

Islam Distinguishes Between Economic Science and Economic System: Dates as an Example

Due to the pervasive influence of capitalism, which focuses on increasing production, there is confusion amongst Muslims regarding the difference between economic science and economic system. The economic system is made up of Shariah rulings regarding the economy, whereas economic science is about studying the creation of Allah (swt) and observing its organization and characteristics in order to increase the production of commodities. So, it is upon the students of economics, professors of economics, economists and planners of economy to examine the vast treasure of Shariah Law regarding the economy.

Taking the example of dates, regarding economic science:

It was narrated from 'Aisha that the Prophet (saw) heard some sounds and said, «مَا هَذَا» «What is this noise?» They said, «النَّخْلُ يُؤَبَّرُونَهُ» «Date palms that are being cross-pollinated.» He said, «لَوْ لَمْ يَفْعَلُوا لَصَلَحَ» «If they did not do that it would be better.» So they did not pollinate them that year, and the dates did not mature properly. They mentioned that to the Prophet (saw) and he said, «إِنْ كَانَ شَيْئًا مِنْ أُمُورِ دِينِكُمْ فَلِيَّ» «If it is one of the matters of your Dunya, it is your matter for decision, but if it is a matter of your Deen, then refer to me» [Sunan Ibn Majah].

Cross-pollination (تأبير) is a matter of Dunya by the meaning of knowledge of the worldly matters, including science, and within that economic science regarding the improvement in the yield of date palms. It includes all matters related to studying the sunan (ways) of Allah (swt) regarding dates, to increase their production, such as cross pollination or micro irrigation.

Within the subject of dates, the aspect of economic system is related to Shariah rulings regarding dates, some of which are mentioned below:

1. Zakat is obliged upon dates due to what Musa b. Talha narrated from 'Umar (ra) who said, «إِنَّمَا سَنَّ رَسُولُ اللَّهِ ﷺ الزَّكَاةَ فِي هَذِهِ الْأَرْبَعَةِ: الْحِنْطَةَ، وَالشَّعِيرَ، وَالتَّمْرَ، وَالزَّيْبَ» «Indeed the Prophet (saw) only decreed the Zakat in these four: wheat, barley, dates and raisins» [Narrated by At-Tabarani].

As the words wheat, barley, dates and raisins which came in the Hadith are non-derived nouns (أَسْمَاءُ جَامِدَةٍ asmaa' jamidah), then these words do not denote other objects whether through their explicit meaning (منطوق Mantuq), their understood meaning (مفهوم Mafhum), or by indispensable indication (التزام Itizam).

This is because they are not descriptive nouns (أَسْمَاءُ صِفَاتٍ asmaa' sifaat) or nouns of meanings (أَسْمَاءُ مَعَانٍ asmaa' ma'ani); instead, they are limited to the specific assets ('Ayaan) that are named or mentioned. Therefore, one could not derive from their wording the meaning of nourishment or dryness or storage as their wording does not evidence these meanings or descriptions.

2. The lowest Nisab (minimum threshold) of dates upon which Zakat is obliged is five Awsuq in volume. So, if dates do not reach five Awsuq in volume, there is no Zakat upon them, due to what was narrated from Abu Said al-Khudri who said, «The Messenger of Allah (saw) said, «لَيْسَ فِيهَا دُونَ خَمْسَةِ أَوْسُقٍ صَدَقَةٌ» «Nothing is taken until it reaches five Awsuq» [Narrated by Bukhari and Muslim], and also due to what was narrated from Muhammad bin

Abd al-Rahman—that the register of the Messenger of Allah (saw) and the register of Umar (ra) concerning Zakat state, «أن لا تؤخذ من شيء حتى يبلغ خمسة أوسق» “Nothing is to be taken until it reaches five Awsaq” [Narrated by Abu Ubayd]. Also, from Jabir who said, «لا تجب الصدقة إلا في خمسة أوسق» **“Sadaqah is not obliged except on five Awsuq”** [Narrated by Muslim].

3. The Wasq in volume is sixty sa’a (صاع) in volume as Abu Said and Jabir narrated from the Prophet (saw) who said, «الْوَسْقُ سِتُونَ صَاعًا» **“The Wasq is sixty sa’a.”** The Sa’a is four amdad (امداد) and each mudd (مَدّ) is 1 1/3 Baghdadi ounces. The Sa’a volume of weight is equivalent to 2.176 kilograms in weight, whilst the wasq of wheat is equivalent to 130.56 kilograms of weight. So, the weight of a volume of five Awsuq, which is the Nisab of Zakat, in wheat is 652 kilograms.

4. If the dates produced by the land reach five Awsuq, the Zakat is taken after they dry, such that the fresh dates (Rutab) become dry dates. The passing of a lunar year (hawl) is not a condition, instead it is the harvesting, cleaning and drying due to the saying of Allah (swt) Who said, «وَأَتُوا حَقَّهُ يَوْمَ حَصَادِهِ» **“And give its right the day of its harvesting”** [TMQ Surah Al-Anam: 141]. Also, the Sunnah evidences that Zakat is taken after fresh dates dry such that they change into dry dates.

5. It is a Shariah obligation upon the state to send evaluators (Khurraas) to estimate the dates that people have from their palm trees (an-Nakhl). This is due to what Attab b. Usayd narrated, «أن النبي ﷺ كان يبعث على الناس من يخرصُ عليهم كرومهم وثمارهم» **“The Prophet (saw) used to send persons to the people to evaluate their grapes and fruits”** [Narrated by Abu Dawud, ibn Majah and At-Tirmidhi].

6. The estimators must leave a third or a fourth of their estimation as a dispensation to date owners as they require this for eating and feeding their guests, neighbors, families, friends, passersby, those who ask them and for the food of birds that feed upon them. Sahl b. Abu Huthma narrated that the Messenger of Allah (saw) used to say, «إذا خرصتم فخذوا ودعوا الثلث، فإن لم تدعوا الثلث فدعوا الربع» **“When you estimate, take and leave behind a third. If not a third, then leave behind a fourth”** [Narrated by Abu Dawud, At-Tirmidhi and An-Nisai].

Makhul said, «كان رسول الله ﷺ إذا بعث الخراص قال: خففوا فإن في المال العريّة، والوطيّة، والأكلة» **“When the Messenger of Allah (saw) sent evaluators he would say, ‘Be lenient, for there are fruits that are lost due to bad weather, fruits that fall down and those that are used by the eaters’”** [Narrated by Abu Ubaid].

7. If the dates produced from the land reach five Awsuq in volume then ‘ushr (one-tenth) is obliged on them if they are watered without personal effort. This includes being watered by rainwater from the sky, rivers or they draw water by extraction of water by their roots, without being watered manually.

Bisr b. Saeed said, «فرض رسول الله ﷺ الزكاة فيما سقت السماء، وفي البعل، وفيما سقت العيون العُشْر، وفيما سقت السواني (النواضح) نصف العُشْر» **“The Messenger of Allah (saw) obliged Zakat of the ushr in what is watered by the sky, that which draws water from roots or watered by springs, and half-‘ushr in what was irrigated by water vessels”** [Narrated by Abu Ubaid].

8. However, half ‘ushr is obliged in what is irrigated of dates with effort, like drawing from wells by watering cans and rivers by water wheels. It is narrated from ‘Ali (ra) who said, «فيما سقت السماء العُشْر، وفيما سقي بالدوالي والنواضح نصف العُشْر» **“The ‘ushr for what was watered by the sky and half ‘ushr in what was irrigated by drawing from wells and rivers”** [Narrated by Abu Ubaid].

Hakam b. Utayba said, «كتب رسول الله ﷺ إلى معاذ بن جبل -وهو باليمن-: إن فيما سقت السماء، أو سقي غيلاً، وفيما سقي بالغرب نصف العُشْر» **“The Messenger of Allah (saw) wrote to Muaz when he**

was in Yemen, 'The 'ushr in what was watered by the sky or river (Ghayla), and half-'ushr in what was irrigated by bucket (Gharb).'"

9. The principle in the Zakat of dates is to be taken from the same dates in which Zakat is obliged. Its average is taken, not the best nor the worst. It is not allowed for the Sadaqah collector to aim to take the best of the dates in Sadaqah due to the Prophet's statement, «إياك «**Avoid the best of their wealth.**” Similarly, it is not allowed for the owner of the dates to intend to give the worst dates for Zakat, due to the saying of Allah (swt) Who said, «وَلَا تَيَمَّمُوا الْخَبِيثَ مِنْهُ تُنْفِقُونَ» **“Do not aim at getting anything bad in order that you may give away something of it”** [TMQ Surah Al-Baqarah: 267]. Also, the Prophet (saw) prohibited taking the Ja'arur and Lawn al-Hubayq in the Zakat, as narrated by An-Nisai. These are two types of bad dates; the first becomes shell around a seed, and the latter becomes bad dates (Hashaf) when it dries.

10. Dates are one of the six commodities which fall under the ruling of Riba, regarding their exchange without increase or decrease. Riba can only take place in six items, this is derived from the Unanimous Consensus of the Companions (ra) and because Muslim reported on the authority of Ubada ibn as-Samit that the Messenger of Allah (saw) said, «الذهب بالذهب والفضة بالفضة والبر بالبر والشعير بالشعير، والتمر بالتمر والملح بالملح، مثلاً بمثل، سواء بسواء، يداً بيد، فإذا اختلقت هذه الأصناف فبيعوا كيف شئتم إذا كان يداً بيد» **“The gold for gold, the silver for silver, the wheat for wheat, the barley for barley, the dates for dates and the salt for salt; like for like, measure for measure and hand to hand and if they differed sell as you wish if it was hand to hand.”**

The Unanimous Consensus of the Companions (ra) and the Hadith have mentioned that specific things are subject to Riba, thus it cannot occur except within these commodities. There is no prohibition outside of these six commodities. Evidence has not been established regarding any other things except these six that are mentioned, therefore Riba only occurs in them. Commodities that are from the same origin and commodities that fit the description as the six mentioned are included and they follow the same ruling, but nothing else.

11. A Muslim or non-Muslim citizen of the Khilafah can grow dates and benefit from them on barren land that he revives. This is according to what Bukhari related from 'Aisha (ra) that the Messenger of Allah (saw) said, «مَنْ أَعْمَرَ أَرْضًا لَيْسَتْ لِأَحَدٍ فَهُوَ أَحَقُّ» **“Whosoever cultivated a land that is not owned by anybody he is more deserving of it.”** Abu Dawud narrated that the Messenger of Allah (saw) said, «مَنْ أَحَاطَ حَائِطًا عَلَى أَرْضٍ فَهِيَ لَهُ» **“Whosoever encircled a land with a fence, it becomes his.”** And Bukhari narrated from Umar (ra) that he (saw) said, «مَنْ أَحْيَا أَرْضًا مَيِّتَةً فَهِيَ لَهُ» **“Whoever revived a dead land, it becomes his.”** Muslims and the Dhimmi are equal in this matter, because the Hadith is general in its wording.

12. Encircling the land upon which dates are to be grown is similar to its revival. This is due to the saying of the Messenger of Allah who said, «مَنْ أَحَاطَ حَائِطًا عَلَى أَرْضٍ فَهِيَ لَهُ» **“Whosoever encircled a land with a fence then it becomes his.”** And his (saw) Hadeeth, «مَنْ أَحَاطَ حَائِطًا عَلَى أَرْضٍ فَهِيَ لَهُ» **“Whosoever fenced anything with a wall, it becomes his.”** Also his (saw) saying, «مَنْ سَبَقَ إِلَى مَا لَمْ يَسْبِقْ إِلَيْهِ مُسْلِمٌ فَهُوَ أَحَقُّ بِهِ» **“Whoever gets his hand over something ahead of any other Muslim, it is his.”**

Thus, by encircling, the encloser gains the right of disposal of the land as the Hadith stated. The encloser also has the right to prevent anyone who wanted to from cultivating that which he has encircled.

13. If the date-farmer neglects the use of the land for three consecutive years, it is confiscated from him and given to another person. ‘Umar ibn Al-Khattab (ra) said, (ليس لمحتجر) “The one who fences (something) has no right in it after three years.”

Yahya ibn Adam reported from Amru ibn Shu’aib, who said, «أقطع رسول الله أناساً من مزينة أو جهينة أرضاً فعملوها، فجاء قوم فأحيوها، فقال عمر: لو كانت قطيعة مني، أو من أبي بكر، لرددتها، ولكن من رسول الله. قال: وقال عمر: من عطل أرضاً ثلاث سنين لم يعمرها، فجاء غيره فعملها فهي له» “The Prophet (saw) granted land to some people from Mazina or Johaina and they neglected it. Other people came and cultivated it. ‘Umar (ra) said, ‘If the land was granted by me or by Abu Bakr, I would have returned it back to those people. However, since it was granted by the Messenger of Allah (saw) I would not.’ And he said, ‘Whoever neglected a land for three years without using it and another person came and used it, it becomes his.’”

What is meant by the words of ‘Umar (ra) is that the land was not used for more than three years. If it was a grant from Abu Bakr (ra), then less than three years had passed, and if it was from ‘Umar, less than three years had passed as well. Since it was a grant from the Messenger of Allah (saw), then more than three years had passed, so it could not be returned back to those who were given the grant.

Abu Ubayd reported in the book of Al-Amwal (Funds in the Islamic State) from Bilal ibn al-Harith al-Muzni, «أن رسول الله أقطعه العقيق أجمع، قال: فلما كان زمان عمر قال لبلال: إن رسول الله لم يقطعك، إنما أقطعك لتعمل، فخذ منها ما قدرت على عمارته، ورد الباقي» “That the Prophet (saw) had granted him all of al-Aqeeq. He said that during the time of ‘Umar, he (‘Umar) said to Bilal, ‘The Messenger of Allah (saw) did not grant you the place only to encircle it against the people, but he granted for you to use it. So, take of it as much as you can cultivate, and return the rest of it.’”

Therefore, it is Ijmaa’ (Unanimous Consensus) of the Sahabah that whoever neglected his land for three years, would have the land taken away from him and given to another person.

Conclusion

Thus, through the simple example of dates, a distinction between economic science and the economic system can be understood. Let the brilliant sons and daughters within the field of economics study the vast treasure of Shariah rulings regarding the economic system. It is a system that was implemented since the time of the Prophet (saw) until the destruction of the Khilafah (Caliphate) on 28 Rajab 1342 AH, corresponding to 3 March 1924. It is a system that secured prosperity for the Muslim World for centuries, and will do again once the Muslims re-establish the Deen as a way of life, with the nasr (victory) of Allah (swt) and by His Permission.

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