Public finance is traditionally defined as the subject that deals with the provision, custody and disbursement of the resources needed for the conduct of public or government functions. Income, expenditure of public authorities and financial administration are three main divisions of the subject.

In Islam, evolution of public finance came along with the development of Islamic society and establishment of Islamic state by the Prophet and his successors. In the beginning when Islam did not take the form of a government, the divine instruction was to spend voluntarily on the poor. In the chapters of the Qur'ān, revealed in Makkah, we find many such injunctions. For example, "So give to the kinsman his due, and to the needy and to the wayfarer. That is the best for those who seek Allah's countenance. And such are they who are successful." In another chapter revealed at Makkah, Allah says,".... And in their wealth the beggar and the outcast has a certain right."

1. SOURCES OF PUBLIC REVENUE

a. Zakāh. After immigration (hijrah) of the Prophet to Madinah, Islam assumed the form of a state, and accordingly the believers were enjoined to pay a definite amount in the form of Zakāh. Payment of zakāh is a religious duty and one of the five pillars of Islam. It is imposed on every adult, free and sane Muslim,
provided he possessed in full ownership such estates or effects - termed as Nişāb in words of Islamic jurisprudence -, and that he has been in possession of the same for the period of one complete year. Zakāh is levied on gold, silver, merchandise, certain cattles, mines, treasure-trove and crops. The heads of expenditure of zakāh have been propounded in the Qurān. It lays down that "The alms are only for the poor, and the needy, and those who collect them, and those whose hearts are to be reconciled, and to free the captives, and the debtors, and for the cause of Allah, and for the wayfarer; a duty imposed by Allah."¹

Zakāh, with its specific heads of expenditure, was the first and the most important source of income of the early Islamic society. The other sources of income were ḡanīmah (spoil of war), Faiʾ (booty), kharāj (land tax), and Jizyah (poll tax). It should be noted here that zakāh is not a state revenue in the ordinary sense of the word, as it is clear from its heads of expenditure. Though the state is responsible to collect it and spend it on its beneficiaries, it cannot be mixed with other public receipts.²

b. ḡanīmah or the Spoil of War. It refers to the movable possessions taken in battle from the enemy. It was also an important source of income. Four fifths of the spoils of war are to be divided among the troops. "The remaining fifth belongs to Allah, and to the messenger, and to the kinsman (who has need) and orphans and the needy and the wayfarer,"³ as prescribed by the Qurān. In the early days of Islam land was also considered as ḡanīmah and it used to be divided among the fighters but the second Caliph Omar excluded it from ḡanīmah and left in the

¹ibid. IX:60.
³The Qurān VIII:41.
hands of its previous owners who were to pay tax to state.

Ghanīmah was a significant source of income in the age of numerous and frequent holy wars. 'Spoil of war' and its heads of expenditure were revealed after the battle of Badr in the second year of Hijrah and since then it has become a permanent source of income of an Islamic State.

c. Fai'. Another source of income resembling Ghanīmah is 'Fai'. As distinguished from ghanīmah, fai refers to booty taken from infidels without fighting. Fai as a revenue of Islamic State and its heads of expenditure were prescribed in the fourth year of Hijrah. The following verses of the Qurān contain the details:

"And that which Allah giveth as spoil unto His messenger from them, ye urged not any horse or riding-camel for the sake thereof, but Allah giveth His messenger lordship over whom He will. Allah is able to do all things. That which Allah giveth as Spoil unto his messenger from the people of the township, it is for Allah and His messenger (i.e. for the state) and for the near of kin and the orphans and the needy and the wayfarer, that it become not a commodity between rich among you."\(^1\)

In brief such property was managed by the Prophet as state property and proceeds therefrom were applied to the general good, like the fifth of ghanīmah. Allocation of share on different heads has been left to the discretion of the head of state and his consultative council.

d. Kharāj. Kharāj simply means land-tax. It may be divided into two categories; proportional kharāj and fixed kharāj. The

\(^1\)ibid. LIX: 6-7.
proportional kharāj refers to the imposition of a proportional share out of the total agricultural produce of a land, e.g. one-fourth, one-fifth etc. The fixed kharāj means a fixed amount charged as a tax on the land. The former varies with the variation in the output, while the latter remains unchanged. Moreover, fixed kharāj is collected once a year, while the proportional kharāj is levied on each crop.¹

According to Islamic law, Kharāj will be imposed on all lands conquered by force and not divided among the victorious army but left to the original owners or given to non-Muslim settlers brought from elsewhere.² The kharāj was first introduced after the battle of "khaibar", when the prophet left Jews' land in their hands on the condition that they would pay half of the product as kharāj. In all ages, kharāj constituted a considerable source of income of the Islamic State, and its revenue belonged to the whole community and not a particular group.

e. Jizyahor Poll Tax. It was also one of the sources of income in the early Islamic society. Christians and Jews are given a

¹For the resulting difference between the two types of kharāj see Abū Yousuf, Kitāb al Kharāj (Cairo: al Matbā‘ah al Salfiyah wa Maktabatuha, 1392 A.H.), p. 52. We shall discuss it below in ch. 9.
²Aghnides, Nicolas P., Mohammedan Theories of Finance (Lahore: The Premier Book House, 1961), p. 365. Land originally owned by Muslims or conquered land distributed among soldiers will be subject to the ‘ushr (tithe). This source of income does not need separate mention as it is included in Zakāh. ‘Ushr is actually zakāh on crops. Aghnides has discussed in detail the different kinds of lands that will be subject to ‘ushr or kharāj. See Aghnides pp. 358-375.
concession (later extended to other non-believers) to obtain security and protection for themselves, their families and property by paying jizyah. It is based on a direct injunction of the Qur'an "Fight against such of those who have been given the scripture, as believe not in Allah nor the last Day, and forbid not that which Allah hath forbidden by His messenger, and follow not the religion of truth, until they pay the tribute readily being brought low."\(^1\)

Jizyah is levied on non-Muslim subjects in lieu of protection and their exemption from defence, and for other facilities is Islamic State. Only adult males in the full possession of their physical and mental faculties and having the means to pay the amount are liable to the tax. Women, children, oldmen and monks are exempted as war is not waged on them. Poor men unable to work, and beggars are not levied the tax. The amount of tax usually varied from 12 dirham to 48 dirham annually according to the financial condition of the dhimmī (the non-Muslim subject of Islamic State). If a person embraces Islam, the poll tax lapses. The amount collected from Jizyah is to be spent for general welfare of the people.

2. EXPANSION IN THE SOURCES OF INCOME

The above-mentioned sources of revenue evolved in the days of the prophet and almost the same continued during the short period of the first caliph Abū Bakr. It was the second caliph Omar who expanded them. At the first stage he excluded the conquered lands froms the Ghanīmah and treating them as Fā' left them in the hands of original owners and imposed land tax on them. Thus he maintained them as a permanent source of income for the

\(^1\) The Qurān IX:29.
requirements of state and for the posterity.

a. Custom Duties. Secondly, he allowed his governors to charge custom duties from the alien merchants coming in Islamic state from the enemy land, as Muslims were charged such duties when they passed through their land. From these merchants the same rate was collected which was charged from Muslim merchants by the enemy country, if it was known. Otherwise the tax was one tenth of the total value of the goods. It was imposed once a year or once in a single entry.

Custom duties or tolls were extended later to dhimmi and Muslim merchants of Islamic states also who wanted to pass through the highways. The rate charged from the dhimmis was five per cent, while it was two and one-half per cent from Muslim traders.

3. FINANCIAL ADMINISTRATION

As far as collection and administration of revenue is concerned, during the days of the Prophet it was collected by officials sent for that purpose. In the remote cities it was assigned to the governors of that areas. For example, when the Prophet sent his companion Muadh bin Jabal to Yeman as his governor there, he advised him to collect Zakah from the rich and distribute it among the poor.

When the collectors came back, he used to check their account. The gift presented to collectors were considered public income, not their personal income. Thus he removed any possibility of concession from collectors by accepting gifts. They were paid salaries or compensation for their labour.
Income and wealth was in modest proportion in the early society of Islam. There was no sizeable surplus from the needs of people and current requirement of Islamic state. Therefore, there was no need of establishing a formal treasury. The financial policy adopted by the Prophet was to distribute the income as soon as it was received. Maintenance of the register and dīwān was also unnecessary in that period. The same policy was continued by the first Caliph Abū Bakr. But conditions changed during the caliphate of Omar, when the Islamic state expanded from Persia in the East to Egypt in the West, and revenue from different sources increased to a great extent. Number of army and population enhanced many times. All these reasons necessitated streamlining the financial administration. In this connection the Caliph organized Bait al māl or Public Treasury. Although the institution of Bait al māl can be traced back to the Prophet himself in so far as there already existed in his time the notion of a Treasury of the community, supplied by different forms of contribution, but the actual establishment of Bait al māl or public Treasury, belonged to the Caliph Omar.

Ibn Khaldūn says, Omar was the first man who created Dīwān (Secretariate of Finance) in the Islamic state. The Caliph Omar did not distribute the land conquered in Iraq and other regions and instead of this, he allotted a share to the fighters in the Kharāj collected from those lands. In this connection he ordered some experts so measure the land and fix a reasonable tax on it. They were also asked to maintain register for it. Omar started also a system of 'atā (financial grants or pension) to the inhabitants of his caliphate. And as the income increased, new heads of expenditure emerged for the management of all these matters, he established the Public Treasury (Baital māl). It is said, one

1 Ibn Taimiyah, al Siyāsah al Shari'ah, p. 55.
2 Ibn Khaldūn, op. cit. 192.
of his men visited Rome and saw that kings had established Diwāns there. He suggested Omar the same and he was inspired by this opinion. The same system of Baital māl continued in subsequent caliphates. Before the end of first century Hijrah, the administration of public finance was more advanced in comparison of the existing system, as the caliphs supplemented their experiences to the translation of Persian and Roman Diwans.

B. PUBLIC FINANCE DURING IBN TAIMIYAH'S TIME

In the context of our discussion of economic conditions of the Mamlūk regime, in which Ibn Taimiyah lived, we have examined the fiscal system of the period in details (Chapter I). It seems worthwhile to throw some light on public finance during his time and how he sees it.

Mamlūks were originally Turk slaves who later on embraced Islam. Therefore, their legal and administrative setup was not mainly based on Islam. In general it was a combination of local customs, Islam and Pagan Laws. This is reflected in their financial system also.

1. SOURCE OF INCOME

Sources of income in Mamlūk period were as follow: land tax, taxes on mines, fisheries and industries, Zakāh, Jizyah, custom duties, property with no legal heir, tax on vice and celebrations, compulsory contribution for war or reception of Sultān etc. It should be remembered that in most cases the Islamic limit of levy was neglected. The examples of illegal taxes may be seen in a chapter of Ibn Taimiyah's Fatawa in which he has enumerated such taxes like "levies imposed on heads of people, or number of their animals or number of their trees or

ibid. p. 192.
on the amount of their wealth; or like quantity taken in Zakāh more than the Shariah limit, or tax on land more than Shariah limit, or to impose taxes on the goods exempted from levy as it is imposed on sale and purchase of food, cloth, animals, fruits etc. This is charged, sometime, from seller, and sometime from buyer. Example of such illegal taxes is also the amount collected by rulers from the people of his town after certain period with the pretext that they want financial help to fulfil their programmes. Sometimes, such taxes are charged by governors without continuity, at the arrival of army or certain occasions as reception of Sultan, or a birth there. The compulsory sale of commodities, at a higher price than it is worth, is also included in it. Charges from people of a Hajj Caravan or group of traders is also an example of illegal tax.  

Ibn Taimiyah's above mentioned description gives a clear cut picture of taxation in his time. This is also supported by the writings on the history of that period. The Mamlūk government, on the one hand, exceeded the limit of legal and just resources of income; on the other hand, it did not confine the amount of tax to that prescribed by Shariah. Instead, its rate became exorbitant. If they collected Zakāh or Kharāj, it was not collected from the proper goods - they imposed Zakāh on certain good that were exempted by Shariah. Moreover their tax was not limited to two and one-half per cent of the value of good or one-tenth of the product. Sometimes Zakāh was collected without a complete year having passed. Amount of jizyah was also varying. To increase the income of Treasury, they imposed taxes on certain vices e.g. tax on prostitution, programmes of songs and musics. Thus they provided licences for such character spoiling institution.  

1 Ibn Taimiyah, MFS Vol. XXX, pp.337-38.  
2 ibid. pp. 343,344.  
abolition and re-imposition by different Sulţāns and they were criticised by the ʿulamāʾ of that period. Sulţān Nāṣir bin Qalāwūn has abolished a number of such taxes when he carried his land reform.

2. FINANCIAL ADMINISTRATION

For the financial administration, a number of offices were established. For example, wages and salaries of army and other officials were dealt under Diwan al Rawātib, poll taxes, and property without heir were managed under Diwan al jawāli waʾl Mawārīth al Ḥashrīyah. For the collection of Kharāj, there was Diwan al Kharāj. Monthly taxes were collected under Diwan al al-Hilālī. These diwāns were different department of Bait al mal (Public Treasury).

3. PATTERN OF EXPENDITURE

The pattern of expenditure was not strictly confined to the Shariah rules, as it was in the case of revenue. Payment of salaries of ministers, governors, viziers, qādīs and religious postholders was made from the Bait al māl. Expenditure was made also on construction of dams, canals and roads. But a major part of revenue was spent on the Sulṭān's palace and his army. Describing the misuse of Public Finance, Ibn Taimiyah writes, "In the government revenues, right and wrong has been mixed up. So a number of religious, learned and needy people are not paid their subsistence, while there are a great number of people getting pension many times more than their need. There are groups of people getting grants in spite of their wealth and having no need for it.... Some other people lying idle in their places receive what they do not deserve, or get more than their rights; they deny the rights of more rightful people than
themselves. This situation prevails at most of the places.\(^1\)

From the above passage it appears that for Ibn Taimiyah the right to receive a grant from the public treasury is based on a man's genuine need and his contribution in public life, like educational and religious affairs; those who are not actually needy, or live a monastic life are the least deserving of public grants.

C. IBN TAIMIYAH'S APPROACH

Ibn Taimiyah has condemned the unjust taxation and illegal sources of revenue during his time. In his opinion, the reason of such taxation is the unfair policy of the authorities and their indifference to Shariah. In his book \textit{Iqti\d{a} al \textit{Sir\d{a}t al Mustaq\d{m}}} \ldots (Requirement of the Straight Path), he writes that the authorities have invented different types of unjust policies for raising funds which are not legitimate\ldots Had they collected only that which was just and put them in their proper place, they would have never needed to impose illegal taxes and duties.\(^2\) The examples of such taxes have been cited above in details from his own writings.

It should not be inferred from the above statement that Ibn Taimiyah is absolutely against any tax over and above the Shariah taxes like zak\d{h}, 'ushr, khar\d{a}, etc. As we shall discuss it below, he advocates other monetary obligations also if reasons to that effect exist from outside. No doubt, this permission will be considered only if the Shariah taxes are already fully applied. Ibn Taimiyah noticed the extravagance of rulers and

\(^1\)ibid. MFS Vol. XXVIII, p. 572.
\(^2\)idem. \textit{Iqti\d{a} al \textit{Sir\d{a}t al Mustaq\d{m}}} (n.p., al Majd Commercial Press, n.d.), p. 281.
their unnecessary expenditures on the one side and on the other side he saw a number of non-Shariah taxes; ultimately he came to the conclusion that if Shariah taxes were applied and properly spent, they would have been enough in those circumstances.

Ibn Taimiyah has analysed the treasury in his age and he has divided the revenue of Bait al mal into three main categories. He says that in his opinion property of Bait al mal is of three types. The first category includes fa'āl, zakāh and fifth of ghanīmah. Injunctions about them are known to everyone. The second category includes incomes of Bait al mal from other than the above mentioned sources, for example heirless property. In this category some sources are agreed upon by all doctors of jurisprudence and some of them are controversial. The third category includes all those revenues taken without any right or excuse. Such property should be returned to their actual owners if it is possible to trace them. The example of such property is the confiscation by governors, who collect gifts and property of Muslims, to which they have no right, and consequently, the higher authority makes them surrender their own property or from their inherited wealth. The actual owner of such property is not known. Another example of this category is the revenues collected by newly invented improper duties and so on and so forth. As we shall discuss later on, he recommends that such property should be spent on welfare of Muslims, if the actual owner is not known and it cannot be returned to them.

a. Tax Evasion. Ibn Taimiyah condemns injustice on the part of both tax collectors and tax payers. He says "Very often injustice (zulm) takes place from authorities as well as from the subjects, the former demands what is not justifiable and the latter denies

1 ibid. MFS Vol. XXVIII, p. 568.
what is due."¹ He advises either parties to fulfil their obligations."Both must pay what is due. Sultan and his officials should give to every rightful his due share and the tax collector and office-incharge should surrender the amount payable to him."² He forbids tax evasion, especially when it is imposed jointly on a group or community,* even where taxes are unjust. The reason is that, if a person will not pay his share of tax from a commonly imposed fixed amount on a group or community, his share too will be transferred onto others' share and thus he has done injustice by transferring his burden on others. For example if hundred dollars are levied on a group of five persons and one of them evades payment, he has made all the remaining four persons to pay five dollars more than their share. He gives such taxes, the name of al Mażālim al Mushtarakah (the joint tyranny or injustice). He says that these joint people who are unjustly forced to pay a certain amount must justly pay their share...... A person, either should pay his share to become just or pay more than his share (voluntarily) to become generous. He is not permitted to refrain from payment of his share, so that his share be collected from all the other members of the group, and thus he causes an increase in their burden. Because, when that amount is bound to be collected, and one person evades it

¹idem. al Siyāsah al Sharī'ah, p. 56.
²ibid. p. 42.

*Such taxes were imposed on a community or inhabitants of a village to collect a lump sum amount of money to finance the movement of army, reception of the Sultan or celebration of a function. Example of a collective levy is found in Islamic Law when a person is murdered and murderer is not known; in this case people inhabiting the area of incidence would be summoned and oath would be taken to enquire whether they know the murderer or not. In case of no trace of murderer, diiah (blood money) would be imposed on all such people, and the whole amount would be realized from them.
through bribery etc., then he has done wrong to that person from whom his (evader's) share is collected...." Ibn Taimiyah expresses his point with an example of the Sultānī tax* imposed on a village. Suppose ten thousand dirhams are levied on people of that village. Now if a person, having source of lordship, shaikhship or bribery, makes himself exempted, then his share will be collected from other co-inhabitants. This is obviously injustice from him inflicted on others.  

b. "Justice in Injustice". He advises the taxing authority to maintain justice in his act of taxation. Even if he is imposing a tax which is illegal, he must impose it on every person who can pay it, and he should not exempt such a person due to consideration of any relation or his influence. Ibn Taimiyah's wordings are interesting, as he says 'even though the tax is basically unjust but he must do justice in this injustice.' He should not manipulate his injustice, by charging from one person and not charging from other, and thus increasing the burden of the first one. The example of such injustice is to charge two hundred from a person while only one hundred are due. The reason given by him is psycho-economic as he says, "That people might accept if a thing is taken from them equally in the wrong way. But they do not agree if some of them are exempted." In Ibn Taimiyah's view, if such things are allowed, the weaker community with no supporters would have to pay all the taxes and

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1  idem. MFS Vol. XXX, pp. 338-39.

*Sultānī taxes mean all those taxes which were invented by the Sultan and his officials over and above the Sharī'ah taxes i.e. zakāh, 'ushr, fa'i, kharāj, ghanīmah, etc. to meet their different expenses.
stronger people would not pay anything, while their property is more than others. He warns that this will cause destruction and disturbance the extent of which were known only to God. He noted that it was actually happening during his time.¹

Ibn Taimiyah had written his book "al Siyāsah al Sharī'ah" on the request of the then Sultan as a guide for him.² This work gives an account of heads of revenue and expenditure of an Islamic government. But we could not find a source to know how far the Sultan was directly affected by this book and how far he made reform of his treasury as a result of Ibn Taimiyah's endeavouır. Any how it is known from the history of that period that Sultan Nāşir abolished a number of bad taxes, and he carried a comprehensive land reform (Chapter I). In the following we shall examine how Ibn Taimiyah has discussed the matter of public finance.

D. IBN TAIMIYAH'S ACCOUNT OF REVENUE

1. THREE DIFFERENT VIEWS ABOUT PUBLIC FINANCE

Ibn Taimiyah believes that all instruction given by Sharī'ah are based on justice, whether they concern the economic condition of man or other things; and the sources of revenue for a government prescribed by Sharī'ah, represent middle way between the two extremes. He presents three conditions taking examples of three types of rulers.³ One type of extremists rulers are those who are very ambitious in worldly matters and they neglect the hereafter. They think that their reign can last only by spending

¹ ibid. pp. 341-42.
² ibid. MFS Vol. XXVIII, footnote p. 244.
³ idem. al Siyāsah al Sharī'ah, pp. 73-76.
money blindly. And since this enormous expenditure is possible only by collecting money from proper and improper sources, they become robbers on the one hand and extravagant on the other. They spoil their chances in this world and in the hereafter.

The second type, at the other extreme, is of those people who fear of God, and think that the state is run by unjust methods and illegal income and expenditures. Therefore these people refrain from raising any revenue and making any expenditure. They wish to keep themselves away from it all....

The third and the best group of middle way is of those people who are on the path of Prophet Muhammad (p.b.u.h.) and his successors. This group thinks that money should be spent for the benefit of people to keep them in good condition and to facilitate the establishment of their religion and settlement of worldly matters. They are pious people. They collect that money only to which they have a right. They are good and mature administrators. They provide necessary and compulsory things and refrain from doing prohibited things.1

Thus the government expenditures are not always right, nor they are absolutely unjust. In the same way, a government should not impose taxes arbitrarily nor should it refrain from collecting them as such. Describing his view he says that the head of the state ought to collect money from proper place and spend it on proper heads and should not deny it to those who deserve it.2

Ibn Taimiyah does not go into details when he discusses the sources of revenue. The sources of revenue had been discussed

1ibid. pp. 73-76.
2ibid. p. 45.
in the works of his predecessors in great detail, and since his intention was to focus on principles, he avoids details.¹

2. THREE KINDS OF PUBLIC REVENUE

He sums up all sources of income of a government under three heads as he says "The government revenue based on al kitāb (The Qurān) and the Sunnah are of three types ghanīmah, ṣadaqah, and fa'ī.² " As we will see later on, while dividing all sources of income under three heads, Ibn Taimiyah has considered the nature of all the revenues collected by different sources and their expenditures. He has included all sources of income, other than ghanīmah and zakāh, under the heading fa'ī.

a. Ghanīmah. He says that Ghanīmah (spoil of war) is that property which has been acquired from non-believer after a war. This has been mentioned in chapter al Anfāl of the Qurān.³ After quoting the verse from the Qurān and a few traditions that mention spoils of war as a source of income, he describes its distribution and disbursement.

b. Zakāh. The second type of revenue is ṣadaqah by which he means zakāh. In his Fatāwā he writes that ṣadaqāt are zakāh; it is taken from the property of Muslims. It includes zakāh on crops i.e. tithe (ushr) or half of the tithe (nisf al'ushr) collected from crops and fruits; zakāh on animals like camels, cows and sheep; zakāh on merchandise and zakāh on the two precious metals gold and silver.⁴

¹ibid. p. 50.
²ibid. p. 45; idem. MFS Vol. XXVIII, p. 562.
³idem. al Siyāsah al Shari'ah, p. 45.
⁴idem. MFS Vol. XXVIII, p. 567.
Zakah is the corner-stone of the fiscal system of an Islamic state. It is a compulsory tax imposed on the rich members of the Muslim community. Ibn Taimiyah says, "It is the right of people as salah (prayer) is the right of God." Thus it has a religious sanctity too, which makes the realization of this income easy. The two main purposes of a tax - finance for state, and reduction of gap between rich and poor - are effectively fulfilled by zakah. Ibn Taimiyah has emphasized this aspect of zakah. He says that sadaqat (alms) are due to bring about equality. He inferred his opinion from the Qur'anic verse that says (give poor) the average diet that you provide for your family. At another place he says that the basis of zakah is fellow feeling (mu'asah). Perhaps this is the reason that the principle in disbursement of zakah is to spend on have-nots of the city from where it has been realized, unless there is a crying need to shift it to other places. According to Ibn Taimiyah zakah has been imposed on productive property either it is productive by itself as livestocks and crops or it is productive by alteration or exchange as precious metals and trade goods. This provides an incentive to investment because in the case of wealth lying idle, there will be a fear that zakah would eat it up. But the fixation of rate is such that incentive to work and invest is not suppressed. Ibn Taimiyah has pointed out that the rate of zakah is fixed according to labour involved in different goods. The greater the amount of labour involved in the procurement of an income the lesser the rate of zakah and vice versa. Thus the least labour is spent when a person finds a treasure trove, so in such case highest rate is imposed i.e. one

2 idem. MFS. Vol. XXV, p. 64 (...min ausat ma tut'imûn ahli'kum ...) (...with the average of that wherewith you feed your own folk) The Qur'an V:89).
3 ibid. pp. 8, 84.
4 ibid. p. 8.
fifth of the entire amount. The rate is one tenth in case of crops irrigated by rainfall where man's work is to plough the land and sow the seeds. The rate has been reduced to one twentieth where more labour is involved as man ploughs land and sows the seeds as well as irrigates it. Finally in case of the income that requires labour throughout the year, the rate of zakāh is reduced to one fortieth, for example accumulation of gold and silver and merchandise.¹

Zakāh should be paid from the goods or money on which it is imposed. On the question of paying money in place of goods, there are three opinions among the doctors of Islamic jurisprudence. The Ḥanafī school allows it, without any condition while Shāfi‘ī school totally rejects it. Ibn Taimiyah takes a stand between the two extremes. According to him sometimes it is good to pay in kind while at others it is better to pay in money.² He is more explicit at another place where he says, "If it is unconditionally allowed to pay the money value of the commodity subject to zakāh, there may be undervaluation of that commodity (by the zakāh-payers). Moreover, the spirit of zakāh is fellow-feeling and equality which is better realized in payment of the same commodity on which zakāh is due. But payment of money in place of commodity is permissible provided it is difficult for the zakāh-payer to provide it, or it is in the interest of zakāh-beneficiaries to receive money, or it is otherwise required by justice."³

Ibn Taimiyah's views are based on sound economic considerations. In case of an inflationary trend in the economy payment in kind is more likely to be in the interest of the beneficiaries. In a

²ibid. Vol. XXV, p. 46.
³ibid. pp. 82-83.
sound and stable economic condition, payment of zakāh in kind or in cash may not make any difference. But insistence on payment in kind all the times would create difficulties for zakāh-payers as well as the beneficiaries. It would involve costs of transportation, storage etc. Ibn Taimiyah takes a realistic view of the matter and leaves it for the authorities to adopt either of the two methods of collecting zakāh according to the circumstances.

c. Fai' and Miscellaneous Income. Unlike ghanīmah and zakāh revenues which are earmarked for specific categories of people the benefit of fai' extends to the entire population and even to the future generations. For Ibn Taimiyah all revenue other than ghanīmah and zakāh fall under this category which includes the following, apart from booty received from the enemy without actual combat; on which the term was applied in the first instance.¹

1. Poll tax (jizyah) imposed on Jews and Christians.
2. Tributes paid by the enemy.
3. The gifts presented to the head of the state.
4. Custom duties or toll tax imposed on the traders of the enemy country.
5. Financial penalties.
7. Unclaimed property.
8. Heirless property.
9. Deposits, debts or usurped property whose actual owner is not known so that it could be returned to him.
10. Any other new source of income.

As we will discuss later on, contrary to some other thinkers Ibn Taimiyah does not limit the sources of income/zakāh and other explicitly mentioned sources; he leaves the door open for new

¹idem. al Siyāsah al Sharī'ah, pp. 53-54.
taxes, if necessary.

Ibn Taimiyah does not discuss the above sources of income in detail. The reason is that they were well-known to the authorities of his time. Perhaps, the matter of public expenditure was more important to him, therefore, as we shall see, he devotes, major part of his discussion to this aspect of public finance.

Before we proceed to discuss public expenditure we note some points made by Ibn Taimiyah relating to some of the above mentioned sources of revenue. Ibn Taimiyah opposes the opinions of those jurists who think that jizyah cannot be imposed on non-believers of Arabia. He argues that Shariah rules are general for all and there is no distinction of Arab and non-Arab in this regard.\(^1\)

According to him the aim of financial penalty should not be to raise fund; but to abolish evils. If financial penalty is meant to raise funds, it may help in diffusion of evils, and hurt the very cause of penalty.\(^2\)

He notes the differences of opinions over the question whether kharāj and tithe (ushr) both should be charged from a Muslim acquiring kharājī land or he will be liable only to kharāj. He quotes Imām Abū Ḥanīfah saying that ushr is also due to land therefore both may not be collected from the same land. Majority of Ulamā argues that ushr is due to the crop and kharāj is due to land. Moreover beneficiaries of zakāh are different and beneficiaries of kharāj are different. Therefore both can be charged at the same time. Their argument is also based on the

\(^1\) idem. 'Eidah al dalālah fi 'Umūm al Risālah (Egypt: al Muniriah, 1343 A.H.), p. 12.

\(^2\) idem. Siyāsah al Sharī'ah, pp. 87-89.
fact that kharāj is imposed on every fīrtile kharājī land whether it grows or not, while ‘ushr is levied on grown crop only.¹

3. COLLECTION AND ADMINISTRATION

A passage from his Fatāwā shows that Ibn Taimiyah was a strong supporter of budgeting and strict administration of finances. He says that, "The revenue in trust of head or ruler must be treated on sound conditions approved by the Book of Allah. Administrators should be appointed if there is none to look after it.... An inspector general should be appointed to supervise all administrators and collectors according to need and requirements. Sometimes this appointment becomes the most urgent and important need if in lack of such appointment, revenue may not be collected and spent properly. Because, when completion of an obligatory thing depends on other things, the latter also becomes obligatory; sometimes, the head himself may assume the portfolio of inspector general if work is not much and he is able to run the department efficiently."² In brief we can say that according to Ibn Taimiyah, the ruler has free hand in organizing financial administration and control to the public benefit, learning from his own experience as well as from the experiences of others. In all cases he must choose honest and able persons for that purpose.³

E. IBN TAIMIYAH'S ACCOUNT OF PUBLIC EXPENDITURE

The basic point emphasized by Ibn Taimiyah regarding expenditure is that the public revenue is a trust in the hands of authority.

¹ idem. MFS Vol. XXV, p. 150.
² ibid. MFS Vol. XXXI, pp. 86-87.
So he should spend it in the best interest of the public according to the instruction of Allah. He says justice should be maintained among people regarding finance as enjoined by Allah and his messenger, and the managers of revenues have no right to distribute them according to their whims, as an owner distributes his property. But they are only caretakers, viceroys and trustees and not the owners. According to him the head of state has no more right to public revenue than a common citizen. He quotes the example of the second caliph 'Omar bin Khaṭṭāb who was asked by a person to increase some expenditure on himself ('Omar). The Caliph replied "Do you know the example of myself and these people? Their example is like a group of people who were in journey and they gathered their belongings and deposited it with a person among them to spend it on them. So would it be proper for him to prefer himself to them in their property."

Ibn Taimiyah forbids the ruler to give a person any amount that he does not deserve, just because of his whim or nepotism etc. He is strictly against the expenditure on the institutions of evils like prostitutes, singers, jokers. In the case of expenditure, priority should be given to the most important items and the next most important and so on, in the context of the general welfare of Muslims.

The main heads of expenditure, in his view, are as follow:

\[\text{\textsuperscript{1}ibid. p. 178}\]
\[\text{\textsuperscript{2}ibid. p. 43.}\]
\[\text{\textsuperscript{3}ibid. p. 44.}\]
\[\text{\textsuperscript{4}ibid. p. 67.}\]
\[\text{\textsuperscript{5}ibid. p. 64.}\]
a- poor and needy.
b- upkeeping army for jihād and defence.
c- maintenance of internal law and order.
d- pensions, and salary of officials.
e- education.
f- infrastructures, and
g- general welfare.

This does not mean that all type of public revenue may be spent on the above heads indiscriminately. As we have already mentioned, his division of public revenue into three categories is based on the differences of their sources as well as their beneficiaries. The first two types of revenues - ghanīmah and șadaqāt have restricted heads of expenditure while the third one is meant for all general expenditures of the state. Let us examine the expenditure of all three types of revenue in some details.

1. DISBURSEMENT OF GHAHĪMAH

Ghanīmah would be divided into five parts. Four parts will go to those who were present in the battle, whether they have fought or not. One fifth will go to the state, and its beneficiaries have been mentioned in the Qurān as "whatever you take as spoil of war, a fifth thereof is for Allah and for the messenger, and for the kinsman and orphans and the needy and the wayfarer, if you believe in Allah."¹ The right of Allah and his messenger does not mean that it is the personal property of the messenger. It means that that portion be spent for public purposes.²

The above discussion is concerned with the moveable property. As

¹ ibid. MFS Vol. XXVIII, p. 562.
far immovable property, like land, is concerned, Ibn Taimiyah opposes Shafi'i's view that Imam must distribute it also. He says that it depends on the head; if he thinks that its distribution is advisable, he may distribute it following the example of the Prophet and if he thinks that the interest of community requires not to distribute it, then he may do so following the practice of Omar - the second caliph.\(^1\)

2. EXPENDITURE OF زكاة

There is no controversy over the heads of expenditure of زكاة because its beneficiaries have been named in the Qur'an. Ibn Taimiyah says that all Muslims have agreed that the disbursement of صدقات cannot be varied from the eight heads mentioned in the Qur’an. And they are (1) the poor (فقراء), (2) the needy (مساكين), (3) those who are engaged in collection and management of زكاة (富民), (4) those whose hearts are to be reconciled (معلّف الحُقُوب), (5) to free the captives (ال خرائب), (6) the debtors (ال خريمين), (7) for the cause of Allah (في سبيل الله) and (8) for the wayfarers (أي viv. عبود).\(^2\) Ibn Taimiyah has given a brief description of all the above mentioned heads.\(^3\)

According to him the first two mean the needy persons who have no sufficient income, with the difference that one type of people beg while other do not. A rich person or a sturdy man able to earn will not be given from زكاة, 'Workers on زكاة' means both collectors, caretakers and those engaged in maintenance of accounts etc. معلّف الحُقُوب refers to both Muslims and non-Muslims rich and influential people who at the award of money,

\(^1\)ibid. Vol. XXVIII, pp. 581-82.
\(^2\)ibid. Vol. XXVIII, pp. 567-68.
\(^3\)idem. al Siyāsah al Shariah, pp. 51-52.
may become sincere to Islam and may not hurt it; people are saved from their wickedness and they may cooperate in collection of zakāh. This distribution of zakāh to rich person seems to be very unfair but this is actually done in the larger interest of the community and it is a kind of expenditure to save people from internal disorder.\(^1\) Al Riqāb includes financial help to the slaves who can get rid of their masters after paying a certain amount; and to make free the captives. Ghārimūn are those people who have no money to pay their debts so with the zakāh money their debt can be paid. But if they were indebted in vicious matter, then they would not be given money unless they repent. Fī Sabīlillāh are those warriors who are not fully supported from other sources of Public Treasury. Some warriors would be provided all expenditure of war, weapons, ride and living. Hajj is also included in sabīlillāh according to one tradition. Ibn Sabīl is wayfarer who travel from city to city. Such a person, even if he is rich at home but lacks necessary means during his journey, will be given from zakāh.

According to Ibn Taimiyah, it is not obligatory to spend zakāh on all the eight heads equally. Their share may be decided in respect of their need and importance.\(^2\) If one head is more important than other, then more amount may be spent on it.

Ibn Taimiyah is of the view that if the ruler is not just and he does not spend zakāh revenue on their beneficiaries, people may refuse to pay zakāh to him and they have a right to hand it over directly to the beneficiaries.\(^3\) The reason is that the amount of zakāh is fixed and its beneficiaries are also known so by paying them

\(^1\)ibid. pp. 66-70.
\(^2\)idem. MFS Vol. XIX, pp. 257-58.
\(^3\)ibid. MFS Vol. XXV, p. 81.
directly the same objective is gained, while the mediation of unjust ruler, may harm the interests of the beneficiaries. As regards other types of government revenue he says that it should be paid even if the ruler is not just.\(^1\) This is because he regards the institution of government to be inevitable even though it may not be just.\(^2\)

3. EXPENDITURE OF FAT\' REVENUE

The heads of expenditure of the third category of public revenue - in which Ibn Taimiyah includes all types of incomes other than Ghanīmah and zakāh - are as numerous as the economic duties of state themselves. It is a fact that expenditure aspect of public finance could get the attention of economic thinker very late. As Dalton puts it "English economists as a body have had surprisingly little to say concerning the principle of public expenditure."\(^3\) Surprisingly enough, Ibn Taimiyah has paid more attention to this aspect, and rightly so as the public authority's expenditure determines the amount of its necessary income. Broadly speaking we may distinguish two main objectives of public expenditure from his discussion of the subject. And they are (a) to preserve the social life of the community against violent attack, whether internal or external and (b) to improve the quality of social life.

a. Expenditure on Defence. One of the prime duties of the state is to save its people from external attack. Even in the modern age, a sizeable portion of public expenditure of various

\(^1\) idem. al Siyāsah al Sharī'ah, p. 43.
\(^2\) ibid. p. 185.
governments is directed to this end. In the age of Ibn Taimiyah, defence was the utmost necessity of time, in the wake of crusades and Mongol attacks. He, therefore, imparts great significance to the expenditure on army and auxiliaries. Apart from zakāh and ghanīmah, revenue from fa‘l would be spent on them. They are the most deserving of fa‘l in strict sense (i.e. income gained from enemy without actual fight) - because they are the source of the attainment of such income.1 War-widows and their children will also be supported from public revenue.2 This was about defence from external attack. As far as internal peace and security is concerned, he stresses that this income would also be spent on salaries and wages of those who guard the territory.3 Example of expenditure on maintenance of internal order is the amount given for reconciliation of hearts. According to him such money can be given both to believers and non-believers, so that they might accept peaceful living and their mischief is avoided.4 Expenditure on police and other peace keeping forces may easily be included in this category, or they may be counted with the administrative and ministerial machinery of the government.

b. Other Heads of Expenditure. As we have seen above, defence is so important that it should be financed both by ghanīmah and zakāh as well as by fa‘l. We have seen also that the needy and poverty-stricken people should be mainly supported by one-fifth of ghanīmah and zakāh revenue. Social security has top priority for a welfare state. Ibn Taimiyah suggests that if zakāh and ghanīmah does not suffice for the needy and the poor, they should be supported from fa‘l revenue.5 The basic thing is to

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1 Ibn Taimiyah, al Siyāsah, p. 65.
2 idem. MFS Vol. XXVIII, p. 586.
3 ibid. p. 566; idem. al Siyāsah, p. 65.
4 cf., idem. al Siyāsah, p. 69.
satisfy want and fulfil need.

The other heads of government expenditure, as described by Ibn Taimiyah are as follow:

a) Expenditure on ministers and other government officials is inevitable for every government. Fai' revenue will be spent on governors, ministers, officers and administrators.¹  b) Maintenance of justice is also one of the important functions of the state. According to Ibn Taimiyah, state has to arrange for it and judges and qādis will be paid from public treasury.²  c) To make its people good citizens state has to provide educational facilities for them. Those who engage in teaching profession and guide people in religious matters or devote themselves to learning would be supported from public revenue.³  d) Public utilities, infrastructures and economic tasks which are generally not done by individuals, would be carried on by the government. Ibn Taimiyah suggests that roads, canals, bridges, etc. would be constructed by fai' revenue of the government.⁴

Above mentioned is a tentative list of the heads of public expenditure, but they are, by no means, the only heads of expenditure. Basically fai' revenue is to be spent for every type of welfare work.⁵ The ruler has free hand to decide what welfare works to take up. Social expenditure, on health, children allowances, pensions and other forms of social security, price subsidies, fostering industry and commerce, conduct of postal services, transport services etc. are some of the important head that are

¹cf., idem. al Siyāsah, p. 65.
²cf., ibid. p. 65.
⁵Bal yuṣraf fi'l maṣāliḥ kullihā.
included in welfare expenditure of the state. The principle laid down by Ibn Taimiyah regarding public expenditure is to start from the most important and then go to the next important item. Priority should be given to productive expenditures rather than unproductive ones. Since in zakāh and fifth of ghanīmah poor and needy people have a large share, therefore, in fa'īl revenue other social and welfare works have been given preference over them. If revenue from zakāh is not sufficient and fa'īl income leaves no surplus to be spent on them, additional funds may be raised for them as we shall see shortly.

F. ANALYTICAL INSIGHTS

In the above pages we have seen the approach of Ibn Taimiyah towards public income and public expenditure in detail. His treatment of expenditure is more comprehensive than that of income. He has grouped all public incomes into three categories. The basis of this division is also the heads of their expenditure and the nature of revenues. He forbids tax evasion and advises authorities to do justice in imposition and collection of taxes, even if they are illegal so that all have equal sacrifice. He warns against the consequences of discrimination and injustice in tax imposition.

1cf., ibid. p. 566.

*wa yubdau fihi bi'l ahamm fa'l ahamm, fa yuqaddamu dhau'l manāfe' alladhina yahtaj al muslimun ilāthim alā dhawi'l ḥajāt alladhina la manfā'ah fihim, MFS Vol. XXVIII, p. 566. Tr. "Disbursement should be started from the most important and then to go to the next important item. Priority should be given to those whose benefits are required by Muslims over those needy men who have no benefit in themselves."

A similar statement is found in his book al Siyāsah al Sharī'ah in which he says, "Wa ammā al maṣārīf, fa'l wājib an yubdā'fi'll contd.....
When we examine the sources of income enumerated by Ibn Taimiyah we find that the most important source of income is zakāh. But its heads of expenditure are limited. As far as ghanīmah is concerned, its income is uncertain, and expected only in the case of a war with infidels. The third group of income i.e. fai', which include poll taxes, taxes on land and all miscellaneous taxes, may not prove to be sufficient all the times for a government for its defence and development expenditure. Now the question is whether state would be allowed to impose new taxes and demand more money over and above zakāh or not. The issue has been very controversial among the thinkers. One group thinks that after payment of zakāh a man has no monetary obligations, and state has no right to charge any new amount except in the most grave condition like war, when Bait al-māl is without funds.1 Ibn Taimiyah does not agree with this group. To him contribution for war is very clear even the ruler is not very just. The argument is that if there is need to finance a war and fight against the enemy, the well-to-do must contribute it, because it is better to pay some money to the corrupt authorities of your own for defence, than let the enemy snatch all property without right.2 Apart from 'traditions' that go in the favour of those thinkers who hold that any taxation other than zakāh is unjust except in the case of war, they seem to hold that sources of revenue

1Māwardī holds this opinion. cf., al Aḥkām al Sulṭānīyah, p. 113; Imam Naувi thinks it invalid to demand from people any amount so far Bait al māl has some money, goods land and gold. cf., Suyūṭī, op. cit. Vol. II, p. 99.
2Ibn Taimiyah, MFS Vol. XXX, p. 342.
prescribed by *Shariah* are enough to meet the financial requirements, and only war is an emergency condition that may require unusual finance. They had observed that the heads of state were extravagant and most of their expenditures were not for common welfare. This is clear from the stand taken by Imām Nauwī (1223-1277) who refused to give legal decree in the favour of imposition of new taxes, at the request of the then Sulton Zāhir Baibars, unless he would not surrender all ornaments enjoyed by his family and house-wives to the Bait al māl and stop from extravagance.¹

Since Ibn Taimiyah prescribes a number of duties for state and he does not overlook the possibility of financial deficiency, he is of the view that there might be financial obligations other than zakāh. His statement that "people should help each other in the matter of food, cloth and shelter; that the head of the state should take this responsibility and he can force them to do it," goes in the favour of imposing further taxes if their needs are not fulfilled by regular income of the state. He strongly condemns the thinkers who deny the right of state to impose new taxes. He says that most of the pseudo jurists with imperfect knowledge deny the obligation imposed by the *Shariah* and believe that "there is no right in one's property except Zakāh" is a general rule, and they are not aware of the tradition reported by Fātimah in the book of Tirmidhī that there is a claim on one's property other than zakāh.² Ibn Taimiyah's synthesis of the two seemingly contradictory traditions is appreciable. He says that zakāh and financial obligations other than zakāh are due in one's property because of two different factors. The factor behind imposition of zakāh is the possession of property in a certain

³ibid. p. 187.
amount, that is property itself is the reason for zakāh. Thus there is no right except zakāh in one's property due to property. In other words, he considers zakāh as a wealth tax. As far as the other financial obligations are concerned, the factor, in his opinion, is not property, but emergence of need, and requirements. For example expenditure on relatives, help in calamity etc. In such cases property is a condition, not a factor for financial help. Every one has to contribute according to his capacity. Thus it becomes clear that there are rights other than zakāh when such needs arise in the society, and Sharī’ah has stressed fulfillment of such needs irrespective of the level of one's wealth. Imposition of zakāh is due to existence of wealth in a certain amount and it has to be taken out even if there is no beneficiary of zakāh in that city and it has to be sent to other places.  

Before Ibn Taimiyah no other thinker had advocated the financial obligation other than zakāh so strongly except Ibn Ḥazm (994-1064) who says that it is the duty of the rich people of every country to support the poor ones. And the ruler has a right to force them to do so, if zakāh and other revenue of the Treasury is not sufficient for them.  

A comparison of Ibn Taimiyah's economic views including his reflections on public finance with those of his predecessors as well as the thinkers after him will be our main concern in the following chapter.
