

Analytical study of Dr. Israr Ahmad's economic thoughts:

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Abstract

Islam is a complete code of life. It provides guidance in all the spheres of life. Economy is a major aspect where Islam has provided comprehensive guidance. In this article economic views of Dr. Israr Ahmad are analyzed. The readers will find the approach of a revolutionary religious scholar about economics. Insurance and land tenancy are two major fields of discussion in Islamic Economic System. This paper gives not only introduction of these issues but an analytical study is also presented. Un-Islamic conditions in prevalent insurance system are highlighted. About land tenancy, views of eminent religious scholars of Islam are also part of this article.

Dr. Israr Ahmad (1) expressed boldly on different occasions his economic concepts & endeavored to link it with Islamic System of Justice. He holds the view that there are two Islamic Systems of Economy which are complete from beginning till the end. Both have their own philosophy. Both have the concept of ownership, rights with concept of surplus value. These are the essentials which are of basic importance in any of the economic system & are distinctly separate in both. However, one may assume that these are the two dimensions of a single concept but one can not deny these as separate entities. Both these systems are interconnected & to an extent interdependent too. The complete blessings can be in the offing if these are coordinated together. (2) As viewed by Dr. Israr Ahmad, Islam has a spiritual & moral system

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& the other is a legal & "Fiqhi" System. Both the systems have not only different but contradictory requirements, yet, by their union, an Islamic System comes into being. If desired, both their profiles can be termed as "Thesis" or "Anti-thesis" & their union as "Synthesis". (3)

Principles of Spiritual Economic System:

Dr. Israr describes the following principles of the above system:-

- Complete Negation of the Human Ownership.
- Whatever a human-being achieves in this world is not earned by him but it is due to the blessings of Allah. Despite he sits in the shop to do the business, it is he who ploughs the fields & works hard but the faith requires him to consider all what he gets is gifted to him by Allah. If it is considered to be the reward of hard work, one is bound to claim it as one's ownership but if it is attributed to Allah, it will be assumed proportionally as much as fixed by Him.
- What is the legitimate right of a human-being? It is only according to his needs which also have been defined in some Ahadith:-
 - If one can make both ends meet.
 - If one has a ceiling overhead.
 - If one has a pair of clothes to wear, and
 - If one is blessed with a wife to preserve his character, morals & chastity which means he got the basic right; over & above it means that is the right of others not yours. So, give it to them as they do not have it & only then you can absolve yourself of the burden as it was given as part of your belongings to put you under a test. In other words, it is a complete system which lays down the ownership & in addition over & above it as well, so much so that it lays down the utilization of the

additional part too. In this connection, an Aayah of Surah al- Room is referred here which differentiates Riba(Interest) as compared to Alms(Sadaqaat):-

“Wa ma aataytum min Ribaan liyarbuwa fi amwaali an-naasi falaa yarbu ‘inda Allahi wa maa aataytum min Zakaatin turiduna wajha Allahi fa’ulaa’ika humu al-muz ‘ifuna.” (30:39)

Meaning thereby, as per spiritual teaching “Riba” in fact is opposed to “Alms” (Sadaqah Khaeraat). For example, a person is doing a job to get the wages for fulfilling his needs & he has also saved some amount. There are two ways of investing this additional amount; one is to invest the same in the business of someone else & due to his efforts get the increase. Since he himself did not work for it, so from spiritual point of view, it will also be presumed to be “Riba”. So, the right utilization of this sum is to give it in the ownership of the poor & the needy who are without it or those who do not have the basic capital to start a business. In other words, to utilize the additional sum for more earnings is legally fair but not so from the spiritual & moral point of view. (4)

Legal & Fiqhi Nizaam:

Islamic Legal & Fiqhi System of Economy in a way is like Controlled Capitalism in which all the natural requirements have been kept under consideration. Accordingly, a person has the right to spend his capital the way he likes. Generally, he will be asked to pay for Zakah, else he, as per his desire may spend in the path of All \bar{h} to earn His blessings. However, he will be legally justified to invest his surplus earning in the business & may transfer to his heirs as well. All these provisions also exist in any of the Capitalist System but it must be kept in view that Islam has kept this legality within a

limit so that this free investment may not turn into a curse of Capitalization to grip the human society. In this context, the practical plans adopted by Islam can be learnt in two parts as viewed by Dr. Israr Ahmad:-

- It is evident that Freedom when allowed even in small magnitude will essentially cause an upheaval to an extent. In a rat-race, some will surpass whereas others may lag behind. It is not possible to save from such imbalances even if the Freedom is limited, so this aspect may be accepted with open heart. However, in Economic System of Islam, it has been catered to minimize the Financial Imbalance in the society. To overcome it, Islam has enforced a system of Zakah by drawing a boundary-line; those beyond it will be amongst the Givers & those falling short of it will become the Recipients.
- Islam in order to control this difference has not restricted itself to the system of Zakah alone but has imposed the restrictions of Fair & Unfair on this free investment of the capital due to which factually this can not turn into Capitalism. Just think over the steps & the Divine Wisdom of the Qur'an that without giving a title of Economics, it has provided the basic & important directives on it.

Dr. Israr Ahmad adds further that there is always a Financial Outcome when capital & labour join hands together. However, modern Economy Experts especially the Socialist Writers have emphasized that Capital is the product of Labour but this debate is like that of a hen & egg to determine which is earlier out of the two.

In any way, it is established that in the Islamic System of Economy more emphasis is on the labour & in the words of Dr. Israr Ahmad, it has been given more security whereas the value of capital has been kept to bare

minimum. In the capacity of an earning agent, Capital has its following ugly forms:-

- Capital being a capital is eligible to earn.
- It should seek its security too.
- Does not share the loss.
- Receiving a fixed rate out of the profit earned.

Dr. Israr considers these four elements as integral part of Interest (Riba) which are absolutely forbidden (Haraam-e-Mutlaq) in Islam. This curse has been uprooted in the Islamic System of Economy in an unprecedented manner. In short, as professed by the injunctions of Islam & our Shari'ah, the worst kind of vice is considered to be the Interest. In fact, this is the basic evil which promotes the capitalism & its roots have been severed in our religion absolutely. (5)

The way Dr. Israr has explained the spiritual & Fiqhi aspects, in the same manner Syed Maududi has emphasized on the rectification of morals & mentality. Moreover, he has also clarified that state laws & pressure be resorted to only at places where it becomes unavoidable. On a point, he writes, "With regard to all issues of the life, Islam has framed the rule that all those principles of life which are akin to the nature must be maintained as such. Wherever, there is a deviation found, it must be redirected to the natural discourse. Second important rule on which are based the collective reforms of Islam is that in the system of society few rules may not be considered enough to be enunciated externally but the greatest emphasis be laid on reforming the morals & mentality so that the psychological evil is cut at its root-level. The third basic rule that is found in all Islamic Systems of Shari'ah is to resort to state law & pressure only where it becomes inescapable."

Syed Maududi says that Islam eliminates all unnatural ways in the economic field of life by treating with moral reforms at the most but with the least intervention by the state as all these ways are adopted by the human under the satanic influence. As regards the aspects that a person may have freedom to struggle for the bread & butter or one should have the proprietary rights on whatever he earns through his efforts & that there should exist status classification amongst the human due to their potentials & living conditions; all these are acceptable in Islam only if found in conformity with the norms of nature. Islam then imposes such restrictions which do not let these practices surpass the nature or become the cause of treachery or injustice. (6)

Dr. Israr Ahmad & Syed Maududi accord much importance to the moral values in the economic system of Islam. Both have the same conceptual approach in this regard with the conviction that unless the moral structure in a society is strong enough & people spend on the poor in addition to the mandatory alms & Sadaqaat, the problems of the people in a society are not going to be resolved. It remains a fact that poverty will come to an end in the society if the people become conscious to pay off additional alms & Zakah. Undoubtedly, the people can not be forced to pay off additional alms but it is extremely important to motivate them to spend over & above the mandatory alms (Farz Sadaqaat). It is a blessing to have some people in a society who after fulfilling their basic needs give away their assets in the name of Allah. The beauty of a society is that there should exist both the categories but needless to emphasize that the ones who give away all what they have in the name of Allah are blessed with a distinguished status.

Now the economics views of Dr. Israr Ahmad about Insurance and land tenancy are told.

Insurance:

Dr. Israr Ahmad believes in a firm concept about the Insurance. According to him, there is an element of gambling in it but more than that in reality it is but capitalization. The real insurance is that of the big factories & the mills. A capitalist invests one million rupees to set up a mill to manufacture match-boxes. This mill is vulnerable to natural disasters, e.g. a flood or an accidental fire hazard which may turn it to ashes but that investor wants security of his capital through insurance. At the same time, he does not want to have this security at his expense; instead the rate of premium that he pays to the Insurance Company is charged by him from the customer as cost of the match-box. A match-box if sold at the rate of 25 paises includes in it to the tune of one or more paises the cost that the investor is recovering from the buyer for the security of his capital. It may be kept in mind that in such a situation there will be a loss of one million rupees at the national level but the investor wants to remain indifferent from this national loss by securing his capital at the customer's expense & also safeguarding his future. This security he achieves by incurring burden on the pockets of the clients which in fact is the actual essence of Insurance. This is in other words a co-operative of the capitalists ensuring the security of their own capital & the true picture of "kae la yakuna daulatun baen al aghniaae minkum". This, however, promotes the curse of capitalism which is strictly forbidden in Islam.

Dr. Israr, however, says that if the element of gambling is taken out of the Life Insurance, it does not remain so in its strict sense, yet he believes in what Islam lays down to forbid it. (7)

Dr. Israr in his writings or speeches has not dealt in detail on the subject of Insurance. An effort has been made to explain the details about insurance as follows:-

“Insurance” being an English word has been translated in Urdu as Beemah & in Arabic as T’ameen. Insurance in its literal sense is a form of business in which an insurance policy holder is assured to be given protection in the form of compensation against the misfortunes of the future & unexpected losses. In other words, Insurance implies a warranty, protection & assurance. A writer of Encyclopedia of Britanica writes, “Insurance” in its simplest meaning implies a guarantee provided by such a group of people who themselves are in one or the other dangers not anticipated in the foreseeable future. Such a danger whenever it occurs, its effects would be shared by all the members of this group. (8)

In the light of this opinion, Insurance may also imply that it is to give protection to a person against the misfortunes which may surround him & make him bankrupt if these crises are not shared by virtue of human sympathy or co-operation. (9)

In the light of this discussion, it may be fair to infer that Insurance means a warranty to provide security against the unforeseen dangers.

Insurance as viewed in Islam:

Insurance due to its basic objectives (mutual co-operation, security against future dangers & compensation) not only seems fair but virtuous, however, in its prevalent form it inherits both religious & worldly vices which have no room in Islam. Let us examine the vices which are found in present system of insurance.

Vices in the prevalent Insurance System:

As mentioned earlier, though both religious & worldly vices exist in the current Insurance System, yet it is difficult to demarcate the two. It is so because if one of the practices in the system is unfair from religious point of view, the same has devastating effects amidst the worldly matters, e.g. if the Interest (Riba) in religion is haraam, the same is proving parasitic to the economy of society. So we need to point out those demerits here which are unanimously believed to be unfair & destructive by all the scholars; few of these are enumerated below:-

- Interest(Riba)
- Gamble
- Lottery or Fraud

Un-Islamic Conditions:

- One of the defaults in the insurance system is because of its unjust Conditions, e.g. a middle class citizen got his son insured but he could pay only few of its instalments that he suffered a loss in his business & became a defaulter by not paying any more of the instalments. Justice demands that he should get back the paid up sum of the instalments. Insurance Company never pays it back but pockets it. No court in the world can get him this amount. Mufti Muhammad Shafi'(d:1396A.H/1976A.D) says, "All the three types of insurance policies; Life Insurance, Property Insurance or Duty Insurance have the condition that any person becoming defaulter as per the above example will lose or surrender the deposited sum to the Insurance Company which is an unjust condition in the eyes of religion. Under the religious rules, such a defaulter can be asked to fulfill terms of the policy or in case of non compliance may even be punished legally but

the confiscation of his deposited sum as a penalty can not be justified.
(10)

However, the company may frame rules under which the policy holders who stop paying the instalments without valid reasons do not cause nuisance to the company, e.g. such defaulters who stop paying the instalments may receive their deposited sum on completion of the project in which their capital of the paid instalments has been invested by the insurance company. Else some amount as security fee of their amount can be recovered from them.

- Yet another unreligious & ruthless condition imposed is that the insured sum is received by only that next of kin who has been nominated by the policy holder whereas in accordance with Shari'ah, property of the deceased is inherited by all the legal heirs as per religious injunctions. This is most unjust a sin committed by the policy holder towards his heirs through the insurance company which does not act against the will or nomination made by the deceased. Resultantly, some of the deserving heirs are deprived of their share which is their legitimate right to receive.

Lottery & Fraud:

Lottery or Fraud both exist in the prevalent system of insurance which are committed by the two parties, i.e. the policy holder as well as by the insurance company. The policy holder has the tendency to show increase in the propriety of his assets to be insured by the company. After the assets are insured, he secretly & fraudulently perishes them to claim the increased insured sum (riba) from the company which is over & above the actual value of the loss sustained.

It may also happen that a capitalist gets the cotton stock of his factory insured for a sum of ten million rupees. He apprehended loss in the business, ignited the stock & fraudulently made good with ten million amount of the public money through the insurance company.

In the light of above mentioned vices, it is evidently clear that there is no room in the balanced & sacred religion of Islam for this type of current insurance system as it is based on riba, gambling, fraud, unforeseen & fear of the unknown.

Dr. Israr Ahmad's View about Land Tenancy:

Dr. Israr with regard to the concept of tenancy says that there is difference of opinion among the scholars. Abu Hanifah(d:150A.H/767A.D) considers it as totally haraam.

According to him, there is nothing as "Absentee Landlordism" in the religion of Islam, however, few other scholars after pondering over the Ahadith hold a moderate & lenient view on it. I also understand that this relaxation with few unavoidable conditions has been made in view of the prevalent era of time where the current system could not be abolished completely, whereas holy Prophet(SAWS) has applied the term of Riba on Land Tenancy.

Once the Prophet (SAWS) observed Hazrat Raafi' (R) tilling a piece of land which he knew did not belong to him. On inquiring, Hazrat Raafi' explained that it belonged to someone else & as per a deal with the owner he was to work hard in it to earn his share in return. On hearing this, the Prophet (SAWS) said, "Qad Arbaetuma!" (You dealt in Riba!); ordered him to return the land back to the owner & receive from him the expenses incurred. It is so

because the owner is not involved in any labour but prepared to snatch his share from the hard-earned produce of his brother only on the basis of ownership.

Dr. Israr adds further that in our culture of the tenancy, the owner does participate in provision of seeds or into few other matters to justify co-sharing. These are in fact some additional conditions to make unjust a just business but Imam Abu Hanifah's verdict is sufficient, an eye-opener & I tend to agree with him. (11)

Dr. Israr Ahmad, though, holds a lenient view with regard to the prevalent Tenancy System, yet, in principle, he terms it as unjust in accordance with the verdict of Imam Abu Hanifah.

Here is a review of opinions by the Scholars on the issue of Land Tenancy.

Review of multiple opinions on Land Tenancy:

Land Tenancy implies that a landlord gives away his land to a tenant & receives a part of the land-yield in return from him. (12)

Land-Tenancy has its three forms:-

First form is that land is given away to the tenant under an agreement & the landlord fixes a part of the yield to be given back to him by the tenant in return, e.g. the two parties agree that the tenant would give 20 maunds of the yield to the owner & keep the rest with him. So if the total yield comes out to be 20 maunds only, it will be taken away by the owner leaving nothing behind with the tenant. That is why this form of tenancy is unanimously considered to be haraam. (13)

The second form prevalent in that period was that a landlord used to reserve a part of his land for himself laying down condition that the yield from that part would exclusively belong to him & the produce from the rest of the fields would be the share of the tenant. In such a deal with the tenant, the landlord would ensure that his part of the land must be close to the water course. In Hadith, terms of Rabi & Jidaar are used for such a kind of selfish deal. This practice too is unanimously considered to be haraam. (14)

Because the part selected by the landlord may be the only fertile piece of the land & the remaining one may not produce any thing. This fact has been expressed in the words of Raafi' bin Khadeej, "Rubbamaa akhrajat haadhehi wa lam takhruj haadhehi" (Sometime it produces & at the other it doesn't), so the Prophet (SAWS) forbade it & unanimously this practice is also known to be haraam.

The third form is the one where the landlord & the tenant mutually decide to share the land-yield as per an agreeable percentage like one fourth or one sixth or half of the yield may belong to the landlord & the remaining would be that of the tenant. The scholars have difference of opinion on this kind of sharing the yield.

Concepts of different scholars:

Imam Abu Yousuf (d:182A.H/798A.D), Imam Muhammad (d:189A.H/ 805A.D) & Imam Ahmad bin Hanmbal (d:241A.H/855A.D) consider this form to be fair unconditionally.

Imam Abu Hanifah(d:150A.H/767A.D) declares it absolutely unjust.

Imam Shaaf'i (d:204A.H/819A.D) has a different view that if this tenancy has an element of "Musaaqaat" embedded in it, then it is acceptable,

e.g. there is a garden with fruit-trees & besides it is a piece of land in between the trees which is cultivated. The trees are bearing the fruit & the land below giving the crop, then as per Imam Shaaf'i, if musaaqaat has a real binding imposed on those trees, this form of the tenancy is fair or acceptable but in the absence of Musaaqaat, he also calls it haraam.

Imam Maalik's concept is almost similar to it as he also views it in the same ambit of Musaaqaat but adds a condition that in Musaaqaat the trees should be more in number than the quantity of the land. (15)

Partnership in Tenancy:

Imam Shaaf'i & Imam Maalik declare yet another type of tenancy to be fair calling it "Partnership in Tenancy". For instance, there are three persons; one owns a piece of land, the other offers his ox & the third fellow starts the work, thus they join hands together as partners which is called "Partnership in Tenancy" (Shirkat fil Muzaari'ah). This kind of Tenancy has a separate set of directives & details, but both of them do not consider it right in the absence of Musaaqaat.

Imam Abu Hanifah, Imam Maalik & Imam Shaaf'i have agreed that Tenancy in any form other than the above is not just. This has been reasoned out on the basis of Hazrat Raafi' bin Khadeej's saying wherein it has been forbidden quoting the prophet (SAWS) not only in numerous words but it has also been quoted in some of the narratives even to the extent, "Man lam yada' al- mukhaabirah fal youzin beharb minallah wa rasulehi"

(The one who does not give up the Mukhaabirah, he should receive the ultimatum from Allah & His prophet(SAWS)).

In other words, it has the same injunctions as warning against Riba (interest). The Imam have derived their reasoning from it.

Whereas the others & Imam Ahmad Bin Hanmbal are convinced about the justification of implementation of Applied Tenancy (Muzaari'ah 'alal itlaaq) based on an incident of Khyber. The Holy Prophet(SAWS) gave away the lands to Jews in Khyber by settling with them terms of the tenancy on distribution of the yield on fifty-fifty basis, i.e. half of the land produce will be shared by the Muslim & the remaining one by the tenants. In their view, the Ahadith about "Nahi 'anil Muzaari'ah or "Nahi 'anil Mukhaabirah" pertain to the first two forms of the tenancy as explained which is unanimously considered to be Haraam.

Hanafi, Maaliki & Shaaf'i as per their initial religion were convinced about the justification with regard to the prohibition of a pre-settled tenancy (Muzaari'ah munfasilah). However, later all these three scholars gave their verdict (fatwa) in accordance with the saying & justification given by the scholars & Imam Ahmad Bin Hanmbal. In fact it was due to the strong logical reasoning by the latter as compared to the other scholars. (16)

Issue of Khyber Forms:

Imam Ahmad Bin Hanmbal and other scholars hold the strongest stance on account of the Khyber-Incident which is summarized as follows;

Hazrat Muhammad (SAWS) concluded a tenancy-contract with the Jews of Khyber. This contract lasted in the remaining period of his life & even later during the period of Hazrat Abu Bakr Siddique(R) and Hazrat 'Umar Farooq (R) until the latter turned them out to Taimaa. (17)

So it is revealed that this matter of tenancy-deal with the Jews by Hazrat Muhammad (SAWS) persisted until his departure from the world. If there exist few Ahadith prior to it, then those will be considered null & void in the light of this act. This precedence was not a flimsy one as the whole orchard besides all the land-forms of Khyber were rented out on the same grounds.

Comments of Imam Abu Hanifah on the Khyber issue:

Quoting Imam Abu Hanifah, it is contemplated that he commented on the issue of Khyber by saying that the above act factually does not fall in the ambit of Tenancy but it was Kharaaj-e-Muqaasamah. (18)

Kharaaj-e-Muqaasamah:

The above term implies in a situation whereby the Muslim(s) conquer a piece of territory & let the owners of land stay there. The Kharaaj recovered from them is of two types; one is Kharaaj-e-Mouzif, i.e. in the form of money & the other is Kharaaj-e-Muqaasamah which is shared as part-percentage of the land-produce.

However, if looked into it deeply, it becomes difficult to call it Kharaaj-e-Muqaasamah. In case of the Khyber-Issue, it was considered justified as the Jews even after victory by the Muslim were still recognized as proprietors of the Khyber-land in clear terms & they were asked to pay the Kharaaj(land-revenue) only. Kharaaj becomes due only while the owners of the land continue to maintain their ownership-status but if the lands after a win-over are allotted among the warriors, then the latter will become the owners. So, now with the change of owners, if the land is given back to the Jews for tilling, it will become the real form of tenancy. In Khyber, this

second situation had prevailed as the lands after the victory had been further given in possession of the warriors as confirmed by numerous Ahadith.

In Sunan Abi Dawud, the book "Al kharaaj wal Fae" gives out so many detailed narrations explaining how the Prophet(SAWS) distributed the lands of Khyber among the soldiers besides recovering one fifth of the land revenue called Khums. The lands were virtually allotted to the militants making them the owners, thus the issue of Kharaaj does not arise.

The reasons to give away lands to the Jews by the Muslim have been indicated in different narratives. The Jews had pleaded to the Muslim that the latter though have become the owners of the land yet because of lack of the expertise & experience they may not be able to till the land successfully as compared to them. However, if the land-forms are given to the Jews, this would be profitable for either of the parties. The Prophet (SAWS) handed over the land forms to them & said, "Naqrukum 'alaa dhaalika maa Shai'naa" (we shall keep you there as long as desired by us). Later, following it up in the times of Hazrat 'Umar(R), they were ejected. Hence, had they been the owners, there was no reason to turn them out from the lands in possession. It is, therefore, difficult to term it Kharaaj-e-Muqaasamah.(19)

Now, let us examine the Ahadith narrating prohibition; these are in three forms;

First form of Ahadith is the one in which the narrator has endorsed the prohibition by illustration, i.e. by either earmarking the reserved land for taking away the land-produce from it respectively by the parties, or by fixing the quantum of the land produce as mutually agreed. This sort of arrangement is self-explanatory & does not need further explanation.

The second form of Ahadith is the one where Muzaari'ah or Mukhaabirah are absolutely forbidden, i.e. "Nahi Rasulallah 'anil Muzaari'ah" or "Nahi Rasulallah 'anil Mukhaabirah" or "Nahi Rasulallahi 'an Kraa'il arz". These Ahadith, therefore are to be studied in the light of the prevalent environments or as per a given situation & when understood in its real context the chances of doubts arising are left to bare minimum. So, it is inferred that prohibition of Absolute Muzaari'ah is not the objective but that specific type has been forbidden basing the argument on incident of Khyber.

The third category of Ahadith lays down a special endorsement that the Prophet(SAWS) forbade that type of sharing a part-percentage in a Muzaari'ah which is termed as Al Thulus or Al Ruba' which has contradiction in it. Whereas in some of the narratives its endorsement has also come up, that is why this third form is also considered as Nahi Irshaad-e-Tanzihi. This is also through Ahadith that the Prophet(SAWS) said, "If you possess a piece of spare land, give to your brother in need for the reason that you will still be obtaining a regular income out of it; the words given are:-

"Qaala:an yamn'a ahadokum akhah khairun lahu min an ya'khodho 'alaihi kharajan m'aluman."

The word Khaer therein clearly indicates not the Prohibition (Mumaani'at-e-Tahrimi) but it means that one should donate it to his brother without return, so it is based on Irshaad-e-Tanzihi & that is proven by the saying of Raafi' bin Khadeej who narrated the Hadith that the Prophet(SAWS) forbade to enter into the Muzaari'ah.

Hazrat 'Abdallah bin 'Umar (R) revealed another fact by saying, "I have seen the Prophet(SAWS) himself as well as his companions (R) doing the act of Muzaari'ah & nowhere we heard him prohibiting it." He expressed

his reservations but later he himself gave it up & never did it again. Someone asked his opinion with reference to the prohibition as interpreted by Hazrat Raafi'.

Hazrat 'Abdullah bin 'Umar replied, "Qad aksaro Raafi'" meaning thereby that Raafi' exceeded the limits, i.e. the prohibition was applicable only to a few specific situations but he exaggerated it & spread it around everywhere to that extent that people at large consider it unjust. Later, someone said to him, "Why have you given it up yourself, if you do not consider Raafi''s words so important?" He said, "I gave it up because Raafi' had narrated a Hadith & on hearing it I thought may be there arose a situation later which may not have come to my knowledge, so why do an act in doubt, hence, on the basis 'Alaa Sabeel al-taqwaa, I thought it proper to give it up".

Hazrat 'Abdullah bin 'Umar (R) later was heard saying that Raafi' blocked the land profit on us. These words foretell that he did not consider this issue as haraam, but since it had been narrated through a Hadith which Raafi' had heard himself, so he started acting upon it on the basis of God's Fear (Taqwaa). That is why it was attributed to Raafi' bin Khadeej.... "Qad man'a Raafi' nafa' arzinaa!"

By this, it is revealed that the narrations "Bi sharti maa Yukhrijo minhaa", i.e. wherever prohibition has been ordered, then it is to be considered as "Nahi Tanzihi" but really not "Nahi Tahrimi".

Giving the land on contract:

Dr. Israr considers giving away the land on contract to be haraam in his words as follows;

"The owner for a particular period of time recovers the land price but is not concerned to even find out whether the tenant has also earned anything

out of the deal or not, hence it is exactly a kind of Ribaa (interest) &, therefore, haraam. (20)”

Justice Muhammad Taqi Uthmani on the issue of giving away the land on rent writes, “A person gives away the land on rent to another & recovers from him on six monthly basis or annually an amount in cash as rent disregarding whether the tenant cultivates any thing in it or not; what was sown in it & what has been the land produce becomes irrelevant as its burden does not lie on the shoulders of the owner but the tenant. Recovering the land-rent in return after giving his land on hire to a tenant is termed as “Ujarat al-Arz” or “Kira al-Arz” & is also called Muqataa. (21)

View of different religious scholars:

All the four Imam & other scholars of Muslim Ummah consider the above arrangements to be Fair & have no contradictory views about it. Sahib al-Raa'eq writes;

“Qoulohu wal arzi lilzaraa'ah anna baina ma yazr'a fihaa ao qaala 'ala 'an yazr'a fiha ma shaa' ai siha dhalika li ijm'a-al-'amli 'alaihi.” (22)

Absolute verdict of 'Allama Ibn-e-Hazam:

'Allama Ibn-e-Hazam does not consider giving away of the land to cultivate against Rent-Money as fair & attribute this injunction towards Ta'us bin Kaesaa & Hasan Basari as they both believed that arrangements like Kira al-Arz or Ujarat al-Arz are not fair. However, all the other scholars including the four Imam believe in its legitimacy. (23)

We may, therefore, assume that Dr. Israr Ahmad & Ibn-e-Hazam think alike, however, Dr. Israr has not come up with intellectual arguments on the issue.

Conclusion

Religious scholars are not on the same page regarding economic issues. There is dire need to understand the problems of people as well as the changing circumstances of society. Laymen must be given awareness about Islamic substitutes in economy. This is moral duty of educated people to step forward and promote Islamic economic system. The future of Islamic economy is bright but we must contribute for that.

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