in future, or their abolition be looked upon as un-Islamic. However, it must always be seen that whatever is done is in the interest of the good of the Muslims.

انْ أُرِيدُ إِلَّا الْإِصْلَاحَ مَا اسْتَطَعْتُ وَمَا تَوْفِيقِي إِلَّا بِاللَّهِ

(هود - ٨٨)



Knowledge and Forbearance

(علم اور حلم)

By

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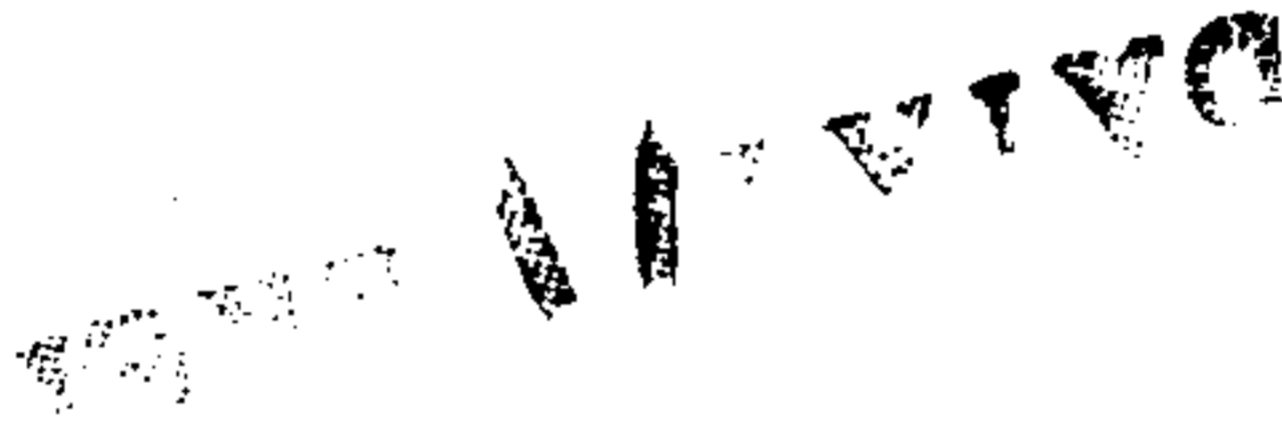
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The
ECONOMIC SYSTEM
OF ISLAM

(اسلام کا اقتصادی نظام)

By

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