

THE HOLY QUR'ĀN'S VOICE OF REVOLUTION AGAINST LANDLORDS

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Abstract

One of the major causes of economic exploitation in any society is the unnatural and invalid land tenure system. In other words one of the main reasons for economic exploitation and class system is the unlimited land ownership. Under this class system there are two types of classes in the society. The first group comprises persons who have established a monopoly on land ownership and production based on their economic power and influence. We call them "Feudal Lords" or "Landlords". They have nothing to do with hard work but their share of land production for them is allocated in all cases. The second group consists of those persons who work hard day and night to irrigate lush gardens and fields with their blood and sweat. Despite turning the earth's soil into gold, the benefit of their success is merely two loaves of bread to fill the stomach and modest clothing to cover their body. Due to the tyranny and economic domination of these landlords, the poor farmers are economically exploited. In Pakistan, economic exploitation of poor and helpless farmers by landlords on the basis of economic and political power continues from generation to generation. This article identifies various forms of economic exploitation by landlords. At the same time, in the light of teachings of *The Holy Qur'ān* and Sunnah, the correct form of the landlord system has been presented. In addition, an alternative way has also been offered by 'Umar (*Raḍi Allah 'anhu*) against the false system of feudalism which exists in Islamic history in the form of an *Ijtihād* about *Kharāj*. The author believes that the promise of Islam regarding economic and social prosperity of the Muslim Ummah may be fulfilled only if this alternative path is adopted.

Keywords: Landlords, *Muzāra'at*, *Kharāj*, *'Ushr*, Ownership, Feudalism, Economic Exploitation

1. Introduction

Land is fundamental to the economic life of every society. Its unjustified distribution among people creates a movement of inequality in the society. Among all the religious and secular systems of the world, Islam is the only religion that provides social and economic justice to the society. Islam is a source of all the justice, which has enabled societies in the world to have introduced economic equality. However, this was not the Islam that has passed on the new generation through the Umayyads and Abbasids and other Kings and dynasties but it was the Islam that was in the form of the practical demonstration of the Holy Prophet (*Ṣalāllahu-‘alaihi wa sallam*) and the righteous caliphs (*Raḍi Allāh ‘anhum*).

Islam does neither cherish the interest of any particular personal family, nor does it allow establishing a system that holds the superiority of a tribe or person. The Holy Qur’ān’s vision regarding humans is that their complete submission and servitude should be only for Allah.¹ For Islam, the public welfare and the public interest are of primary importance. In view of this principle Islam denies capitalism, feudalism, and unlimited power of landlords.

Under the current landlord system in Pakistan, the control of agricultural production and national income by a few persons from a single class group is the cause of economic exploitation and is therefore undesirable in Islam. On the contrary, from an Islamic point of view, the fact is that landowners and farmers are equal in the process of agriculture. As if, one is the owner of the land, then the other is involved in the production process.

Therefore, in Islam, neither the landlord has the status of master or sovereign nor can the farmer be mistreated. It is a fact that a mutual love is established between the landlord and the farmer. If there is any fault, it is in the opinion and the practice of the present day landlords and Vassals and as a result landlords impose often illegitimate conditions on farmers. These conditions are very difficult for poor farmers to follow and so the way to oppression and injustice opens. So, this article seeks to expose all forms of oppression as an attempt to eradicate social evils. The required features of “Landlord system” in the light of Islam are tried to be presented in this study.

2. Research Questions

This paper deals with four main folds of landlords and extrapolate according to *The Holy Qur’ān* and Sunnah:

- What is importance of self-cultivation in the light of *The Holy Qur'ān* and Sunnah?
- What were the real reasons behind giving the land on rent or *Muzāra'at*?
- What is real form of landlordism in the light of *The Holy Qur'ān* and Sunnah?
- What is *The Holy Qur'ān's* voice of revolution against feudalism?

3. Literature Review

It is a fact that the earth belongs to Allah Almighty and man is a vicegerent of Allah Almighty on the earth. It is true that human beings need each other's help in the productive and economic struggle. Therefore, this economic need of man demands an economic struggle with mutual love and brotherhood. The landlord system of Islam also requires participation in the production process through mutual consent and not coercion. After reading different books in this regards, some views of Islamic Scholars are stated below.

Mawardi has confirmed in his famous book entitled *Al-Aḥkām-us Sultāniyyah* that ownership is not established for the person designated by the Imam who nevertheless becomes the most entitled to it by virtue of this grant until the revival has taken place. If he begins its revival, it is only by completion thereof that he gains full possession, if he ceases to revive it, he is still the most entitled to it even though he has not gained full possession. The reasons for his ceasing are then examined, and if he has a valid and justifiable excuse, he will not be disturbed and will be allowed to retain it until the disappearance of the excuse. However, if he has no excuse then Abu Ḥanīfah says that he will be given three years, if he revives it within this period, all well and good, but if not then the grand concession is annulled. As 'Umar (*Raḍi Allah 'anhu*) set the term of concession upto three years.²

According to Islamic Jurisprudence, the Landlord has the right to dispose but he and the farmer need to cooperate in this matter so that avenues of economic exploitation are closed. Before advent of Islam there was imperialism in Rome and Iran and the cultures of these two empires painted a picture of a cruel system. The poor peasants were victims of violence at the hands of these kings and elites. This upper class had burdened these farmers and made them needy. Eventually, these poor peasants accepted the life of slavery.

Regarding the ownership of land, Iqbal says that land does not belong to any nation, family or tribe, rather everything belongs to Allah

Almighty and everyone has full right to earn a living from his/her land. Therefore, as per Iqbal's views, land tax should be waived and instead of it, income tax law should be adapted which should be as per production and nothing should be taken from the low producers. Iqbal thinks that land where there is no water should be exempted from levy. Iqbal was in favour of ending the feudal system.³

Maududi reflects on the law of the nature in these words:

“Allah's view is always the same as that of a master. Allah does not see the birthright of the claimants in the management of the land. He sees which of them is most capable of making and who has the least inclination towards corruption. Therefore, the one who looks more qualified is the one who is chosen by Allah for the management of Land.”⁴

Explaining the issue of land Dr. Israr Ahmed argues in his book *Khutbāt e Khilāfat* that one of the flaws that can be removed to make any Islamic economic system is the system of feudalism and non-existent ownership of land. He says that even though it is fine that you have land and work hard and get maximum yield the real problem arises when the land belongs to someone else and someone else works hard on it. He further said:

“It is possible for land and labour to work together on the basis of partnership but this whole matter should be done on a voluntary basis with the free will of both parties. It should not involve any kind of coercion. In the case of the land the principle of *muḍārabah* cannot be followed because the investor in *muḍārabah* is justified in giving a share in the profit on the basis that in case of loss, the entire loss has to be borne by the investor but the Capital here is land. So, lack of produce does not affect the capacity of the Land.”⁵

Noor Muhammad Ghaffari says:

“In the eyes of Islam, the individual ownership of land or agricultural produce is not actually a cause of disorder in the economic system. On the contrary, lack of moderation and balance paves the way for corruption. The abolition of individual property is a blow to the legitimate individual rights and duties of the human being and to do so is a rebellion against

nature so the right way is to follow the laws of nature in accordance with individual right and duties".⁶

4. Methodology

The present work is of the qualitative type. As the title of this research study is 'The voice of *The Holy Qur'ān*'s revolution against landlords', Therefore, the verses of *The Holy Qur'ān* have been used which are in accordance with the original subject of the research paper and then these verses have been explained in the light of various hadiths. *The Holy Qur'ān* clearly conveys the message that the earth belongs to Allah Almighty alone and that man, as the vicegerent of Allah Almighty, gets benefit from it for himself and for others. Thus, in the case of landlords, occupying a piece of land and establishing an economic monopoly over others is tantamount to oppression. In this research process, the sayings of the companions and various books written by Jurists in the light of *The Holy Qur'ān* and Sunnah have been studied.

Therefore, keeping in view, the research work of various jurists and Islamic scholars, an attempt has been made to find a concrete conclusion. Various articles, websites and TV channels have also been used to obtain secondary data related to the topic. In this regard it is not unreasonable to say that in some cases speaking to the general public in the simplest way without using any official or technical language has been very helpful in this research.

5. Landlord

The basic meaning of landlord is that any person who owns a land, has to do profitable work or give the land to someone else for cultivation for a certain time on fixed pay.

5.1. Literal meaning of landlord

"The owner of property (such as land, houses, or apartments) leased or rented to another."⁷

Feudalism means a landlord holds a land while the vassal and serfs farm it to get a piece of land in return. But in the present era definition of feudalism has been changed a bit. Actually, feudal landlords build a state within the state where they are kings of their own slaves. The Feudal system in Pakistan, has been inherited from British social system where a labourer or worker known as a vassal had to serve the king's land to get

the piece of land in return. Basically, British rulers introduced three land revenue systems, the Landlord system, the Ryotwari system and the Mahalwari system. We commonly called it "Landlord System" or "Feudal System".

The British feudal system ended centuries ago but in Pakistan poor people are still facing troubles from the feudal system. Most of the Pakistani politicians are themselves feudal landlords. In feudal families, supremacy is transferred from generation to generation and the current feudal landlord is called "*sajjādah nashīn*" or "*gaddi nashīn*" or "*wārith*" etc.⁸

5.2. The Prevailing Land Tenure System

This refers to the system under which landlords are divided into two classes. The first class is the class that owns property. The second class cultivates the land with hard work, giving blood and sweat to get production.

The aspect of exploitation in this system is that primitive economic struggle only to help by owning land rights obtained from hard work by someone else. The second exploitative point is that the landlord does not pay the farmer according to his labour and gets the production without any labour. A Farmer who devotes himself into a hard work does not get a chance to demand for his extra dedication; he never thinks more than the food for allaying his hunger two times and two pairs of clothing to cover his body.

The agreement between the farmer and the landlord is actually a wrong agreement which benefits the landlord and economically exploits the farmer.

6. Land Ownership in the light of Islam

It is true that the land belongs to Allah Almighty but it is not true to say that there is no concept of personal property in Islam. The fact is that there is no contradiction between divine property and human property because through a divine property a person owns a property by considering the original owner.

In *The Holy Qur'an* Moses [Arabic: Musa (*'Alaih As-Salām*)] said to his people regarding the ownership of the land:

"Musa said to his people, Seek help from Allah and be patient. Surely, the land belongs to Allah. He lets whomsoever

He will inherit it from among His servants; and the end-result is in favor of the God-fearing".⁹

Similarly, there is another verse in *The Holy Qur'ān* about oppressing others and for economic exploitation:

"Do not eat up each other's property by false means, nor approach with it the authorities to eat up a portion of the property of the people sinfully, while you know (that you are unjust in doing so)".¹⁰

The main element in agriculture production is the land, whether it is agriculture, factories and/or machines, the basis of all this is lands because that is a part of their existence. That is why, the principle concerning the earth clearly stated in *The Holy Qur'ān* means that land is a free and universal gift from Allah Almighty and it must be utilized only according to the will of Him and it was also given to us for the sake of common use as well as for the general welfare of the society.

The following verses from *The Holy Qur'ān* clearly reflect the above contention:

- *To Allah Almighty belongs what is in the heavens and what is in the earth.¹¹*
- *To Him belongs whatever is in the Heavens and on Earth.¹²*

In the light of above Quranic verses it is clear that the land belongs to Allah Almighty and no one can claim uncontrolled property of it.

6.1. Concept of Private Ownership in the light of *The Holy Qur'ān*

Considering the teachings of *The Holy Qur'ān*, we come to learn that there is a room in Islam for land ownership but there is no room in Islam for withholding excess land or unlimited lands. When it comes to personal property it is the earth that meets the two basic needs of man.

The first is to cultivate it in order to meet the economic requirements for human life. The second need is that the earth became a place of human habitation as if it were necessary to have a place to lay one's head or for the main purpose of shelter.

In the light of the teachings of *The Holy Qur'ān* the right of personal ownership of land has been recognized for both purposes. Therefore, it is a divine instruction that:

*“Eat of its fruit when it bears fruits, and pay its due on the day of harvest, and do not be extravagant. Surely, Allah does not like the extravagant”.*¹³

In this verse of *The Holy Qur'an* the right to pay refers to 'ushr and in order to pay it, it is necessary to have individual property. However, in case of collective property there can be no concept of taking and giving 'ushr. So in the light of above Quranic verse, fact remains that there are some people who cultivate the land with private ownership or take part in farming with the help of others and on the day of harvest give a portion of the crops in the form of 'ushr as a token of gratitude to Allah Almighty.

At the same time this fact also clarifies that there are some needy people in the society who are in need due to lack of land ownership. So to provide for the needy it has been made obligatory for these landlords to pay 'ushr. Therefore, Allah Almighty has given these rules in Surah Al Baqarah for those who spend:

*“O you who believe, spend of the good things you have earned, and of what We have brought forth for you from the earth”.*¹⁴

Here the command to spend from the produce of land is for the one who owns the produce and it is also clear that money should be spent for the welfare of those who don't own land. The real beneficiaries of charity are identified in the light of the following verse:

*“The Sadaqat (prescribed alms) are (meant) only to be given to the poor, the needy, to those employed to collect them, to those whose hearts are to be won, in the cause of the slaves and those encumbered with debt, in the way of Allah and to a wayfarer. This is an obligation prescribed by Allah. Allah is All-Knowing, Wise.”*¹⁵

6.2. The Right of Man to Reside in Respect of Personal Property

In order to live with dignity it is necessary for man to have a place of refuge where he can live permanently. Therefore the following verse of *The Holy Qur'an* is presented in favour of this statement:

“O you, who believe, do not enter any houses, other than your own houses unless you seek permission and greet their

*inmates with Salām. That is good for you, so that you may be heedful”.*¹⁶

Therefore, in the light of the above verse we can say that Islam recognizes the right to private ownership. In short, there is no difference between land ownership and private ownership.

In Islam everything including the human being is owned by Allah. Land and its plentiful provisions belong to Him but have been given to man as a trust, to be used wisely for his own benefit and that of the larger community.¹⁷

While in the private ownership the absolute form of landlordism is not allowed, since the public would always share a portion of the return on private ownership. The state demands a portion of these returns through taxes such as *Zakāt*, *Ushr*, *Khums* and *Kharāj* etc.¹⁸

6.3. Three Ways of Cultivation according to *Sharī‘ah*

- The *Sharī‘ah* permits cultivation in three ways. The first one says that this is my land and I have to cultivate it to get reward in the form of production which may be sold out as per my decision to earn from it.
- The second way is to provide the land without any wage to a needy person so that he could manage his own earnings.
- The third way is the land has to be rented on behalf of gold, silver or any currency.

The Holy Prophet (*Ṣal Allah-u-‘alaihe wa sallam*) guides in this regard:

*‘Cultivating land is not allowed except in three cases: Land which one owns, land which is given to one, or land which one rents in return for gold and silver’.*¹⁹

6.4. The Right of Government to dispose of Excess Land

The History of Islam bears; witness that ‘Umar (*Raḍi Allah ‘anhu*) had taken back the uncultivated land from Bilal bin Haris (*Raḍi Allah ‘anhu*) which was given to him by the Holy Prophet (*Ṣal Allah-u-‘alaihe wa sallam*) although he did not agree. Therefore, in this regard let us see the instruction of ‘Umar (*Raḍi Allah ‘anhu*), “be sure that the Prophet (*Ṣal Allah-u-‘alaihe wa sallam*) did not give you this area so that you could stop it from the people rather the Prophet (*Ṣal Allah-u-‘alaihe wa sallam*) gave it to you to inhabit.”²⁰

‘Umar (*Raḍi Allah ‘anhu*) also said that ‘If I did not think of the people who would become Muslim in future, I would have divided the

town which I conquered among the conquerors as the Holy Prophet (*Sal Allah-u- 'alaihe wa sallam*) divided Khyber.²¹

6.5. Right of Individual Property for Welfare of the Human Being

Allah Almighty has created everything in the universe for the benefit of mankind. Therefore, in order to take real advantages of these bounties we should try to convert the potential utility into the actual utility of anything, So this is possible only when the greatness of labour is highlighted while recognizing the right to property that is why the *Shari'ah* recognizes the right of dead and uninhabited land's ownership by settlers.

Maududi says, it is not right to stay in vain the things that Allah Almighty has created for the benefit of man, either you take advantage of it or leave it so that others can benefit from it. Based on this principle, Islamic law decides that a person cannot keep his land in a state of desolation for more than three years. If they do not use it for any other purpose, it will be considered obsolete. If someone else uses it, it will not be claimed and the government in power has the right to support a person who makes a land useable and works hard efficiently, he owns this thing. Such as the vacant land on which no one have rights have been proved. If a person takes possession of it and starts using it for some useful work, he cannot be evicted. This is how all property rights in Islamic government began.

In the beginning, when the human population began, it was common for all human beings, the one who took possession of this land and made it useful in some way became the owner of it. He has right to use it for himself and for others to use it and provides the rent. This is the natural basis of all human economic affairs and this foundation must remain in place.²²

7. Feudal System in the Islamic Economic System

Islam accepts the relation between landlords and cultivators as partners in the production process so in terms of land ownership there is a room for "*Muzāra'at*" in Islam. But Islam does not allow the form of land tenure in which the lives and property of the farmers are misappropriated. Therefore, it is very important to abolish the current landlord system based on the above discussion. Despite acknowledging the legitimacy of individual ownership of land the prevailing tyranny of the landlord system in the Islamic economic system has been utterly

rejected. Careful study of Islamic history proves that during the lifetime of the Holy Prophet (*Ṣal Allah-u-‘alaihe wa sallam*) he divided some parts of land called *Iqtā’* between the *Anṣār* (helpers) and the *Muhajirīn* (migrators in the cause of Allah Almighty) as their own property but the reason was that by cultivating through these lands they could lead a simple life or the reason was to make for the barren lands which are cultivable through hard work, while in the present situation it has been observed that the landlords have unlimited lands as their own property.

A study of the history of Islam revealed that the companions (*Raḍī Allah ‘anhum*) had uncultivated lands which they rented out to other companions and some of them used to cultivate these lands themselves. In addition, land was being bought and sold between them so this fact is also clear that all the conquered lands stay in the possession of the original inhabitants by the state government and land tax was collected for the treasury and this money was spent on the welfare of the society. The history of Islam bears witness to the fact that the land that was donated to the needy was barren and uninhabited land and it was difficult to settle them with limited government resources.

7.1. Lands donated as personal property in Islamic History

- Land unsuitable for cultivation with no sign of construction and benefit for people living in a settlement.
- Land for pastures and cemeteries were not donated.
- Land that does not harm public interest nor is disputed.
- The land given as Feudal was usually barren and far from the population with missing owners.

Therefore, lands of abovementioned nature were given to persons deprived of purchasing power but having desire and ability to cultivate the land.

Islamic law does not support the supremacy of man over man. The earth and man cannot belong to anyone. The Sunnah has also denied the right of ownership over the earth and man. Islam does not allow anyone else to indulge in Luxury and domination over one’s hard work. It is a divine instruction:

“Allah has given some of you preference over others in provision. So, those given preference are not willing to pass on their provision to their slaves, so that they become equal in it: Do they, then, reject the blessing of Allah?”²³

So, land ownership cannot be captured by any way other than self-cultivation. Islam is the religion of nature and the expression of the feelings of human beings. So, Islam does not accept the supremacy of man over man.

8. Improved and Correct Concept of Ownership

As stated in detail in the previous pages, despite acknowledging the legitimacy of individual ownership of land the prevailing tyranny of the landlord system in the Islamic economic system has been utterly rejected. On the contrary Islam has eradicated the worst tradition of economic exploitation by clarifying the principles of *Muzāra'at*, *Ushr* and *Kharāj*.

8.1. Islamic Status of Private Ownership of Land

The main element in any production is the land, whether it is agriculture, factories or machines, the basis of all these are lands, because that is a part of their existence. That is why, this principle concerning the earth is clearly stated in *The Holy Qur'an* that the land belongs to Allah Almighty and all the sources of sustenance have been created by Allah Almighty for the benefit of mankind.

So, Allah Almighty says

“Say, Whose is the earth and all those therein if you have knowledge? They will say, Allah's.. Say, .Would you still pay no heed?”²⁴

In fact the earth which is also the source of food for human beings is equally useful for the benefit of all mankind

Allah Almighty says:

“As for the earth, He has placed it for creatures”²⁵

8.2 Proof of Allah's Ownership of the Land by *The Holy Qur'an*

As it is mentioned earlier that the main reason for the economic exploitation of the poor is land monopoly as the blessing and wealth which Allah Almighty has bestowed upon mankind become the cause of luxury of the rich, and the poor are economically exploited. Sometimes the abundance of wealth makes a person arrogant and man also forgets

that he has to spend his wealth for the poor. Therefore, under the divine law such people are punished for their own deeds.

Qārūn was one of the people of Prophet Mūsā (*'Alaih As-Salām*) and Allah Almighty blessed him with a lot of wealth. Instead of believing in Allah Almighty and giving thanks to Him, he became arrogant and claimed that he had acquired all this wealth by his own knowledge and also that he is more deserving of this wealth.

So Allah Almighty says in *The Holy Qur'ān*:

*“Indeed Qārūn was from the people of Mūsā, then he rebelled against them. And We had given to him such treasures as their keys would weigh too heavy for a strong group of people. (Remember) when his people said to him, .Do not exult. Surely, Allah does not like the exultant.”*²⁶

Instead of helping the poor he indulged in arrogant way of living. Prophet Mūsā (*'Alaih As-Salām*) advised him that not to be arrogant, pay thanks to Allah Almighty and spend your wealth in the way of Allah Almighty but he did not pay attention, due to which he was buried in the ground with his own wealth. This is what happened when Qārūn came with great splendour to those who aspire to worldly life.

Allah Almighty says:

*“Then (once) he came out before his people in his embellishment. Said those who are desirous of the worldly life, .Would that we had the like of what Qārūn has been given! He is a man of great fortune indeed”.*²⁷

Allah Almighty says:

*“Then We made him and his home sink into the earth. So there was no group for him who could help him against Allah, nor was he one of those who could defend themselves.”*²⁸

These above Quranic words reveal to us the wonderful mysteries of Allah's beautiful parables which are really about private property. This Quranic historical event has made it clear in a heartfelt manner that this is a divine principle; the real owner of wealth is Allah Almighty and being Allah's vicegerent we have to spend our wealth according to His pleasure and will of Allah Almighty.

9. The Justice of *Muzara'at* in the Islamic Economic System

Just as one person invests in trade and the other one invests his hard work and both are equal in the scales of justice and no one has any superiority in any level an issue of equal status between the farmer and landlord comes up. Dr. Noor Muhammad Says:

“The law of Islam is that just as land can be rented for living and any need and as in other cases it is necessary to determine the place and its wages in the contract from the very beginning, and if the landlord gives the land to farmer for his own benefit (i.e.) for the sake of increasing the cultivation or for the convenience and comfort of the farmer and gives him the land to live on, so it will be considered as his kindness and benevolence and in this case the farmer does not have to pay anything instead of being considered a slave to the landlord”.²⁹

As a result of *Muzāra'at* agreement, a strong bond of mutual love is established between the farmer and the land owner. In some cases the farmer can cancel the contract at any time if he does not feel that it is beneficial and the landlord has no right to stop him from doing so. The literal and terminological definitions of *Muzāra'at* are given below:

9.1. The Literal Meaning of *Muzāra'at*

The literal meaning of *Muzāra'at* is that the owner of agricultural land gives his land to another person for cultivation on the condition that he has a fixed share in the production of that land.

In other words, when one person gives his land to another depending on the prerequisite that the other individual will develop that land then the cultivator will get a portion of what Allah Almighty has said he will make from it, and this arrangement is called *Muzāra'at*.

After defining *Muzāra'at* it is necessary to mention the types of principles of *Muzāra'at* which are frequently mentioned in Islamic books.

Mufti Muhammad Taqi Usmani describes three types of *Muzāra'at* agreement in the light of Islamic law which are given below.

9.2. Three types of *Muzāra'at* Agreement

The first case is that a landowner decides a part of the product and says that I give the land to you and you cultivate it and of the 20 ton production will be mine and the rest will be yours. Now it is known that whether the production will be 20 ton or not so therefore the total

production would be taken by the landlord, and the farmers will get nothing. In this sense this situation is unanimously forbidden.

The second case was that the landowners used to set aside a portion and says of the land that the produce on that part would be mine and produce on the rest will be yours. Usually the landlord sets aside for himself a place near the water way. This is also *ḥarām* (forbidden) by consensus, because the portion which he has set for him there may be higher production while there is no production elsewhere.

The third case is that to set a portion of the product as a percentage. For example 'half of the production will be mine and half will be for you, or a quarter of the produce will be mine and rest will be yours. There is difference of opinions among the jurists as to the validity of this situation of *Muzāra'at* agreement.³⁰

9.3. The root causes of the defects in the present landlord System

In the present landlord system if we look at the conflict it becomes clear that the real cause of the feudal system is not the *Muzāra'at* but the unjust condition that the landlords, due to their economic power and influence impose. For example in enslaving farmers and to take most of money from them in addition to the production tax and burdening them with unpaid dues etc.

In short, all the above mentioned conditions have been imposed on the basis of oppression which is incompatible with the justice and equitable system of Islam.

The *Muzāra'at* agreement establishes a strong bond of love between the landlord and farmer, therefore, to consider the farmer inferior at any level is absolutely sinful according to the Islamic injunctions.

9.4. The Islamic Law about Tax on Land

The right concept of landlords and ownership in Islam has been presented in the light of *The Holy Qur'ān*, Sunnah and system of '*Ushr* has been introduced to eradicate the worst form of the prevailing land tenure system. If the historical *ijtihād* about *kharāj* is implemented properly then the economic exploitation of poor farmers may be eradicated.

9.4.1. Calculation of 'Ushr as Zakāt on Land Production in the Islamic State

According to Islam if agricultural products produced from ground water, rain or river water in which less human labour is used, ten percent of *zakāt* is necessary to pay on such production of that land and if the land has been irrigated by tube well or other means, it is necessary to pay one twentieth part of the production (5 %) as '*Ushr* on that land. *Zakāt* given as a result of land production is called '*Ushr* in Islam which is charged on each produce according to the prescribed *Niṣāb*.

Islam is a just system in which *Zakāt* is collected for the welfare of Muslims so that the economic exploitation of the poor ends. Islam also guarantees the protection of the lives, property and honour of non-Muslims. *kharāj* is taken only from those who accept to surrender themselves to the Islamic State.

9.4.2. Islamic status of *Kharāj*

The *Kharāj* is a tax imposed on land, (the obligation of which must be fulfilled the Quranic text regarding it is manifestly different from the text about the *jizyah* and for this reason its implementation is dependent upon the *ijtihād* of the Imam.

Allah Almighty says:

*“Or is it that you (O Prophet) demand remuneration from them? But the remuneration from your Lord is best”*³¹

There are two aspects concerning His words, “would you demand a tribute (*kharāj*)?” the first one refer to a wage and the second one to a benefit, therefore, the word (*kharāj*) has two meanings: either that provision from your lord in this world is better or the wage of your lord in the next world is better. *Kharāj* land differs from '*ushr* land regarding the property rights and rulings governing them.

All lands may be classified in four ways:

First, those lands which the Muslims have revived are '*ushr* lands and it is not permitted to impose the *kharāj* tax on them. Revived lands will be mentioned later.

Second, lands whose owners have become Muslims, in which case they are more entitled to them. According to Shāfi'ī, these are '*ushr* lands and it is not permitted to impose the *kharāj* on them. Abū Ḥanīfah however, says that the Imam has the option of either treating them as *kharāi* or '*ushr* lands; if he treats them as *kharāj* lands then he is not

allowed to change them into *'ushr* lands although if he treats them into *'ushr* lands it is permitted to change them into *kharāj* land.

Third, lands which have been seized from the *mushrikīn* (disbelievers) by force; According to teachings of Shāfi'ī, they are treated as booty and divided amongst the booty-takers: they are treated as *'ushr* lands and are not permitted to impose the *kharāj* on them considers that they are *waqf* for the Muslims based on the *kharāj* imposed upon them.

Fourth, land upon which an agreement has been concluded with the *Mushkrikīn* and which is characterized by the imposition of the *kharāj*; it is of two types:

A. Those lands abandoned by their people and which the Muslims have acquired without fighting, in which case they become *waqf* for the benefit of the Muslims and the *kharāj* is imposed on them; This *kharāj* becomes a revenue in perpetuity - not for a restricted period - because of the general interest attached to it. Its status does not change if the inhabitant is a Muslim or a *dhimmi*; and one may not sell such land or the liabilities thereof, given that it is governed by a *waqf* ruling.

B. Those lands on which the former owners are retained due to an agreement of the *kharāj* on them.”³²

10. *Ijtihād* of ‘Umar (*Raḍi Allah ‘anhu*) against Landlords

‘Umar (*Raḍi Allah ‘anhu*) introduced a new and comprehensive method of *Kharāj* and Financial reforms. The Arabs were not aware of it before the Khilafat of ‘Umar (*Raḍi Allah ‘anhu*).

Taxes began in the time of Prophet (*Ṣal Allah-u-‘alaihe wa sallam*). When Khyber was conquered, then the Prophet (*Ṣal Allah-u-‘alaihe wa sallam*) left the land in possession of its residents and received *kharāj*. After the conquests of Iraq and Syria in the time of ‘Umar (*Raḍi Allah ‘anhu*), the fertile land came under the control of the Muslims then ‘Umar (*Raḍi Allah ‘anhu*) turned his attention to the system of *kharāj*.

The Conquerors insisted that they conquered the area by the sword then it should be divided among them as a Feudal and the people should be enslaved. However, on the advice of the *Shūrā* ‘Umar (*Raḍi Allah ‘anhu*) decided that the conquered areas do not belong to the soldiers rather they are owned by the government. That is why, it is necessary for the welfare of future generations, it may become the property of the government and the *kharāj* should be collected from the people in form of rent.

‘Umar (*Raḍi Allah ‘anhu*) fixed the tax levy according to the nature of the land and the cultivation of the crops. For the victorious army

officers who wanted to seize the lands of Iraq and Syria as booty ‘Umar (Raḍi Allah ‘anhu) recited this verse for their correction:

*“(And fai‘ is especially) for the poor emigrants who were expelled from their homes and properties, while they were seeking Allah’s grace and pleasure, and were helping (the religion of) Allah and His Messenger. They are the truthful.”*³³

There is also this blessed verse of *The Holy Qur’ān* which was revealed for the benefit of the nation that came later in the Islamic State.

*“And (fai‘ is also) for those who came after them saying, Our Lord, forgive us and those of our brothers who preceded us in faith, and do not place in our hearts any rancor against those who believe; Surely, Our Lord, you are Very-Kind, Very Merciful”*³⁴

He pleaded with them asking how he could possibly divide the land amongst them without a thought to those that come after them who may be left with nothing. So in the end the dispute was peacefully settled by letting the land remain in the hands of the original owners but on condition that they pay *jizyah* (individual tax) and *kharāj* on their land.³⁵ As soon as Muslim soldiers heard the verse, they immediately agreed with ‘Umar (Raḍi Allah ‘anhu) ever since that incident, *Al-kharāj* became a major source of income for the country during the rule of Caliph ‘Umar (Raḍi Allah ‘anhu) (13-23AH/634-644AD)”.

Islam does not allow creation of a permanent class of capitalists, feudal lords, and exploiters in its name to enslave other Muslims. Similarly, it does not allow the current oppressive system of feudalism nor does allow the farmer to occupy illegally the landlord’s lands.

11. *The Holy Qur’ān’s* voice of revolution against landlords

The pursuit of worldly pleasures has kept human beings so busy that when a person raises his voice against landlords, no attention is paid to it. Allah Almighty says in *The Holy Qur’ān*.

*“But We have given benefits to these and their fathers until life was prolonged for them. So do they not see that We are coming to the land narrowing it down from all its sides? Then, are they the ones to prevail?”*³⁶

On this matter Maududi said in *Tafhīm ul Qur'ān*:

In other words, it means: These people have been deluded by our favour and our provisions. They think they are enjoying prosperity and good life as their personal right and there is none to take it away from them. They have forgotten that there is God above them Who is able to make or mar their fortune.³⁷

Allah Almighty says in Surah Al-R'ad

“Have they not seen that We are coming to the land narrowing it down from all its sides? Allah judges; there is none to repel His judgement. And He is swift at reckoning.”³⁸

In Surah Al-Anbiya and Surah Al-R'ad the word *Al-Arḍ* is used to refer to all the means of subsistence which are in the hands of a few landlords on the basis of monopoly. There is a clear divine threat for them unless these lands can be used for the benefit of the people.

12. Conclusion

In fact, the real owner of land and its production is Allah Almighty. Man is a vicegerent of Allah Almighty on the earth. Therefore, this is the principle of Islam regarding ownership that every person has the right to earn according to the will of Allah Almighty by given abilities and to take advantage by his own earning. Landlords and farming in Islam is one of the mutual corporations and mutual aid therefore, taking into account the need of the farmer, *Muzāra'at* was allowed in Islam. The Sunnah of the Holy Prophet (*Ṣal Allah-u-'alaihe wa sallam*) and the practical demonstration of his companions (*Raḍi Allah 'anhum*) are the best examples in the Islamic history.

There is a room for *Muzāra'at* in Islam for the betterment of the farmers. There is tyrannical system in the name of landlords today. The landlord is interested only in his economic benefits and there is no one to provide for the basic needs of the farmer.

Islam has a system of *'ushr* for the sustenance of the needy which is actually a kind of *zakāt*, *'Ushr* is collected from the landlord at a fixed rate on land production by the government. If the Islamic method of *zakāt* and *'Ushr* is properly adopted then the oppressive methods of the landlord system can be eradicated.

'Umar (*Raḍi Allah 'anhu*) established the system of *kharāj* on the land of Iraq by the consensus of the Ulema and put an end to the oppressive style of the landlord system. He refused to divide the land

between the conquerors of Iraq despite insistence of them and questioned the *Mujahidīn* that if they distributed it among themselves how the needs of the people would be met who will come later? Islam encourages land settlement instead of landlord's order to increase productivity as well as increase livelihoods for people and eliminating unemployment. In short, the economic system of Islam is the foundation of a system of justice in which there is an arrangement for the financial support of the rich and the poor. So, there is no place for unlimited landlord system in Islam.

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