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The Disadvantaged in Islamic Society

by

ABDULRAHMAN, SULAYMAN AL-MATRODI

**Thesis presented in the Department of Arabic and Islamic
Studies, Glasgow University, for the Degree of
Doctor of Philosophy**

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بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

DECLARATION

I hereby declare that this is entirely my own work.

DEDICATION

**To those who seek better ways to construct
a sound and healthy society.**

ACKNOWLEDGEMENTS

Whom should I thank before Almitghy God for the completion of this work.

I would like to offer my sincere thanks to my father for his support and encouragement and to my beloved mother for her patience.

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ABSTRACT

This thesis attempts to highlight the Islamic position on man and society, particularly with respect to human efforts to construct a healthy and balanced society, by examining the Islamic approach to the problem of disability.

It consists of four chapters. The first explores the Islamic view of man, both as an individual and as a member of human society, and of the ideal interaction of human beings in bringing this into existence and maintaining it. The second considers the nature of disability in general and Islamic approach to it in particular. The third is concerned particularly with poverty, as the aspect of disability potentially damaging to society. The various Islamic methods of alleviating it, by means of voluntary aid and by means of what has been laid down as a religious duty for the Muslim are presented, together with the role played by the state. The fourth examines the other Islamic resources for alleviating poverty and presenting an example for the implementation of these methods in a modern Islamic state, Saudi Arabia.

People are encouraged to give for the cause of Allah; they are at the same time, encouraged to work, in order to be self-dependent. In addition to voluntary donations, certain charitable payments are also obligatory in Islam. This thesis explores the various resources that Islam offers

in combating the social evils of disability and disadvantage. The methods adopted in Saudi Arabia for the implementation of Islamic teaching on this subject constitutes an example of Islamic practice at the present time.

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ا	'	ف	f
ب	b	ق	q
ت	t	ك	k
ث	th	ل	l
ج	j	م	m
ح	h	ن	n
خ	kh	ه	h
د	d	و	w
ذ	dh	ي	y
ر	r	ة	h / t
ز	z	اَ	a
س	s	اِ	i
ش	sh	اُ	u
ص	s	اَ / اِ / اِى	ā
ض	d	اُو	ū
ط	t	اِى	ay
ظ	z	اَو	aw
ع	e	اِى	ī
غ	gh		

INTRODUCTION

In recent years there has been considerable interest in the Islamic position on the suffering of many people in the world and, in particular, in the Islamic world.

Awareness of suffering is perhaps greater than at any other time, suffering that comes about as a result of a combination of factors: increased prices, increasing numbers of unemployed, hostilities that result in large numbers of disabled, physically, socially and financially, and natural disasters. The tackling of these difficulties and of the further social problems arising from them has become of ever greater concern. Appeals for relief of all kinds have become commonplace, and the numbers of charitable organisations, whose efforts are widely acknowledged, is growing all the time.

Muslim and non-Muslim organisations work side by side, notably in Muslim countries. What can Islam specifically offer in the matter of alleviation of suffering? The object of this thesis is to examine Islamic thought and teaching on the subject. Great importance is given in Islam to human beings as individuals and as members of human society, particularly since there is a danger that society as a whole may be harmed or destabilised as a result of their depreciation.

This work consists of four chapters. The first deals with the Muslim view of man and human society in general

and the Islamic principles on which this society is established. The second concentrates on presenting Islamic teaching concerning disability in general terms, with special reference to Islamic views on determining disability. The third deals with poverty and the various Islamic approaches to the problem. The fourth examines the implementation of Islamic teaching on the subject of disability in an Islamic society; the example used is that of Saudi Arabia.

The approaches that are inculcated by the teaching of Islam may perhaps be termed 'The Islamic Theory'. However, since, unlike other theories it does not require to be proved by experiment, its practice having been laid down as a duty for the Muslims, this study takes the form of a detailed presentation, rather than a critical examination. Furthermore, the principal emphasis is on the Islamic approach to the solution of the problem of poverty that arises as a result of disability, since this is one of the chief causes of the disruption of society, if not of its downfall. It is worth mentioning that the translation of the Qur'anic verses used throughout this work is based on the translation by M. al-Khatib approved by al-Azhar.

CHAPTER 1

Man and society

Islam considers that the human being is the corner stone on which the structure of the whole universe depends. This is because it is the human being that creates civilisation and passes it on from one generation to the next. Thus, in Islam, the human being is creator, manager and recipient.

For this reason, I feel that it is important, before proceeding to discuss the Islamic approach to the disadvantaged in society and the problems and difficulties that they face in their lives, to examine the Islamic answer to the questions of the origin, nature and end of the human being. This answer can be provided only by Almighty God, creator of the Universe, and the principal source for his answer is, of course, the revelation given by him to his messenger, Muhammad, the Qur'ān. The Sunnah, the record of what the prophet himself said, did, approved of and disapproved of, is a second source; however, most of the material upon which I shall draw in this study is from the Qur'ān, rather than from the Sunnah.

Fundamental to the teaching of the Qur'ān is its indication of the nature of the human being and the

material from which he has been created. What is generally regarded as the first verse revealed to the prophet orders him to recite in the name of his Lord, who created mankind from clots of blood (sūrah 96, 1-2). This immediately reminds the human being of his origin and of his nature, which are of the humblest. It also establishes the first attribute of Allāh as the creator, and it reflects his power, as being able to create humanity from base material.

It (the sūrah) indicates the grace of the creator more than it does his power, for it is of his grace that he has elevated this blood-clot to the rank of human being, who can be instructed and can learn . . . It is a far remove from the origin to the issue (1).

It is to be observed that most of the Qur'anic verses that deal with the nature of the human being remind him of two things: the humbleness of his origin and his status in the universe; in spite of his origin, this is very great.

As a sample of the verses emphasising the lowly origin of the human being, we may quote:

**And We created man from extract of clay.
(sūrah 23,12)**

**He it is who created you of clay . . . (sūrah
6,2)**

**When your Lord said to the angels, 'I am
creating a man of clay. So when I have
shaped him, and breathed of my spirit
into him, fall down prostrating before
him. (sūrah 38, 71-2).**

**In some verses, there is further elaboration of
the process of creation:**

**Has not man seen that we have created
him of semen ? (sūrah 36,77)**

**Truly, we created man from mixed semen,
trying him. (sūrah 76,2)**

**Oh, people, if you are in doubt of
resurrection, we have indeed created you
of dust, then of semen, then of a clot of
blood, then of a lump of flesh shaped and
unshaped, that we may demonstrate to
you (Our might). (sūrah 22,5)**

In other verses, the rhetorical technique of question and answer is used:

Cursed be man! How ingrate is he! of what thing did He create him? Of semen did He create him, then fashioned him in perfection. (sūrah 80, 17-19)

and as a more complex variant on this:

We, we have created you; will you not then believe? Have you considered the semen you emit? Do you create it or are we the creators (sūrah 56, 57-9)

This then is the origin of the human being, as established in the divine revelation.

The second point referred to above, his respected status within creation, is equally plainly established. Physical insignificance is contrasted with spiritual elevation. The Qur'ān insists on the honorable position that Almighty God has accorded to the human being. He has made him his khalīfah, and he commanded his angels to perform sujud to Adam. It should, perhaps, be pointed out that the sense of sajada

here does not imply 'worship', as Sale interprets it in his translation of sūrah 2, 34.

In order to overcome the angels' objections to this, he vouchsafed to Adam knowledge that they did not have:

And He taught Adam all the names, then set them before the angels. He said, 'Tell me the names of these, if you are truthful.' They said, 'Praise be to you. No knowledge have we but what you have taught us to know, for you, you are the knowing, the wise.' He said 'O Adam, apprise them of their names.' When He apprised them of their names, He said, 'Did I not tell you that I know the unknown things of the heavens and the earth? And I know what you conceal and what you divulge.' (sūrah 2, 31-3)

The degree of respect and honour in which the human being is to be held are frequently made explicit:

And we have honoured the children of Adam, and carried them on land and sea,

and provided them of the goodly provisions, and we have preferred them over many of whom we have created with preference. (sūrah 17-70)

commenting on this, A.Y. Alī says:

The distinction and honour conferred by God on man are recounted in order to enforce the corresponding duties and responsibilities of man. He is raised to a position of honour above the brute creation; he has been granted talents by which he can transport himself from place to place by land, sea, and now by air; all the means for the sustenance and growth of every part of his nature are provided by God; and his spiritual faculties (the greatest gift of God) raise him above the greater part of God's creation. Should he not then realise his noble destiny and prepare for his real life in the hereafter ? (2)

One of the various ways in which this distinction is demonstrated in the Qur'ān is its emphasis on the superiority of the human form:

And he shaped you, and perfected your forms, . . . (sūrah 40, 64)

Truly We created man in the best shape. (sūrah 95,4)

God has also subjugated all his beings to his service:

Have you not seen that God has subjected to you whatever is in the heavens and whatever is in the earth? And he has perfected upon you His favours, seen and unseen. (sūrah 31,20)

Allāh has honoured this creature above much of his creation. He has honoured him by creating him in that form, with this nature, which combines clay and spirit, earth and heaven in that being.

He has honoured him with the abilities he has put into his nature, by means of which he is qualified for vicegerency on earth, where he can change and modify, produce and construct, put together and

take apart, and by means of which he will attain perfection that is decreed for life.

He has honoured him by subjugating to him the cosmic forces on earth and supplying him with the help of the cosmic forces in the stars and heavens.

He has been honoured with that immense reception that creation accorded him, and with that triumph in which the angels prostrated themselves before him and the almighty creator announced that this human being was to be honoured."

(3)

God's command that Adam, and thus humanity, should receive universal respect was, as we have seen, disobeyed by Iblīs. He refused to bow down to Adam:

He said, 'I am better than he is. You have created me of fire, and you have created him of clay.' (súrah 38,76)

and, furthermore, he determined to take his

opposition further:

He said, 'Do you see this whom you have honoured above me? If you indeed reprieved me till the Day of Resurrection, I shall surely expunge his progeny save but a few.' (sūrah 17.62)

By this is implied that Iblīs will endeavour to persuade humanity to emulate him in disobedience to God. His jealousy of humanity makes the respect and honour accorded to it all the more precious, and it is for this reason that the Qur'ān insists upon it, as it also insists on the necessity for human beings having respect for one another and behaving fittingly towards one another; for example:

O you who believe, let no people (despise and) jeer at another people who may be better than they, nor let women (scoff at) other women who may be better than they. And do not defame yourselves, nor vilify one another with nicknames. Wretched the name of miscreance after faith. And whoever repents not, such as they are the inequitous (sūrah 49-11)

It is precisely by eroding this consideration for

one's fellows that Iblīs intends to degrade humanity from its position of honour.

One of the activities that contribute greatly to this, and consequently receive the condemnation of the Qur'ān, is speaking ill of others:

O you who believe, avoid much surmise, for some surmising is indeed a sin. And spy not, nor backbite one another. Would any one of you desire to eat the flesh of his dead brother? Surely you would abhor it. And venerate God. Truly God is Relenting, Merciful. (sūrah 49,12)

The striking metaphor that is used here is apparently interpreted as adding to the abomination of speaking ill of one who is present - - to be compared with the already double abomination of familial cannibalism -- that of speaking ill of one who is absent - to be compared with the abomination of eating carrion. "The prophet said to the companions, 'Beware of backbiting.' They said, 'What if what we say is true?' He said, 'If what you say is true you are back-biting, and if what you say is false you are slandering.' (Muslim, vol., 8 p.21)

Islam, in fact, allots to all their own individual realm of privacy, which must not be invaded by others. The Qur'ān refers to this in metaphorical terms:

O you who believe, do not enter houses other than your own houses, until you ask leave and greet their dwellers. That is best for you; perhaps you will remember. But if you find no one in it, then do not enter until you are granted leave. And if it is said to you, 'Go back,' then go back for that is more honourable to you. And God is Cognizant of what you do. (sūrah 24, 27-8)

but it is to be understood as encompassing the whole rights of the individual, as laid down in the Qur'ān. The good conduct of society demands that everyone should respect the rights of others. In Islam these rights, to human dignity and honour, are bestowed by God; they cannot be withdrawn or modified as can those bestowed by human rulers or assemblies.

God's favouring the human being above all other beings in the matter of rights, honour and dignity is

his recompense for the responsibility of the position of the khalīfah to which he has been appointed this position, as we saw, is in itself an honour; at the same time it involves weighty duties and obligations. These are specified in the Qur'an:

It is He who has brought you up out of the earth, and has caused you to settle in it. (sūrah 11,61)

The knowledge which the human being has been privileged to receive is again an honour in itself, but is also a necessary instrument to enable him to carry out the duties of his position. In the first sūrah to be revealed to the prophet, directly after the reference to creation from the clot of blood, knowledge is remarked on, as being, presumably, the first thing vouchsafed by God to mankind:

Read: for your Lord is the Most Beneficent, who has taught by the pen. He taught man that which he knew not. (sūrah 96, 3-5)

The knowledge that God has given man in order that he may fulfill his obligation as khalīfah is not limited to the practical knowledge required for the physical building up of the earth. The worship of God and the establishment of civilised society are even more important, and the knowledge required for these purposes correspondingly more valuable. Not, however, that physical labour is to be despised; in Islam, as in Christianity, the humblest work, properly performed, is a kind of worship.

*'Who sweeps a room, as for Thy laws,
Makes that and th' action fine.*

The prophet said: 'If anyone finds himself at nightfall tired out by his work, God will forgive his sins. (al-Şuyuti, al-jāmi' al-Şag hīr)

Seeking knowledge is one of the highest forms of worship. The prophet said: 'Seeking knowledge for one hour is better than praying for seventy years.' It is of course supererogatory, rather than obligatory, prayer that is meant.

To hold the honour of being the khalīfa of God

thus involves the obligation of working, producing and worshipping. Social consideration and cooperation are essential for these tasks. Each member of a society depends on others. The Qur'an says:

Rather help one another to piety and veneration, and do not help one another to sin and transgression. (sūrah 5, v.2)

Mutual aid is essential to the existence of a society; "the prophet reminded the Muslims of this: 'One believer to another believer is like a building, one part of which supports another.'" (bg al-Bukhārī, vol. 8, No. 55) Again, he said, The believers, in their love, sympathy and mercy to others are like one body. When there is any complaint in any part of it, the whole body will complain.' (Aḥmad v.4, p.268)

The exemplar of the formation of a society for Muslims is, of course, that which occurred in al-Madina after the Hijra, when the prophet instituted 'brotherhood' between the Muhājirun and the Anṣar. Each one of the latter took one of the former into his house and divided his belongings into two, giving half to his Muhājir 'brother'.

Another frequently quoted story is the one told of Ibn 'Abbas, that, when in seclusion for prayer (i'tikāf) in the prophet's mosque, he saw a man of doleful countenance. When asked by Ibn 'Abbas what the reason for this was, he explained that he was unable to pay back money that he had borrowed. Ibn 'Abbās declared himself prepared to go to the creditors to mediate or to seek some solution. The man asked, 'But what of your i'tikāf?' Ibn 'Abbās replied, 'I heard the prophet say, 'It is better for anyone of you to pursue the needs of his brother than to isolate himself in my mosque for ten years.'

Thus, then, in the words of Ibn Khaldūn, following, at some remove, Aristotle:

Human social organisation is something necessary. The philosophers expressed this by saying: "Man is 'political' (madani) by nature." That is, he cannot do without the social organisation [al-ijtima'] for which the philosophers use the technical term 'town' (polis) [al-ladhī huwa al-madīan fi ṣṭilāḥihim]. (F. Rosenthal [tr.], 89)

Or, as other more recent Muslim writers have said:

No natural person lives alone, because no human being can live for a long period without being a member of a group; otherwise life becomes difficult, since the continuity of personality depends completely on membership of a group.

(5)

And another said:

"Man is irresistibly impelled by his social nature to live in a corporate milieu, since he has no alternative. In his life's journey, man lives his life in different groups to which he is related, either by ties of kindred and blood or by relationships of friendship and neighbourliness, or by links with his working colleagues. These ties, relationships and links intermesh so as to lead eventually to the formation of the style of life that the individual leads in society. (6)

Part of the duty of any member of society is to maintain that society in good order. Much of the Qur'ān is concerned precisely with the means by

which God requires this to be done. The prophet said, 'Every one of you is a guardian, and you are all responsible for your guardianship.(al-Bukhārī, vol. 2, no.18)

Although the individual is free, his freedom must governed by the laws of society:

"There can be no life in which any individual can proceed to enjoy his absolute freedom without any limits, sustained by his feelings of emotional liberation, free from any pressure, and of absolute equality that is in no way fettered or qualified. Feelings of this nature guarantee the destruction of society, just as they guarantee the destruction of the individual himself. Society has a higher interest, before which the freedom of the individuals must give way; and the individual has a personal interest in keeping to certain limits in enjoying his freedom, in order not to accompany his instinctive desire for pleasure to the point of destruction, and also in order that his freedom may not conflict with the freedom of others,

resulting in the occurrence of endless disputes and of the changing of freedom into hellish torture, and the progress and perfection of life coming to a halt at the confines of short-term individual interests" (7)

At the same time as the appearance of Islam, the inhabitants of the Arabian peninsula were, in general, grouped in tribal organisations. Some of these were nomadic, migrating between the various grazing grounds and waterholes to which they laid claim; others, probably the majority, to judge from the early progress of Islam and from the type of poetry that predominates the pre-Islamic times, were settled and practised agriculture and commerce. There was considerable competition between the nomadic tribes, often resulting in wars and blood feuds; there was also a certain amount of tribal dispute among the settled tribes, as there was for example, in al-Madīna, when the prophet was invited in as a peace-maker. It is unclear to what extent the nomads and the settled population interacted, but there were almost certainly raids by the former on the latter and retaliatory excursions by the latter.

One of the achievements of Islam was to unite the different types of society and the different tribes in a new society that substituted religion for blood affiliation as its cohesive force, with a view to promoting peace and brotherhood. It does not divorce religious from secular affairs in its prescriptions. It aims at establishing a society governed by a moral system to which all would assent, through faith in God's precepts as revealed to the prophet:

Nay, by your Lord, they will not believe until they ask your judgement in what is in dispute between them; then they will not find in themselves embarrassment for what you judge and accept in complete submission. (sūrah 4, 65)

All worldly matters are to be ruled by this legislation. The verse does not apply merely to those questions of lawfulness or unlawfulness brought to the prophet in his lifetime; everything is subject to Islam. 'A.Y. Alī comments on the verse:

The test of true Faith is not mere lip profession, but bringing all our doubts and disputes to the one in whom we

profess faith. Further, when a decision is given we are not only to accept it, but find in our inmost soul no difficulty and no resistance, but on the contrary a joyful acceptance springing from the conviction of our own faith (8)

There are a number of passages in the Qur'ān that link the spiritual and the social aspects of Islam, in a very practical manner:

And as for him who is given his book in his left hand . . . Truly he did not believe in God, the Great, nor did he urge feeding the indigent. So this day he will have neither staunch friend, nor any food save suppurated pus, that none will eat except the perfidious ones. (sūrah 69, 25...37)

Have you seen him who believes not in the reward? It is he who thrusts away the orphan, and urges not the feeding of the indigent (sūrah 107, 1-3)

Woe betide the skimpers, who, when they take a measure from people, take it in full, but when they measure for them, or weigh for them,

they skimp. Do they not think that they will be raised up to a great day; a day when all men will stand before the Lord of all beings. (sūrah 83, 1-6)

What stands out above everything else is the Islamic ideal of social unity in faith:

Surely this is your nation, one nation, and I am your Lord, so worship me. (sūrah 21, 92)

The Qur'ān, indeed, almost invariably addresses the Muslims collectively, 'O you who believe...', 'O human beings...', etc.; and the various acts of worship are carried out in groups. Prayers, alms-giving, the Pilgrimage to Makkah all take place in groups, thus emphasizing the importance of the community.

"Islam, like any other revealed religion, wants first of all and essentially a spiritual religious society rather than a society in which every mutual agreement is based only upon material considerations; for society is a cohesion of living beings that have spiritual

qualities, which are 'luminous ropes' that bind its parts together and securely fasten together its elements, and that which is based on material fastenings collapses easily. Moreover, the group is preserved only by strong religious consciences, which make each person give preference to his brother over himself in the matter of giving. So if the group subsists on this kind of spiritual cohesion, no faction will harbour feelings of hatred for another, no disputes will arise, no faction will look at another as though wishing to coerce it or fearing to be coerced by it; the group will thereby become very cohesive, its structure will be organised, its might will be strengthened, and it will be a firm support for the structure of its society."

(9)

This is the kind of society that Islam requires, and it lays down for it rules that separate it from any other society. As well as the specific instructions that it gives, it also defines the fundamental assumptions on which these specific instructions are based, which should first be

examined, so as to see their application to our topic.

- 3 -

Since, by definition, Islamic society derives its cohesion from faith in Islam, inevitably the Qur'án and the Sunnah contain the essential elements of the constitution of that society. The essential pillars of Islamic society are laid down in the following verses from the Qur'án, one of which has already been quoted:

And if two parties of the believers fight one another, reconcile between them. But if one of them becomes aggressive against the other, then fight the one that is aggressive till it reverts to God's behest. Then if it reverts, reconcile between them with equity and be just, for truly God loves the just. Surely the believers are brethren; so reconcile between your brethren, and venerate God, that perhaps you may have mercy. O you who believe, let no people (despise and) jeer at another people who may be better than they, nor let women (scoff) at other women who may be better than they. And do not defame yourselves, nor

vilify one another with nicknames. Wretched is the name of miscreance after faith. And whoever repents not, such as they are the iniquitous. O you who believe, avoid much surmise, for some surmising is indeed a sin. And spy not, nor backbite one another. Would anyone of you desire to eat the flesh of his dead brother? Surely you would abhor it. And venerate God. Truly God is Relenting, Merciful. O men, We have indeed created you of a male and a female, and have made you peoples and tribes that you might know one another. Surely the most gracious among you is the one who is godfearing. Indeed God is Omniscient, Cognizant. (sūrah 49, 10-13)

Thus, perhaps the first pillar of Islamic society is belief in one single faith, which unites them, makes them equal and instils into them the sense of brotherhood. Brotherhood is particularly important. Then, vital for unity, comes the spirit of reconciliation; the fear of God and justice are also of great importance in the avoidance of anarchy and social conflict.

We have already spoken of the powerful metaphor for backbiting. Mockery of one member of a society by another is also forbidden. This is clearly of direct relevance to our topic; it is wrong that a healthy, normal member of a society should make fun of another who is disadvantaged in any way, whether physically, mentally or financially. There is a revelation that bears directly on this subject, which was revealed to the prophet in order to draw his attention to a mistake that he had made in turning away from a blind man, ʿAbdullah b. Maktūm, when busy with the heads of various tribes who had come to him. However, it has a general as well as a particular relevance:

He scowled and turned aside, that the blind one came to him. But what should make you know? Perhaps he will purify or be admonished, that the admonition may benefit him. As for him who is not in need, to him you are all attentive; and it is no bother to you that he does not purify. As for the one who comes to you with sincere intent, while fearing, from him you are distracted. Nay, surely it is an admonition. So, whoever wills shall remember it. (sūrah 80, 1-12)

All forms of insulting behaviour from one Muslim to another even if what is said is true, is forbidden, as being socially disruptive. Even to speculate idly about another is considered wrong, and 'spying, which is to say taking an undue interest in the business of others, and calumny are also denounced.

The fact that humanity was created from a single pair, male and female, and that from them sprang different tribes and peoples, demonstrates that there can be no justification for discrimination of any kind, whether on racial or social grounds. There can be no difference between any human beings in the sight of Alláh; those who are closest to him are those that fear Him and obey Him.

Faith

The first of the cohesive forces of Islam is Faith. The discussion of faith here will be limited to its practical effect on Muslim society, without any attempt to take account of theological considerations. Thus, the faith that Islam demands as the basis of its society, is simply that of the acknowledging of the oneness of God, and of the fact that Muhammad is his messenger, who was sent to instruct mankind and direct them to the straight path. This faith is the only one for those who desire the betterment of society; for it is this, and its concomitant, that reward and punishment for deeds in this world will follow in the hereafter, that causes men to control their baser desires and pursue the course of virtue.

The necessity of faith for the human being is something that has always existed:

The human being is a human being since being created in need of a faith that would occupy his heart, a faith that would explain life to him and forge a link between it and himself, and preoccupy him with what is more distant and

greater than his own person and character in some way" (10)

The Holy Qur'ān reminds Muslims that they are called upon to follow the same faith that peoples before them were called upon to follow. In it we find many examples of earlier prophets exhorting their nations to believe in one faith and to worship one god; this unites society. Multiplicity of religions causes disorder and agitation, which, again causes disruption in the carrying out of God's commands. Faith is necessary to human beings, and it is for this reason that the prophets were sent. The Qur'ān is insistent upon this:

And when we made a covenant with the children of Israel: 'Worship none but God, behave kindly to parents, kindred, orphans, and the indigent; and speak to people in kindness, and observe the prayer and pay purification dues.' Then you turned away (all) but a few of you while you were shunning. (sūrah 2, v.83)

ʿĪsa brought the same message:

'Surely God is my Lord and your Lord, so

worship him. This is a straight path.'
(sūrah 3, v.51)

Earlier the prophet Yūnus had been instructed to preach to the same effect:

Say: 'O people, if you are in doubt of my religion, then I do not worship those whom you worship apart from God. But I worship God who causes you to die, and I am ordained to be of the believers.'
(sūrah 10, v. 104)

Hūd likewise:

And to 'Ād (we sent) their brother Hūd. He said, 'O my people, serve your God for you have no god but Him.' (sūrah 11, v.50)

And similarly Ṣalih:

And to Thamūd (we sent) their brother Ṣalih. He said, ' O my people, worship God. You have no god but Him. It is He who has brought you up out of the earth, and has caused you to settle in it.' (sūrah 11, v.61)

Why, though, should faith be one of the pillars of the structure of society?

Islam aims at the establishment of a society that combines religion and state; it considers that the social instinct in man is inseparable from that for faith and worship. This is to say that, in the last analysis, the only society in which human beings can be effectively prevented from giving in to their baser impulses and harming both themselves and these neighbours is the one in which the sanctions against this are divine ones. They must, then, believe in the truth of their sanctions; and such belief must come from understanding and not be simply blind.

As to the way in which faith is established, its importance is plain, in that, if belief grows up spontaneously and uncritically, without understanding based on investigation and conviction, a man's faith will be unstable, not relying on confidence in matters, because of lack of understanding of the essence of these matters. In consequence, the individual's method of dealing with matters in life will become the acceptance of their

outward appearances, without looking deeply into their underlying principles. Islam has not demanded of people this uncritical belief or obliged them to accept matters and believe in God without understanding. Belief is a means to produce confidence in God, confidence in oneself and confidence in mankind: a confidence based upon an accurate understanding (11)

This is recognised in the Qur'ān, where the prophet Ibrāhīm asks for a demonstration from Allāh. Allāh does not reprimand him for questioning Him; he answers him, knowing the necessity for intellectual conviction in true faith.

And when Ibrahim said, 'My Lord, show me how you raise the dead.' He said, 'Have you not believed?' He said, 'Yea, but to make my heart well assured,' He said, 'Take four of the birds, and cause them to incline to you. Then place a part of them on each hill. Then call them; they shall come to you in haste.' (sūrah, 2, v.260)

If this happened with one of God's prophets, it is something that might be expected to happen to any lesser mortal. Faith must be based on conviction and knowledge; it cannot be enforced. Mankind is completely free to believe what he chooses, and to that end the evidence to persuade him to true faith is put before him. Faith for Muslims, cannot, for instance, be defined as Gustav Lebon defines it:

a belief arising from an unconscious source which compels a person to believe in one of the issues without evidence.'(12)

This contradicts the simplest principle of faith in Islam, which is that it must be conscious; the individual must be convinced before he can believe.

"Something that is agreed upon is that a human being will not accept a matter that is forced upon him, and if he does accept it against his will, he will not sincerely be committed to it or submit naturally to its principles." (13)

Not only this, but Islam also commands its followers to respect the other revealed religions

and to deal with the adherents of these on a basis of compassion and understanding, not one of subordination and compulsion.

"Because faith is not faith until it issues from conviction, and belief is not belief until it springs from the heart and the mind out of the pure satisfaction and true tranquility." (14)

The Qur'ān says:

No compulsion is there in religion, for rectitude is henceforth distinct from perversity. But whoever disbelieves in the Taghut and believes in God, has firm hold of a strong handle that will not break. And God is All-hearing, All-knowing. (sūrah 2, v.256)

ʿA.Y. ʿAlī comments on this verse:

"Compulsion is incompatible with religion: because (1) religion depends on faith and will, and these would be meaningless if induced by force; (2) Truth and Error have been so clearly shown up

by the Mercy of God that there should be no doubt in the minds of any persons of good will as to the fundamentals of faith; (3) God's protection is continuous and His Plan is always to lead us from the depths of darkness into the clearest light." (15)

Thus the Prophet's duty was to convey the message to the people, to explain it and to preach it without imposing by himself a specific religion or way of life upon them, but to defend his belief and the preaching of his message.

... and say to those who were given the Book and the illiterates: "Have you surrendered?" So, if they submit, then surely they are guided, but if they turn away, then your duty is only to convey (the message) ... (sūrah 3, v.20)

this theme recurs:

... But if you turn away, then know that it is only the duty of our Messenger to deliver the plain proclamation (of the message). (sūrah 5, v. 92)

But if they are averse, then We have not

***sent you as a guardian over them.
Proclamation only is incumbent upon you
... (sūrah 42, v.48)***

It is emphasised that Islam aims at constituting a society that is not based on the repression of man or on depriving him of the freedom of thought, even in the sphere of religion itself. Freedom of faith is the highest degree of freedom mankind is privileged to have:

In this principle appears God's honouring of mankind. His respect for his will, thought and feelings, His leaving him to himself in matters of orthodoxy or error in belief, and in His imposing upon him the consequences of his actions and the reckoning for his soul. This is the most particular characteristic of human freedom. (16)

The faith on which Islamic society is based comprehends all the principles according to which social relations between Muslims, and between Muslims and non-Muslims co-existing in the same milieu . There are two sides to faith for Muslims:

on the theoretical side, there is the total acceptance, which admits no doubts whatsoever; on the practical side, there is the application of all the temporal injunctions of the Qur'ān:

"Faith is a controlling factor in the life of the individual and his behaviour. The more the certainty of the individual in a particular faith increases, the more he adheres, in thought and behaviour, to its demands. We notice the truth of this idea clearly in the intrepidity of the followers of this faith in sacrificing themselves for the sake of their faith."

(17)

Since Islam demands the formation of a society, it is therefore necessary to its existence and growth. Faith then is the first pillar of society's structure since it contributes to the cohesion and correlation of the group and to the achievement of social integration, which originate in the feelings of relationship, closeness, harmony and love between children of the same faith, as the result of the unity of the point of departure and the unity of the goal.

Once the society is established, through the

strength of the faith of its people, it needs further props on which to develop. Thus, it is not enough to accept the necessity for the establishment of society; the offshoots of faith, which serve as these props must also be accepted. These are brotherhood, justice, equality and freedom.

Brotherhood

The brotherhood that is envisaged is, as has been mentioned, a brotherhood of faith, replacing the blood relationship that caused the tribal feuding and division of Jāhili Arabia.

*Surely the believers are brethren ...
(sūrah 49, v.10)*

and again:

O you who believe, take not your fathers and your brothers for helpers if they prefer unbelief for belief, and whoever of you takes them for helpers, then those, they are the iniquitous. Say, 'If your fathers, and your sons, and your brothers, and your wives and your clan,

***and wealth that you have gained, and trafficking you fear may slump, and habitations you feel content with are dearer to you than God and His Messenger and striving in His cause, then wait until God brings His command ; God guides not the people who are miscreants.'* (sūrah 9, v.23-4)**

It is a brotherhood of love, compassion and sympathy, in which you wish for others what you wish for yourself, and you deal with others as you would have them deal with you. The Prophet said: Do not hate one another; do not envy one another; do not turn your backs on one another; do not sever relationships with one another; be worshippers of Allāh as brethren (Musnad Aḥmad b. Ḥanbal, II, p.469)

Essential as brotherhood may be, however, it is not imposed:

Thus, the Noble Qur'ān mentions brotherhood between believers as being a natural consequence of belief. There is no command in the Qur'an for brotherhood between believers. (18)

The relationship expressed by 'brotherhood' cannot be represented by any other term, in that it implies an equality of level that is lacking in other family relationships.

The relationship of brotherhood combines many bonds: in it is the bond of affiliation and proximity, the bond of love, the bond of intimacy, the bond of comradeship, the bond of similarity in nature and the bond of relaxation and lack of constraint; for this reason it is more genial to the soul than the relationship of sonship and fatherhood, which are stronger than it is, since it differs from them by its freedom from the burdens of respect, awe and obedience. The link of brotherhood is like an attachment formed voluntarily .
(19)

The practical side of this relationship, and its symbiosis with faith, appear in the ḥadīth of the Prophet:

None of you will have faith until he

wishes for his brother what he wishes for himself. (al-Bukhārī, vol.1, no.12)

The strength of society depends on the strength of the links between its members, as the Prophet recognised:

The believers are like the body in their mutual love, compassion and affection; if one member of it is ill, the rest of the body is associated with it in sleeplessness and fever (Muslim, vol.8, p.20)

Muṣṭafā 'Abd al-Wahīd comments:

The joining of men's hearts in harmony, as symbolised by the help extended by the Anṣar to the Muhājirūn, was the secret of the cohesion of the Islamic society. (20)

And in the Qur'ān:

And hold fast God's cord altogether, and do not scatter. And remember God's grace to you when you were enemies;

then He brought your hearts together and through His blessing you became brethren (sūrah 3, v. 103)

The giving of sincere advice and constructive criticism, in order to keep one another on the right path, is another important factor in brotherhood. Islam has always encouraged this; for example, the Prophet said:

***'Religion is the giving of advice.' We said: 'O Messenger of God, to whom (li-man)?' He said: 'For the sake of God (lillah) and His Messenger and the leaders of the Muslims and the people.'* (Ahmad Ibn Hanbal, v.4p.102-3)**

Finally the Qur'ān sums up the situation:

... help one another to piety and veneration, and do not help one another to sin and transgression (sūrah 5, v.2)

Equality and Justice

Equality between members of a society and justice for them all are, self-evidently, essential for the stability and progress of that society.

Both of these principles are inherent in Islam. The oneness of God reminds Muslims of the oneness, that is to say the equality, of their duty towards Him; this, in turn, implies the same equality in their rights. Muṣṭafā ʿAbd al-Wāḥid describes the position that Islam replaced:

People before Islam were classified into different types: free, slave, noble and humble. Social interaction and intercourse proceeded on this basis. The classes lived behind their divisive barriers, and no one dared to cross them or demolish them.

But Islamic society, from its inception, has been able to annihilate the bases of the spurious division, to bring the people back to their great reality and to return them to their single origin ... and the people have lived in that society in the light of that clear reality: 'O men, venerate your Lord who has created you from a single soul, and from it created its mate, and from the pair of them has spread abroad many men and women.'

(21)

The Prophet said:

Mankind are [the progeny] of Adam, and Adam came from dust; the Arab has no superiority to the non-Arab or the white to the black, except in piety (Aḥmad Ibn Ḥnabal, v.2, p.261)

Thus, influence through personality, position, power, wealth, relationship or friendship should have no place in the Islamic view of society. This exemplified by the Prophet's dictum, concerning the contrast between the outlook of Islam and that of the society that it had come to replace, to Usámah b. Zayd when he came to him to mediate in favour of a woman from the tribe of Makhzúm who had been convicted of theft:

Those who were before you were destroyed by their practice of ignoring theft by the noble while punishing strictly theft by the weak. By God, if Faṭimah bint Muḥammad were to steal, I should cut off her hand (Al Bukhārī, vol. 4, Faḍáil al-Ṣaḥábah)

al-Tabari records:

‘Umar b. al-Khaṭṭab commanded the governors of the provinces: ‘Treat men equally in your favour, your justice [in access to] your court, so that no noble may aspire to be your confidant and no weak man may despair of your justice! Make men equal in your sight; be impartial in observing rights, and no one will be able to blame you before God; and do not display favour or preference in matters in which God has given you authority. (22)

The Qur’ān is emphatic on this point:

O you who believe, be administrators of justice, witnesses of God, even if it be against yourselves, or the parents and kindred. Whether rich or poor, God can best protect both. Hence, follow not caprice lest you swerve, for if you contort or turn, then God is Cognizant of what you do (sūrah 4, v. 135)

Before the Islamic law, people are equal,

whether they are rich or poor, strong or weak:

People are equal like the teeth of a comb. (Muslim, Musnad, 5,8)

This equality before the Islamic law applies not only to Muslims but also to non-Muslims living in a Muslim society. 'Umar b. al-Khaṭṭāb reported the Prophet as saying:

If anyone harms a Dhimmi or a Mu'ahad, I shall be his opponent on the Day of judgement (Aḥmad Ibn Ḥanbal, v.2, p.258)

There are many examples of the practical application of equality and justice in early Islam; they were not merely high-minded ideals. Bilāl b. Rabaḥ was a slave before Islam; he was freed by Abū Bakr and had the honour of being appointed the mu'adhdhin of the Prophet's mosque, over the heads of the Arab companions. 'Umar b. al-Khaṭṭāb was quoted by Muṣṭafā' Abdulwahid as saying:

Abū Bakr is our lord, and he has set free our lord (i.e. Bilāl, p.80)

The Prophet said in a similar connection:

Salman is one of us, the people of the house.

meaning that Salman, the Persian, was equal to them in status and consideration. In addition, the Prophet gave command of the army to Usāmah b. Zayd, whose mother had been a slave, with authority over even Abū Bakr and 'Umar b. al-Khattab.

Abū Dharr al-Ghifārī is reported as recording a rebuke that he received from the Prophet for a racist remark:

I quarrelled with a black man, and the dispute between us became fierce, and I shouted at him: 'Son of a black woman!' This was reported to the Messenger, who said, 'The son of a white woman has no superiority to the son of a black woman, except in pious works.'

The emphasis of early Islam on the equality of men resulted in considerable changes in the lives and behaviour of those who embraced it, particularly the more aristocratic among the Arabs. Thus, 'Umar b. al-Khaṭṭāb prayed behind Salim, a

former slave of Hudhayhfah, as imam, because he knew the Qur'ān by heart. Furthermore, the Prophet is recored as saying:

Hear and obey, even if the one given authority over you is a slave, with a hair like foam (i.e.curly-haired)! (al-Bukhārī, vol.1, no.662)

As we have seen above, the only permissible inequality in Islam is in piety (taqwa) and pious works (al-'amal al-ṣalih). Inequality in this respect can hardly be avoided and, in any case, is positive rather than the reverse. The Qur'an says:

Surely the most gracious one amongst you is he who is godfearing [Bell, more accurately: verily the most noble of you in Allah's eyes is the most pious]. Indeed God is Omniscient, Cognizant.(sūrah 49,13)

Thus, although it has not always been realised, the Islamic social ideal is that there should be no difference between even the khalīfah and the ordinary man. 'Umar b. al-Khattāb promised, as khalīfah, to differentiate himself in no way from

any other Muslim, whether in food, clothing or any other aspect of life. One day he gave an oration wearing clothes different from those he habitually wore. A member of the audience rose and said, 'We shall not listen to you, for you have set yourself above us by means of a gown. Each one of us has but one gown, but you have two.' 'Umar said to him, 'It is the gown of 'Abdullāh b. 'Umar, because my gown has been washed.'

However, equality must not be interpreted as restricting the individual's freedom to increase his knowledge, to exercise his talents, or to acquire more wealth than others, provided that he uses it in a godly way. Islam encourages those who devote their time and ability to the benefit of society. If they were not free to act as they were inclined in these matters, this would be deleterious to society.

The Qur'ān says on this point:

Say: 'Are those who know equal to those who know not? Surely, those who possess acumen remember.' (sūrah 39, v.9)

But in their essential humanity they remain equal. It is clear that people cannot be equated in intellect or in application; however, 'those to whom most is given, of them will be most required.' The duty to society of those who have the greater talent is the greater. Commensurately, rewards may be greater for greater devotion:

Not equal are those of you who expended before the opening and fought; such are on a greater grade than those who expended thereafter and fought. Yet God has promised each of them a goodly reward, for God is Cognizant of what you do. (sūrah 57, v.10)

All will receive only what they have worked for.

Again:

That no laden soul shall bear the burden of another. And that man has nothing but for what he works. And that his works shall surely be seen. Then He shall recompense him the reward in full. (sūrah 53, vv.38-41)

Duties and rewards are distributed with complete justice:

God charges no soul except to its capacity. It shall have what it earned and shall bear what acquired. (sūrah 2, v.286)

Since duties and responsibilities are allocated according to individual capabilities, this must equally apply to the distinction between duties and responsibilities of men and women. They both share in those of the house and family as well as in those of society at large. Since they have different capabilities, their responsibilities are also different:

Men are guardians over women for that God has made some of them (i.e.mankind) excell others, and for that they have spent of their wealth. (sūrah 4, v.34)

This indicates the social responsibility of men towards women and the family; it does not detract from the rights of women:

The point is to distribute rights and duties; it is not to strip woman of them or to nullify her legal personality or her social responsibility. (23)

There is no inequality as such between men and women; it is only that the responsibilities of each are allocated according to the abilities of either sex.

Islam gives women a number of essential roles in the underpinning of society, as, for instance, holding in trust their husband's property. The Prophet said:

The wife is a guardian in her husband's house and responsible for her guardianship (al-Bukhārī, vol.2. no.18)

She is also responsible for educating the rising generation; this is more of a responsibility than the immediate acquisition of wealth or other ephemeral activities. The poet says:

The mother is a school; if you prepare her [well] you will prepare a well-rooted people. (24)

Freedom

Freedom is a fundamental human right that is emphasised and guaranteed by Islam, both for the

sake of the individual and for the sake of society , to which it is essential. Muṣṭafá 'Abd al-Wáhid poses a most pertinent question, which he then answers:

How, then, is society deprived of its freedom? This happens only when what is false occupies a place in society. No place for oppression rises without the destruction of another place for freedom. No man occupies more than his place without diminishing the territory of others. (25)

Freedom in Islam is a controlled freedom, which seeks to preserve the dignity of mankind. The controlling principles are twofold, ma'nawi (spiritual) and hissi (perceptual). The first of these is to be found in the conscience of the individual:

It should be noted that the controlling restraints of freedom are really psychological, not external restraints, to begin with. These are spiritual restraints, which consist of two realities, one of which is self control and obedience to the dictates of intelligence

rather than those of the passions, and the other is a keen perception of the right of mankind over the individual. Without this comes selfishness, and freedom and selfishness are opposites that do not combine.' (26)

The perceptible principles are the laws, rules and regulations that all societies develop to keep themselves stable and to protect their members. Freedom is one and invisible, but it can be discussed from different viewpoints, depending on the interests of the individual: personal freedom, freedom of thought, freedom of religion and so on. Here we shall consider certain aspects of this freedom.

Islam, as we have already seen, was born in a tribal society, in which wealth, power and nobility of birth counted for everything. Islam had to take a number of steps to root out the essential evils of this society and create its own. With its emphasis on equality and justice, it had inevitably to deal with slavery that was a universal feature of the world at that time. However, as with other legislation that concerned the community as a whole, whether permitting something or prohibiting

something, it was necessary to proceed gradually.

When the Shari'a of Islam came, the principle of slavery was deep-rooted in the structure and civilisation of nations; it was interlinked with the history of their culture, and was one of the principles upon which were based the structure of the family, the management of the home and the turning of the wheels of agriculture and commerce. Just as the family consisted of husband, wife and children, it consisted, together with them, of male and female slaves. Agriculture, industry and commerce was based on slave labour. There were markets for trade in slaves in every city of the world; in these were wealth for others besides the slave-merchants. If Islam were to legislate for the abolition of slavery at one stroke, it would bring upon those who united under its code immense disruption-- both among Muslims and those surrounding nations that had realtions with the Muslims.' (27)

Nevertheless, Muslims were encouraged, from

the beginning, to endeavour to free slaves:

Yet he did not hurl himself on to the difficult way. And what makes you know what the difficult way is? (it is) the freeing of a slave, or the feeding on a day of famine, an orphan who is near of kin, or an indigent who is in apparent misery (sūrah 90, v. 11-16)

The difficulty alluded to here is, of course, the difficulty of deciding to free a slave, since both social standing and wealth are concerned. M. 'Abd al-Wāhid comments:

The position of Islam on slavery is made clearer than this when the Qur'an makes the freeing of slaves the great test for man, the one that truly indicates his belief. (28)

Only a few people are recorded as having acted in accordance with this injunction. The first was Abū Bakr al-Ṣiddīq, who after freeing all his slaves, proceeded to buy others, in order to free them. Among these were 'Ammār b. Yāsir and his family, Bilāl b. Rabah, Suhayb al-Rūmī, Umm 'Ubays and

Zanīrah.

Only a tentative beginning was made before the Hijrah. After the move to al-Madīna, however, the freeing of slaves received more emphasis than it had earlier, for example:

It is not piety that you turn your faces toward the east and the west, but pious is he who believes in God, and the hereafter, the angels, the Book, and the prophets; and for the love of God he gives (of) his wealth to kinsmen, the orphans, the indigent, wayfarers, beggars, and for the redemption of slaves; and observes prayers, and pays the purification dues [al-zakāt] ... (súrah 2, v. 177)

It was, of course, not merely to encourage people to endeavour to free slaves, it was for this reason that Islam came to include it in that part of the law that deals with spending and giving for the sake of Allāh. Some of the injunctions under this heading are compulsory, not optional; of these is the paying of the zakāt. Part of the zakāt was to be devoted to this end. Although not associating it

here explicitly with the zakāt, the Qur'ān gives a clear directive on the matter:

Surely alms are for the poor and the indigent, and those who work to collect them, and those whose hearts are brought together, the ransoming of slaves and the debtors, and for the cause of God and the wayfarer. So be it on a command from God; for God is Omniscient, Wise. (sūrah 9v.60)

The use of the zakāt to free slaves has been an effective one; the majority of Muslims have the means on which the zakāt is due. Some proportion of the zakāt, then, has always been spent, either by the state or by the individual for this purpose.

In addition to this, Islamic law ordains the freeing of slaves as a penalty for certain categories of sin. It is known as kaffārah:

atonement, expiation, literally, what "covers" the sin. The kaffārah has usually to consist in freeing a Muslim slave or -- for those who are sufficiently well off -- in a three days' (and in some

cases even two months') fast or as a substitute -- for those who are not able to fast -- in bestowing food or clothes on a definite number of people (from 10 to 60) (EI¹, 2, 618)

The kaffārah is explicitly prescribed in the Qur'an for the breaking of an oath:

God will not take you to task for loquacity in your oaths, but He will punish you for the oaths that you intentionally confirm. Expiation for it is feeding ten indigents with the average of what you feed your folk, or clothing them, or setting free a slave. But whoever finds no means, then let him fast three days. This is the expiation of your oaths then you have sworn. (sūrah 5, v.89)

The killing of a Muslim by accident also made the guilty party liable to kaffārah, as well as to the payment of the diyāh to the bereaved family:

It is not for a believer to slay a believer unless it is by mistake. And he who slays

a believer by mistake, shall be committed to freeing a believing slave, and a blood-fine (shall he pay) to his family unless they forgo it free-will alms. But if he belongs to a people hostile to you and is a believer, then let (the slayer) set free a believing slave. And if he belongs to a people between whom and yourselves there is a pact, then a blood-fine is to be paid to his family and a believing slave is to be set free. But he who finds no means, let him fast two consecutive months as a penance from God, for God is Omniscient, Wise. (sūrah 4, 92)

The rationale behind this is that the offender, having deprived society of a life, should make reparation by , as it were, bringing one back from the dead state of slavery to the live state of freedom. It is also a means of ensuring the freedom of a further Muslim, which might not otherwise occur. A.Y. Ali comments:

Thus a deplorable mistake was made the occasion for winning the liberty of a slave who was a believer, for Islam discountenances slavery. (29)

A further means of occasioning the setting free of a slave is that of the slave's buying himself out of slavery:

And those whom your right hands possess and who desire manumission [Bell: the writing (of manumission)], write down for them, if you know good in them. [Bell, omitted in A: and give them of the wealth of Allah which He hath given you]. (sūrah 24, v.33)

A footnote in A. explains: "It was an Arab custom that a master would write down for his slave a certain sum, which meant that the slave was authorised to work anywhere. By delivering the agreed sum of money to his master, the slave would be manumitted." "A.Y. 'Alī adds: 'Not only that, but the master is directed to help with money out of his own resources in order to enable the slave to earn his or her own liberty.' (906) It is likely that the condition of knowing good in the slave refers to his ability and willingness to work after manumission has been obtained; society does not want an extra burden to support.

Islam, in fact, seeks out almost any opportunity

of setting a slave free. For example, if his master hits him, or otherwise mistreats him, he should be set free. In al-Ṣaḥīḥ of Muslim we find the following ḥadīth:

Ibn 'Umar called for a slave of his and saw a mark on his back. He asked him: 'Did I cause you pain?' He said, 'No.' He said, 'You are free.' Then he took some earth and said: 'I shall not receive so much reward for him as shall equal this in weight. I have heard the Apostle of God say: 'If anyone beats a slave of his as a punishment for something that he has not done, or (even) slaps him, he must expiation by setting him free.'

Mu'awiya b. Suwayd is reported as saying:

I slapped a slave of our own and ran off. Then I returned just before noon and prayed behind my father. He called both of us and said: 'Take your revenge!' However, he forgave me. Then he said: 'We were the Banū Muqran in the time of the Apostle of God. We had only one servant girl, and one of us slapped her.

The Prophet heard about this and said, 'Set her free!' They said, 'We have no other servant.' He said, 'Then let them keep her as a servant, but when they do not need her they must let her go.'

The question of slavery is still discussed. Fathī 'Uthmān says:

We have seen doors opened in front of freedom and we seen doors closed on slavery. Between the two extremes there is a group of slaves that are making their way towards the exit door but have not yet reached it. Islam has opened for them, in the interval of waiting, windows for ventilation and has prepared for them means of obtaining comfort that allow them to live a human life, not feeling those oppressive divisions between classes. This is because it [Islam] has obliged the masters to raise their servants' life-style to the level on which they themselves live. The Prophet (God's mercy on him) says: 'They are your brothers. God has put them into your

possession; so feed them what you eat and clothe them with what you wear. Do not impose tasks on them that they cannot perform, and if you do impose them upon them, then help them.' (30)

It may be said that this kind of attitude has made relations between master and slave more familial than magisterial/servile. Muḥammad 'Abd al-Wāḥid says:

In making it obligatory for the slave to be fed what the master eats and to be clothed in what he wears, Islam puts an end to the form, in the matter of slavery, after having put an end to its content when it raised the relationship between them to the degree of brotherhood ... and when it forbade the imposing of any task on a slave that he could not perform, it put an end to the evil and ignominy of slavery, that is to say, the exploitation that does not respect ability and knows no pity. We thus see that slavery that remains, for the time being, in Islamic society, despite all the windows of freedom Islam has opened, has lost its

form and its reality and has changed into a kind of attachment and cooperation in which there is no humiliation or subjugation. (31)

Together with its emphasis on the desirability of freeing those who were already slaves, Islam attempted to establish preventative measures, in order that no further unfortunates might be enslaved. One of the principle sources of slaves at the time of the introduction of Islam was prisoners taken in battle. The Qur'an deals with this in a decisive manner:

And when you encounter those who disbelieve, then let there be smiting of necks until, when you have inflicted heavy loss upon them, then tie fast the fetters; then let there be a setting free by grace or ransom until the war lays down its burdens. (súrah 47, v.4)

If we look in the noble Qur'an we shall not find there any trace of the killing or the enslavement of prisoners. We find there only one noble course, which is to release them, either with or without

pagment.' (32)

The unconditional freeing of captives is preferable, but the ransoming of them is legitimate. What is not legitimate is to enslave them. Even this minor restriction of liberty applies only in time of war; otherwise, no restraint may be placed on the freedom of those who are innocent of criminal acts. Ordinary war, however, is to be distinguished from what we know as 'terrorism', that is to say the making of war against society as a whole, even in the name of Islam. This particular activity is known as muḥārabah or ḥarābah, and those who engage in it regarded as 'making war on Allah and his Prophet'; Islamic law has always regarded this with revulsion and has decreed the most draconian penalties for it.'

The only reward of those who fight God and His Messenger, and roam in the land corrupting shall be to be slain, or crucified, or to have their hands and feet alternately cut off, or to be banished from the land. But for them will be an ignominy in this world, and in the hereafter they shall have a great torment. (surah 5, v.33)

Freedom of thought is also an important aspect of Islam. The Qur'ān declares:

So give glad tidings to my servants. Those who hearken the word, then follow the best of it, such are they whom God has guided, and such as they are the possessors of acumen. (sūrah 39, v.17-18)

It would be impossible for men to follow the best of the word if there were no true freedom of thought. Islamic social and educational ideals require people with open minds who are able to use their abilities to the best effect in the creating of a civilised and strong society. The Qur'ān frequently exhorts men to use their critical faculties; for example:

He is the Mighty, the Forgiving, who created seven heavens, tallied. You do not see in the creation of the most Benignant any discrepancy; return your gaze, do you see any crevice? Then return your gaze twice again; your gaze will return to you repressed, weary.

(sūrah 67, vv.2-4)

Indeed, it is a duty to use one's mind to the utmost:

***Thereby Islam has intended to arouse and alert the intellect to the accomplishing of its mission and the training of the intellectual and speculative faculties towards self-confidence, independent judgment and freedom of thought.'* (33)**

Freedom of thought may be considered according to numerous subcategories, freedom of the press, freedom of religion, freedom of politics, and so on. All of these, however, may be subsumed under the more general heading:

If Islam has opened the way to independent thought in the questions of shari'a and the government of the people thereby, then its guarantee of the freedoms of thought, judgement and expression of its affirmation of these in the various affairs of this world need no demonstration. A believer should be earnest in discussion and debate, sincere

in search of the truth. These are the traits that belief forms in the soul and according to which it becomes habitual to those who believe to act, and those who find it possible to become absorbed in the most absolutely significant of all questions -- those of religion -- undergo a unique mental and spiritual experience, which brings them a wonderful training in impartiality, seriousness, honesty and fairness. (34)

The vast quantity of debate, on a high intellectual level, concerning both legal and theological matters, bears witness to the exercising of this freedom in Islam. The Prophet encouraged his Companions to consult one another and to give him their advice and opinions. There was a celebrated occasion when he took advice on the position to adopt at the battle of Badr:

al-Ḥubāb b. al-Mundhir b. al-Jamūḥ said to the apostle: 'Is this a place God has ordered you to occupy, so that we can neither advance nor withdraw from it, or is it a matter of opinion and military tactics?' When he replied that it was the

latter he pointed out that it was not the place to stop but that they should go on to the water nearest to the enemy and halt there, stop up the wells beyond it, and construct a cistern so that they would have plenty of water; then they could fight their enemy who would have nothing to drink. The apostle agreed that this was an excellent plan and it was immediately carried out'. (35)

The early caliphs also followed the Prophet's example in this. Abū Bakr was quoted in al-mujtama' al-Islāmī to have said, on becoming caliph:

O people! If you think I am right help me. If you think I am wrong, set me straight.

And 'Umar b. al-Khaṭṭāb was quoted in the same source to have said:

'I implore you by God, if you see any crookedness in me, set me straight.' A man said: 'By God, if we were to see any crookedness in you, we should set you

***straight with our swords.'* 'Umar said: 'Praise be to God who has put in this nation those who, were they to see any crookedness in me, would set me straight with their swords.'**

on another occasion:

'Umar preached one day and prohibited any increase in the mahr (bride price) , saying that it should not be extravagant. If they did not comply voluntarily, he would compel them to do so. A woman got up and reminded 'Umar of the verse of the Qur'an: 'And if you wish to change one wife for another, and you have given to one of them a hundred-weight, take nothing of it.' (sūrah 4, v.20)

'Umar changed his mind and said: 'Umar was wrong and a woman was right.' (36)

This is the kind of freedom that Islam has always advocated, as being an essential component in healthy society. Licence, which is deleterious to society, is countenanced.

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CHAPTER TWO

DISABILITY

The definition of disability

The definition of disability (and the terms used in a similar sense in other languages), like that of many social terms, presents considerable difficulty. It varies, to a large extent, according to the place and period under consideration; different civilisations and societies have had, and have, different views of what is involved in the concept, and, particularly, perhaps, in what constitutes the non-physical, as opposed to physical, disability, the International Labour Organisation acknowledged, in its report, Employment of Disabled Persons 1984, that:

defining the terms 'disability', 'handicap' and even 'disabled person', may give rise to some difficulty for the simple reason that they are used for various purposes; for example, in connection with entitlement to benefits, such as war pensions, injury and sickness allowances, as well as determining eligibility for entry into a vocational rehabilitation programme. In the case of benefit determination, the important factor is the circumstances in which the disability occurred, with the degree of disability or

handicap often being assessed on a percentage basis, irrespective of the fact that the same disability such as the loss of a particular limb has different effects on different individuals. (1)

The above mentioned are not the only reasons for the difficulty of producing a satisfying definition; one of the principal reasons for this is the imprecise usage of the term by different specialists, some of whom regard 'disability', 'impairment' and 'handicap' as synonymous and interchangeable. This difficulty was felt by Davies (1982) U.Carver and M.Rodda comment on this:

There are very real difficulties in the way of reaching precise definitions. One of the assumptions that has to be made by practitioners is that disability can be measured. Most of us can recognise extreme forms of disability but, despite this, disability is a very murky concept in medicine, psychology and sociology. Attempts to define it in absolute terms have always proved easier in theory than in practice.(2)

What we shall attempt to arrive at is a general definition in Islamic terms, such that it may be understood by society at large and not only by specialists; this is essential for identifying Islamic society's recognition of , and attitudes towards, disability. In what circumstances can we agree that a certain person is 'disabled'? E.D.A. Topliss (1975), in discussing a report prepared by a British Government survey team in 1971, says:

In fact, of course, as the survey team pointed out, the numbers discovered depended very much on the definition of terms used -- after all, only a minority of the population is physically perfect, with a full complement of good teeth and eyesight which needs no complement of spectacles, and the vast majority are impaired in some way. Clearly, to regard all those thus impaired as disabled makes nonsense of the term, since the standards of society will reflect the capacities and conditions of the majority. Disablement cannot be regarded as an objectively determined departure from able-bodied perfection, but is related to social norms. (3)

B. Meredith Davies (1982), having, as we have seen, commented on the confusion and ambiguity in the indiscriminate use of 'impairment', 'disability' and handicap', offers a definition:

Disability: This refers to an interference of function and is therefore the more commonly used term because it indicates what the individual cannot do. It may be absolute, i.e., blindness, or more commonly partial, i.e., stiffness and pain in joints following arthritis. ⁽⁴⁾

It may be helpful also to consider the following definition, given by 'Abdul-Mun'im Nūr 1971:

If we ask ourselves what is meant by 'disabled' (al-mu'awwaqin), we find that this social term, the use of which is widespread, is applied to many groups of citizens in a society permanently afflicted by one or impediments that detract from the capacities and put them in the most pressing need of attentive external assistance, based on scientific and technological bases, which will return them to the level of 'normality', or, at least, as near as possible to that level. ⁽⁵⁾

Common features of the definitions that we have

examined appear to be the following:

- a. The inability of a person to do something as a criterion for judging disability;**
- b. The emphasis on physical disability;**
- c. Deformity, injury and disease as the principal reasons for disability;**
- d. No explicit mention of the 'degree' or 'percentage' referred to by the ILO, above.**

The assumptions that this study will make with regard to the Islamic attitude to disability are two. The first is general; the second is a corollary to the preliminary remarks concerning the human being and society:

- 1. Disability is a natural social phenomenon and may be psychological, mental, social, economic and political, as well as physical.**
- 2. The disabled person, as a member of his society, should suffer no additional disability, through exclusion, discrimination or the like.**

Disability and Islam

The principles underlying the Islamic attitude towards disability may be summed up as the following:

1. Islam recognises, above all, that the human being consists of body, mind and soul, and that a disability affecting any one of these involves concomitant effects on others.

2. The human being's ability, to perform even his duty, is in any case limited. The prescriptions of Islam do not, therefore, require anyone to act beyond his ability.

God charges no soul except to its capacity.
(surah 2, v.286)

3. The maturity or otherwise of the three elements in the human being are taken into account when assessing his ability. The performance of any Islamic duty can be required only from those in whom this threefold maturity is present.

4. Even when the human being satisfies the requirements of 3, his obligations are waived if he is temporarily incapacitated. The Prophet said:

Three categories of people are absolved from responsibility: those who are insane, until they recover their sanity; those who are asleep, until they wake up; and those who are minors, until they reach maturity. Abū Dawūd, Bāb 17)

5. Being compelled to do something, under duress, is also counted as a disability in Islam; the person compelled is thus also absolved from responsibility:

Whoever disbelieves in God after his faith, save he who is coerced when his heart is still firm in faith. (sūrah 16, v. 106)

Thus, then, from the beginning, Islam has indicated its acknowledgement of, and its concern for, disability of the various kinds and has encouraged awareness of this among its adherents. For example, those who are unable to take an active role in the military role in the defence of the Islamic state are not to suffer discrimination on that account:

No blame is there against the blind, nor is there blame against the lame, nor is

there blame against the sick. (sūrah, 24, v.61)

The fast of Ramaḍān is also of course, considered, from the point of view of the disabled:

Hence, whosoever of you witnesses the month shall fast it; whosoever of you is sick or on a journey, (let him then fast) a number of other days, for God desires for you ease, and desires not for you privation. (sūrah 2, v. 185)

As far as the obligation to make pilgrimage is concerned, there are certain concessions, as indeed there are for those who can make it but are unable to participate in all the manāsik:

And perform completely the pilgrimage and the 'Umra for God. But if you are prevented, then make such offering as may be the easiest. And shave not your heads until the offering has reached its destination. But whoever of you is sick or has an ailment of the head, then make redemption by fasting, or alms, or any other act of worship. But if you are secure, then whoever enjoys the 'Umra

till pilgrimage, let him make such offering as may be the easiest. And whoever finds none then a fast of three days during the pilgrimage and seven days when you have returned; those are ten complete. That will be for him whose family is not present at the Sacred Mosque. (sūrah 2, v.196)

In general, Islam is indulgent to those who, through no fault of their own, being weak or under oppression, are unable to comply with its dictates:

Except the feeble among men and women and children who can contrive nothing, and are not guided to a path. Perhaps God will yet pardon them, for God is Clement, Forgiving. (sūrah 4, vv.98-9)

On which Ṛ.Ṭ.Ālī comments:

If through physical, mental or moral incapacity, we are unable to fight the good fight, we must rest content with putting up with evil and just guarding ourselves from it. God's gracious mercy will recognise and forgive our weakness if it is real weakness, and not merely an

excuse.'(6)

These examples are given to illustrate Islamic concern for the disabled, the weak and the oppressed. It is apparent from them Islam considers 'disability' in a wide and general sense. However, it is also the case that each type of disability is subject to separate consideration and treatment, as we shall see.

To attempt a general definition of 'disability' in Islamic terms is, perhaps, rash, and it is, of course, not improbable that it will not differ greatly, in certain aspects, from definitions that may apply to other societies and religions. Nonetheless, it is suggested that the following may be taken as approximating to the kind of definition that is required:

'Disability' is a state of failure to produce and perform what a normal person can produce or perform, or failure to control actions or behaviour in a way that a normal person can, and thus to differ from those who constitute the normal categories of society.

The definition falls clearly into two halves: the first is the result of physical, mental, social, economic and other constraints that impair a person's positive actions; the second is the result of powerlessness to avoid negative behaviour. The two are subject to quite different treatment in Islam. In this study, it has been decided to restrict discussion to the types of disability involved in the first half; those in the second half appear more susceptible to theological than social considerations.

Types and classification of disability

The types and methods of classification of disability are various, depending to some extent on the definition of the word adopted. For instance, classification may be according to the causes of disability, according to the length of time over which the effects extend, or according to its nature. The International Labour Organisation, in *Employment of Disabled Persons (1984)* recognises the following methods:

- (a) According to the origin of cause, e.g., congenital defect or one acquired in early childhood, war disability, industrial accident or disease, other accidents and diseases;
- (b) according to the clinical nature, e.g., deafness, blindness, mental illness, mental retardation, defects requiring orthopaedic treatment;
- (c) according to percentage loss, expressed in terms of function, working capacity or invalidity, etc.;

- (d) according to the effect on working capacity, i.e., whether or not it constitutes a substantial handicap to employment.**

This last method is, of course, particularly relevant to the ILO; disability can be considered in relation to many different spheres, medical, psychological, educational, social and economic. The point of classifying the various parts of disability is to be able to focus and to direct the appropriate counter-measures towards them, such as vocational training or rehabilitation. The most helpful classification for the purposes of this study is according to the nature of the disability, in the following categories:

1. Physical disability:

- (a) Disability affecting mobility, e.g., paralysis, partial paralysis, crippledom, diseases of certain internal organs;**
- (b) Disability affecting communication, i.e., dumbness, partial dumbness, deafness, partial deafness;**
- (c) Blindness and partial blindness.**

2. **Mental disability, disorder or retardation.**
3. **Social disability, i.e., the state of being unable to participate effectively in society, whether for external reasons, such as discrimination or oppression, or for internal reasons, such deviance or addiction.**
4. **Multi-disability, i.e., a combination of two or more of those listed above.**

In general, there is no need to subdivide these categories further, for our present purposes. It should, however, be remarked that Islam makes special provision for three classes that come under 3 (socially disabled), namely, orphans, widows and divorcees, about whom something should be said.

1. Orphans.

In English, the term 'orphan' is a 'person (esp. a child) who has lost one or both of his parents by death'. In Arabic the term yatīm connotes sopecifically 'the loss of the father'. This is connected with the position of a widow in Islam, as we shall see. At all events, the orphan is the subject of many prescription, and those who are responsible for an orphan are enjoined to observe a

number of conditions. There are two principal areas in which these are concentrated, the moral and social area, and the practical area -- that is to say, that which is concerned with the safeguarding of his property.

The moral and social area

The social requirements of the orphan are those of any other child, plus the provision of the protection that would be provided by the father, were he alive. There is particular merit in protecting the orphan. The Prophet is variously recorded as having said:

I and the guardian [kafīl] of the orphan are in Paradise like this (indicating his fore and middle fingers (al-Bukhārī, vol.7, no.224)

and:

If anyone wipes the head of an orphan for the sake of Allāh, he will receive the equivalent of the hair of the head of the orphan as a payment, and if anyone treats an orphan well, I and he are like

these two in paradise. (Ibn Hanbal, v.5-250)

The provision or otherwise of the social needs of the orphan are important, as affecting his future life and role in society. The Qur'ān identifies three particular areas of need, reminding the Prophet of his own particular circumstances:

Did He not find you an orphan, then sheltered (you); and He found you misled, then guided (you); and he found you needy, then sufficed (you). Hence, oppress not the orphan, and rebuke not the beggar. (sūrah 93, vv. 6-10)

Although this sūrah refers explicitly to the prophet's own experience, it is regarded also as applying implicitly to Islamic society in general.

ʿA.Y.ʿAlī comments on this verse:

Judge the future from the past. God has been good to you in your past experience: trust to His goodness in the future also. Again, there is a particular and general meaning. Three facts are taken from the holy Prophet's outer life

by way of illustration. Metaphorically, they also apply to us. (7)

Thus, the three areas that are specifically mentioned in the provision for the orphan are (1) accommodation, (2) guidance and education, (3) sustenance .

1. The accommodating of an extra person is a burden upon the provider of the accommodation; this is why the Qur'ān lists the prophet's being taken in by his grandfather and his uncle, Abū Ṭālib, as a favour to him. If the orphan is not taken in, he will create a problem for society:

There must be a shelter for the orphan. It is important to arrange for such a shelter, otherwise the orphan child will turn to begging; he will continue to work on the pavements of the street, and then he will certainly be a problem for his society. (8)

2. In addition to the general injunction in surah 93, the Qur'ān also offers guidance as to the categories of person that it is proper for the Muslim to support with his wealth for the sake of Allāh:

They will ask you concerning what they should expend. Sag: 'Let the good that you spend be for the parents, nearest of kin, orphans, the indigent and the wayfarer. And whatever good you do. God is Cognizant of it. (sūrah 2, v.215)

It is an integral part of piety to maintain the needy; piety does not consist merely in ritual observance:

It is not piety that you turn your faces toward the east and the west, but pious is he who believes in God, and the hereafter, the angels, the Book, and the prophets; and for the love of God he gives (of) his wealth to kinsmen, the orphans, the indigent, wayfarers, beggars, and for the redemption of slaves. (sūrah 2, v.177)

Sayyid Quṭb comments on the verse:

"It [alms] is a joint responsibility between the old and the young, between the strong and the weak in the community; it is a compensation to those of the young who have lost parental

protection and care; and it is a protection for the nation against its young ones going astray, being corrupted or becoming resentful of the society that has offered them no kindness or care."
(9)

It is made quite clear in this verse that there are two essential elements in Islam: belief in the fundamental tenets of the faith, and the employment of one's resources 'in the way of Allāh'. Thus the value of the individual human being is insisted upon.

There is also the matter of assisting the orphan to obtain what is rightfully his, as is alluded to in the story of the prophet Musā in his journey with Khidr:

And as for the wall, it belonged to two orphaned lads in the city, and beneath it there was a treasure for them, and their father was a righteous one. So your Lord desired that they reach their age of maturity, and extract their treasure as a mercy from your Lord. (sūrah 18,v.82)

Musā has criticised Khider for re-erecting the

wall without payment, and Khider explains that, if the wall had fallen, the boy's treasure would have been revealed to the populace, who would have probably pilfered it. Thus, although the boys do not know yet that their father has provided for them, Khider has, in fact, ensured the protection of the legacy for them, until they are of an age to use it profitably.

So much for some of the ways envisaged by Islam to ensure immediate material provision for the orphan. There are, however, also more abstract considerations that are no less important than the simple provision of sustenance:

And worship God, and associate none with Him, and (show) kindness to parents, and to kinsmen, and to orphans, and to the indigent, and to the neighbour who is of kin, and to the neighbour who is not a kin ... (sūrah 4, v.36)

And when the kinsmen, and the orphans and the indigent attend the division then provide them some of it, and speak to them with kindly words. (sūrah 4, v..8)

Kindness does not necessarily go hand in hand with charity; Muslims are therefore enjoined to act

in a kindly fashion to its recipients, just as were the Jews before them:

And we made a covenant with the Children of Israel: "Worship none but God, behave kindly to parents, kindred, orphans, and the indigent, and speak to people in kindness ..." (sūrah 2, v.83)

3. The education and guidance of the orphan are equally important with the other two aspects of his maintenance, as can be seen again from sūrah 93. These are to be attended to for the future benefit both of the individual and of the society in which he will take his place. If there is no one else to take responsibility for these matters, then the state is obliged to do so:

If the orphan is not cared for by his sponsor or guardian, then the responsibility devolves upon the Caliph.
(10)

Throughout history, special schools and orphanages have been provided, either by the authorities or by private funding, in the major cities of Islam. A contemporary example is the

programme introduced for Afghān children who have lost parents and families during the conflict with the Soviet Union; it is known as kafīl al-yatīm (the guardian of the orphan).

And in the early days of Islamic history this type of services were provided in different shapes and forms. al-Walīd Ibn 'Abd al-Malik was the first Muslim ruler to establish an institution to serve the disabled and the orphans. These institutions used to be known as "takiyyah".

Also Yahya al-Barmakī has established Qur'anic schools and other educational institutions for orphans and the children of the poor families.(11)

One of the source of income of the state, a share of which was specified as destined for the orphans -- not perhaps so relevant in these days, although it might be suggested that reparations fall into this category -- was the spoils of war. Two similar verses stipulate this:

And know that whatever you take as spoils of war, a fifth part belongs to God and to the Messenger and the near kin and the orphans, and the indigent and the wayfarer. (sūrah 8, v. 41)

Whatever spoils given by God to His Messenger from townspeople belong to God and to the Messenger, and to the nearest of kin, and to the orphans, and the indigent, and the wayfarer. (sūrah 59, v.7)

The safe-guarding of the orphan's property.

The matter of securing an orphan's rights to his legacy has already been touched on, as represented in the story of Musā and Khidr. However, there is a great deal more specific legislation on the subject, which will now be discussed. There are three elements to this legislation:

- (a) the actual preservation of the property of the orphan and its enhancement by the guardian;
- (b) the entitlement of the guardian to emolument for his services from the property.
- (c) the restitution of the property to the orphan
 - a. It is the accepted view that the reason for Islam's insistence on this question is the situation previously obtaining in Arabia, whereby the collateral relatives of the

deceased might arrogate to themselves his possessions, without there being any necessary provision for his children. This was obviously unjust to those who might not be in a position to resist this, and Islam was concerned to check it. The first step was to establish in people's minds that the orphan should be considered as the heir of his father; this is why the Qur'ān so frequently refers to *mal al-yatīm* (the property of the orphan), as if this were a phrase that is beyond dispute (at the same time, it implies that enhancement of this property is to be encouraged). Thus, for instance, we find in two separate sūrahs (the Arabic is identical):

And do not approach the orphan's wealth, save by that which is better [except to improve it - A.Y.A.], till he reaches maturity. (sūrah 6, v. 152)

And approach not the wealth of the orphan except in the fairest manner till he reaches his full strength. (sūrah 17, v. 34)

It is said that upon the revelation of these verses and a more minatory one:

Surely those who devour the wealth of the orphans wrongfully, are only they who but devour fire into their bellies, and they shall be burnt in a blaze. (sūrah, 4, v.10)

Many Muslims hastened to set the property referred to completely apart from their own and to apply it exclusively to the maintenance of the rightful owners. However, it was soon apparent that there was no need for quite such drastic steps, at any rate where these caused difficulties, particularly following this revelation:

And they ask you concerning orphans. Say: 'Reforming their affairs is the best', and that you intermix with them, for they are your brethren. God knows the corruptor from the reformer. If he wills, He truly can overburden you. (sūrah 2, v.220)

On which 'A.Y. Alī comments:

For orphans the best rule is to keep their property, household and accounts separate, lest there would be any temptation to get a personal advantage

to their guardian by mixing them with the guardian's property, household or accounts -- also to keep clear of any ideas of marriage where this fiduciary relation exists. Q. vi 152 may possibly suggest complete separation. But it may be an economy and an advantage to the orphan to have his property and accounts administered with the guardian's property and accounts and to have him live in the guardian's household, or to marry into the guardian's family, especially where the orphan's property is small and he or she has no other friend. The test is: what is best in the orphan's interests? If the guardian does fall into temptation, even if human law does not detect him, he is told he is sinning in God's sight and that should keep him straight. (12)

(b) Provision is made according to the guardian's own wealth. If he can afford not to require payment for caring for the orphan and administering his property, he should not do so; if he is a poor man, on the other hand, it is only reasonable that he should be reimbursed. However, moderation is to be observed, and the guardian

should account for his stewardship:

And devour it not by squandering and in haste until they grow up [against their growing up -- A.Y.A.]. And whoever is rich, let him abstain; but whoever is poor, let him consume in fairness. And when you deliver their wealth to them, bring in witnesses in their presence. And God suffices at reckoning. (súrah 4, v.6)

The size of the property and the effort involved in administering it is also a consideration:

If the property of the orphan is extensive, requiring much work, which may distract the guardian from his own work, he should be paid a salary. If, however, it is not extensive, he should consume none of it. (13)

(c) The restitution of the orphan's property to his own control is by no means automatic in Islam. The Qur'an provides detailed instructions for this:

And give not the feeble-minded (orphans) your wealth which God has assigned you

to maintain and provide them, and clothe them from it, and speak to them with kindly words. And test the orphans until they reach the age of marriage. And if you see in them a balanced discernment, then hand over their wealth to them.
(sūrah 4, v.5)

Both the attainment of the age of 'balanced discernment' [rushd] and the possession of the quality itself are necessary conditions for the orphan's being permitted to resume control of his own financial affairs:

...When this becomes clear. Giving the orphan his property is governed by two conditions, namely, judgement [tamyīz] and the attainment of the age maturity [sinn al-rushd]. When only one of these is fulfilled, his property should not be returned to him. (14)

2. Divorced persons

Those who are divorced are considered to be socially disabled in Islam, and there are accordingly legal provisions made to alleviate this disability. Depending on circumstances, either

husband or wife may seek a divorce, and the legislation concerning the rights of the parties and the provision of maintenance differs according to the conditions prevailing at the time of the divorce, and also according to when it occurs, whether before or after the consummation of the marriage has taken place.

If divorce occurs before consummation of the marriage, the rights of parties differ according to who has initiated the divorce. If it is the wife who has sought it, the husband is entitled to reclaim everything that he has paid out. If, however, it is the husband who has sought it, the situation is different; the wife and her family may be both socially and financially (by expenditure on the wedding, for example) disadvantaged. Compensation for both is then in order, and this is legally determined as half the mahr, the bride-price paid by the husband:

And if you divorced them before you have touched them and have settled a dowry on them, then half of what you have appointed to them, unless they agree to forgo it, or he forgoes it who authorises the marriage tie. (sūrah 2, v.237)

This is what applies if the bride-price [not, strictly speaking, the dowry, which is what the bride brings to the marriage] has been fixed; if it has not been fixed, the husband is then required to pay to the wife a sum appropriate to his means:

No sin shall be on you if you divorce women before you have touched them; and fixed a dowry on them. Yet provide for them; the affluent man according to his means, and the straitened according to his means; a provision in honour -- incumbent on the beneficent. (sūrah 2, 236)

If however, the divorce takes place after consummation, the position is different. In this case, it is obligatory for the wife to wait for a certain period of time before remarrying. This period is known as the 'iddah, and it is the same period of time as must pass before remarriage after the death of the husband; the purpose is to determine whether or not the wife is pregnant by her divorced or deceased husband. The wife is entitled to material and other support during this period, and no longer, except in the case of pregnancy, when the period extends until she gives

birth:

And those of your women who have despaired of menstruating, if you are in doubt (during the waiting period), then their waiting period shall be three months; and those too who have not menstruated as yet. And those who are pregnant, their term is when they deliver their burden. (sūrah 65,v.4)

The type of maintenance to which they are entitled is specified:

Let them dwell wherever you dwell, according to your means; and do not harass them, so as to straiten circumstances against them. And if they are pregnant, then spend on them until they deliver their burden. (sūrah 65,v.6)

Granted that the wife should be maintained until the birth of her child, what provision is prescribed for her after that? Again, the Qur'ān legislates:

And if they suckle for you, then pay them their wages, and consult one another in kindness. But if you both differ then let

another woman suckle for him. (sūrah 65, v.6)

That is to say, the wife and the husband must agree on a fee for suckling the child. If this cannot be agreed on, the husband may hire a wet-nurse. The conditions laid down are presented in more detail elsewhere in the Qur'ān:

Mothers are to suckle their children two complete years, for whoever so desires to complete suckling. It is for the father to provide them and clothe them in kindness. No one is charged except within his means. A mother shall not suffer because of her child, nor shall a father because of his child, and the same shall be incumbent on the heir. But if they desire to wean the child through consent and consultation, then it is no sin on them. But if you wish to seek nursing for your children then it is no guilt on you if you deliver what you have given with kindness. (sūrah 2, v. 233)

(The last sentence here perhaps requires the gloss of A.Y. Ali's translation: *There is no blame on you, provided ye pay (the mother) what ye*

offered, on equitable terms.)

The case of a divorced wife who is neither pregnant nor suckling, but who has had sexual relations with her husband and has received the mahr, is again determined according to who has sought the divorce. If this is the wife, she is obliged to return the mahr to the husband, provided that he asks for it to be returned. If he does not do so, she is not obliged to return it. She also has no claim to accommodation, clothing or food from the husband.

There is a hadīth dealing with some of the terms that apply:

A woman came to the prophet and said: 'I dislike my husband and I want to separate from him.' The prophet asked her: 'Will you return to him the orchard that he gave you as a mahr?' She said: 'Yes, and more than that,' The prophet said to her: 'There is no need for you to return to him more than that.' (al-Bayhaqī, vol.7, no.197)

If it is the husband that has sought the divorce,

the wife is entitled to continue to be accommodated, clothed and fed, and to have all her previous material and social privileges for the whole of the period of the 'iddah. Sūrah 65 of the Qur'ān has much to say about divorce:

O you Prophet, when you divorce women, divorce them after their period [li'iddatihinna], and count the period. And fear God, your Lord. Do not eject them from their homes, nor let them depart unless they commit a clear act of lewdness. (v.1)

And if they reach their set time [ajluhunna], then retain them in kindness, or depart from them in kindness. (v.2)

Let them dwell wherever you dwell, according to your means; and do not harass them, so as to straiten circumstances against them. (v.6)

Let him who is affluent expend from his affluence. And let him whose provision has been straitened (by God) expend from what God has given him; for God charges

no living soul except according to what he has bestowed upon it. (v.7)

The responsibilities of the husband towards his divorced wife during the 'iddah period are very clear.

ʿAbdulrahmān Dio said:

The responsibility of the maintenance of the husband is not only when she lives as legal wife and towards his children by that wife, but it is important to maintain her even in the event of divorce. There are some selfish people who may mistreat wives and make their lives miserable after pronouncing first divorce and when she is still in 'iddah. This is forbidden. She must be provided for on the same scale, as he is, according to his status in life. (15)

3. Widows

In Islamic law, widows are entitled to maintenance equivalent to that of a divorced wife, that is to say, accommodation, clothing and food, and all other material and social privileges, for the

period of four months and ten days, if not pregnant, and if pregnant, until the delivery of the child. Concerning the widow who is not pregnant, the Qur'ān says:

Those of you who die and leave wives behind, they shall wait by themselves four months and ten (days). Then when they reach the end of their term, it is no sin on you that they do for themselves (what they desire) in honour. (sūrah 2,v.234)

If , however, they are pregnant, they are to be treated in the same way as a pregnant divorcee; if they are suckling, they are likewise to be treated like a suckling divorcee. Husbands are instructed to provide a year's maintenance for their wives, in the event of their deaths. The widow, however, need not take advantage of this , if she prefers not to:

Those of you who die and leave wives, (should leave) a testament for their wives bequeathing a provision for a year without expulsion. But if they go out, then there is no sin on you in what they

do with themselves in fairness. (sūrah 2, v. 240)

In addition the inheritance laws of Islam are relevant here:

To the man belongs a share of what the parents and relations leave, and to women belongs a share of what the parents and relations leave, whether it be little or plentiful, a lawful apportionment. (sūrah 4, v.7)

Finally, to illustrate the concern felt in Islam for the plight of the widow, the Qur'ān specifies the precise position regarding the inheritance of widows:

And for them a fourth of what you leave, if you have no children. But if you have children then they shall have an eighth of what you leave after a will you may bequeath, or debt. (sūrah 4, v.12)

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11. Yūsuf al-Qraḍīwi, p.4
12. ‘A.Y.‘Alī, p.86
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CHAPTER 3

POVERTY

- 1 -

As has been said, Islamic social law regards poverty as a social disability. There are, however, various types of poverty, and a distinction must also be made according to the extent of the effect that these have; a single person may be poor, a family may be poor, a society may be poor, or a whole nation may be poor. This last may appear to be the worst of the four conditions, as being the most extensive and the most comprehensive. However, although in the other cases, it is possible for relief, organised either by the state or a private charitable basis, to be given to those sections of society affected, it has to be recognised that they can, in fact, be more harmful to society in general than the last condition, in provoking internal envy, hatred and upheaval. It is at least partly in order to obviate this kind of threat to the security of society that Islam has paid so much attention to poverty on the more particular levels.

Definition:

As with other forms of disability, it is necessary first to define what is meant by poverty. K.A. Nezamy, in the Encyclopaedia of Islam 2, under the entry FAKĪR, says of its Qur'ānic usage:

It is sometimes used as opposed to ghani (one who is

self-sufficient and independent, see xxxv, 16) and is sometimes conjoined with the term miskin to indicate two distinct types of needy persons (ix, 60). According to Imām al-Shāfi'i, a faḳir is one who neither owns anything nor engages himself in any avocation; a miskīn, on the contrary, is one who owns something though it is barely sufficient for his immediate needs . . . Imām Abū Ḥanīfa held the other view. According to him a faḳir is one who owns something while a miskīn is one who owns nothing . . . Reconciling all these differences Ibn al-'Arabi says that these terms are interchangeable and synonymous. (1)

al-Ghazālī says:

Poverty (al-faqr) is the lack (fuqḍān) of what is needed (2)

These are somewhat general definitions. Certain other points should also be considered. For instance:

(a) The existence of a state of poverty depends on the historical and geographical circumstances of the society to which it relates. What is considered as poverty in one country may not be so in another, and what is considered as poverty at one period of time may not be so at another. The standard of living obtaining must be the measure

against which it is judged.

The Imām Aḥmad b. Ḥanbal was asked concerning a man who possessed a land that could be exploited or a farm which would bring in 10,000 dirhams - or a greater or a lesser sum - but this would not support him. He said that he should be given assistance from the zakāt. (3)

al-Shāfi'i also expressed the same view,

In modern times A.B. Atkinson (1983) asked:

What exactly do we mean by poverty in countries such as Britain and the United States?

and replied:

The question has generated a great deal of controversy. Indeed there are those who would argue that it is absurd to talk about poverty in present day advanced countries, since those considered poor in the United States today have an income greater than the average per capita income of a hundred years ago, to say nothing of their being many times better off than the average Indian today. While it is true that low income families in Britain today and the United States would rank high

on a world income scale, or in relation to the past, it is misleading to suggest that poverty may be seen simply in terms of an absolute standard that can be applied to all countries at all times and independent of the social structure and level of development. The poverty line may depend on social conventions and the contemporary living standards of a particular society, and in this way somebody in the United States may be adjudged poor even though he has a higher income than the average person in India. (4)

(b) The cause of poverty may be physical or mental failure on the part of the person or persons afflicted thereby, it may be a failure on the part of the society itself, or it may be some external natural phenomenon.

The relation of the state of poverty to the society in which it exists does not necessarily entail the responsibility of that society to take measures to combat it. Nonetheless, throughout much of human history, both societies and individuals have recognised such a responsibility and have taken such measures accordingly. Some of this activity has been undertaken for religious reasons, some for purely secular reasons. Much of it, not unnaturally, has concerned itself in dealing practically with the immediate effects of poverty on individuals or groups, rather than with the wider issue of poverty as a general

phenomenon. Concern with the latter has sometimes taken forms that have done little actually to alleviate the condition.

The glorification of poverty is a response to the condition that is common to many religions. The ascetic ideal sees the exposure of the human being to all types of misfortune and hardship as elevating him above concern with the material world. Subjection to the harsh vicissitudes of life is an honour for the one who is subjected, and a source of virtue in him. In Islam, this is associated chiefly with Sufism. al-Ghazali, for example, commenting in Iḥyā' 'ulūm al-dīn on Qur'ān 59, v.8:

(Give a share) to the poor emigrants who were expelled from their habitations and their belongings seeking the bounty and contentment of God, and helping God and His Messenger.

remarks that the fact the word 'poor' is put first (al-fuqarā' al-mūhājirin) indicates that poverty is thought of as a virtue and the poor are praised for being so. He makes a number of other remarks in a similar vein. Ibn Qutaybah, in 'Uyun al-akhbār, disparages the rich and eulogises the poor. Quoting a poem of Muḥammad b. Ḥazim al-Bāhilī, he says: 'Poverty is no shame and wealth is no honour'.

The glorification of poverty and hardship by the ascetics

does not encourage the giving of financial assistance to the poor by the rich, in spite of the numerous Qur'anic injunctions to do so. Neither does it induce an attitude receptive to the ideas of self-assistance among those suffering misfortune.

On completely the opposite side to the ascetic ideal is the fatalistic outlook. This considers poverty to be unfortunate and an evil; however, it has been created by an all powerful will, and the human being is powerless in the face of it. If God willed it, all would be equally rich. Yūsuf al-Qardāwi says:

The treatment that these people offer for the problem of poverty is confined to advising the poor to accept the Divine decree and to be patient in adversity. (5)

The practical effect of this school of thought is, in one respect, at least, much the same as that of the ascetic, namely to discourage any initiatives in the direction of self-assistance.

The dangers of poverty

One of the principal dangers of poverty is the threat that it offers to the stability of society. This is caused

partly by the resentment that may arise from the imbalance of wealth, in nations where this is the case. As Abú Dharr al-Ghaffári is quoted as saying:

I have been amazed that those who find no fund in their houses do not rise up against the people, unsheathing their swords.

Elsewhere, where poverty is more or less universal, the danger is simply one of apathy towards the nation; this may produce more calamitous results than actual civil disturbance.

Another of the great dangers of poverty is its possible effects upon the family.

The Qur'an advises:

And let those who find no way to marriage be chaste until God enriches them of His bounty. (súrah 24, v.33)

Embarking upon marriage without the means to support it is seen as liable to lead to crime and prostitution. It was, clearly, not unknown for a man to kill his family even when he was unable to provide for them:

... and that you do not slay your children because of poverty, for We provide for you and them. (sūrah 6, v. 151)

and:

And do not slay your children for fear of indigence, for We provide for them and you. Surely their slaying is a heinous sin. (sūrah 17, v.31)

In the same way, the selling of one's children was, as in many other societies, a recognised means of disposing of mouths that could not be fed. This is not, morally, any great improvement on the former practice. Yūsuf al-Qarḍāwī remarks on the effect of economics upon the family:

Islam acknowledges the effect of economic factors upon human behaviour to the extent that they - unfortunately - predominate, at certain times, and in certain people, over the natural innate instincts, such as the sentiment of fatherhood. However, these deviants are not a standard for all humanity everywhere. (6)

The effect of poverty on behaviour

Poverty may have an adverse effect on behaviour and

morals, putting people in a position where they may be exploited, and where they may be forced to lie, cheat and break promises. al-Bukhārī reports:

'A'ishah said: the Apostle used to call out in prayer: 'O God, I seek refuge with you from sin and from debt.' Someone said to him: 'O Apostle of God, how often you seek refuge [with God] from debt!' He said: 'When a man is in debt, he speaks and lies, and he promises and breaks his promise.' (vol.3 No.582)

Not only does poverty restrict their opportunities of obtaining education, it has a further deleterious effect in that it inhibits thought, since it preoccupies the mind to the exclusion of all else. Abū Ḥanīfa says:

Do not consult someone who has no flour in his house.

The reason for this is that, because of his need to consider his material position, he cannot concentrate his mind on the question, and his view will, therefore, be less than perfect. The situation also has its effect on belief, as far as some are concerned; seeing the inequalities in the distribution of wealth between nations and between individuals, they may be led to doubt God's wisdom and His control of His creation, and, as a consequence, to disbelief

in God altogether.

A poet said:

*How many a learned man is learned but suffers
desperate straits,*

*And how many an ignorant man is ignorant but is
provided with provision!*

This what leaves men's brains bewildered

*And makes the learned expert a heretic. (quoted by
al-Qardāwi, mushkilatu al-faqr)*

In the following sections we shall discuss, in detail, the measures adopted by Islam for the treatment and prevention of poverty.

Islam and poverty

Having discussed poverty and the poor in general terms, and having seen that this condition has the most deleterious effect both upon the individual and upon the society of which he is a part, we shall now examine the measures adopted by Islam to attempt to remedy it. The advantages of applying the measures prescribed by a religious system are two-fold: first, that they require only the minimum of modification over the centuries, unlike purely secular, economics-based measures, which have to be constantly adapted to suit changing circumstances; second, once they are part of a person's religious duties, there will be less incentive to evade them, and less self-satisfaction attaching to their fulfilment.

As we have seen, Islam is concerned with poverty, as with all other aspects of human existence. Poverty, however, is possibly of greater concern to Islam than other conditions, because of the damage that it does. It has adopted two approaches, one preventive and one remedial.

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THE PREVENTIVE APPROACH

As far as the preventive approach is concerned, Islam has two channels of exhortation, which are complementary, rather than alternative to one another. The first is spiritual and is a matter of faith, the second practical and is divided into two parts, concerning expenditure and work.

The first channel is the exhortation to have confidence and trust in God, who has promised he will assist human beings in the acquisition of their livelihood:

And how many a beast there is that does not bear its provision, yet God provides for it and you. And He is the Hearing, the Knowing. (sūrah 29, v.60)

This does not mean, however, that Allāh will provide everything, without effort on the part of the recipient, it means that He will pave the way towards the acquisition of the necessities of life:

It is He who made the earth yielding to you, so walk in its broadways and eat of His provision; to Him is the return. (sūrah 67, v.15)

That is to say that God has willed that the physical conditions of the earth, the climate, and so on, should be such that the human being shall be able to cultivate it in order to obtain his livelihood. He has been taught that provision, which is sufficient for him, is made by God; however, this is not to say that he need not work for this provision. At the same time, he must be satisfied with what God wills for him he must accept the results of his work, without disappointment or self-reproach, provided that he has done it to the best of his ability. He must also be satisfied with what God wills for him in the sense of controlling his desire; he must not be greedy, or covetous. al-Bukhārī records that the Prophet said:

If man had two valleys of gold, he would wish for a third as well. (vol.8, no.444-5)

Lack of control in this sphere is dangerous for society in the manner already discussed. Islam has, accordingly, provided severe penalties for those who assail the property of others, by whatever means. A further dimension to the human being's satisfaction with what God wills for him is the acceptance of innate differences in people's ability and success and inequalities in the provision made for different people:

And God has preferred some of you above others in

provision. (Sūrah 16, v. 71)

and

Surely your Lord stretches and straitens the provision to whom He pleases. (sūrah 17, v.30)

Envy has no part in Islam; what is advocated is the satisfaction that encourages the human being to work and live together in amity. The poet al-Qardāwi says:

*The rich man is he who is satisfied in himself,
Even if he has no clothes or shoes.
All that is in the world is not enough;
But if you are content anything is enough. (7)*

As far as the second channel is concerned, Islamic teaching deals with it, as has been said in two stages. The first has to do with expenditure. The human being is exhorted to be reasonable in his spending, to be careful, and not to be extravagant in any aspect of living:

O children of Adam, take your adornment when setting out for any mosque, and eat and drink; and be not prodigal. (sūrah 7, v.31)

again, the Qur'an says:

And give the kin his due, and the indigent, and the wayfarer, and do not squander in extravagance. Surely the squanderers are Satan's brothers. (sūrah 17, v.26-7)

and, in a nearby verse:

And let not your hand be bound to your neck, nor stretch it wide lest you sit down cringing and weary. (sūrah 17, v. 29)

The true Muslim's spending habits are described thus

And those who when they expend, neither squander, nor are they parsimonious, but keep straight between (the two). (sūrah 25, v. 67)

The precepts are, in a sense, true sumptuary laws; that is, they are framed not so much in order to prohibit ostentation, as to protect those that may be tempted to overspend from doing so.

The second stage of the second channel of the preventive method has to do with work. In Islam it is the duty of every Muslim to work; otherwise there is no reward. Work is seen by Islam as the only means of combating poverty and hunger. When Maryam was about

to give birth to 'Isa, she was instructed:

*And shake toward you the trunk of the palm-tree;
there shall drop upon you fresh dates. So eat and
drink, and be settled. (sūrah 19, vv.25-6)*

The implication is that if she makes no effort on her own behalf, she will get no dates. It is within Allah's capacity to provide her with everything that she requires, but He does not do so, in order to provide a lesson for mankind. 'Working' means looking after oneself and producing wealth for the benefit of one's society; thus 'work', as far as this study is concerned, may be defined as: any effort that is within the capacity of the human being to make, by which goods may be acquired or produced, or services may be provided, individually or collectively, for himself or his society. It is circumscribed as to particular means of performance, but it is limited by the role that any given human being is capable of playing, and it is subject to certain conditions, concerning the safety of the individual himself and of his society; it does not include any deed that may harm the individual, his society or anyone else. In the Qur'ān, encouragement to good deeds is frequently accompanied by a reminder of the counter-productiveness of evil deeds:

And expend in the cause of God, and do not cast

yourself by your own hands into annihilation. And do good, for God loves those who are beneficent. (sūrah 2, v. 195)

Since the 'work' that Islam calls upon men to perform is such as enhances life and benefits society, it is appropriate that the Qur'ān should so frequently exhort men to work. It appears in different guises; sometimes it is called 'the munificence of God (fadl Allāh):

O you who believe, when the call is made for prayer on Friday, hasten to the remembrance of God, and leave trafficking. That is better for you, if you but knew. Then when prayer is performed, disperse abroad in the land, and seek the munificence of God. (sūrah 63, v. 10)

Thus, although men are asked to refrain from work when the call for the Friday prayer comes, they are encouraged to return to it immediately thereafter. In another place it is referred to as 'your part in this world':

And seek the last Abode in that which God has conferred upon you, and forget not your part in this world. And be good as God has been good to you; and seek not corruption in the land, for surely God loves not the corrupters. (sūrah 28, v. 77)

Naturally, the leaders of the society are expected to set an example in this respect; the prophets and messengers of God are looked upon as performing this function for human society in general. al-Sha'arani was quoted in A.S. al-Yamani as reporting that Ibn 'Abbas was asked what the various prophets of God had done for a living. He replied:

Adam was a ploughman, Idrīs was tailor, Nuḥ was a carpenter, as was also Zakariya; Hūd was a merchant, so was Ṣalīḥ; Ibrāhīm was a farmer, Ismā'il was a hunter, Ishaq was a shepherd, as were also Ya'qūb, Shu'ayb and Muṣā; Yūsuf was a king, as was Sulaymān, Ayyūb was a rich man, Harūn was a wazīr, Ilyās was a weaver, Da'ūd a maker of chain mail; Yūnus was an ascetic, as was Yaḥyā; 'Isā was a wanderer, and Muḥammad was a champion of Allāh.(8)

Statements of this kind are not merely intended to provide an example for mankind; they provide a counter to the various reasons offered by men for not working. There are those who allege that putting effort into work of any kind is incompatible with the absolute confidence that the Muslim should have in Allāh's provision. This, as can be seen from the verses of the Qur'ān already quoted, and from certain of the Aḥadīth, is erroneous. al-Tirmidhi relates that:

An Arab left his camel without hobbling it, saying: 'I rely on Allāh.' The prophet (S) said: 'Hobble it first, then rely on Allāh!' . (al-Turmudhi Bab al-qiyāma).

So confidence in Allah should not encourage carelessness or laziness. It is also related that the prophet said:

If you have real trust and confidence in Allāh, He will make provision for you, as He does for the birds, which go out in the morning with empty bellies and return in the evening with full bellies.

However, it is clear in this ḥadīth that the birds are only granted their provision on going out in the morning; if they do not make the effort to do so they receive nothing.

Encouragement to work in general is all very well; but cases arise, of course, both of those who are keen to work but can find no employment in their region, and of those who have the strength to work but do not have the skills that are required. As far as the former category is concerned, Islam encourages them to travel in search of work:

And he who emigrates for the cause of God shall find in the earth many ways and abundance (of

provision). (sūrah 4, v. 100)

This is to be taken into account in the performance of religious duties:

And others travelling in the land in quest of God's munificence. (sūrah 73, v.20)

The Prophet said: *'He who goes away to find something for his elderly parents or for his young children is on the path of Allāh.'*

Thus, those who choose poverty and deprivation, in their own land rather than emigration in search of employment may be said to be acting contrary to the teaching of Islam.

As for the second category, those who are capable of work but have not the requisite skills, it is the duty of society -- that is those who take lead in any society -- to educate and train them so that they are fitted to do something. When a man came to the prophet to beg, according to Málík:

The prophet asked him: *'Have you anything at all at home?'* He replied: *"Only a piece of cloth, some of which we wear and some of which we use as bedding; and a small vessel that we use for drinking.'* The Prophet asked him to bring them to him, and he sold them for two dirhams

and gave these to the man, saying to him *'Buy food for your family with one, and with the other one buy an axe and a rope; gather firewood and sell it in the market. This is better for you.'* After a time, the man returned to him with ten dirhams. The Prophet said to him: *'This is better for you than begging from people, who may give to you or may refuse you.'*

First then, Islam does not encourage the giving of alms to a beggar, since this represents only a temporary alleviation of his condition; rather, it recommends more long-term solutions, such as the provision of teaching and training in skills that will enable the disadvantaged person to find employment. It also recommends that a person may be directed towards a particular kind of unemployment, if this seems desirable.

This kind of provision and direction is considered a social obligation, and is implemented in many Islamic countries. The training programmes and methods adopted are, of course, organised according to both the individual and the society. They vary tremendously from country to country and from region to region. This study will present an example for such training programmes in Saudi Arabia.

These then are the two channels of the preventive

approach to the problem of poverty. There will, however, always be those in society who suffer this disability -- those whom the preventive measures have not helped. For these the various aspects of the remedial approach are to be applied.

-B-

THE REMEDIAL APPROACH

The remedial approach is, of course, concerned with the ways and means of dealing with the immediate social and economic effects of poverty upon both the individuals and the society in which they live. It should be emphasised that these divisions are made here more for the purposes of convenience of discussion than for the sake of the rigid categorisation of completely separate concepts. At bottom, the object of all measures is to achieve a long-term solution to the problem of poverty and not only to provide a temporary palliative.

The remedial approach involves two aspects of the faith, Islamic religious duties and Islamic principles and values. These two aspects must be differentiated for the purposes of this study: religious duties (*furūd*) are those that must be fulfilled, in order to show obedience to Allāh; what we have designated Islamic principles and values are such

things as have been presented attractively and persuasively by Islamic teaching as being desirable, without being obligatory -- it may be said, however, that an Islamic government may enforce the practice of these principles if necessary.

The two principles that most concern us here are:

1. Joint social responsibility;
2. Charity and Expenditure in the cause of God
(fi sabīl Allāh)

1. Joint social responsibility.

This derives from the idea of the society that Islam implies. The Qur'ān says:

The believers, men and women, are helping one to [sic] the other. They enjoin good turn [sic] and forbid abomination. (sūrah, 9, v.71)

and Muslim relates as cited above:

The believers are like the body in their mutual love, compassion and affection; if one member of it is ill, the rest of the body is associated with it in sleeplessness and fever. (Muslim, vol. 8, p.20)

Of the forms of joint social responsibility that principally resist poverty and its effects, we should consider two, the narrower delimited by kinship, and the wider one, which encompasses society as whole.

Since Islam replaced tribalism with a wider loyalty, that of brotherhood in the faith, it would be natural to expect this to be reflected in its recommendations. To an extent it is; nevertheless, Islam was, and has been, obliged to recognise that ties of kindred are still strong, and indeed stronger than those of itself:

And those who afterwards believe, and emigrate and struggle along with you, they are of you. And those who are akin, are nearer to one another in the ordinance of God. (sūrah 8, v. 75)

Accordingly, relatives by blood have greater social obligations towards one another than towards others. In the Islamic code of rights and obligations existing between relations, the immediate family unit, as the core of society, takes pride of place, and in particular one's parents.

Your Lord has decreed that you worship none but Him, and goodness to the parents; whether one or both of them reach old age with you, do not say to them, 'Fie', and do not snub them, but say to them

gracious words. (sūrah 17, v.23)

The basis for this is the gratitude that a man should show for his upbringing:

And We have commended man concerning his parents: his mother bears him in weakness upon weakness, and his weaning is two years. So be thankful to Me, and to your parents. (sūrah, 31, 14)

It is the joint responsibility of the parents to look after the child, from the time when it is nothing but a clot of blood in the womb:

Mothers are to suckle their children two complete years, for whoever so desires to complete suckling. It is for the father to provide them and clothe them in kindness. No one is charged except within his means. (sūrah 2, v. 233)

With regard to rights and obligations between other relatives, the Qur'ān has much to say, without making specific distinctions between degrees of kinship, for example:

Surely God commands justice, and good doing, and giving to kindred. (sūrah 16, v.90)

And give the kin his due . . . (sūrah 17, v.26)

Have they not seen that God spreads out and straitens the provision for whom He wills [sic]. Surely in that are signs for a people who believe. So, give the kin his right . . . (sūrah 30, vv.37-8)

It is in the interests of society that relatives should support one another and acknowledge their mutual rights and obligations, regardless of their relative degrees of propinquity. Moreover, Islam encourages the tightening of the bonds of kinship and warns against the breaking of them:

Will it come to pass that you, if you were to rule people, you would corrupt in the land [sic], and sever your bonds of kinship? Such are they whom God has cursed. So He made them deaf, and blinded their eyes. (sūrah 47, vv.22-3)

The importance of maintaining close family ties in Islam is reinforced by the hadith related by al-Bukhāri:

The one who maintains relationships [al-wāṣil] is not the one who merely reciprocates [al-mukāfi'], but rather the one who reunites ties of blood when they are severed. [idha quṭi'at raḥimuhū waṣalha]

This insistence of the importance of family ties in Islam has led some scholars to assert that their maintenance is not a matter merely of principle, but actually a religious duty. Others have argued that the force of the Qur'an verses and of the ḥadīths on the subject is simply confirmation and emphasis on the part of the prophet of the virtue of maintaining them. The first party, however, adduce in evidence for their view the use of the word ḥaqq in the context of sūrah 17, v.26 and sūrah 30, v. 38): ati dha l-qurba ḥaqqahu; 'right' must surely imply an obligation, and thus a religious duty. Ibn al-Qayyim says on the matter:

What breach of relations could be greater than that one should see him [one's kinsman] burning with hunger and thirst and suffering extremely from heat and cold, and not give him a bite to eat or a drop to drink or give him to put on what would cover his nakedness and protect him from the heat and cold, and not lodge him under his roof for shelter? This, in spite of the fact that he is his brother and the son of his mother and father, or his uncle and the brother of his father, or his aunt, who is the equivalent of his mother! If this is not a breach of relations, we do not know what the forbidden breach of relations is.
(9)

The four Islamic madhāhib all agree that people

have a responsibility towards their relatives, but there are differences between them as to who precisely is entitled to aid and support and who is responsible for its provision. The identification of the responsible person is a matter for legal investigation in each case, before the authorities can require him at least to contribute to, if he cannot entirely undertake the support of the needy person. The Qur'an and Sunnah do not provide specific identification of the person responsible, or indeed of the system of the family ties that applies; they speak only of the entitlement in matters of inheritance. If such specific identification had been given, there would have been no need for 'Umar b. al-Khaṭṭāb to say to someone who declined to contribute to the support of some one on whose behalf he was petitioned:

If I could find no relatives of his other than the remotest, I should enjoin them to support him [as related by Su'ayd b. al-Mūsayyib].

Also, al-Qardawi relates that Zayd b. Thabit said:

If there is a mother and an uncle, they must both contribute in accordance with the respective amounts of their inheritance. (10)

It appears probable that what was envisaged is the natural progression of relatives, from the closest to the most remote, in assuming responsibility for the provision of necessary help and support for the needy. This, at all events, is the theory behind the power of the Islamic authorities to compel those who are reluctant to assume such a responsibility to do so. The needy person who is incapacitated and unable to work is also entitled to seek legal redress against relatives who refuse to support him.

The Islamic system of inheritance, already mentioned, is another aspect of joint responsibility between family members. To avert arguments between them, Allāh prescribed a detailed scheme of shares in a legacy, which leaves no scope for sharp practice or for complaint:

God commands you, concerning your children to the male the like of the portion of two females. And if there only be women above two, then they shall have two thirds of what he leaves; but if she is only one, then she shall have one half, and to each one of his parents one sixth of what he leaves if he has a son. But if he has no children and his parents inherit him [sic], then one third to his mother. But if he has brothers, then a sixth to his mother, after any will he may bequeath, or a debt. Your parents and your children, you know not which of them is nearer to you in beneficence. This is an injunction from God.

Surely God is Omniscient, Wise. And you shall have half of what your wives shall leave, if they have no children. But if they have children, you shall only have a fourth of what they leave after a will they may bequeath or a debt. And for them a fourth of what you leave, if you have no children. But if you have children then they shall have an eighth of what you leave after a will you may bequeath or a debt. If a man or a woman have no heir, but have a uterine brother or sister, then to each of the two is a sixth. But if they are more than that, then they shall be equal sharers in one third, after a will that may be bequeathed or a debt therewith, or a debt not injurious. This is an enjoinder of God. And God is Knowing, Benign. (Sūrah 4, vv. 11-12).

Further to these very explicit instructions, a recommendation was made that other relatives who did not share in the inheritance should be given an ex gratia payment if they were present when the inheritance was divided up:

And when the kinsmen, and the orphans and the indigent attend the division then provide them some of it, and speak to them with kindly words. (Sūrah 4, v.8)

Sayyid Qutb comments on the Islamic system of inheritance:

This system of inheritance is an equitable system, which is in harmony with (human) nature to begin with, and in harmony with the realities of family life, in any case . . .

It is a system that completely maintains the concept of joint family responsibility and distributes shares according to the obligation of each individual in the family concerning this joint responsibility. . .

It is a system that has regard for the original formation of the human family from one person . . . It does not distinguish one sex from another, except according to the burdens that each assumes concerning family and social joint responsibility.

It is a system that is consistent with (human) nature . . . and in particular with man in that his ties with his descendants are not cut off . . . a man who makes great efforts to put aside some of the fruits of his labour may be secure that his progeny will not be deprived of the fruits of this labour. (11)

Close ties are also encouraged on a wider scale than

simply those of kinship; in particular, the status of neighbour is specifically designated as one relevant in this respect:

And worship God, and associate none with Him, and (show) kindness to parents, and to kinsmen, and to orphans, and to the indigent, and to the neighbour who is of kin, and to the neighbour who is not akin, and the companion at your side, and the wayfarer, and whom your hands possess. (sūrah 4, v. 36)

The importance of one's neighbour in Islamic society is emphasised in a ḥadīth related by Muslim, on the authority of Shariḥ al-Khūza'i:

The prophet said: 'he who believes in Allah and the Last Day, let him be good to his neighbour.'

It should be noted that a wide charity is enjoined in connection with the division of the inheritance. According to al-Bukhari, on the authority of 'Abd Allāh b. 'Umar and 'A'ishah, the Prophet said, on one occasion:

Jibril used constantly to commend my neighbour to me, so that I thought that he would give him a share in the inheritance. (vol.8, No. 43)

2. Charity and Expenditure in the Cause of Allāh.

It should be said at the outset that, in a sense, all relief of the needy and support of the weak is to be considered, in terms of Islamic social values, as some form of charity and, certainly, expenditure in the cause of Allah. Here, however, we shall be discussing these activities in their more specific forms, as enjoined by Allāh.

The Encyclopaedia of Islam, after pointing out that ṣadaqah has often been employed synonymously with zakāt, goes on to say:

The proper use of the word ṣadaqah is, however, . . . in the sense of voluntary alms-giving. In this sense it is, for the sake of distinction, called ṣadaqat al-Tatawwu' ('alms of spontaneity'). Ibn al-'Arabi thus defines this ṣadaqa is an act of worship arising from free choice mixed with authority; and if it be not so then is it no voluntary ṣadaqa, for the man makes it obligatory upon himself, just as God makes mercy obligatory upon Himself towards those who repent, and corrects those who do ill in ignorance." (12)

It is with this voluntary sense of the word that we shall be concerned here.

The revelations in Makkah, before the hijrah, were

concerned, as much as with the establishing of a more equitable and cohesive social order, and particularly with the regulating of relationships between members of the society. Poverty was seen as a major factor in social divisiveness and accordingly, Islam encouraged people to care for one another and to assist those who were less fortunate than themselves, as a voluntary act, not by way of a religious injunction. Since Islam was challenging the prevailing Arab ethos, it was necessary to provide for the needs of its adherents by offering an attractive social policy; failure to attend to the needs of the people would involve the failure of the whole system. An early revelation encapsulates this:

Say to my servants who believe, 'Observe the prayer, and expend of that We have provided them, secretly and openly, before there comes a day when there shall be neither trafficking nor friendship.' (sūrah 17, v.31)

The various categories of those who are to be helped are familiar enough: kindred, the orphan, the needy, the wayfarer, the beggar. The Qur'ān is full of praise for those who reserve a share of their wealth for those in need who ask for it and for those who do not but exhibit signs of their need. The Qur'ān says:

And in their wealth and possessions (was remembered) the right of the (needy) him who asked, and him who (for some reason) was prevented (from asking). Sūrah 51, v. 19, in A.Y.Ālī's translation; M.M. Khaṭīb has, more generally: and in their wealth, a due share is for beggars and those in privation.)

A.Y.Ālī comments here:

True charity remembers not only those in need who ask, but also those who are prevented by some reason from asking. The man of true charity seeks out the latter. There may be various reasons which prevent a man from asking for help. [He then details what these reasons may be]. Charity in the higher sense includes all help, from one better endowed to one less endowed.

The same message continued to be revealed after the Hijrah, however, a somewhat different emphasis is found, since the Muslims were now given an assurance of reward for their generosity, in order to encourage others to do likewise. Expenditure in the cause of Allah is regarded as a commercial transaction:

Who is he that will lend God a goodly loan, so that He will multiply it for him manifold? (sūrah 2, v. 245)

and again:

The likeness of those who expend their wealth in the cause of God, is as the likeness of a grain that sprouts seven ears, in each ear a hundred grains, and God multiplies for who He pleases. (sūrah 2, v. 261)

Thus the effect of helping one person may spread out, almost indefinitely. While the categories of people that most deserve help are frequently reiterated, the amounts that should be given are left to the individual's discretion. Thus, all suggestion that this kind of charity is any way obligatory is ruled out:

They will ask you concerning what they should expend. Say: 'Let the good that you spend be for parents, nearest of kin, orphans, the indigent, the wayfarer. And whatever good you do, God is Cognizant of it.' (sūrah 2, v. 215)

Those who are designated in the following verse are the subject of some dispute:

It is for the poor who are restrained in the cause of God, unable to travel in the land; the ignorant man accounts them wealthy because of their abstinence. But you shall know them by their appearance. They

never importune people for charity. (sūrah 2, 273)

Some of the mufassirūn believe that they are the mūhajirūn, those who migrated with the prophet from Makkah, in general, others that they are specifically the poorer one of the same people. It seems more probable, however, that the revelation is of wider application, even if the mūhajirūn were included. The object is still to ensure the stability of society, whether it be that of the young Islamic community in al-Madīnah or that of the whole of Islam today.

If the amount of what is to be given is not specified, the quality of the alms-giving must be high:

You shall not attain piousness until you expend of what you love; and whatever thing you expend, God is surely Cognizant of it. (sūrah 3, v. 92)

again:

O you who believe, expend of the good things you have earned, and of what We have brought forth for you out of the earth, and seek not the bad to spend from it, when you would not take it for yourselves except that you can give at it. And know that God is Opuient, Laudable. (sūrah 2, v. 267)

The reason for this is of course that the pride and self-respect of both parties has to be considered; it is as lowering for the giver to give something of inferior quality as it is for the recipient to receive it. The same consideration is behind the advice on the manner of giving:

If you give your offerings openly, it is well [fa-ni'imma hiya might be better rendered as 'they are acceptable']. But if you conceal them and grant them to the poor, it will be better for you and will atone for some of your ill-deeds. (sūrah 2, v.271)

Shortly after this verse, however, in the same surah, it seems to be recognized that the important point is to give at all, whether secretly or openly:

They who spend their wealth night and day, in secrecy and in the open, shall have their recompense with their Lord, and no fear shall come upon them, neither shall they grieve. (sūrah 2, v. 274)

Clearly secrecy is desirable, from the point of view of the delicacy of giving alms to someone; he and his family are bound to feel some inferiority if the act is publicised. This introduces a class distinction that is alien to the social ideals of Islam. Ostentation on the part of the giver is also to be deplored, as is reminding the recipient of the favours that he has received, and using his gratitude as a means of

oppressing him or keeping him subservient. The Qur'an somewhat unusually for sūrat al-baqarah, becomes quite lyrical on the subject:

O you who believe, do not annul your charity by reproach and harm, like him who spends his wealth in ostentation of people [sic], and believes not in God and the last Day. His likeness is as the likeness of a smooth rock whereon is earth; a rainstorm mites it, leaving it bare. Thus they have no power over anything of what they gained. ... And the likeness of those who spend their wealth in seeking God's satisfaction, and for the steadiness of their souls is as the likeness of a garden on high ground smitten by heavy rain, and so yield fruits twofold. (sūrah 2, v. 264-5)

Sayyid Quṭb says on this image:

The second aspect of the simile adopted for the result of the recalling of favours and of doing injury -- how this obliterates the traces of the charity, when the person who performs it is powerless and helpless and can do nothing to prevent that obliteration. (13)

Although the giving of charity in this way and

expenditure in the cause of Allah is voluntary and not strictly a religious duty, meanness in the matter is blameworthy and incurs divine displeasure:

And let not those who are parsimonious with what God has bestowed upon them from his bounty reckon that this will be good for them. Nay, it will be evil for them. That with which they have been parsimonious shall encircle them on the Day of Resurrection. (sūrah, 3, v.180)

Elsewhere, it is made clear that failure to make the necessary sacrifices will be deleterious to Islam itself. The results of not keeping society homogeneous and stable will be very damaging to those who are responsible for this state of affairs. So although they may consider that, by keeping their wealth to themselves, they are benefitting themselves, in fact they are doing the opposite:

There you are. You are they who are called upon to expend in the cause of God, but some of you are stingy. And whoever is stingy shall be stingy only to himself. And God is Opulent, when you are the poor. And if you turn away, He shall change you for another people, then they will not be the like of you. (sūrah 47, v.38)

It is intrinsically good to give, for every Muslim should always be seeking to win for himself the satisfaction of Allah. But apart from that, it is an aspect of enlightened self-respect and of the interest of the Islamic community as a whole:

***And expend in the cause of God, and do not cast yourselves by your own hands into annihilation. And do good, for God loves those who are beneficent.
(sūrah 2, v. 195)***

RELIGIOUS DUTIES**zakāt**

Having dealt with the voluntary approaches to charity, we turn now to that form of charity that is prescribed by Allah as religious duty. This is zakāt, payment of which is incumbent upon every Muslim who can afford it; that is to say, everyone who possesses sufficient wealth of any kind, money, animals, agricultural produce, property, is liable to pay a certain percentage of this wealth. Zakāt differs from other forms of charity in that these are dependent upon transient feelings of benevolence and, consequently, may be withheld at the whim of the giver; both the payment and the receipt of the zakāt constitute reciprocal parts of an act of worship. This eradicates feelings of superiority on the part of the donor and feelings of inferiority on the part of the recipient. When the latter knows that he is receiving no more than what is due to him, and that this is given to him in order that he may retain his position in Muslim society, he feels no embarrassment. On the other hand, the reward promised by Allah to those who pay zakāt encourages men to greater efforts in order to be among those who will gain that reward. In this way the fraternal ties between members

of Muslim society are strengthened, and the society itself becomes more prosperous:

*But if they repent, and observe the prayer [wa-
aḡāmū l-ṣalāt], and pay the purification dues [wa-
atāw l-zakāt], then they are your brethren in
religion. (sūrah 9,v.11)*

This verse sets out the two most important bases of Muslim society: on the one hand, the spiritual, and social, ties established by the common act of worship; on the other, the material, and social, bonds created by financial obligation. Islam eschews division and disunity among its followers, and as a consequence hates poverty, since it causes these, by distracting men from their main obligation, that of worshipping Allah. Sayyid Quṭb says on this point:

Islam dislikes disparities between individuals of the Ummah such that one group lives on the level of luxury while another lives on the level of hardship; and that the hardship should then turn into deprivation, hunger and nakedness. This is not a Muslim Ummah. The Apostle says: 'If there are people living in an area among whom one suffers hunger, the covenant of Allah is withdrawn from them.' According to the Musnad of Aḥmad [b. Ḥanbal] he also says: 'Not one of you will be a believer until

he wishes for his brother what he wishes for himself.' Islam dislikes these disparities because of the hatred and malice that come from them, which bring down the pillars of society, and the selfishness, greed and cruelty that are in them, which corrupt the soul and the conscience, and the way in which they oblige the needy either to steal and rob or to demean themselves and sell their honour and dignity. All of them are pitfalls that Islam helps people to avoid. (14)

Zakāt then serves as a means of avoiding these pitfalls, and of maintaining good relations between different groups in society by reducing the disparities that inevitably occur between them.

Definition of 'zakāt'

Zakāt derives from the verb zakā, to which more than one meaning is ascribed. For instance, in the taj al-'arūs, we find the sense of 'to grow' as the primary one:

You say: zakā al-zuru' [the young crop has sprung up] when it has grown.

Ibn Taymiyyah says:

The word al-zakāt in the language denotes growth and increase. You say of the young crop zakā when it has grown. It does not grow unless it is free from unsoundness [daghal also= thick bush]. For this reason this word has been used in the sharī'ah to indicate purity.' (15)

al-Mu'jam al-wasīt says:

*So-and-so zakā when he is sound [salaha]
(vol.1,p.398)*

In the Qur'an we find:

*thriving is he who purifies it [zakkāha: i.e., the soul]
(sūrah 91, v.9)*

and again:

and say, 'Have you the will to purify yourself [an tazakkā]?' (sūrah 79, v.18)

It is difficult, therefore, to know with precisely which sense of the root to associate zakāt. It may well be thought that the notion of 'growth' in some distance removed from that of 'purification', but it is perhaps worth suggesting that it is possible to see a certain connection

between the two is the way in which the fa'ala form is used in Qur'an 91, v.9, above. This is somewhat obscured in the Azhar translation (as, indeed, in most other translations, in which the translator has to commit himself to a particular sense); however, in the following verse, we find it contrasted with dassāhā. This is rendered in the Azhar translation as 'corrupts it', but it is significant that this root also has the sense of 'to stunt'. Thus, it seems likely that the underlying concept is that of 'spiritual growth or development'.

In any case, it is virtually impossible to produce an equivalent term in translation; none of those that are used, 'alms-giving', 'alms-tax', 'charity', 'obligatory donation', 'purification dues', or 'poor due', covers all of the connotation of zakāt. As with so many technicalities, one is really bound to retain the Arabic word.

Most discussion of zakāt has centered on its legal, rather than its social or economic aspects. The following definition, for instance, deals with what it is, who must pay it and what the conditions of payment are:

It is a religious duty incumbent upon any person who is free, sane, adult, and Muslim, provided he be possessed in full property of such estate and effects as are termed in the language of the law niṣāb. (Hughes, A dictionary of Islam, p. 699)

Not all of the Islamic religious duties have a social application; zakāt is one of those that does, together, for instance with prayer and pilgrimage. These are activities that bring about interaction between members of the Islamic community, and it is for this reason that prayer and zakāt figure so prominently in the Qur'ān:

Yet, they were only ordained to worship God, making religion pure for Him, upright; observing the prayer and paying the purification dues [zakāt]. (sūrah 98, v.5)

Hughes' definition of zakāt lacks one dimension; it makes no mention of the categories of the recipients. This consideration is, after all, crucial to the whole question of what precisely zakāt is and why the payment of it was enjoined as a duty.

Suzanne Haneef comes closer to a comprehensive definition:

In practical terms, zakāt is the sum of money which is to be paid on various categories of property, notably savings and investments, produce, inventory of goods, saleable crops and cattle which is to be used to assist the poor of the community or for the

welfare of Muslims, and the propagation of Islam.
(16)

In fact, even this is not quite accurate; the zakāt on crops in cattle must be paid in kind.

Yūsuf al-Qardāwī gives a very brief definition, which touches only in the most general terms on the social aspect:

Zakāt in the Sharḥ is applied to the determined proportion of property that Allah has allocated for the deserving [li-l-mustaḥiqqin]. (17)

As has been mentioned above, ṣadaqah, and ṣadaqat are frequently used to refer to what appears to be zakāt. Thus, in Qur'ān 9, v. 103:

Take alms from their wealth [khudh min amwalihim ṣadaqatan] that you may purify and absolve them [tutāhhirūhum wa-tuzakkihim] thereby.

The following verse also appears to refer to zakāt, in view of its inclusion in its list of the categories of those for whom it is intended of those who administer it:

Surely alms are for the poor [al-fuqarā'] and the

indigent [al-masākin], and those who work to collect them [al-‘amilin ‘alayhā], and those whose hearts are brought together, the ransoming of slaves and the debtors, and for the cause of God, and the wayfarer. So be it a command from God; for God is Omniscient, Wise. (sūrah, 9, v. 60)

The importance placed upon zakāt can be seen equally in the ḥadīth, for example:

It is related on the authority of Ibn ‘Abbās that the prophet sent Mu‘adh to the Yemen and he said: 'Call them to testify that there is no God but Allāh and that I, Muḥammad, am the Apostle of Allāh. If they do your bidding in this, tell them that Allāh enjoined upon them a payment of a ṣadaqah upon their property, which is to be taken from the rich among them and handed over to the poor among them.' (al-Bukhārī, vol.2, no.478)

On the importance of zakāt as a social instrument, various modern writers have offered opinions. Nabil al-Samālūṭi, for example says:

Zakāt is an indication of kind heartedness on the part of the believer; a reflection of his deep awareness of his social responsibilities; it is a true expression of solidarity and of strong bonds between Muslims; it can provide a sufficient

livelihood for every individual, and it can prevent class conflict. (18)

Sayyid Qutb says:

The assistance provided by zakāt is an ultimate social protection and a guarantee for the weak person who makes every effort but finds nothing, or finds less than is sufficient, or finds a bare sufficiency. It is also a means of ensuring that money alternates between all in order to bring about the complete healthy circulation of money between production and consumption and reworking. (19)

Maḥmūd Shaltūt says:

It is legislation that preserves for the individual his independence and freedom in work and earning, and preserves for society its right over the individual in assistance and solidarity. (20)

Both of the last writers have declared that zakāt is incumbent on the individual for the sake of the community. It seems reasonable, in the light of what has been said about the social aspect of zakāt, to introduce the notion of reciprocity, and to say that it is a duty incumbent upon the individual for the sake of the community, and a duty

incumbent upon the community for the sake of the individual.

Eligibility for zakāt :

We have seen that the eligibility of zakāt in Islam lies both in the payment and collection of it and in the distribution of it to those who are entitled to receive it and are most in need of it . We shall now explore in greater detail than hitherto the categories of those eligible for receipt of zakāt. In sūrah 9, part of which has already been cited , Allah specifies to whom and where it should be given and also distinguishes between those who deserve to receive it and those who do not. The whole passage runs:

And of them are some who traduce you in the matter of the free will alms [sic]. If they are given thereof, they are quite content , and if they are not given thereof, they are then incensed. And were they to be content with what God and His Messenger have given them and say, 'God suffices for us. God will bestow upon us of His Munificence, and so will his messenger. Truly to God do we turn in supplication.' Surely alms are for the poor and the indigent, and those who work to collect them, and those whose hearts are brought together, the ransoming of slaves and the debtors, and for the cause of God, and the wayfarer. So be it a command from God; for God is omniscient, Wise. (vv.58-60)

It has already been pointed out that the inclusion of administrators of the 'alms' in the categories of those eligible for receipt of them appears to indicate that sadaqat in this passage is being used for zakāt; thus 'freewill alms' in v. 58 is hardly appropriate. However, the distinction between the deserving and the undeserving is the point here, and it is made abundantly clear what kind of people are regarded as undeserving.

After the elimination of these, we may examine in more detail the eight specified classes of the deserving. First of all, it is convenient to divide them into three categories. First comes what may be designated as the 'welfare category': the poor the needy, slaves, debtors, wayfarers. Second comes the administrative category: those responsible for the distribution and collection of zakāt. Third comes the da'wa category: those who call people to the cause of Allah and those who work for the unification of the Muslim Ummah. This division demonstrates more clearly still why zakāt plays such an important role in Islam: why, in fact it is the third pillar of the five pillars of Islam. The reciprocal social aspect that we touched on above is important, but there are further aspects that are no less important.

Taking the categories in turn, we shall now discuss the classes that compose them.

1. The poor [al-fuqarā] we have already discussed.

2. The needy [al-masākīn] are always easy to distinguish, in normal usage, from the poor, but since the Qur'ān makes the distinction, we should see in what it has been taken to consist. Some Muslim scholars have considered that the distinction lies in the possession or otherwise of the niṣāb for the assessment of the payment of zakāt, while others take into account the social status and the appropriate standard of living of the person or family concerned. On this al-Qardāwī says:

In the opinion of the three Imams [i.e. not Abū Hanīfah] poverty [faqr] and need [maskanah] have nothing to do with not possessing the niṣab, but rather with not possessing a sufficiency. (21)

So the poor man is one who does not have property or a lawful and suitable source of income that will provide a sufficiency of food, clothing, accommodation and other indispensables for himself and for those who are a charge on him, without extravagance or parsimony. For example, someone requires ten dirhams per day and finds only four, three or even two.

The needy man is one who has access to property or a lawful and suitable source of income that will provide

some sort of sufficiency for himself and those whom he supports, but this is not a complete sufficiency. For example, someone requires ten dirhams and finds only seven or eight, even if he possesses one or more niṣāb.

Some have defined that which provides some sort of sufficiency as half or more [of what provides a complete sufficiency]. Thus the needy man is one who possesses half of a sufficiency or more, and the poor man is one who possesses less than half.

Abu Hanifah, on the other hand, takes as his criterion the niṣāb of assessment for zakāt, and designates as miskīn those who possess less than the niṣāb, and as faqīr those who earn nothing at all.

Regardless of such differences of criteria, it may reasonably be asserted that those eligible for receipt of zakāt under this and the former heading are: those who cannot earn a livelihood because of some handicap, physical or mental; those who earn less than a sufficiency; those who cannot find work, although physically and mentally fit; those who have funds but have no access to them, such as those unjustly imprisoned. Conversely, if work is available, those who are fit but make no effort to obtain it, preferring to live on charity, are not eligible for the receipt of zakāt, regardless of their material needs. al-Nawāwī says:

Zakāt may not be paid to one who is rich from the poor and needy, or to one who is capable of undertaking a suitable employment such that it provides him and his family a sufficiency. (al-Majmūʿ; vol.6, 228) (22)

In Islam, it is the duty of every healthy person, who is capable of working, to work, and it is considered desirable that every effort should be made to facilitate this by making employment available. The prophet is recorded as saying: 'No-one has ever eaten food sweeter than that gained by his own sweat.' It is unacceptable that one who has employment that he is capable of undertaking, from which he can earn sufficient for himself and his dependents, to leave that employment and live on charity.

In the Tafsīr of al-Ṭabari we find:

Zuhayr al-ʿAmiri relates that he met ʿAbd Allāh b. ʿAmr b. al-ʿĀṣ and asked him what kind of money ṣadaqa was. He said: 'The money of the cripples, of the one-eyed, the blind, and all the handicapped.' Zuhayr said to him: 'Those who work for it [alʿamilin] and those who fight [almujāhidīn] have a right.' ʿAbd Allāh said: 'Those who fight are people to whom it is lawful, as are those who work for it, according to their work.' Then he said: 'ṣadaqah is not lawful either to a rich man or to a

powerful man.' (23)

It has commonly been thought that many of those who are eligible for zakāt as being poor or needy are idle beggars. The prophet told those who believed this in his time that 'the poor and needy are not those who can be satisfied with little things (such as a few dates or a meal)'. The true poor and needy are those who are diffident about asking for help. *'Read if you will,'* he said, 'the verse "*They never importune people for charity*" (sūrah 2, v.273).

Eligibility for receipt of zakāt in these categories thus depends upon the non-availability of employment that satisfies the three conditions of being decent employment that is permitted by Islam, of being able to be undertaken without undue difficulty or danger, and of providing sufficient income to support the person and his dependants. Zakāt may also be used to support someone studying a subject that will be of benefit to society, even if he is fit.

The principle behind the division of Zakāt is that a decent standard of living should be assured the recipient, commensurate with the general standard, and not simply that a small dole should. al-Nawāwī says:

The recognised standard of living is that assured by

the provision of food, clothes, lodging and other indispensables, such that the person and those dependent upon him may not suffer. (24)

Of course, this standard alters from time to time and from place to place. al-Qardāwī says:

What must be taken into account is that a person's standard of living cannot be firmly and decisively fixed; it changes in accordance with time and place, and with changes in the wealth of any nation and the amount of its national income. There are many things that are luxuries at one time or in one place, which become vital necessities at another time or in another place. (25)

There has been considerable dispute concerning the methods of payments and the amount to be payed. As far as those who are unable to work are cocerned, the disabled, blind, widows, etc., it is clear that they are to be provided each year with what is enough for that year, whether all at once or in monthly instalments. As regards those who are able to work, however, there are differences of opinion between the madhāhib, some holding that they should be given a specific amount for a specific period, others that they should be given enough to bring their standard of living up to an acceptable level in their society. The reason for these differences is that this

is not specified in the legal sources; Ibn Ḥazm says: 'Either a large or a small amount of zakāt may be given to him. There is no limit in this, since none is specified in the Qur'an or sunnah.' (al-Maḥalla, vol.6, p.156)

The basis of the argument for a specific amount is a ḥadīth related by Ibn Mas'ud:

The prophet said: 'Anyone who begs when he has a sufficiency will appear on the Day of Judgment with scars on his face.' He was then asked: 'What is considered a sufficiency?' He replied: 'Fifty dirhams or the equivalent in gold.'

From this ḥadīth the principal of specification can be deduced, but the actual amount for the giving of zakāt cannot. Some scholars have prescribed the amount of niṣāb al-zakāt (the amount on which zakāt becomes payable), and others that which is sufficient to provide food for a day. There is no consideration here of the bringing up of the standard of living.

Those who prescribe the raising of the standard of living of the recipient to an acceptable level in the society base their argument on another ḥadīth, related by Muslim:

Begging is permitted to three persons only: one who

is a guarantor for another, one who has become bankrupt and one has become very poor. No others may beg.

Those who subscribe to this, however, differ as to just how the standard of the person's living should be raised and the period for which assistance towards this should be provided. Some say that he should be provided with what is required for one year only, since the payment of zakāt is an annual duty. This should enable the recipient to plan ahead to a reasonable extent. Others say that he should be given what is required for life, but that his position should be periodically reviewed. Others again say that, for example, someone who has a skill should be helped to buy the equipment that he requires to practise it, and that one who wishes to begin trading should be provided with enough to invest in the stock that he needs. On this al-Māwardi says:

If he has ninety [dirhams] but only the profit on one hundred will suffice him, he should be given the amount that will make up one hundred, even if ninety is sufficient for some people of his time. (26)

Both parties have their arguments for their approaches, but the essential point concerning the recipient is the question as to whether or not he is capable of work.

al-Qardāwī holds that:

Both opinions have their own spheres in which they are applicable. This is because the poor and the needy are of two types: one type that could earn and work and be self-sufficient, such as the craftsman, the trader and the farmer, except that he lacks the tools for his craft, or the capital for his trading, or the land and the equipment for cultivation and irrigation . . . Such people should be given from the zakāt as much as will enable them to earn a sufficiency for the rest of their lives, without requiring the zakāt a second time, by the purchase and ownership, either independently or in common with what they need to pursue their occupations, as the proceeds of the zakāt will permit.

The other type is unable to earn, such as the chronically sick, the blind, the aged, the widow, the infant, etc. There is nothing wrong in giving these what suffices for a year, that is to say, a regular income that they can claim each year; or it may be distributed throughout the months of the year, if there is reason to fear that the recipient may be extravagant or squander the money on non-essentials. (27)

3. Those who work for it [al-‘amilunā ‘alayhā] are those (nowadays) who work for the diwan al-zakāt, the Government department responsible for the collection and distribution of the zakāt. Their salaries and expenses are to be paid from it, as a first charge upon it. They are entitled to a fair wage according to the standard of the society in which they live. According to Imām al-Shafī‘ī, the people should be given one eighth of the whole. If what is due to them amounts to more than that, it should be made up from other sources, if they are not Government employees. The Islamic Governments now pay everything connected with the collection and distribution of the zakāt from the Government budget.

4. 'Those whose hearts are brought together' [al-mu'allafati qulūbuhum] are those who are considered eligible for zakāt for the purpose of benefiting the Muslim community. There are essentially two types of these people:

1) Recent converts to Islam, particularly those who require assistance and support as a result of their having emigrated from their homelands to an Islamic state, or as a result of the attitude of their families towards their conversion. As far as their eligibility for zakāt is concerned, according to the report of al-Zuhri, as related by al-Qardāwī, it is very broadly based:

al-Zuhri was asked about 'those whose hearts are

brought together.' He said: "They are the Jews and Christians who have become Muslims.' He was then asked: 'Even if they are rich?' He said: 'Even if he is rich'.

2) Those whose conversion is hoped for, and those whose activities affect the Muslim community. For example:

Imām Aḥmad b. Ḥanbal related, with a sound isnād, on the authority of Anas that a man came to the apostle and asked him (for a gift). The prophet ordered him to be given a large number of sheep, between two hills from the sha' al-ṣadaqah [the charity sheep, i.e. those paid in zakāt). He returned to his tribe and said: 'O people, become Muslims! Muḥammad gives the gifts of one who does not fear poverty (Nayl al-awṭār, vol. 4, p.166)

Islamic teaching has always stressed the need for strength and cohesion in society, and indeed the need to spread Islam; zakāt is one of the most effective means to these ends. al-Ṭabarī says:

Allāh has made the ṣadaqah into two realities; one of them is supplying the wants of the Muslims, and the other is assisting and strengthening Islam. That which is for the assistance of Islam and strengthening its bonds may be given to either the rich or the

poor, for they are given it not because they need it, but rather to assist the Faith; in the same way that which is given for fighting in the cause of Allāh is given to rich and poor alike, for battle not for supplying wants. In the same way 'those whose hearts are brought together' are given it even if they are rich, in order, by giving it to them, to settle Islam. and to attempt to strengthen and buttress it.
(28)

The prophet gave to 'those whose hearts are brought together' after Allah have given him victories, and Islam had spread, and its people have become strong. Thus there is no justification for people's saying: 'No-one is combined against Islam today, because its people with their large numbers have driven off those who could attack them', when the prophet gave to those of them to whom he gave in the condition that I have described.

Since this has obvious implications for the security of the Islamic nations and for the interests of the Muslim community as a whole, the use of zakāt in this way is clearly a matter for governments to consider and implement, rather than the diwan al-zakāt in isolation.

4. Slaves [al-riqāq] should be freed, in order that Islamic society should consist only of people who are on an equal footing with one another. Islam encourages the

freeing of slaves by all available means; zakaṭ is one of the means prescribed.

Yahya b. Sa'id said: "I was sent by 'Umar b. 'Abd al-'Azīz to administer the ṣadaqat in Ifriqiyyah. I made every inquiry in my search for poor people to whom we would give them , but we could not find one poor person , or anyone who would take them from us, since 'Umar b. 'Abd al-'Azīz had enriched people. So I bought slaves with them and set them free.' (29)

This was relevant to the freedom of enslaved individuals, of whom there are hardly any (officially, at any rate) nowadays. There is , however, a more devastating kind of slavery practised in modern times, whereby the richer and stronger nations enslave the poorer and weaker nations, culturally, economically and politically. In the face of this, some Muslim scholars are of the opinion that the poorer and weaker countries are entitled to be allocated the amount of zakāt traditionally reserved for the freeing of slaves.

Maḥmūd Shaltūt remarks:

The individuals of this sector have disappeared with the disappearance of the (kind of) slavery expected by Islam. However, it seems to me that its place has

been taken by a slavery that is more dangerous than it for humanity, namely the enslavement of people in respect of their thoughts, their wealth and their sovereignty and freedom within their own countries. The former was a slavery of individuals, which died with them; their states remained free and orthodox, with the same authority and competence as all other free and orthodox people. The latter, however, is a slavery of peoples and nations that will give birth to peoples and nations enslaved like their ancestors. It is a general permanent slavery, imposed on a nation by oppressive brute force. We must then fight against this slavery and labour to be rid of it to lift the ignominy of it from the peoples, not with ṣadaqat money alone, but with all our wealth and with all our spirits. (30)

6. Debtors [al-ghārimūn] who are entitled to relief from the zakat fall into a few narrowly defined categories:

1) Those who have borrowed the money to support their families. It is in the interests of people to assist people of this category.

2) Those who have borrowed money for the benefit of society as a whole, or for part of society, such as those who attempt to conciliate others or to mediate between

them, or who assume a public responsibility of some kind.

3) Those who undertake any social project, such as the building of an orphanage, a hospital for the poor, a mosque, a Muslim school, or any similar beneficial activity. Those who provide such services to the Muslim community are entitled to receive help from the zakāt; if they borrow money for public services, they are entitled to receive the amount of their debt, even if they are rich. al-Qarḍāwī supports this:

If those who borrow for their own benefit are entitled to zakāt, then those who borrow in the public interest should have the first priority to it.' (31)

The Islamic reasoning on debt is that it destabilizes society. The prophet, as we have seen, prayed not to fall in debt because, 'When a man is in debt, he tells lies and does not keep his promises.'

7. For the cause of Allāh [fi sabīl Allāh] is understood by the majority of Muslim scholars as referring to jihād (voluntary participation, of course, not paid). Ibn al-'Athīr says:

Sabīl originally signifies ṭarīq [path/road]. The sabīl Allāh is comprehensive and applies to any sincere

work by means of which the path towards closeness with Allāh is travelled: the performance of the farā'id and the nawāfil (supererogatory acts), and of all sorts of voluntary actions [tatawwu'at]. When it is used, however, it generally refers to jihād, so much so that this has become its almost exclusive sense. (al-Nihāyah, vol.2,p. 153)

Some have always taken it in a wider sense. al-Kāsāni says: 'Fi sabīl Allāh means any work for the sake of God.'

Others compromise and maintain that it involves a struggle, not necessarily by means of jihād, to further the religion of Allah; it may involve writing or speaking. (It is of course the case that jihād itself is sometimes taken in this sense nowadays.)

For instance al-Qardāwī says:

I do not, therefore, accept the widening of the sense of sabīl Allāh to include all good works and deeds, nor do I accept the restriction of it to jihād in its purely military sense. Jihād can be carried on with the pen and the tongue, just as it can with the sword and the lance. Jihād may be intellectual, educational, social, economic, or political, just as well as military; all these kinds of jihād require

support and finance. The important thing is that the fundamental condition be observed for all of this , namely that it is 'for the cause of Allāh', that is for the support of Islam and the elevation of its Word in the earth.' (32)

8. The wayfarer [ibn al-sabil] is a traveller who is away from his homeland and has insufficient funds to cover his return and his living expenses. Somewhat surprisingly, al-Tabari remarks on this: 'On the authority of Mujāhid, the wayfarer has a right to zakāt, even if he is rich, when he has no access to his wealth [idhā kāna mungatī'an bi-hi] (Tafsīr vol. 14, p.320). A need for funds is the qualification for zakāt, not one's previous standing in one's country. The amount to which the foundered traveller is entitled is the amount that will enable him to return to his own land. There is a stipulation that the traveller should be travelling in a good cause. Islam commends travel to find work, as we have seen, and also to see the world:

It is He who made the earth yielding to you, so walk in its broad ways and eat of His provision. (Qur'ān, sūrah 67, v.15)

Sometimes a more edifying reason for travelling is suggested:

Patterns (of life) have passed away before you; so roam the earth, then behold how was the end of those who cried mendacity. This is a declaration to the people, and a guidance and an exhortation to the godfearing (sūrah 3, vv.137-8)

According to Ibn Sa'd, 'Umar Ibn al-Khaṭṭāb, when caliph, built a refuge for travellers in need in this way. He provisioned it with dates, raisins and flour, and it was called Dār al-daḡīq [the house of flour]

It might be thought that provision of zakāt for this purpose was somewhat outdated, now that money can be so easily transferred. However, a number of countries restrict the amounts that may be transferred, as well as limiting the amounts that people take with them, and zakāt may still have to be used for travellers from Islamic countries that have this policy.

These then are the 'types' of people for whom zakāt is intended. This does not mean that it is strictly limited to precisely these people and if they are not present in a county, zakāt does not apply there. There is room for manoeuvre within these 'types', but no scope for introducing other 'types'. Some of them may disappear at some time or place, and reappear elsewhere. There is, for example, no slavery in Saudi Arabia, but there is in Mauretania. Nor is it invariable, in all Islamic countries,

that those who administer the zakāt are paid from the Government budget. Even if all eight types are totally absent from a particular country; it should still be collected and distributed to the appropriate people elsewhere.

The types of property and wealth that are eligible for 'zakāt':

The Qur'ān is not very specific about the types of property and wealth that are liable to zakāt. It generally used a completely unspecific term, mal/amwal: 'take alms from their wealth' [khudh min amwā. lihim ṣadaqah]. (sūrah, 9, v. 103);

'And those in whose wealth there is a right known, for the beggar and the deprived [wa-al-laadina fi amwālihim haqqun ma'lūm] (sūrah 70, vv.24-5)

Sometimes, on the other hand, it does mention particular

things, probably for more rhetorical than for legislative purposes:

And those who hoard gold and silver and do not expend them in the cause of God. (sūrah 9, v. 34)

And it is he who produces trellised and untrellised gardens, and palm-trees, and crops diverse in produce, and olives and pomegranates, alike and unlike. Eat of their fruit when they fructify; and pay thereof on the day of its harvesting, and do not squander for he loves not the squanderers. (sūrah 6, v. 141)

There is another verse that divides that on which zakāt is payable into two categories:

O you who believe, expend of the good things you have earned, and of what we have brought forth for you out of the earth. (sūrah, 2 v.267)

It is quite possible that the reasons for the general non-specificity concerning wealth and property liable for zakāt may be various. In the first place, it prevents the wealthy concentrating their wealth in a non-labile category; in the second, it allows for changing circumstances, in that new sources of wealth appear and old sources disappear; and in the third, it gives scope for individual interpretation on the

part of the 'ulama'; as to what is most in the interests of society.

There are certain general and special conditions governing the liability, collection and distribution of zakāt, which we shall now discuss.

General conditions :

1) The possession of a certain quantity of wealth (niṣāb). This niṣāb varies from one kind of wealth to another, as the zakāt also varies from category to category.

2) No debt amounting to more than the amount he owns; if so zakāt is not levied. Ibn Ḥazm reports that ‘A’isha siad, 'No zakāt together with debt'. (al-Muḥalla, vol.2, p.101)

3) The amwal on which zakāt is payable must be productive and profitable, and not simply property that is consumed by the owner. The reason behind this is that zakat is intended to relieve poverty, and not cause further need. Ibn al-Himām says:

The purpose of the legislation for zakāt - as well as the original purpose at the beginning - is to assist the poor, in such a way that the donor shall not be impoverished, in that he gives little from a large amount, from the surplus of his wealth. The imposition of it upon wealth that produces nothing at all leads to the opposite of this in the course of the years, particularly with the need for expenses.(33)

Muslim relates, on the authority of Sulaymān b. Yassār, from Abu Hurayrah, that the prophet said: "*A Muslim need not pay ṣadaqah on his slave or his horse.*" (Muslim, vol. 3, p. 67)

Thus it is established that zakāt is not payable on capital, only upon what is produced by that capital.

4) A certain period of time has to elapse after the acquisition of niṣāb before zakāt becomes payable on that property. The period differs according to the type of property. For agricultural property the period is that between sowing and harvesting; zakāt is payable on crops at the time of harvesting. For other acquired wealth, that is to say, any profit that accrues from any kind of commercial activity, including the breeding of animals, the period is one year. The period is intended to enable the potential payer to consider his financial situation and calculate his liability, and the potential recipient to assess his eligibility. Ibn Qudāmah remarks on the period concerned:

That which is given a years grace is considered for growth; thus animals are considered for increase of progeny; trade goods are considered for profit, as are prices. It is given a years grace because that is the measure of growth, to permit zakāt to be taken

on the profit. (al-Mughnī, p.625)

Special condition :

1) In the case of property consisting mainly of animals, camels, sheep, goats, cattle - there is a particular condition that has to be considered before it has to be decided whether or not they are liable for zakāt, namely if they have been grazing freely during the past year, or at any rate, most of it.

2) in the case of property consisting mainly of agricultural produce - dates, fruit, grain - there is also a particular condition that has to be considered for the assessment of the percentage of zakāt that is due. This condition relates to the method of irrigation of these crops. If they are naturally irrigated, the percentage payable is ten; if they are artificially irrigated, the percentage payable is five, to compensate for the expense of irrigation.

Collection of zakāt :

Since the payment of zakāt is a religious duty, it might be thought appropriate to leave the responsibility for fulfilling this duty to the person concerned. However, in order to protect the right of the various types of recipients, Islam has always found it prudent to make the collection of it the responsibility of the ruling authority. al-Nawawī says:

The Imam should send collectors to take the ṣadaqah, for the prophet and the caliphs after him did so. There are some people who have wealth and do not know what their obligation is, and others are mean, so people must be sent to take it. (al-Majmūʿ, vol.6 p. 167)

The Qur'ān implies the responsibility of the state in the collection of zakāt in the verse referred to above (sūrah 9, v.60), in which the payment of those who administer it is made a charge upon it. The same is implied by the verb employed in sūrah 9, v.103, also referred to earlier: 'Take alms from their wealth [khudh min amwālihim ṣadaqah].' The prophet sent his collectors to the various parts of Arabia; for example, he sent Mu'adh b. Jabal to Yemen to tell the inhabitants that Allah had ordained that zakāt should be taken from their rich and given to their poor.

He also said: 'Beware of taking the best of their wealth!' Commenting on this last hadīth, Ibn Ḥajar al-‘Asqalāni says:

I infer from this that the Imam is the one who is in charge of making [qabd] and distributing [sarf] the zakāt, either in person or by proxy; if anyone refuses to pay, it is taken from him by force (Fath al-bāri, vol.3,p.183)

Muḥammad ‘Aqlah remarks:

when we examine the life of the Prophet, we find that it is full of events that indicate that he personally concerned himself with this duty in certain places, and he sent collectors and trustworthy officials to collect the zakāt. (34)

Abū ‘Ubayd b. Salām says:

There are three types of wealth that are the responsibility of the authorities, according to ‘Umar b. al-Khaṭṭāb's understanding of the Qur’ān, namely: fay, kums and zakāt. (35a)

During Abu Bakr's caliphate , there were those declined to pay zakāt. Abū Bakr tried to convince them that it was their religious duty to do so, but in vain. He then decided that he would have to fight them, in order to carry out his

responsibility. The companions tried to dissuade him, but he insisted saying: *'I will fight those who differentiate between ṣalāt and zakāt [in their status as religious duties]. By Allah, if they refuse to render to me a piece of rope that they used to render to the prophet, I will fight them for it.'*

During the first part of the caliphate of 'Umar b. al - Khaṭṭāb, the practise continued as it had been in the caliphate of Abū Bakr. When, however, the territory of Islam was increased, the population also increased. This resulted also in an increase in income and consequently in the amount due as zakāt. Abū 'Ubayd says:

Mu'adh was sent to Yemen in the time of the prophet ; he used to collect the zakāt from the rich and distribute it to the poor there. He continued to do this in the time of Abū Bakr. In the caliphate of 'Umar, however, he sent one third of the zakāt to 'Umar in al-Madīna; 'Umar was displeased by this and said to him: "I did not send you to collect taxes, but to take the zakāt from the rich to give to the poor in their own country.' Mu'adh replied: 'I have sent you the part for which I could find no recipients.' The following year he sent half of the zakāt , and the year after the whole amount that he collected. (35b)

This caused 'Umar to set up a different system for

administering zakāt . He established the Diwān al-zakāt in order to take responsibility for collecting and distributing the zakāt for the whole of the Islamic territory centrally. Ibn Taymiyya says:

There was no comprehensive dīwān for the monies taken and distributed in the time of the Prophet, or Abū Bakr; they would distribute it piecemeal. However, in the time of ‘Umar b. al-Khaṭṭāb, the money increased and the territories grew and the population grew; so he established the dīwān al-‘ata’ [office of giving]. (36)

This department continued to function, without any significant change, until the later dates of the Ottoman Empire, collecting, distributing and paying its functionaries, for the whole of the territory that was under central Islamic jurisdiction. At an early stage in its existence, however, some modifications to the methods of the collection of the zakāt were instituted by ‘Uthmān b. ‘Affān. He divided property into two kinds: what can be seen [al-zahir] and what cannot be seen or known of [al-baṭin]. The collection of the zakāt on al-‘amwāl al-zahira remained the responsibility of government; it was left to the people to give that on al-‘amwāl al-baṭināh, according to their consciences. al-Suyūṭi reports:

But 'Uthman, after having been caliph for a time, introduced something that had been unknown in the time of the Apostle of Allāh or in the period of Abū Bakr and 'Umar; he entrusted to those who possessed 'unseen' capital - gold, silver and trade commodities - the payment of zakāt on their wealth to their own accord, while restricting himself to the collecting of the zakāt on 'seen' wealth. He was the first of the Muslims to do this. (Tarikh al-khūlafa', p.165)

This delegation of authority to those who have an interest in it is a privilege that may be revoked by the government at any time that it sees fit to do so. M. 'Aqlah cites the 'Author of al-Ikhtiyār' as saying:

If anyone refuses to pay zakāt, the Imām should take it forcibly and put it where it belongs. This is because the right of taking it, on both 'seen' and 'unseen' wealth belonged to the Imām until the time of 'Uthman, on the basis of these texts: 'Take ṣadaqah from their wealth' and 'It shall be taken from the rich among them.' 'Uthman entrusted the payment of it on 'unseen' wealth to those who possessed it, for fear that the wealth of the people would be unjustly handled. Thus the possessors of the wealth became, as it were, agents of the Imām. But if he knows that they are not paying it, he must

demand it from them. (37)

It is clear then that the ultimate responsibility for the collection of the zakāt has belonged, from the earliest times, to the government, even if it decides to delegate this responsibility for a longer or shorter period. al-Qardāwī remarks:

They agree that it is for the Imam to collect it -- the zakāt -- and to distribute it to those eligible for it. However, is he bound to do this: and may he compel people to pay it to him and to his officials? and may he fight them for it, as Abū Bakr did? This is where the fuqahā' disagree. (38)

Following the break up of the Ottoman Empire, each of the countries that had formerly constituted parts of it developed their own institutions for the administration of zakāt, as did, subsequently, all other Islamic countries. Sometimes it is dealt with by banks, as in Egypt, where Bank Naṣir and Bank Fayṣal al-Islami have their ṣundūq al-zakāt; sometimes there is a separate Government department, as in Kuwait, where there is bayt al-zakāt, and Saudi Arabia, where there is Maṣlahat al-zakat wa-al-dakhl.

THE ROLE OF THE STATE

The measures that we have examined thus far represent the action recommended for individual initiative. We shall now consider what action is to be expected of the state, on an official level. It is, of course, difficult to separate the state from 'Muslim society', in the early days of the Ummah, but there are a number of precedents from this period, and slightly later, that indicate the kind of corporate intervention that an Islamic state should undertake.

Both al-Bukhārī and Muslim relate the ḥadīth in which the prophet is recorded as saying:

That Allāh has said that "I am closer to my worshipper than his soul; if any person dies leaving property, it is for his heirs, but if a person dies leaving nothing, then I am the guardian of his heirs.

In another ḥadīth, the prophet is reported as saying to the widow of Ja'far b. Abi Ṭālib, who was left with many children but no property:

Do you fear poverty? Do not be anxious; I will be responsible for them.

He said that not as a relative of the dead man but in his capacity as head of the Islamic government of al-Madinah.

Abu Yūsuf, in his Kitāb al-kharāj, reports a number of cases of official relief being given during the Caliphate of Abū Bakr, of which the most significant, as both giving the same right to non-Muslims and Muslims alike, and designating particular classes of people as eligible for such relief, is that of the peace treaty agreed between Khālid b. al-Walīd and the people of al-Hīrah. Khālid reported to Abū Bakr:

I have promised them to give financial support to the elderly who can no longer work, to those who have suffered disability and to those who were rich and have become poor; I have exempted these from paying taxes, and they will be paid from the treasury. (39)

Abū Bakr accepted these terms.

As far as the elderly are concerned, the Islamic social code puts the principal responsibility for their upkeep on their relatives. We have seen numerous references on this in the Qur'an, when we were discussing other categories, and there is no need to repeat these here. However, if the relatives will not, or cannot, fulfil their duty, or if the elderly have no relatives, clearly the responsibility for

them must devolve upon the state. This principle is recognised in the treaty negotiated by Khālid b. al-Walīd, and more cases are reported in the time of 'Umar b. al-Khaṭṭab, as the number of Muslims and those living under Muslim jurisdiction, increased with the expansion of the territory of Islam. There is a well-known story of 'Umar's meeting an old, blind Jewish man begging in the streets of al-Madīnah. When asked what had caused him to become a beggar, he replied that it was his age, poverty and taxation. He said:

By God, we do not do justice to this old man and those like him if we use them in their youth and then do not look after them when they are old and in need. (40)

Later still, 'Umar b. 'Abd al-'Azīz was found by his wife weeping. When asked why he replied:

O Fāṭimah, I have been entrusted with the leadership of this nation, and when I thought about the poor and the hungry, the sick, the naked, the orphans, the widows, the oppressed, the exiles, the old who have little money and those who have many children, and all those about whom I shall be asked in the hereafter, I wept. (Ibn Khathir, Kitab al-bidāyah wa-al-nihāyah, 9, p.201)

There is also precedent for the supply by the government of facilities for people to use, rather than money, when funds are short. In this case, the interests of the poorer people must be safeguarded. 'Umar b. al-Khaṭṭab, on providing a grazing area called al-Rabad, near al-Madīnah, for the Muslim community, said to the herdsman:

Deal kindly with those with few animals, and give them more space; do not give the same amount of space to the rich, for if they lose their animals, they have other means of livelihood, like agriculture. If, however, the poor lose their animals, they will come to me with their children and say, 'What can we do? To whose care will you commit us, 'Umar?' ... It is easier for me to provide grass than money. (Abū 'Ubaydah, Kitab al-amwāl, p.299)

Such are the examples that early Islam provides as evidence for state concern for the disadvantaged and the provision that should be made for them.

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CHAPTER 4

Other Islamic resources

In addition to the resources for relieving disadvantage that we have thus far discussed, Islam has in particular two others, both of which have existed from the time of the establishing of the Ummah.

The first of these is the institution of rikāz, the primary sense of which is 'ore', but which comes to mean 'the buried treasures of the earth; this is taken in a very wide sense, to include both natural products and wealth that has been either deliberately or accidentally buried. If something of the latter kind is unearthed, what happens to it depends on whether its owner is known or can be traced. If so, it becomes a part of his wealth that is liable for zakāt. If not the finder is liable to pay to the state one fifth of the total value of what he has found. The origin of this appears to be the prophet's statement, as reported by Abū Hurayra: 'One fifth is payable on rikāz.' (al-Qardāwī, Fiqh al-zakāt, p.434)

al-Qurtubī understands sūrah 2, v.267: 'O you who believe, expend of the good things you have earned, and of what We have brought forth for you out [akhrajnā lakum] of the earth', as comprehending also rikāz: 'it means plants and minerals and rikāz'. (Tafsīr, vol.3, p.321)

The one fifth that is payable to the state is devoted to social welfare.

The second source is that of fidyah or kaffārah [atonement]; the two terms are virtually indistinguishable. When a Muslim sins, or fails to carry out a religious duty, he is required to repent, to correct the error and , in some cases to demonstrate the sincerity of his repentance by means of atonement. What he has to be given by way of this atonement is to be given to those in need. The extent of the offering is determined by the nature of the sin committed or the duty unperformed. For example the breaking of an oath:

Binding oaths in Islam are sworn by the name of Allah or by one of his attributes. If a person is unable to implement his oath, he is liable to expiate it in a manner laid down in the Qur'ān:

God will not take you to task for loquacity in your oaths, but he will punish you for the oaths that you intentionally confirm. Expiation for it is feeding ten indigents with the average of what you feed your folk, or clothing them, or setting free a slave. But whoever finds no means, then let him fast for three days. This is expiation of your oaths

when you have sworn. But keep your oaths. Thus God makes his signs clear to you; perhaps you will be thankful. (sūrah 5, v. 89)

There is another kind of oath, zihār, i.e. saying to one's wife 'You are to me like my mother's back', to repudiate her. If one wished subsequently to revoke this, one has, again, to atone. The Qur'an prescribes as follows:

And those who put aside their wives, then retract what they have said, should set a slave free before they touch one another. That is for you to be exhorted by. And truly God is Cognizant of what you do. But whoever finds not (the means), shall then fast two consecutive months before they touch one another. And whoever is not able (to fast), shall then feed sixty poor persons. That is in order to believe in God and his Messenger. Those are the bounds of God. And for the unbelievers awaits a painful retribution. (sūrah 58, vv. 3-4)

If a person cannot keep the fast of Ramadan, either through (chronic, not temporary) illness or because of old age, it is lawful for him not to do so,

on condition of the kaffārah, which, in this case, is the feeding of one person for each day of omission:

O you who believe, the fast is decreed for you as it was decreed for those who were before you - perhaps then you will become venerators - for days numbered. But he who is sick or on a journey, (can then fast) a number of other days. As for those who can afford with hardship (sic), (there is) redemption in feeding an indigent. But it is better still for him who does good of his own accord; that you fast is better for you, if you but know. (sūrah 2, vv.183-4)

[The various other translations of wa 'ala l-ladhina yutīqunahū fidyatun are not particularly illuminating. 'A. Y. 'Alī's 'For those who can do it (with Hardship), is a ransom' is probably as good as anything, and certainly better than the incomprehensible language of the Azhar version.]

Kaffārah is required from one who does not perform the pilgrimage correctly. either through the commission of errors or the omission or inadequate performance of any of the manāsik. In particular, the atonement for failure to complete the pilgrimage, once began, is specified in the

Qur'ān:

And perform completely the pilgrimage and the 'Umrah for God. But if you are prevented, then make such offering as may be the easiest. And shave not your heads until the offering has reached its destination. But whoever of you is sick or has an ailment of the head, then make redemption by fasting or alms, or any other act of worship. But if you are secure, then whoever enjoys the 'Umra till pilgrimage, let him make such offering as may be the easiest. And whoever finds none then a fast of three days during the pilgrimage and seven days when you have returned; those are ten complete. That will be for him whose family is not present at the Sacred Mosque. And fear God, and that God is severe in retribution. (sūrah 2, v.196)

ʿA.Y.ʿAlī comments on this:

If anyone is taken ill after putting on the ihrām, so that he has to put on other clothes, or if he has trouble or skin disease in his head or insects in his hair, and he has to shave his hair before completion, he should fast (three days, say the Commentators) or feed the

poor, or offer sacrifice. (2)

Also singled out as requiring kaffarah is the breach of the taboo on hunting while on pilgrimage:

O you who believe, kill not game while you are on pilgrimage [wa-antum hurumun]. And whoever of you kills it willfully, then recompense shall be the like of what he has killed in domestic animals, as shall be judged by two men of equity among you, an offering to reach the ka'bah. Or, for expiation he shall feed indigent ones or the equivalent of that in fasting, so that he may taste the evil consequence of his deeds. (sūrah 5, v.95)

Those are but two examples of the prescription of such kaffārah or fidyah. It is noteworthy how universal is the option of feeding the poor; it is a matter of major concern to Islam.

Neighbourliness

Islam has a great deal to say about neighbours. Both the Qur'ān and the sunnah stress the rights and duties that neighbours have vis-a-vis one another, they must support and respect one

another. In Sūrah 4, v. 36, which has already been cited, the rights of 'the neighbour who is of kin' and 'the neighbour who is not akin' are compared to those of parents. Muslim in Kitāb al-īmān reports:

On the authority of Abu Shurayḥ al-Khuẓā'i, the prophet said: 'He who believes in Allāh and in the Last Day, let him do good to his neighbour.' (p50)

al-Bukhārī reports *Jibril used constantly to commend my neighbour to me, so that I thought that he would give him a share in the inheritance. (vol.8, No. 43)*

al-Ṭabarānī reports, on the authority of Anas b. Malik, that the prophet said:

One who passes the night satisfied, knowing that his neighbour is hungry at his side, does not believe in me. (Ḥasan Ayyūb, al-Sulūk al-ijtima'i fi al-Islām, p. 285)

The injunction to behave equally kindly to the 'neighbour who is not akin' as to those that are is given more force by the following report of Mujāhid:

I was with 'Abd Allāh b. 'Umar when a slave of his was slaughtering a sheep. He said: "Boy, when

you have slaughtered it, begin with our Jewish neighbour." He repeated this several times, and his slave said to him: *"How many times are you going to say this?"* He said: *"The Apostle of Allah would repeat his instructions about our neighbour until we were afraid that he would make him his heir."* (al-Qardawi, Mushkilat al-faqr wa-kayfa 'alajahū al-Islam, p.118). (3)

Ibn Ḥajar al-'Asqalāni says: 'The name 'neighbour' includes the Muslim and the unbeliever.' (Fatḥ al-Bārī, vol.1, p.369) (4)

Such is Islam's concern for the right of the disadvantaged that stern warning is given of the punishment that awaits those who disregard them. In the following passage of the Qur'an, an example is given of the consequences of such behaviour to be anticipated in this life:

We tried them, even as we tried the owners of the garden, when they vowed that in the morning they gather its fruit without reserve (for the poor). But an encircling affliction visited from your Lord while they were asleep, so it became as though its clusters of fruit had all been gathered. Then at dawn they called on one another, 'Go out in good

time for your tilth if you are to gather your fruits.' So they went off, whispering to one another, 'No indigent shall enter it this day against you.' And at day break, they went forth determined to implement the purpose. But when they saw it they said, 'Truly we are perverse, nay rather we were forbidden (it) (sūrah 68, vv.17-27)

However, worse may be expected in the next life: *'Such is the retribution. Yet the retribution of the hereafter is truly greater, if they but knew.'* (sūrah, 68, v.33) Indeed, in sūrah 69, this worse retribution is particularised:

'Take him, and fetter him, then cast him into al-Jahim (the Blaze), and insert him in a chain of seventy cubits length.' Truly he did not believe in God, the Great, nor did he urge feeding the indigent. So this day he will have neither staunch friend, nor food save suppurated pus, that none will eat except the perfidious ones. (vv. 30-37)

As'Ad. Y. Ālī remarks

The practical result of their rebellion against the

God of Mercy was that their sympathies dried up. Not only did they not help or feed those in need, but they hindered others from doing so. And they have neither friend nor sympathy (food) in the hereafter. (5)

Ṣabr [Patience, endurance, fortitude]

Islam also makes much of the virtue of ṣabr (which will not be translated, but should be thought of as encompassing all the qualities given in the title. This is not to be regarded as merely a pis aller in default of any relief. It is something that, displayed in the face of ibtilā' [trial, testing, affliction] will bring the Muslim an incomparable reward in the Hereafter, and is therefore a psychological support of great value. The Qur'ān reiterates the theme:

O you who believe, seek help in patience and prayer, for God is with the patient. And do not say of those who are killed in the cause of God 'They are dead'; rather they are living, but you do not feel. And we shall test you with something of fear and hunger, and loss of wealth, lives and crops. Yet, give God's tidings to the patient, who, when affliction

strikes them, say, 'Surely we belong to God, and to Him shall we return.' Upon those, commendation and mercy from their Lord will be bestowed; and they are the ones who will be the right guided. (sūrah 2, 153-7)

Ibn al-Qayyim has the following to say about ṣabr in his book ʿUddat al-ṣābirīn:

There are two faculties in the soul, the faculty of advancing and the faculty of self restraint. The reality of the ṣabr is that one should turn the faculty of advancing towards what is beneficial and employ the faculty of self-restraint in refraining from what is harmful. (6)

Further, he subdivides ṣabr:

ṣabr is of two kinds, a bodily kind and a spiritual kind; each of these is of two sorts, voluntary and involuntary. So there are four divisions:

First, voluntary bodily, like undertaking work that is burdensome to the body voluntarily and willingly;

Second, involuntary bodily, like ṣabr displayed at the pain of beating, or at illness, wounds, cold, heat, etc.;

Third, voluntary spiritual, like that displayed by the soul in refraining from doing things that both religious law and the intellect disapprove of;

Fourth, involuntary spiritual, like that displayed by the soul when kept separated by force from its beloved. (p.13)

Of these he says:

Since the most praise-worthy ṣabr is the voluntary spiritual ṣabr with respect to the promptings of desire, the grades and names of (the various types of) ṣabr depend on the context. (7)

Recognizing the fact that all those who are disadvantaged exercise one form or another of ṣabr and they require all the encouragement and support that they can be given, the Qur'ān gives examples such as that of Ayyūb (Job):

And (remember) Job, when he called to his Lord, saying: 'Indeed tribulation has touched me, and You are the most Merciful of the Merciful.' Then we responded to him and removed what was upon him of tribulation. And we gave him his family and the like of them with them, as a mercy from Us, and a remembrance to the worshippers. And (remember) Ishmael, and Idris, and Dhu'l Kifl, each of them was among the diligent (sic. Imina al-ṣābirīna). (sūrah 21, vv. 83-5)

Another example , this time from inanimate objects:

And of His signs, are the ships that run on the sea like mountains. If He wills, He calms the wind, so they remain still on its surface. Surely in that are signs for every persevering, thankful one. (sūrah. 42, vv. 32-3)

The afflicted should take heart from the knowledge that no one is exempt from similar affliction:

If injurg touches you, a like injury has already touched the people, such days we alternate among people, that God may know

those who have believed and that He may choose witnesses from among you. (sūrah 3, v. 140)

On the verse: 'We have indeed created man in drudgery.' (sūrah 90, v.4)

‘A. Y. ‘Alī first quotes the Old Testament (Job, v.7, ‘Man is born into trouble as the sparks fly upward’ and Ecclesiastes, ii, 23, ‘For all his days are sorrows, and his travail grief’) and then comments: ‘but our text has a different shade of meaning: man is born to strive and struggle; and if he suffers from hardships, he must exercise patience, for God will make his way smooth for him.’

The prophet is reported by al-Bukhari as having said on the subject of the reward to be won by those who exercised ṣabr:

Allah says: If I afflict my servant in his two dear things, and he displays ṣabr, I shall give him paradise as a compensation for them, meaning his eyes. (vol.7, no. 557)

Both al-Bukhārī and Muslim were quoted in ‘Uddat al-ṣābirin to have said that the prophet stated:

No misfortune afflicts a Muslim but that Allāh reduces thereby (his load of) sin.

The Qur'ān, in fact refers to ṣabr in some ninety passages. In many of these those who practise ṣabr are assured of Allāh's love: 'God loves the persevering.' (sūrah 3, v.146) In others they are promised Allah's support:

O you who believe, seek help in patience and prayer, for God is with the patient [inna Allāha ma'a al-ṣābirīn] (sūrah 2, v.153)

and

And obey God and His Messenger and do not dissent altogether, lest you should fail and wither away. And persevere, for God is with the persevering [inna Allāha ma'a al-ṣābirīn] [sūrah 8. v.46]

The reward that they are promised is unlimited. Sulaymān b. al-Qasim says, with reference to the verse:

Say: 'O my servants who believe, venerate

your Lord. For those who do good in this world, there is good; vast is God's land. Surely those who persevere shall be paid in full without reckoning.' (sūrah 39, v.10)

The reward of every action is fixed, except that of ṣabr. (8)

They are assured of paradise:

Such shall have their reward; the chamber [al-ghurfah; A.Y.Ali: 'the highest place in heaven'] for their diligence [sic. bi ma ṣabarū], and there they shall receive a greeting and peace. (sūarah 25, v. 75)

and:

and those who persevere desirous of the countenance of their Lord, and observe the prayer, and expend of what we provide them in secrecy and openly, and who, with the good they repel the evil, those are they who shall have the happiness of the hereafter. Gardens of Eden shall they enter, and also whoever is righteous of their fathers, and spouses, and their progeny. And the angels shall enter to

them from every gate. (sūrah 13, v.22-3)

This is a powerful psychological support to those who are afflicted with any disadvantage, particularly when associated with the belief that whatever happens is as a result of al-qadā' wa al-qadār, fate and the Divine decree. Of course the exercise of ṣabr ikhtiyarī is more laudable than that of ṣabr idtirārī, but it cannot be said that all Muslims invariably do so.

PRACTICAL IMPLEMENTATION: AN EXAMPLE

We have thus far examined the question of provision for the disadvantaged as Islamic teaching presents it. We have seen that the elements of this question are essentially the following:

- (a) Human being are exhorted to help one another and to show neighbourliness towards one another, for the sake of God;**
- (b) Those who would be able to exhort to work, and the state has a duty to provide suitable work for them;**
- (c) Those who are unable to work or unable to find work should receive financial assistance from the state;**
- (d) In order to make more certain that the disadvantaged are provided for, and in order to make all Muslims aware of the necessity for this, the institution of zakāt was introduced, and the other Islamic obligations were imposed.**

The practical implementation of the Islamic

teaching concerning this question will now be considered. As an example of a Muslim state that practises this teaching, Saudi Arabia has been chosen, for the following reasons:

- (1) The necessary information is readily available;
- (2) The institutions concerned with the implementation of Islamic teaching concerning provision for the disadvantaged are established and functioning;
- (3) Since Saudi Arabia is a conservative society, these institutions while conducting their operations according to the canons of modern social science, must ensure that these do not conflict with Islamic prescription;
- (4) These institutions are under the supervision of three ministries, the Ministry of Education, the Ministry of Labour and Social Affairs and the Ministry of Finance. It is instructive to observe the division of supervision and the co-ordination of responsibility between them;
- (5) It might be expected that, since Saudi Arabia is in a transitional period, some modifications to the pure prescriptions of Islam would creep in,

particularly in a modern sphere such as social services. In fact this has not been the case, and the Islamic teaching of religious duty has vindicated itself;

- (6) Owing to the financial strength of Saudi Arabia and its position as far as religious leadership in the Muslim world is concerned, its implementation of Islamic teaching in this respect acts as a model for similar implementation in other Muslim countries.

A. The provision of work for the disadvantaged.

To implement the Islamic exhortation to those who can work to do so, the provision of programmes of education and training may be required. The Ministries of Education (Special Education department) and Labour and Social Affairs have organised such programmes.

The concern of the Ministry of Education is primarily the provision of education for the deaf, the dumb and the mentally retarded. That of the Ministry of Labour and Social Affairs is both rehabilitatory vocational programmes and training programmes for those suffering from either physical or sensory disability.

It is worthy of mention that the Ministry of Labour and Social Affairs has directed its attention towards the matter of rehabilitation and vocational training for the disabled. It is concerned with the provision of services for those with physical handicaps (such as the paralysed and amputees), those with sensory disabilities (such as the blind and the deaf) and those with mental disability (such as the mentally retarded). The Ministry of Education, on the other hand, has directed its attention towards the educational and instructional aspects, and has provided its services on the instructional levels from primary up to secondary, as well as in vocational instruction equivalent to secondary instruction. Its services have been concentrated on three different types of disability: those of hearing, sight and intellect. (Data on institutions for care of the disabled, Arab Bureau of Education for the Gulf States, p.55)

1. The Ministry of Education

In this case the Ministry is concerned principally with the provision of academic education, although training is also provided. For this purpose the Ministry has established a department known as the Directorate General of

Special Education Programmes, plans, prepares, supervises and executes the programmes and takes any other steps necessary to provide them. The department comprises three sections, each responsible for one of the categories listed above, namely the blind, the deaf and the mentally handicapped.

a. Education for the blind

There are eleven institutions providing education for the blind. They are called Ma'ahid al-Nūr (Institutes of Light). Eight of these are for males and three for females. The first was established in Riyadh in 1960 and the most recent in Jeddah in 1984. Some of them have a residential section to provide accommodation for those who attend the institute from outside the city in which it is situated.

The education provided by these institutes is on three levels, primary, intermediate and secondary. The subjects taught are the same as those taught at ordinary schools, but in the female institutes vocational instruction is given in addition. Graduates of these institutes can continue their education at university; indeed they are encouraged to do so, and special

privileges are given to those who succeed.

The principal object of the provision of this education and instruction is to enable the blind to work , and the government is responsible for finding posts for them through a department called the Civil Service Bureau. If it is unsuccessful in placing them in jobs either with the government or th private sector, it passes them on to another department , for social care.

b. Education for the deaf

The Ministry has nine special institutes for the deaf and the dumb. These are called Ma'ahid al-Amal (Institutes of Hope). The first two were established in al-Riyadh in 1964, one for boys and one for girls, and the most recent two in al-Madina in 1977, again one for the boys and one for the girls. They are all boarding intitutes.

The education provided by these institutes is on three levels . The first is pre-primary (nursery school), to which children are admitted at the age of four and which lasts for three years. The reason for the early admission is the importance of training the speaking muscles as early as possible. The second level is primary, and the third is

intermediate. At this level vocational training is also provided, such as photocopying, electrical work, typing, designing and dress-making.

c. Education for the mentally handicapped

There are six institutes providing education for the mentally handicapped, both male and female, with boarding facilities. These are called ma'ahid al-Tarbiyyah al-'Aqliyyah (Institutes of Mental Education). The education provided is on four levels, pre-primary, primary, intermediate and secondary. At the secondary level vocational education is also given.

The participation of the Ministry of Education is restricted to those who have the ability to learn, and the vocational education provided is dependent on the learning skills of the pupils. These institutes are designed to assist those who are disadvantaged in these ways as far as possible to be self-dependent and to perform their duties towards their society, which requires as many members to participate as can do so. One of the main objectives of the Saudi Government's policies is the maximisation of the work force.

For the size of the the country and the number of the population, the number of such institutes seems smaller than one might expect. However, a report issued by the Arab Bureau of Education for the Gulf States asserts that the number of those who attend is less than their capacity. One can only speculate as to the reasons for this under-use; in all likelihood the parents of the disadvantaged children are either themselves insufficiently educated to take advantage of the facility or unaware of its availability. It has to be said that all the reports that have been made on such subjects have complained that there are no accurate figures for disadvantaged people in Saudi society; all have taken the international percentage of 5% of the population as their datum.

2. The Ministry of Labour and Social Affairs

The Duty of this Ministry is the provision of rehabilitatory training, social care and social security for members of the society who may require it. It is unlike the Ministry of education, in that it does not limit its services to those who suffer from a particular type of disability; it offers them to all, taking into consideration the different needs of those differently disabled. We shall examine the three branches of these services

separately.

A. Vocational and social Rehabilitation

To provide this kind of service the Ministry has established a department known as the Directorate General of Rehabilitation, with responsibility for all vocational and social rehabilitation. The degree of disability determines the kind of rehabilitation that is appropriate; vocational rehabilitation can be given to those who have less disability, while those with severe disability require social rehabilitation.

a. Vocational Rehabilitation

This is provided in four centres in Saudi Arabia, two in Riyadh (one male and one female), one in Ṭā'if and one in Dammām. These centres provide training in the following skills: Carpentry, painting, electrical work, book-binding, leather work, dressing, typing and office work, and gardening. In addition to this training, those who attend the centres also receive a certain amount of academic education.

The duration of training in carpentry, painting, electrical work, and dress-making is two years; for the remainder of the subjects it is one year. After

this period of training, the disabled person can find a job either with the government or in the private sector. Those who cannot accommodate sufficient training to enable them to pursue work are transferred to the social rehabilitation centres, where they are cared for.

b. Social Rehabilitation

This, as has been said, is intended for the severely disabled: those who cannot be trained to work, because of the degree of their disability. There are two rehabilitation centres in Saudi Arabia, one in Riyadh and the other in al-Madīna. These are both boarding establishments. They provide medical, psychological and social services. They are rather caring units than training centres. A family that chooses not to send a disadvantaged child to one of these centers is entitled to a special allowance from the state.

Saudi Arabia is a large country, with varied terrain and climate. The disadvantaged have a different requirements depending on these factors, and the provision of such services is made more or less easy by them. The provision of these services has been only recently introduced, compared to

that of other services, and it cannot be said it has been particularly effective. The innate closeness and conservatism of the families has also prevented many from taking advantage of the facilities, as has also, probably, lack of publicity.

It cannot, then, be claimed that the services provided by these institutions fill the requirements of the society, either quantitatively or qualitatively. They do, however represent a step in the right direction.

B. Social care

The rehabilitation and care of those with social disabilities are the concern of the Directorate General of Social Welfare, a department of the Ministry of Labour and Social Affairs. It has established a number of specialised social institutions, known as 'houses'; they fall into the following categories:

- (i) Social Education Houses;**
- (ii) Social Guidance Houses;**
- (iii) Social Custody Houses;**
- (iv) Social Welfare Houses;**
- (v) Social Nursing Houses.**

(i) Social Education Houses:

These are designed to provide services for orphans and those whose parents are not competent to look after them. They are admitted to these institutions from the age of six and can stay until the age of eighteen. The institutions provide accommodation, medical services, social care and education. The last is not provided directly by the institution; it is arranged by the institution with the nearest school on behalf of the child. There are thirteen social education houses in Saudi Arabia.

(ii) Social Guidance Houses

These institutions look after juveniles in the following categories:

- (a) Those who are vulnerable to going astray as a result of an unstable family;**
- (b) those who run away from their family home.**

They act like boarding schools, with the provision of social and medical care. There are five social guidance houses in Saudi Arabia.

(iii) Social Custody Houses

These provide custody for juveniles aged between seven and eighteen years who have already been convicted of a crime or are under investigation. They remain in the institution for the period imposed by the judge, or for the period suggested by the team working for the institution. They provide an education programme, vocational training and medical care. There are five social custody houses in Saudi Arabia.

(iii) Social Welfare Houses

They have been established to serve the elderly whose families have financial or social difficulties. They provide social and medical care for their clients. There are seven social welfare houses in Saudi Arabia.

(v) Social Nursing Houses

These institutions are homes that care for orphaned babies and babies of unknown parents. Their services are provided from the day of admission until the age of six; at this point children are transferred to appropriate institutions, namely social education houses.

C. Social Security

If the trained disabled person is unable to find work, or if the pay that he receives is inadequate for his needs, he is entitled to receive assistance from the social security system that Saudi Arabia has introduced. There are three ways in which this system operates:

- (a) The payment of regular quarterly salaries;**
- (b) The granting of temporary financial relief, until the causes of difficulty disappear, or, alternatively the payment of a certain amount of money as a lump sum;**
- (c) The granting of assistance to enable the person to initiate a business project;**
- (d) Social Security in the form of salary.**

Those entitled to a salary from social security are orphans children of unknown parents, the elderly, widows, divorcees, and disabled persons unable to work.

Orphans

Those who have lost either both parents or just their father are eligible. They are entitled to social security salaries, provided they are under eighteen and have no other source of income. The children of unknown parents are treated as orphans.

The Elderly

These qualify for the receipt of a social security salary at the age of sixty, provided they have no other source of income.

Widows and divorcees

These qualify for the receipt of a social security salary at the age of eighteen.

Disabled persons unable to work

These are entitled to a salary provided that they have a medical certificate stating that they are unfit to work.

(b) Temporary Social Benefit

The Saudi social security system has deemed

certain categories of persons, or families, entitled to social benefit, for example those who are sick, the family of an imprisoned man, a family whose breadwinner has deserted them, a Saudi woman who is married to a non-Saudi, those involved in accidents, and those whose homes are destroyed by any means. This benefit is continued until the cause of the need disappears.

(c) Saudi Security in Enterprise Form

The Saudi social security system encourages self-dependence, as far as is practicable, by helping those who wish to work and are capable of doing so. This takes the form of the payment of a sum sufficient to enable the person to set his own business project, provided that it is compatible with his training, ability and experience, if any. He is encouraged to do so only if the social security service is assured that his health is sufficiently good to allow him to persevere with it and that he has sufficient determination. The department of social security closely monitors the progress of the business. Thus the trained disabled person is given an opportunity to find an occupation for which his training has fitted him.

3. The Ministry of Finance

The concern of this ministry is not educating or training but supervising the implementation of Islamic prescriptions regarding zakāt. The reason for the collection of zakāt being allocated to this ministry is probably straight-forward enough; it is in possession of information concerning the financial condition of those liable to pay zakāt, and it has the means of ensuring that they pay it.

To organise and ensure the collection of zakāt a separate department of the ministry has been established, known as the Department of Zakāt and Income. This department has the responsibility of ensuring that the due zakāt is duly collected and transferred to the Department of Social Security; this, in its turn, is responsible for knowing who is in need of relief and ensuring that they receive relief. It has the duty of seeing that the zakāt is properly distributed among those who deserve it.

Legislation was passed in 1950 making the collection and distribution of zakāt a governmental duty in Saudi Arabia. A royal decree was issued by King 'Abd al-'Azīz, the late founder of the present Kingdom of Saudi Arabia, laying down the regulation of that duty. Of these the

most important are the following two:

- (a) Article two states that zakāt shall be collected according to the Shari'ā. This means that all the original rules laid down shall be applied.**
- (b) Article two also states that both Saudi individual citizens engaged in business and companies shall be liable for zakāt.**

A further royal decree issued in 1963 states that:

- (a) Zakāt shall be deposited with the Department of Social Security at the Ministry of Labour and Social Affairs for distribution to those who require it.**
- (b) Local committees shall be established in cities, towns and villages to carry out the collection and distribution of zakāt under the supervision of the departments responsible.**
- (c) Companies tendering for projects or business must produce a certificate of payment of the annual zakāt issued by the department; otherwise they are to be considered ineligible to tender.**

(d) An annual declaration of property, business and all types of wealth on which zakāt is considered to be due must be made by companies and individuals engaged in business.

Ministerial resolution No. 393, article six, states that all those engaged in business liable to zakāt must produce their accounts to the Department of zakāt in order to obtain the certificate of payment.

Further regulations governing zakāt in Saudi Arabia will be given in Appendix 2.

NOTES OF REFERENCE

- (1) al-Qardāwī, Y., p.434.
- (2) ^ḥAlī, A.Y., p. 78.
- (3) al-Qardāwī, Y. 118.
- (4) al-^ḥAsqalānī, Ibn Ḥajar, p.369, vol.1
- (5) ^ḥAlī, A.Y., p.1601
- (6) Ibn al-Qayyim, p.10
- (7) Ibn al-Qayyim, p.10
- (8) Ibn al-Qayyim, p.10

APPENDIX 1

سورة العلق الآيات ١ - ٥

«اقرأ باسم ربك الذي خلق . خلق الانسان من علق . اقرأ وربك الاكرم . الذي علم بالقلم . علم الانسان ما لم يعلم .»

سورة المؤمنون آية ١٢

«ولقد خلقنا الانسان من سلالة من طين .»

سورة الانعام آية ٢

«هو الذي خلقكم من طين ثم قضى اجلا واجلا مسمى عنده ثم انتم تمترون .»

سورة ص الآيات ٧١ - ٧٢

«اذ قال ربك للملائكة اني خالق بشرا من طين . فاذا سويته ونفخت فيه من روحي فقعوا له ساجدين .»

سورة يس آية ٧٧

«اولم ير الانسان انا خلقناه من نطفة فاذا هو خصيم مبين .»

سورة الانسان آية ٢

«انا خلقنا الانسان من نطفة امشاج نبتليه فجعلناه سميعا بصيرا .»

سورة الحج آية ٥

«ياأيها الناس ان كنتم في ريب مما بعثنا فانا خلقناكم من نطفة ثم من علق ثم من مضغة مخلقة وغير مخلقة لنبين لكم ونقر في الارحام ما نشاء الى اجل مسمى ثم نخرجكم طفلا ثم لتبلغوا اشدكم ومنكم من يتوفى ومنكم من يرد الى اردل العمر لكيلا يعلم من بعد علم شيئا وترى الارض هامة فاذا انزلنا عليها الماء اهتزت وربت وانبتت من كل زوج بهيج .»

سورة عبس الآيات ١٧ - ١٩

«قتل الانسان ما اكفره . من أي شيء خلقه . من نطفة خلقه فقدره .»

سورة الواقعة الآيات ٥٧ - ٥٩

«نحن خلقناكم فلولا تصدقون . افرأيتم ماتمنون . انتم تخلقونه ام نحن الخالقون .»

سورة البقرة آية ٣٤

«واذ قلنا للملائكة اسجدوا لادم فسجدوا الا إبليس ابى واستكبر وكان من الكافرين .»

سورة البقرة الآيات ٣١ - ٣٣

«وعلم آدم الاسماء كلها ثم عرضهم على الملائكة فقال أنبوني بأسماء هؤلاء ان كنتم صادقين . قالوا سبحانك لا علم لنا الا ما علمتنا انك انت العليم الحكيم . قال يا ادم أنبئهم بأسمائهم فلما أنباهم بأسمائهم قال ألم أقل لكم اني أعلم غيب السموات والارض وأعلم ما تبدون وما كنتم تكتمون .»

سورة الاسراء آية ٧٠

«ولقد كرمتنا بنى آدم وحملناهم في البر والبحر ورزقناهم من الطيبات وفضلناهم على كثير ممن خلقنا تفضيلا .»

سورة غافر آية ٦٤

«الله الذي جعل لكم الارض قرارا والسماء بناء وصوركم فأحسن صوركم ورزقكم من الطيبات ذلكم الله ربكم فتبارك الله رب العالمين .»

سورة التين آية ٤

«لقد خلقنا الانسان في احسن تقويم .»

سورة لقمان آية ٢٠

«ألم تروا أن الله سخر لكم ما في السموات وما في الأرض وأسبغ عليكم نعمه ظاهرة وباطنة ومن الناس من يجادل في الله بغير علم ولا هدى ولا كتاب منير .»

سورة ص آية ٧٦

«قال أنا خير منه خلقتني من نار وخلقته من طين .»

سورة الاسراء آية ٦٢

«قال أرايتك هذا الذي كرمت علي لئن أخرتن الى يوم القيامة لأحتنكن ذريته الا قليلا .»

سورة الحجرات آية ١١

«ياأيها الذين آمنوا لايسخر قوم من قوم عسى أن يكونوا خيرا منهم ولا نساء من نساء عسى أن يكن خيرا منهن ولا تلمزوا أنفسكم ولا تنابزوا بالألقاب بئس الاسم الفسوق بعد الايمان ومن لم يتب فأولئك هم الظالمون .»

سورة الحجرات آية ١٢

ياأيها الذين آمنوا اجتنبوا كثيرا من الظن ان بعض الظن اثم ولا تجسسوا ولا يغتب بعضكم بعضا أيحب أحدكم ان يأكل لحم أخيه ميتا فكرهتموه واتقوا الله أن الله تواب رحيم .»

سورة النور الآيات ٢٧ - ٢٨

ياأيها الذين آمنوا لا تدخلوا بيوتا غير بيوتكم حتى تستأنسوا وتسلموا على أهلها ذلكم خير لكم لعلكم تذكرون . فان لم تجدوا فيها أحدا فلا تدخلوها حتى يؤذن لكم وان قيل لكم ارجعوا فارجعوا هو أركى لكم والله بما تعملون عليم .»

سورة هود آية ٦١

«والى ثمود أخاهم صالحا قال يا قوم اعبدوا الله مالكم من إله غيره هو أنشأكم من الأرض واستعمركم فيها فاستغفروه ثم توبوا إليه إن ربي قريب مجيب .»

سورة العلق الآيات ٣ - ٥

«اقرأ وربك الأكرم . الذي علم بالقلم . علم الانسان ما لم يعلم .»

سورة المائدة آية ٥

«اليوم أحل لكم الطيبات وطعام الذين أوتوا الكتاب حل لكم وطعامكم حل لهم والمحصنات من المؤمنات والمحصنات من الذين أوتوا الكتاب من قبلكم إذا أتيتموهن أجورهن محصنين غير مسافحين ولا متخذي أخدان ومن يكفر بالايمان فقد حبط عمله وهو في الآخرة من الخاسرين .»

سورة النساء آية ٦٥

«فلا وربك لا يؤمنون حتى يحكموك فيما شجر بينهم ثم لا يجدوا في أنفسهم حرجا مما قضيت ويسلموا تسليما .»

سورة الحاقة الآيات ٢٥ ثم من ٣٣ - ٣٧

«وأما من أوتى كتابه بشماله فيقول ياليتني لم أوت كتابيه .»
«إنه كان لا يؤمن بالله العظيم . ولا يحض على طعام المسكين . فليس له اليوم هاهنا حميم . ولا طعام الا من غسلين . لا يأكله الا الخاطئون .»

سورة الماعون الآيات ١ - ٣

«انا أعطيناك الكوثر . فصل لربك وانحر . ان شانئك هو الأبتى .»

سورة المطففين الآيات ١ - ٦

«ويل للمطففين . الذين اذا اكتالوا على الناس يستوفون . واذا كالوهم أو وزنوهم يخسرون . ألا يظن أولئك أنهم مبعوثون . ليوم عظيم . يوم يقوم الناس لرب العالمين .»

سورة الانبياء آية ٩٢

«إن هذه أمتكم أمة واحدة وأنا ربكم فاعبدون .»

سورة الحجرات الآيات ١٠- ١٣

«إنما المؤمنون أخوة فأصلحوا بين أخويكم واتقوا الله لعلكم ترحمون . يأيها الذين آمنوا لا يسخر قوم من قوم عسى أن يكونوا خيرا منهم ولا نساء من نساء عسى أن يكن خيرا منهن ولا تلمزوا أنفسكم ولا تنابزوا بالألقاب بئس الاسم الفسوق بعد الإيمان ومن لم يتب فأولئك هم الظالمون . يأيها الذين آمنوا اجتنبوا كثيرا من الظن إن بعض الظن إثم ولا تجسسوا ولا يغتب بعضكم بعضا أيحب أحدكم أن يأكل لحم أخيه ميتا فكرهتموه واتقوا الله إن الله تواب رحيم . يأيها الناس إنا خلقناكم من ذكر وأنثى وجعلناكم شعوبا وقبائل لتعارفوا إن أكرمكم عند الله أتقاكم ان الله عليم خبير.»

سورة عبس الآيات ١- ١٢

«عبس وتولى . أن جاءه الأعمى . وما يدريك لعله يزكى . أو يذكر فتنفعه الذكرى . أما من استغنى . فأنت له تصدى وما عليك ألا يزكى . وأما من جاءك يسعى . وهو يخشى . فأنت عنه تلهى . كلا إنها تذكرة . فمن شاء ذكره في صحف مكرمة .»

سورة البقرة آية ٨٣

«وإذ أخذنا ميثاق بني إسرائيل لاتبعدون الا الله وبالوالدين إحسانا وذى القربى واليتامى والمساكين وقولوا للناس حسنا وأقيموا الصلاة وآتوا الزكاة ثم توليتم إلا قليلا منكم وأنتم معرضون .»

سورة آل عمران آية ٥١

«إن الله ربي وربكم فاعبدوه هذا صراط مستقيم .»

سورة يونس آية ١٠٤

«قل يأيها الناس إن كنتم في شك من ديني فلا أعبد الذين تعبدون من دون الله ولكن أعبد الله الذي يتوفاكم وأمرت أن أكون من المؤمنين.»

سورة هود آية ٥٠

«والى عاد أخاهم هودا قال يا قوم اعبدوا الله مالكم من إله غيره إن أنتم إلا مفترون .»

سورة هود آية ٦١

«والى ثمود أخاهم صالحا قال يا قوم اعبدوا الله مالكم من إله غيره هو أنشأكم من الأرض واستعمركم فيها فاستغفروه ثم توبوا إليه إن ربي قريب مجيب .»

سورة البقرة ٢٦٠

«وإذ قال إبراهيم رب أرني كيف تحيي الموتى قال أولم تؤمن قال بلى ولكن ليطمئن قلبي قال فخذ أربعة من الطير فصرهن إليك ثم اجعل على كل جبل منهن جزءا ثم ادعهن يأتينك سعيا واعلم أن الله عزيز حكيم .»

سورة البقرة آية ٢٥٦

«لا إكراه في الدين قد تبين الرشد من الغي فمن يكفر بالطاغوت ويؤمن بالله فقد استمسك بالعروة الوثقى لا انفصام لها والله سميع عليم .»

سورة آل عمران آية ٢٠

«فإن حأجوك فقل أسلمت وجهي لله ومن أتبعن وقل للذين أتوا الكتاب والاميين ءأسلمتم فإن أسلموا فقد اهتدوا وإن تولوا فأنما عليك البلاغ والله بصير بالعباد.»

سورة المائدة آية ٩٢

«وأطيعوا الله وأطيعوا الرسول واحذروا فإن توليتم فاعلموا أنما على رسولنا البلاغ المبين .»

سورة الشورى آية ٤٨

فإن أعرضوا فما أرسلناك عليهم حفيظا إن عليك إلا البلاغ وإنما إذا أذقتنا الانسان منا رحمة فرح بها وإن تصبهم سيئة بما قدمت أيديهم فإن الانسان كفور .»

سورة الحجرات آية ١٠

«إنما المؤمنون إخوة فأصلحوا بين أخويكم واتقوا الله لعلكم ترحمون .»

سورة التوبة الآيات ٢٣-٢٤

«يأأيها الذين آمنوا لا تتخذوا آباءكم وإخوانكم أولياء إن استحبوا الكفر على الايمان ومن يتولهم منكم فأولئك هم الظالمون . قل ان كان آباؤكم وأبنائكم وإخوانكم وأزواجكم وعشيرتكم وأموال اقترفتموها وتجارة تخشون كسادها ومساكن ترضونها أحب اليكم من الله ورسوله وجهاد في سبيله فترىصوا حتى يأتي الله بأمره والله لا يهدي القوم الفاسقين .»

سورة المائدة آية ٢

«يأأيها الذين آمنوا لا تحلوا شعائر الله ولا الشهر الحرام ولا الهدى ولا القلائد ولا آباء البيت الحرام يبتغون فضلا من ربهم ورضوانا وإذا حللتم فاصطادوا ولا يجرمنكم شنئان قوم أن صدوكم عن المسجد الحرام أن تعتدوا وتعاونوا على البر والتقوى ولا تعاونوا على الاثم والعدوان واتقوا الله إن الله شديد العقاب .»

سورة النساء آية ١٣٥

«يأأيها الذين آمنوا كونوا قوامين بالقسط شهداء لله ولو على أنفسكم أو الوالدين والأقربين إن يكن غنيا أو فقيرا فالله أولى بهما فلا تتبعوا الهوى أن تعدلوا وإن تلووا أو تعرضوا فإن الله كان بما تعملون خبيرا .»

سورة الحجرات آية ١٣

«يأأيها الناس انا خلقناكم من ذكر وأنثى وجعلناكم شعوبا وقبائل لتعارفوا ان أكرمكم عند الله أتقاكم ان الله عليم خبير .»

سورة الزمر آية ٩

«أمن هو قانت آناء الليل ساجدا وقائما يحذر الآخرة ويرجو رحمة ربه قل هل يستوي الذين يعلمون والذين لا يعلمون إنما يتذكر أولوا الالباب .»

سورة الحديد آية ١٠

«ومالكم ألا تنفقوا في سبيل الله ولله ميراث السموات والارض لا يستوي منكم من أنفق من قبل الفتح وقاتل أولئك أعظم درجة من الذين أنفقوا من بعد وقاتلوا وكلا وعد الله الحسنى والله بما تعملون خبير .»

سورة النجم الآيات ٣٨ - ٤١

«ألا تزر وازرة وزر أخرى . وأن ليس للانسان إلا ماسعى . وأن سعيه سوف يرى . ثم يجزاه الجزاء الاوفى .»

سورة البقرة آية ٢٨٦

«لايكلف الله نفسا الا وسعها لها ما كسبت وعليها ما اكتسبت ربنا لاتؤاخذنا ان نسينا أو أخطأنا ربنا ولا تحمل علينا إصرا كما حملته على الذين من قبلنا ربنا ولا تحملنا مالا طاقة لنا به واعف عنا واغفر لنا وارحمنا أنت مولانا فانصرنا على القوم الكافرين .»

سورة النساء آية ٣٤

«الرجال قوامون على النساء بما فضل الله بعضهم على بعض وبما أنفقوا من أموالهم فالصالحات قانتات حافظات للغيب بما حفظ الله واللاتي تخافون نشوزهن فعظوهن واهجروهن في المضاجع واضربوهن فإن أطعنكم فلا تبغوا عليهن سبيلا ان الله كان عليا كبيرا .»

سورة البلد الآيات ١١ - ١٦

«فلا اقتحم العقبة . وما أدراك ما العقبة . فك رقبة . أو إطعام في يوم ذي مسغبة . يتيما ذا مقربة . أو مسكينا ذا متربة .»

سورة البقرة آية ١٧٧

«ليس البر أن تولوا وجوهكم قبل المشرق والمغرب ولكن البر من آمن بالله واليوم الآخر والملائكة والكتب والنبيين وءاتى المال على حبه ذوى القربى واليتامى والمساكين وابن السبيل والسائلين وفي الرقاب وأقام الصلوات وأتى الزكاة والموفون بعهدهم اذا عاهدوا والصابرين في البأساء والضراء وحين البأس أولئك الذين صدقوا وأولئك هم المتقون .»

سورة التوبة آية ٦٠

«إنما الصدقات للفقراء والمساكين والعاملين عليها والمؤلفة قلوبهم وفي الرقاب والغارمين وفي سبيل الله وابن السبيل فريضة من الله والله عليم حكيم .»

سورة المائدة آية ٨٩

«لا يؤاخذكم الله باللغو في أيمانكم ولكن يؤاخذكم بما عقدتم الأيمان فكفارته إطعام عشرة مساكين من أوسط ما تطعمون أهليكم أو كسوتهم أو تحرير رقبة فمن لم يجد فصيام ثلاثة أيام ذلك كفارة أيمانكم اذا حلفتم واحفظوا أيمانكم كذلك يبين الله لكم آياته لعلكم تشكرون .»

سورة النساء آية ٩٢

«وما كان لمؤمن أن يقتل مؤمناً إلا خطئاً ومن قتل مؤمناً خطئاً فتحريم رقبة مؤمنة ودية مسلمة الى أهله إلا أن يصدقوا فإن كان من قوم عدو لكم وهو مؤمن فتحريم رقبة مؤمنة وإن كان من قوم بينكم وبينهم ميثاق فدية مسلمة الى أهله وتحرير رقبة مؤمنة فمن لم يجد فصيام شهرين متتابعين توبة من الله وكان الله عليماً حكيماً .»

سورة النور آية ٣٣

«وليستعفف الذين لا يجدون نكاحاً حتى يغنيهم الله من فضله والذين يبيتون الكتاب مما ملكت أيمانكم فكاتبوهم ان علمتم فيهم خيراً وآتوهم من مال الله الذي آتاكم ولا تكرهوا فتياتكم على البغاء ان أردن تحصناً لتبتغوا عرض الحياة الدنيا ومن يكرههن فإن الله من بعد اكرههن غفور رحيم .»

سورة محمد آية ٤

«فاذا لقيتم الذين كفروا فضرب الرقاب حتى اذا أثخنتموهم فشدوا الوثاق فاما منّا بعد واما فداء حتى تضع الحرب أوزارها ذلك ولو يشاء الله لانتصر منهم ولكن ليبلوا بعضكم ببعض والذين قتلوا في سبيل الله فلن يضل أعمالهم .»

سورة المائدة آية ٣٣

«انما جزأؤ الذين يحاربون الله ورسوله ويسعون في الارض فساداً أن يقتلوا ويصلبوا أو تقطع أيديهم وأرجلهم من خلاف أو ينفوا من الارض ذلك لهم خزي في الدنيا ولهم في الآخرة عذاب عظيم .»

سورة الزمر الآيات ١٧ - ١٨

«والذين اجتنبوا الطاغوت أن يعبدوها وأناابوا الى الله لهم البشرى فبشر عباد . الذين يستمعون القول فيتبعون أحسنه أولئك الذين هداهم الله وأولئك هم أولوا الالباب .»

سورة الملك الآيات ٢-٤

«الذي خلق الموت والحياة ليبلوكم أيكم أحسن عملاً وهو العزيز الغفور . الذي خلق سبع سموات طباقاً ما ترى في خلق الرحمن من تفاوت فارجع البصر هل ترى من فطور . ثم ارجع البصر كرتين ينقلب اليك البصر خاسئاً وهو حسير .»

سورة النساء آية ٢٠

«وان أردتم استبدال زوج مكان زوج وءاتيتم احداهن قنطاراً فلا يأخذوا منه شيئاً أتأخذونه بهتانا واثماً مبيناً .»

سورة البقرة آية ٢٨٦

«لا يكلف الله نفساً الا وسعها لها ما كسبت وعليها ما اكتسبت ربنا لا تؤاخذنا ان نسينا أو أخطأنا ربنا ولا تحمل علينا إصراً كما حملته على الذين من قبلنا ربنا ولا تحملنا مالا طاقة لنا به واعف عنا واغفر لنا وارحمنا انت مولانا فانصرنا على القوم الكافرين .»

سورة النحل آية ١٠٦

«من كفر بالله من بعد إيمانه إلا من أكره وقلبه مطمئن بالإيمان ولكن من شرح بالكفر صدرا فعليهم غضب من الله ولهم عذاب عظيم .»

سورة النور آية ٦١

ليس على الأعمى حرج ولا على الأعرج حرج ولا على المريض حرج ولا على أنفسكم أن تأكلوا من بيوتكم أو بيوت آبائكم أو بيوت أمهاتكم أو بيوت إخوانكم أو بيوت أخواتكم أو بيوت عماتكم أو بيوت عماتكم أو بيوت أخوالكم أو بيوت خالاتكم أو ماملكتم مفتاحه أو صديقكم ليس عليكم جناح أن تأكلوا جميعا أو أشتاتا فإذا دخلتم بيوتا فسلموا على أنفسكم تحية من عند الله مباركة طيبة كذلك يبين الله لكم الآيات لعلكم تعقلون .»

سورة البقرة آية ١٩٦

«وأتموا الحج والعمرة لله فإن أحرصتم فما استيسر من الهدى ولا تحلقوا رؤوسكم حتى يبلغ الهدى محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذا أمنتكم فمن تمتع بالعمرة إلى الحج فما استيسر من الهدى فمن لم يجد فصيام ثلاثة أيام في الحج وسبعة إذا رجعتكم تلك عشرة كاملة ذلك لمن يكن أهله حاضري المسجد الحرام واتقوا الله واعلموا أن الله شديد العقاب .»

سورة النساء آية ٩٨-٩٩

«إلا المستضعفين من الرجال والنساء والولدان لا يستطيعون حيلة ولا يهتدون سبيلا . فأولئك عسى الله أن يعفو عنهم وكان الله عفوا غفورا .»

سورة الضحى آية ٦-١٠

«ألم يجدك يتيما فأوى . ووجدك ضالاً فهدى . ووجدك عاقلاً فأغنى . فأما اليتيم فلا تقهر . وأما السائل فلا تنهر .»

سورة البقرة آية ٢١٥

«يسئلونك ماذا ينفقون قل مأنفقتم من خير فللوالدين والأقربين واليتامى والمساكين وابن السبيل وما تفعلوا من خير فإن الله به عليم .»

سورة البقرة آية ١٧٧

«ليس البر أن تولوا وجوهكم قبل المشرق والمغرب ولكن البر من آمن بالله واليوم الآخر والملائكة والكتاب والنبين وأتى المال على حبه ذوى القربى واليتامى والمساكين وابن السبيل والسائلين وفي الرقاب وأقام الصلاة وآتى الزكاة والموفون بعهدهم إذا عاهدوا والصابرين في البأساء والضراء وحين البأس أولئك الذين صدقوا وأولئك هم المتقون .»

سورة الكهف آية ٨٢

«وأما الجدار فكان لغلامين يتيمين في المدينة وكان تحته كنز لهما وكان أبوهما صالحا فأراد ربك أن يبلغا أشدهما ويستخرجا كنزهما رحمة من ربك وما فعلته عن أمرى ذلك تأويل ما لم تستطع عليه صبرا .»

سورة النساء آية ٣٦

«واعبدوا الله ولا تشركوا به شيئا وبالوالدين إحسانا وبذي القربى واليتامى والمساكين والجار ذي القربى والجار الجنب والصاحب بالجنب وابن السبيل وما ملكت أيمانكم إن الله لا يحب من كان مختالا فخورا .»

سورة النساء آية ٨

«وإذا حضر القسمة أولوا القربى واليتامى والمساكين فارزقوهم منه وقولوا لهم قولا معروفا .»

سورة البقرة آية ٨٣

«وإذ أخذنا ميثاق بني إسرائيل لا تعبدون إلا الله وبالوالدين إحسانا وبذي القربى واليتامى والمساكين وقولوا للناس حسنا وأقيموا الصلاة وآتوا الزكاة ثم توليتهم إلا قليلا منكم وأنتم معرضون .»

سورة الانفال آية ٤١

«واعلموا أنما غنمتم من شيء فإن لله خمسه وللرسول ولذي القربى واليتامى والمساكين وابن السبيل ان كنتم أمنتم بالله وما أنزلنا على عبدنا يوم الفرقان يوم التقى الجمعان والله على كل شيء قدير .»

سورة الحشر آية ٧

«ما أفاء الله على رسوله من أهل القرى فله وللرسول ولذي القربى واليتامى والمساكين وابن السبيل كي لا يكون دولة بين الأغنياء منكم وما آتاكم الرسول فخذوه وما نهاكم عنه فانتهوه واتقوا الله شديد العقاب .»

سورة الانعام آية ١٥٢

«ولا تقربوا مال اليتيم الا بالتي هي أحسن حتى يبلغ أشده وأوفوا الكيل والميزان بالقسط لانكف نفسا الا وسعها واذا قلتهم فأعدلوا ولو كان ذا قربى وبعهد الله أوفوا ذلكم وصاكم به لعلكم تذكرون .»

سورة الاسراء آية ٣٤

«ولا تقربوا مال اليتيم الا بالتي هي أحسن حتى يبلغ أشده وأوفوا بالعهد ان العهد كان مسؤولا .»

سورة النساء آية ١٠

«ان الذين يأكلون أموال اليتامى ظلما انما يأكلون في بطونهم نارا وسيصلون سعيرا .»

سورة النساء آية ١٠

«ان الذين يأكلون أموال اليتامى ظلما انما يأكلون في بطونهم نارا وسيصلون سعيرا .»

سورة البقرة آية ٢٢٠

«في الدنيا والآخرة ويستلونك عن اليتامى قل اصلاح لهم خير وان تخالطوهم فاخوانكم والله يعلم المفسد من المصلح ولو شاء الله لأعنتكم ان الله عزيز حكيم .»

سورة النساء آية ٦

«وابتلوا اليتامى حتى اذا بلغوا النكاح فان أنستم منهم رشدا فادفعوا اليهم أموالهم ولا تأكلوها اسرافا وبدارا ان يكبروا ومن كان غنيا فليستعفف ومن كان فقيرا فليأكل بالمعروف فاذا دفعتم اليهم أموالهم فأشهدوا عليهم وكفى بالله حسيبا .»

سورة النساء آية ٥

«ولا تؤتوا السفهاء أموالكم التي جعل الله لكم قياما وارزقوهم فيها واكسوهم وقولوا لهم قولا معروفا .»

سورة البقرة آية ٢٣٧

«وان طلقتموهن من قبل ان تمسوهن وقد فرضتم لهن فريضة فنصف ما فرضتم الا أن يعفون أو يعفو الذي بيده عقد النكاح وأن تعفوا أقرب للتقوى ولا تنسوا الفضل بينكم إن الله بما تعملون بصير .»

سورة البقرة آية ٢٣٦

«لأجناح عليكم ان طلقتم النساء ما لم تمسوهن أو تفرضوا لهن فريضة ومتعوهن على الموسع قدره وعلى المقتر قدره متاعا بالمعروف حقا علي المحسنين .»

سورة الطلاق آية ٤

«والأئني يسئن من المحيض من نسائك ان ارتبتم فعدتھن ثلاثة أشهر والأئني لم يحضن وأولات الاحمال أجلهن أن يضعن حملهن ومن يتق الله يجعل له من أمره يسرا .»

سورة الطلاق آية ٦

«أسكنوهن من حيث سكنتم من وجدكم ولا تضاروهن لتضييقوا عليهن وان كن أولات حمل فأنفقوا عليهن حتى يضعن حملهن فان أرضعن لكم فأتوهن أجورهن وأتمروا بينكم بمعروف وان تعاسرتم فسترضع له أخرى .»

سورة الطلاق ٦

«أسكنوهن من حيث سكنتم من وجدكم ولا تضاروهن لتضيقوا عليهن وان كن أولات حمل فأنفقوا عليهن حتى يضعن حملهن فان أرضعن لكم فأتوهن أجورهن وأتمروا بينكم بمعروف وان تعاسرتم فسترضع له أخرى .»

سورة البقرة آية ٢٣٣

«والوالدات يرضعن أولادهن حولين كاملين لمن أراد أن يتم الرضاعة وعلى المولود له رزقهن وكسوتهن بالمعروف لا تكلف نفس الا وسعها لاتضار والدة بولدها ولا مولود له بولده وعلى الوارث مثل ذلك فان أرادا فصلا عن تراض منهما وتشاور فلا جناح عليهما وان أردتم أن تسترضعوا أولادكم فلا جناح عليكم اذا سلمتم ما آتيتم بالمعروف واتقوا الله واعلموا أن الله بما تعملون بصير .»

سورة الطلاق الآيات ١ - ٢ - ٦ - ٧

«يأيتها النبي اذا طلقتم النساء فطلقوهن لعدتهن وأحصوا العدة واتقوا الله ريبكم لاتخرجوهن من بيوتهن ولا يخرجن الا أن يأتين بفاحشة مبينة وتلك حدود الله ومن يتعد حدود الله فقد ظلم نفسه لاتدرى لعل الله يحدث بعد ذلك أمرا . فاذا بلغن أجلهن فأمسكوهن بمعروف أو فارقوهن بمعروف وأشهدوا ذوي عدل منكم وأقيموا الشهادة لله ذلكم يوعظ به من كان يؤمن بالله واليوم الآخر ومن يتق الله يجعل له مخرجا .»

«أسكنوهن من حيث سكنتم من وجدكم ولا تضاروهن لتضيقوا عليهن وان كن أولات حمل فأنفقوا عليهن حتى يضعن حملهن فان أرضعن لكم فأتوهن أجورهن وأتمروا بينكم بمعروف وان تعاسرتم فسترضع له أخرى . لينفق ذو سعة من سعته ومن قدر عليه رزقه فلينفق مما آتاه الله لا يكلف الله نفسا الا ما آتاه سيجعل الله بعد عسر يسرا .»

سورة البقرة آية ٢٣٤

«والذين يتوفون منكم ويذرون أزواجا يتربصن بأنفسهن أربعة أشهر وعشرا فاذا بلغن أجلهن فلا جناح عليكم فيما فعلن في أنفسهن بالمعروف والله بما تعملون خبير .»

سورة البقرة آية ٢٤٠

«والذين يتوفون منكم ويذرون أزواجا وصية لآزواجهن متاعا الى الحول غير إخراج فان خرجن فلا جناح عليكم في ما فعلن في أنفسهن من معروف والله عزيز حكيم .»

سورة النساء آية ٧

«للرجال نصيب مما ترك الوالدان والأقربون وللنساء نصيب مما ترك الوالدان والأقربون مما قل منه أو كثر نصيبا مفروضا .»

سورة النساء آية ١٢

«ولكم نصف ما ترك أزواجكم ان لم يكن لهن ولد فان كان لهن ولد فلکم الربع مما تركن من بعد وصية يوصين بها أو دين ولهن الربع مما تركتم إن لم يكن لكم ولد فان كان لكم ولد فلهن الثمن مما تركتم من بعد وصية توصون بها أو دين وان كان رجل يورث كلاله أو امرأة وله أخ أو أخت فلكل واحد منهما السدس فان كانوا أكثر من ذلك فهم شركاء في الثلث من بعد وصية يوصى بها أو دين غير مضار وصية من الله والله عليم حكيم .»

سورة الحجرات آية ٣ - ٥

«إن الذين يغضون أصواتهم عند رسول الله أولئك الذين امتحن الله قلوبهم للتقوى لهم مغفرة وأجر عظيم . ان الذين ينادونك من وراء الحجرات أكثرهم لا يعقلون . ولو أنهم صبروا حتى تخرج اليهم لكان خيرا لهم والله غفور رحيم .»

سورة البقرة الآيات ١٥٥ - ١٥٧

«ولنبولونكم بشئ من الخوف والجوع ونقص من الاموال والانفس والثمرات وبشر الصابرين . الذين اذا أصابتهم مصيبة قالوا انا لله وانا اليه راجعون . أولئك عليهم صلوات من ربهم وأولئك هم المهتدون .»

سورة الحجرات الآيات ٣ - ٥

«ان الذين يغضون أصواتهم عند رسول الله أولئك الذين امتحن الله قلوبهم للتقوى لهم مغفرة وأجر عظيم . ان الذين ينادونك من وراء الحجرات أكثرهم لا يعقلون . ولو أنهم صبروا حتى تخرج اليهم لكان خيرا لهم والله غفور رحيم .»

سورة الانبياء الآيات ٨٣ - ٨٥

«وأيوب اذ نادى ربه أنى مسني الضر وأنت أرحم الراحمين . فاستجبنا له فكشفنا ما به من ضر وآتيناه أهله ومثلهم معهم رحمة من عندنا وذكرى للعابدين . وإسماعيل وإدريس وذا الكفل كل من الصابرين .»

سورة الشورى الآيات ٣٢ - ٣٣

«ومن آياته الجوار في البحر كالأعلام . إن يشأ يسكن الريح فيظللن رواكد على ظهره ان في ذلك لآيات لكل صبار شكور .»

سورة آل عمران آية ٢٤

«ذلك بأنهم قالوا لن تمسنا النار إلا أياما معدودات وغرهم في دينهم ماكانوا يفترون»

سورة البلد آية ٤

«لقد خلقنا الانسان في كبد»

سورة البقرة آية ١٥٣

«ياأيها الذين امنوا استعينوا بالصبر والصلاة ان الله مع الصابرين»

سورة الانفال آية ٤٦

«وأطيعوا الله ورسوله ولا تنازعوا فتفشلوا وتذهب ريحكم واصبروا ان الله مع الصابرين»

سورة الزمر آية ١٥

«فاعبدوا ما شئتم من دونه قل ان الخاسرين الذين خسروا أنفسهم وأهليهم يوم القيامة ألا ذلك هو الخسران المبين»

سورة الفرقان آية ٧٥

«وأولئك يجزون العرة بما صبروا ويلقون فيها تحية وسلاما»

سورة الرعد آية ٢٢ - ٢٣

«والذين صبروا ابتغاء وجه ربهم وأقاموا الصلاة وأنفقوا مما رزقناهم سرا وعلانية ويद्रؤون بالحسنة السيئة أولئك لهم عقبى الدار . جنات عدن يدخلونها ومن صلح من آبائهم وأزواجهم والملائكة يدخلون عليهم من كل باب»

سورة المائدة آية ٨٩

«لايؤاخذكم الله باللغو في أيمانكم ولكن يؤاخذكم بما عقدتم الايمان فكفارته اطعام عشرة مساكين من أوسط ماتطعمون أهليكم أو كسوتهم أو تحرير رقبة فمن لم يجد فصيام ثلاثة أيام ذلك كفارة أيمانكم اذا حلفتم واحفظوا أيمانكم كذلك يبين الله لكم آياته لعلكم تشكرون»

سورة المجادلة آيات ٣ - ٤

«والذين يظاهرون من نسائهم ثم يعودون لما قالوا فتحرير رقبة من قبل أن يتمأسا ذلكم توعظون به والله بما تعملون خبير . فمن لم يجد فصيام شهرين متتابعين من قبل أن يتمأسا فمن لم يستطع فاطعام ستين مسكينا ذلك لتؤمنوا بالله ورسوله وتلك حدود الله وللكافرين عذاب أليم»

سورة البقرة آية ١٨٤

«أياما معدودات فمن كان منكم مريضا أو على سفر فعدة من أيام أخر وعلى الذين يطيقونه فدية طعام مسكين فمن تطوع خيرا فهو خير له وأن تصوموا خير لكم ان كنتم تعلمون»

سورة البقرة آية ١٩٦

«وَأَتَمُوا الْحَجَّ وَالْعُمْرَةَ لِلَّهِ فَإِنْ أُحْصِرْتُمْ فَمَا اسْتَيْسَرَ مِنَ الْهَدْيِ وَلَا تَحْلِقُوا رُؤُوسَكُمْ حَتَّىٰ يَبْلُغَ الْهَدْيُ مَحَلَّهُ فَمَنْ كَانَ مِنْكُمْ مَرِيضًا أَوْ بِهِ أَذًى مِنْ رَأْسِهِ فَفِدْيَةٌ مِنْ صِيَامٍ أَوْ صَدَقَةٍ أَوْ نَسْكَ فَإِذَا أَمْتُمْ فَمَنْ تَمَتَّعَ بِالْعُمْرَةِ إِلَى الْحَجِّ فَمَا اسْتَيْسَرَ مِنَ الْهَدْيِ فَمَنْ لَمْ يَجِدْ فَصِيَامٌ ثَلَاثَةِ أَيَّامٍ فِي الْحَجِّ وَسَبْعَةٍ إِذَا رَجَعْتُمْ تِلْكَ عَشْرَةٌ كَامِلَةٌ ذَلِكَ لِمَنْ لَمْ يَكُنْ أَهْلَهُ حَاضِرِي الْمَسْجِدِ الْحَرَامِ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ شَدِيدُ الْعِقَابِ»

سورة المائدة آية ٩٨

«اعلموا أن الله شديد العقاب وأن الله غفور رحيم»

سورة النساء آية ٣٦

«وَاعْبُدُوا اللَّهَ وَلَا تَشْرِكُوا بِهِ شَيْئًا وَبِالْوَالِدَيْنِ إِحْسَانًا وَبِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَالْجَارِ ذِي الْقُرْبَىٰ وَالْجَارِ الْجَنْبِ وَالصَّاحِبِ بِالْجَنْبِ وَابْنِ السَّبِيلِ وَمَا مَلَكَتْ أَيْمَانُكُمْ إِنْ اللَّهُ لَا يُحِبُّ مَنْ كَانَ مَخْتَالًا فُخُورًا»

سورة القلم آية ١٧- ٢٧

«إِنَّا بَلَوْنَاهُمْ كَمَا بَلَوْنَا أَصْحَابَ الْجَنَّةِ إِذْ أَقْسَمُوا لَيَصْرِمُنَّهَا مُصْبِحِينَ . وَلَا يَسْتَنْتُونَ . فطاف عليها طائف من ربك وهم نائمون . فأصبحت كالصريم . فتنادوا مبصحين . أن اغدوا على حرثكم ان كنتم صارمين . فانطلقوا وهم يتخافتون . أن لا يدخلنها اليوم عليكم مسكين . وغدوا على حرد قادرين . فلما رأوها قالوا إنا لضالون . بل نحن محرومون»

سورة الحاقة الآيات ٣٠ - ٣٣

«خَذُوهُم مَغْلُوبَةً . ثُمَّ الْجَحِيمِ صَلْوَةً . ثُمَّ فِي سِلْسِلَةٍ ذَرْعُهَا سَبْعُونَ ذِرَاعًا فَاسْلُكُوهُ . إِنَّهُ كَانَ لَا يُؤْمِنُ بِاللَّهِ الْعَظِيمِ»

APPENDIX 2

مرسوم ملكي كريم

الرقم ٨٦٣٤/٢٨/٢/١٧
في ١٣٧٠/٦/٢٩ هـ - ١٩٥١/٤/٧ م (١)

بِعون الله تعالى

نحن عبد العزيز بن عبد الرحمن الفيصل

ملك المملكة العربية السعودية

بناء على المرسوم رقم ١٧-٢-٢٨-٣٣٢١ وتاريخ ٢١/ المحرم / ١٣٧٠ هـ (٢/ ١١/ ١٩٥٠ م) المتضمن احداث ضريبة الدخل وتنفيذاً لأحكام الشريعة الاسلامية .
وبناء على ما عرضه علينا وزير ماليتنا . .

نأمر بما يلي :-

المادة الأولى - تعتبر أحكام المرسوم رقم ١٧-٢-٢٨-٣٣٢١ وتاريخ ٢١/ المحرم / ١٣٧٠ هـ - (٢/ ١١/ ١٩٥٠ م) خاصة بالأفراد والشركات الذين لا يحملون الرعوية السعودية .

المادة الثانية - تستوفي من الأفراد والشركات الذين يحملون الرعوية السعودية الزكاة الشرعية وفقاً لأحكام الشريعة الاسلامية السماعاء .

المادة الثالثة - تعتبر أحكام هذا المرسوم نافذة اعتباراً من تاريخ تطبيق أحكام المرسوم رقم ١٧-٢-٢٨-٣٣٢١ وتاريخ ٢١/ المحرم / ١٣٧٠ هـ - (٢/ ١١/ ١٩٥٠ م) .

المادة الرابعة - يبلغ هذا المرسوم لمن يلزم لتنفيذ أحكامه . .

التوقيع الملكي

(١) عدل بالمرسوم الملكي الكريم رقم ١٧-٢-٢٨-٨٧٦٩ في ٨/ رمضان / ١٣٧٠ هـ (١٣-٦-١٩٥١ م)
وقد إلغاء المرسوم الملكي الكريم رقم ١٧-٢-٢٨-٥٧٧ تاريخ ١٤/٣/١٣٧٦ هـ (١٩-١٠-١٩٥٦ م)

مرسوم ملكي كريم

رقم ١٧/٢/٢٨/٨٧٩٩ (١)

في ٨ / رمضان / ١٣٧٠ هـ -- (١٣ / ٦ / ١٩٥١ م)

نحن عبد العزيز بن عبد الرحمن الفيصل آل سعود
ملك المملكة العربية السعودية

بعد الاعتماد على الله ، وبعد الاطلاع على ما رسمناه برقم ١٧-٢-٢٨-٣٣٢١ تاريخ ٢١ / محرم / ١٣٧٠ هـ (٢ / ١١ / ١٩٥٠ م) باحداث ضريبة دخل ، وبعد الاطلاع على ما رسمناه برقم ١٧-٢-٢٨-٨٦٣٤ تاريخ ٢٩ / جمادي الثانية / ١٣٧٠ هـ (٧ / ٤ / ١٩٥١ م) تعديلا للمرسوم السابق لكي يستوفى من الرعايا السعوديين ، الزكاة الشرعية فقط وتقتصر ضريبة الدخل على غير السعوديين ، وبالنظر لأن الزكاة الشرعية أكثر من ضريبة الدخل ، وبالنظر لما رأيناه من رغبة رعايانا في أن يتولوا هم بأنفسهم توزيع قسم من زكاة أموالهم وعروض تجارتهم على ضعفاء ذوي قربا أو مساكين ممن فرض الله الزكاة لهم من أجل ذلك كله نأمر بما هو آت : -

المادة الأولى - ان الزكاة الشرعية المفروضة على النقود وعروض التجارة ربع العشر اثنان ونصف في المائة فعلى بيت المال أن يستوفى من رعايانا ثمن العشر أي واحد وربع في المائة ويترك ثمن العشر الباقي لرعايانا ينفقونها بأنفسهم على المستحقين الذين فرض الله الزكاة لهم وحسابهم على الله . . .

المادة الثانية - زكاة الأنعام وثمار الأرض تستوفى من قبل الجهات المختصة كما كانت تستوفى في السابق .

المادة الثالثة - على من يعنيه هذا الأمر تنفيذه والله ولي التوفيق .

(١) ألغى المرسوم الملكي الكريم رقم ١٧/٢/٢٨/٥٧٧ تاريخ ١٤/٣/١٣٧٦ هـ (١٩ / ١٠ / ١٩٥٦ م)
كلا من المرسوم ٨٦٣٤ والمرسوم ٨٧٩٩ .

المادة الثالثة :

ينشر هذا المرسوم ويعمل به ابتداء من غرة المحرم ١٣٧٦ هـ
(١٩٥٦/٨/٨ م) ويصدر مجلس الوزراء بناء على اقتراح وزير المالية
القرارات اللازمة لتنفيذه .

الختم الملكي

—●●—

أوامر ملكية

صدرت أوامر ملكية كريمة بمعاملة البحرينيين والكويتيين
والقطريين كالسعوديين واستحصال الزكاة الشرعية منهم بدلا من ضريبة
الدخل وهذه نصوص الأوامر :

البحرينيون : ١٠٢٣٦ الأخ سعود بن جلوي

١٠٢٣٧ صورة لمحمد سرور الصبان

في ١٤/٤/١٣٧٦ هـ - (١٧/١١/١٩٥٦ م)

« اعتمدوا معاملة أهالي البحرين بشأن ضريبة الدخل كالسعوديين
ويؤخذ منهم مثل ما يؤخذ من السعوديين » .

—●●—

أمر ملكي

استيفاء نصف الزكاة

محمد سرور - الرياض

البحرينيون : رقم ١٠٠٧٩ - ١٣٧٦/٩/٧ - (١٩٥٧/٤/٧ م)

« راجع كثير من أهل نجد والحجاز جلالة مولاي يطلبون تخفيض
الزكاة النقدية لأجل اعطائها من قبلهم للضعفاء من أقاربهم وأرامل
ينفقونها عليهم وقد استفتى فضيلة الشيخ محمد بن ابراهيم عن ذلك
فأفتى بأنه يجوز اعطائهم نصف الزكاة من أجل اعطائها لهؤلاء الضعفاء
من قبلهم مع العلم أنه لا يجوز شرعا أن الزكاة التي تؤخذ تنفق الا على
الضعفاء والمساكين و لايجوز أن تستعمل لأي غرض آخر - قف - ولذلك
فقد صدر أمر جلالتة باخباركم بأن لا تصرف الزكاة الا للصدقات
فاعتمدوا موجهه وأعلنوه » .

فيصل

مرسوم ملكي كريم (١)

الرقم : ١/٥/٦١ التاريخ : ١٣٨٣/١/٥ هـ

بمعون الله تعالى

باسم جلاله الملك

نحن فيصل بن عبد العزيز آل سعود

نائب جلاله ملك المملكة العربية السعودية

- بعد الاطلاع على الأمر الملكي رقم ٤٢ وتاريخ ١٣٨١/١٠/٩ هـ
- وبعد الاطلاع على المادتين (١٩ و ٢٠) من نظام مجلس الوزراء الصادر بالمرسوم الملكي رقم ٣٨ وتاريخ ١٣٧٧/١٠/٢٢ هـ
- وبعد الاطلاع على المرسوم الملكي رقم ٨٦٣٤ وتاريخ ١٣٧٠/٦/١٩ هـ ورقم ١٧/٢/٢٨/٨٢٩٩ وتاريخ ١٣٧٧/٩/٨ هـ ورقم ١٧/٢/٥٧٧ في ١٤/٣/١٣٧٦ هـ
- وبعد الاطلاع على قرار مجلس الوزراء رقم ٦٤٥ وتاريخ ١٣٨٢/١٢/٢٩ هـ
- وبناء على ما عرضه علينا رئيس مجلس الوزراء ••
- نرسم بما هو آت :

- أولاً - تجبى الزكاة كاملة من جميع الشركات المساهمة وغيرها والأفراد ممن يخضعون للزكاة
- ثانياً - تورد جميع المبالغ المستحصلة الى صندوق مؤسسة الضمان الاجتماعي
- ثالثاً - على رئيس مجلس الوزراء ووزير المالية والاقتصاد الوطني تنفيذ مرسومنا هذا

التوقيع

أمر صاحب السمو الملكي رئيس مجلس الوزراء الى سمو وزير الداخلية رقم ٧٥ في ٧/١/١٣٧٤ هـ - (٥/١٠/١٩٥٤ م) بصدد امتناع ٠٠٠ عن دفع نصف الزكاة بأنه (لا مانع من تكليفه بدفع ذلك ، وفي حالة امتناعه عن التسديد يوقف حتى يذعن ويطبق هذا الترتيب على أمثاله حفظاً للمصلحة وتنفيذاً للأوامر العالية الصادرة) .

قرار رقم ٦٤٥ وتاريخ ٢٩/١٢/١٣٨٢ هـ

ان مجلس الوزراء

بعد الاطلاع على المعاملة المتعلقة باستيفاء الزكاة كاملة من الشركات المساهمة .

وبعد الاطلاع على قرار اللجنة المكونة من مستشاري المجلس بالاشتراك مع مندوب وزارة التجارة والصناعة ومندوب وزارة المالية والاقتصاد الوطني رقم ٢١٥ وتاريخ ٢٨/٤/١٣٨١ هـ وقرار اللجنة المكونة من مستشاري المجلس ومدير عام مصلحة الزكاة والدخل رقم ١٠ وتاريخ ٦/١/١٣٨٢ هـ المتضمنين رأيهما بأن شركات الأموال وبالأخص الشركات المساهمة لا ينطبق عليها المرسوم الملكي رقم ١٧/٢/٢٨/٨٧٩٩ وتاريخ ٨/٩/١٣٧٠ هـ القاضي بالسماح للمواطنين السعوديين بتوزيع نصف زكواتهم على السعوديين من أقاربهم وغيرهم من الفقراء وبعد الاطلاع على خطاب وزارة التجارة والصناعة رقم ٢٥٥٠/س وتاريخ ٤/١/١٣٨٢ هـ المتضمن ملاحظاتها على قرارات اللجنتين المشار اليهما .

ونظراً لأن الزكاة تورد الآن لصندوق مؤسسة الضمان الاجتماعي وتصرف على العجزة والأرامل واليتامى ومساعدة المحتاجين .
وبناء على توصية لجنة الأنظمة رقم ١٢٨ وتاريخ ١٧/١١/١٣٨٢ هـ

- يقرر -

- ١ - تورد الزكاة كاملة من جميع الشركات المساهمة وغيرها والأفراد .
- ٢ - تنظيم مشروع مرسوم ملكي بذلك وصورته مرافقة لهذا .
ولما ذكر حرر .

فيصل

رئيس مجلس الوزراء

قرار وزاري رقم ٣٩٣

ان وزير المالية

بناء على المرسوم الملكي رقم ١٧/٢/٢٨/٨٦٣٤ وتاريخ ٢٩/٦/١٣٧٠ هـ - (٧/٤/١٩٥١ م) القاضي باستيفاء الزكاة الشرعية وفقاً لأحكام الشريعة الإسلامية الغراء من الأفراد والشركاء الذين يحملون الرعية السعودية .

وبناء على ضرورة وضع تعليمات بتنظيم تحقيق وتحصيل الزكاة المشار إليها من المكلفين بها شرعاً .

يقرر ما يلي :

- ١ - تستحق الزكاة على جميع الأفراد والشركات الذين يحملون الرعية السعودية على السواء ذكوراً أو اناثاً بالغين أو قاصرين أو محجج عليهم في ختام كل عام وفقاً لأحكام الشريعة ابتداء من غرة المحرم ١٣٧٠ هـ (١٣/أكتوبر / ١٩٥٠ م) .
- ٢ - تعتبر رؤوس الأموال وغلاتها وكل الواردات والأرباح والمكاسب التي تدخل على الأفراد والشركات المذكورة خاضعة للزكاة بمقتضى نصوص الأحكام الشرعية فيها .
- ٣ - تقدر رؤوس الأموال وغلاتها وكل الواردات والأرباح والمكاسب التي تدخل على المكلفين السعوديين من مزاولي تجارة أو صناعات أو أعمال شخصية أو ممتلكات ومقتنيات نقدية مهما كان نوعها وكانت صفتها بما في ذلك الصفقات المالية والتجارية وبيع الأسهم وبصورة اجمالية كل دخل نصت الشريعة السمحاء بوجود الزكاة عليه .
- ٤ - تقدر الزكاة على العروض التجارية والممتلكات والمقتنيات النقبية بموجب أقيامها التي تقوم بها في نهاية السنة طبقاً للنصوص الشرعية الواردة فيها .

- ٥ - يستمر على تقدير زكاة المواشى والأنعام والزرور وفقاً للأو والتعليمات الصادرة بكيفية تحقيقها وتحصيلها على مقتضى الأد الشرعية بحيث تؤخذ على نفس الطريقة الجاري العمل بها الآر
- ٦ - جميع الأفراد والشركات الذين يزاولون أعمالاً تجارية أو صنا ملزمون بمسك دفاتر حسابية منظمة يبين فيها رأس المال وما عليهم أو خرج منهم في كل ما يتعلق بالأعمال التي يمارسونها خلال كل عام لتكون مرجعاً لتحقيق الزكاة المفروضة عليهم ش ويشترط أن تكون هذه الدفاتر مصدقة من المحكمة التجا أو كتاب العدل في الجهات التي لا يوجد فيها محكمة تجارية .
- ٧ - تقدر الزكاة الشرعية على الذين لا يوجد لديهم حسابات يركن ا ويعتمد عليها عن طريق تحديد أقيام البضائع والآلات والأدو والمقتنيات والممتلكات التابعة للزكاة وذلك استنتاجاً من موجود بكاملها في نهاية العام أو بصورة تقديرية لمن ليس لهم موجودات ظاهر؛
- ٨ - يجب على كل من تجب عليه الزكاة شرعاً من الأفراد والشرد ان يقدم في الشهر الأول من كل سنة الى مأموري المالية المختة بتحصيل الزكاة بياناً يحتوي على مقدار قيمة ما يملكه من الأمو والبضائع والممتلكات والمقتنيات النقدية وما يربحه منها يجب عليها كلها الزكاة ومقدار زكاتها الواجبة شرعاً .
- ٩ - يقوم الموظف المكلف بتحقيق وتحصيل الزكاة بتدقيق البيان المقدمة من الأفراد والشركات المبحوث عنهم ويحق له تدقيق دف وقيود المكلفين بالزكاة عند الاقتضاء للتوثق من صحة البيانات و التوثق منها يبلغ المكلف بمقدار ما يجب عليه أدائه بأشعار رسمية ذات أرومه .
- ١٠ - اذا وجد المكلف بالزكاة أن المبلغ المشعر بأدائه غير مطابق لواء يحق له أن يعترض على الاشعار الذي وصله بموجب استبد مسبب خاص يرسل بطريق البريد المسجل الى الجهة التي أشعرت بذلك خلال خمسة عشر يوماً من تاريخ وصول الاشعار ا

والا سقط حقه في الاعتراض والمراجعة ويجب عليه أداء المبلغ
المشعر بأدائه .

١١ - تقوم الجهة التي تلقت الاعتراض بتقديمه الى اللجنة البدائية التي تتألف من الأمير أو من ينوب عنه وعضوية القاضى وأكبر مأمور مالى فى المنطقة وثلاثة أشخاص من وجوه البلدة ينتخبهم المجلس الاداري سنويا وتقوم هذه اللجنة بتدقيق اعتراضات المكلفين ويحق لها أن تراجع قيود ودفاتر وحسابات ومستندات أصحاب المؤسسات والتجار وكل ما يرشدها الى استكناه الحقيقة حيث يكون قرارها فى غضون خمسة عشر يوماً من تاريخ الاعتراض .

١٢ - للمالية والمكلف الحق فى استئناف قرار اللجنة البدائية الى اللجنة الاستئنافية المنصوص عليها فى المادة ٢٦ من القرار ٣٤٠ وتاريخ ١ / رجب / ١٣٧٠ هـ - (٨ / ٤ / ١٩٥١ م) فى نفس الميعاد المحدد فى المادة العاشرة من هذا القرار هذا فيما اذا بدا لأحدهما وجود خطأ أو نقصان فى قرار اللجنة البدائية بالنسبة لتحقيقاتها وتدقيقاتها وهذه اللجنة مكلفة باتخاذ قرارها فى خلال شهر واحد من تاريخ ورود معاملة الاستئناف اليها وذلك على أكثر احتمال وتقدير .

١٣ - استئناف المالية أو المكلف لا يحول دون دفع الزكاة المتحققة بموجب قرار اللجنة البدائية وعلى المكلف دفعها قبل تقديم استئنافه واذا كانت النتيجة تنقيصا لمقدار الزكاة تعاد اليه الزيادة المستوفاة - واذا كانت زيادة تحصل منه الزيادة ولا ينظر فى الاستئناف الا اذا كان مصحوبا بصورة مصدقة رسمياً من وصول دفع الزكاة المذكورة .

١٤ - يحق للجنة البدائية واللجنة الاستئنافية أن تستدعى المكلف أو ممثله للحضور أمامها وعليه اجابة طلبها فاذا امتنع بغير عذر شرعي يرفض اعتراضه واستئنافه .

١٥ - تطبق أحكام المادتين ٢١ ، ٣١ من القرار رقم ٣٤٠ وتاريخ ١ / رجب / ١٣٧٠ هـ - (٨ / ٤ / ١٩٥١ م) بحق المكلفين بأداء الزكاة الشرعية .

١٦ - يقوم بأعمال تحقيق وتحصيل الزكاة الموظفون المنصوص ء
 في المادتين ١٨ و ١٩ من القرار رقم ٣٤٠ وتاريخ ١ / رجب
 ١٣٧٠ هـ - (١٩٥١ / ٤ / ٨ م) علاوة على قيامه بأعمال تحا
 وتحصيل ضريبة الدخل .

١٧ - اذا حصل تردد أو التباس في تطبيق احدى المواد الوارد ذكر
 بهذا القرار يستوضح منا عن ذلك للايضاح والتفسير .

١٨ - على الموظفين المسؤولين عن تطبيق هذا القرار مسك الدف
 اللازمة لتحقيق الزكاة وتحصيلها وقيده الاعتراضات وتبلي
 الاخبارات من المكلفين واستحصال البيانات من المكل
 للزكاة الشرعية .

١٩ - تطبع نسخ كافية من هذا القرار ويعلن في الجرايد المحلية وي
 الى من يلزم والى جميع المليات لتنفيذ أحكامه .

٢٠ - يشرف مدير المالية العام على طبع الدفاتر والاشعارات والبيبا
 المذكورة من هذا القرار وارسالها الى المليات بأسرع ما يمكن

١٣٧٠ / ٨ / ٦ هـ - (١٩٥١ / ٥ / ١٣ م) .

وزير المالية

مديرية الواردات العامة الرقم : ٢/٤/١٤٥٥٩ هـ
 التاريخ : ١٣٨٦/١٢/٢٣ هـ
 المحاقا لخطاباتنا التعميمية رقم ٦١٢٨/١٢/٢ في ١٩/٥/١٣٨٥ هـ
 ورقم ٥٣٢٠/١٢/٢ في ٤/٥/١٣٨٦ هـ والى خطاب سمو وزير المالية
 التعميمي رقم ٣٧٦١/٤/١ في ٢٤/٣/١٣٨٤ هـ بشأن عدم قبول
 عطاءات المقاولين السعوديين أو صرف الأقساط الأخيرة من قيمة
 مقاولاتهم الا بعد تقديم شهادة من مصلحة الزكاة والدخل تثبت قيامهم
 بتسديد الزكاة المستحقة عليهم عن العام السابق موضح بها تاريخ انتهاء
 صلاحية العمل بهذه الشهادة .

ونفيدكم بأننا قد لاحظنا عدم مراعاة بعض الجهات للتطبيق
 الصحيح لهذا القيد واكتفاءها بما يقدمه المقاولون اليها من شهادات عن
 تسديد مبالغ تحت حساب الزكاة .

وحيث أن ذلك يفوت الغرض الذي وضع من أجله هذا القيد
 ويساعد المقاولين على الافلات من تسديد الزكاة في مواعيدها وحرصا
 على المصلحة فاننا نرجو التأكيد على لجان المناقصات والجهات المختصة لديكم
 بعدم قبول العطاءات من المقاولين السعوديين ما لم تكن مرفقة بشهادات
 صادرة من مصلحة الزكاة والدخل تثبت قيامهم بتسديد الزكاة عن
 سنتهم المالية السابقة وأن يوضح في الشهادة تاريخ انتهاء مفعولها بحيث
 لا يعتد بها بعد ذلك التاريخ أما في حالة قيام المقاول في نهاية سنته المالية
 بتقديم حساباته الى المصلحة لأغراض ربط الزكاة الواجبة عليه وبقاء
 تلك الحسابات لدى المصلحة تحت التدقيق والمراجعة فلا بأس من قبول
 شهادة من المصلحة تثبت ذلك على أن يحدد فيها أيضا تاريخ
 انتهاء مفعولها .

فنأمل الاحاطة . هذا وقد أبلغنا مصلحة الزكاة والدخل بنسخة من
 تعميمنا هذا للاحاطة والاعتماد والتنبيه على كافة فروعها بعدم اصدار
 شهادات الا على الصورة المبينة بعاليه . (١)

وكيل وزارة المالية والاقتصاد الوطني

(١) أنظر أيضا منشور المصلحة رقم ٢ لعام ١٣٨٣ هـ وأيضا تعاميمها رقم ٦١٦٥ وتاريخ ١٣٩٢/٦/٢٥ هـ
 ورقم ٧٣٥٦ وتاريخ ١٣٩٢/٧/٧ هـ ورقم ١٠٠٤٧ وتاريخ ١٣٩٢/١٠/١٢ هـ .

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