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# The Role of State on Social Justice: An Analysis from Ibn Sina's Perspective

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## Abstract

Every nation attempts to provide welfare for its citizen such as better economic growth, social security and better life. All economic systems either Capitalism or Socialism has the same objective to provide welfare for its nation. In Islam, welfare lies in complete justice, mercy, welfare, and wisdom; anything that departs from justice to injustice, from mercy to harshness, from welfare to misery and from wisdom to folly has nothing to do with the Shari'ah. The Islamic concept and values on welfare of the society are related to Islamic economic history that can be found from Qur'an and Sunnah and Islamic literatures such as history, fiqh, philosophy, kalam, and tasawwuf. It is assumed that there are some Muslim scholars whose works are related to role of state on welfare. Therefore, the study attempts to know the role of state on social justice derived from Ibn Sina and give some critical study on his thought. To achieve its objectives; this study employs qualitative research that refers to the meanings, concepts, definitions, characteristics, metaphors, symbols and descriptions of the matter under study. Moreover, it is used content and descriptive analysis to get finding of the study. The data collection is generated from Islamic sources. The finding of this study is that Ibn Sina's thought on state role to promote social justice contains of providing law, job opportunities and social security. These roles of state can contribute to harmony, peace and welfare of the society.

**Keywords:** Role, State, Welfare, Ibn Sina, Social, Justice

## Introduction

Every nation attempts to provide welfare for its citizen such as better economic growth, social security and better life. All economic systems either Capitalism or Socialism has the same objective to provide welfare. Unfortunately, ideas of market mechanism cause market failure such as happened in 1930. Keynes comes with new economic policy that is systematised in his *General Theory of Employment, Interest, and Money*, assigned to the state the decisive role of intervening during an economic crisis on the basis that the predominant variable in economic growth was demand and not supply.

In Islam, state should promote the welfare. Ghazali defines the objective of the *Shari'ah* to be the promotion of welfare of people which lies in safeguarding their faith, their life, their intellect, their posterity, and their property, and concludes that whatever ensures the safeguard of these five serves public interest and is desirable. This welfare lies in complete justice, mercy, welfare, and wisdom; anything that departs from justice to injustice, from mercy to harshness, from welfare to misery and from wisdom to folly has nothing to do with the *Shari'ah*".<sup>2</sup> The Islamic concept and values on welfare of the society are related to Islamic economic history can be found from Qur'an and Sunnah and Islamic literatures such as history, fiqh, philosophy, kalam, and tasawwuf.

In the view of Muhammad Nejatullah Siddiqi's survey on the history of Islamic economic thought, the economic ideas of Muslim scholars like Ibn Khaldun (Qadir 1942; Alam 1960; Ali, 1970; Sattar 1973), Ibn Taimiyyah (Islahi 1988), Abu Yusuf (Azmi 1995; Shemes 1969), Yahya bin Adam (Kister 1969; Shemes 1867), Abu Ja'far Dimashqi (Allouche 1994) and Imam Ghazali (Ghazanfar and Islahi 1990; Orman 1985) have been studied deeply and in detail (Siddiqi 1981: 122-124). it is assumed that there are some Muslim scholars whose works are related to role of state on welfare. Therefore, the study attempts to know the role of state on welfare derived from Ibn Sina and give some critical study on his thought.

<sup>1</sup> Abu Hamid Muhammad al-Ghazali, *al-Mustasfa*, vol. I (Cairo: al- Maktabah al-Tijariyah al-Kubra, 1937), 139-140.

<sup>2</sup> Ibn al-Qayyim Al-Jawziyyah, *I'lam al-Muwaqqi'in* vol. 3 (Cairo: al- Maktabah al-Tijariyah al-Kubra, 1955), 14.

## Social Justice in Islam

According to Modern scholars, justice is either something political and something natural (Al-Attas, 2015: 25). For those in position that justice is political believe should be subsequent to the state and logically follow from it, whereas those who take the position that justice is natural believe that justice precedes the state in time naturally (Ibid: 24). Islam do not conceive justice within this dichotomous theory. In Islam, the origin and nature of justice is derived from the Holy Qur'an that is one of the Beautiful Names of God, *al-'Adl* (Just). Literally, the word of '*adl*' is derived from '*adala*' which means possessing that quality of good, righteous, or veracious. It also means a combination of moral and social values denoting fairness, balance, temperance and straightforwardness.<sup>3</sup>

Justice is implemented in whole life of human such as in economic, politic, jurisdistic and social affairs. In economic activities Ibn Taimiyyah emphasizes justice in partnership and advocates the shares of both parties in profit as well as in loss, because capital and labour are equal participant in production (Islahi, 1988: 158).

Historically, none of ancient philosophers saw the need to consider justice or redress of injustice from social perspective (UN, 2006: 11) in spite of they explore more in meaning of justice. The concept emerged in the wake of industrial revolution and parallel development of the social doctrine because an expression of protest against capitalist exploitation of labor (Ibid: 11). Social justice is the ability people have to realize their potential in the society where they live or in other words it can be said that set of institutions which enable people to lead a fulfilling life and be active contributors to their community (Rawls, 1999).

However, discussing social justice in Islam is not merely limited to economics but includes all aspects of human life, based on faith in God (57). So, it is more comprehensive goal of the state should be achieved by implementing of Shari'ah and its spiritual guidance in human conscience. Social justice is based on the principle that all that exists in the Universe belongs to God, man being God's vice-regent on earth and hold God's trust to manage His endowment. Therefore Islam command all Muslims to earn and seek the provisions use by mankind in order to fulfill basic needs including their dependants

<sup>21</sup> Majid Khadduri, *The Islamic Conception of Justice* (USA: The John Hopkins University Press, 1984), 8.

and to share their wealth to those who are in need such as poor man. Further explanation by Qutb that to understand social justice, we should understand Islamic theory on the subject Universe, life and mankind (Sayyid Qutb, 1996: 1). The state has role to achieve the society welfare by providing social justice mechanism that is in line with the teaching of Islam.

### Ibn Sina: His Life and Works

Ibn Sinā whose full name is Abu ‘Ali al-Husain ‘Abdillah Ibn Hasan Ibn ‘Ali Ibn Sinā, was born in August 980 CE (Safar, 370 A.H) and brought up in the kingdom of the Samanids. He was known in the West as “Avicenna”, which comes through Hebrew into Latin. There are two facts regarding his birth place. Some said that the birth of Ibn Sinā was in a large village near Bukhārā called Afsahānah, his mother’s native land.<sup>4</sup> Others said that it was in Khairmaitan close to Bukhārā.<sup>5</sup> Afsahānah is the most mentioned and reasonable because of that was place where his parents married and also his father took up residence.<sup>6</sup>

He is not only a doctor, but also philopher that produced major important works which included the following:

1. Ibn Sinā, *Al-Shifā fi al-Ilāhiyyat*: al-hay’a al-‘am li syu’ūni al-mathābi’ al-amiriyyah, (1960).
2. *Fi Aqşam al-‘ulum al-‘aqliyah*: This is included in the collection of nine treatises (*Tis’u al-Rasail*) of Ibn Sīnā. It has been translated into English by Muhsin Mahdi in the book entitled “*Medieval Political Philosophy*”, and edited by Ralph Muhler and Muhsin Mahdi (Published by the Free Press of Glenceo, Cornell Micmillan, Canada: 1963).
3. *Istbat an-Nubuwwat*: It is also included in the collection of nine treatises (*Tis’u al-Rasail*) of Ibn Sīnā. It has been translated into English by Michael E. Marmura in the book entitled “*Medieval Political Philosophy*”, and edited by Ralph Muhler and Muhsin

<sup>4</sup> Muhammad ‘Abdurrahman Marhabā. *Minal Falasifa al-Yūnāniyyah ila al-Falasifah al-Islāmiyyah* (Beirut: Mansyūrāt ‘awīdāt, 1970), 474. D. Gutas, Avicenna: Biography, in *Encyclopedia Iranica*, Vol. III, 69.

<sup>5</sup> Soheil M. Afman, *Avicenna: His Life and Works* (London: George Allen & Unwin Ltd, 1956), 57.

<sup>6</sup> William E. Gohlman, *The Life of Ibn Sinā: A Critical Edition and annotated Translation* (New York: State University of New York Press, 1974) 17-18.

- Mahdi (Published by the Free Press of Glencoe, Cornell Micmillan, Canada: 1963).
4. *Kitab al-Shifā* in the tenth article Chapters 2, 4 and 5. The three chapters have been translated by Michael E. Marmura in the book "Medieval Political Philosophy" as mentioned above.
  5. *Kitab al-Siyāsah* which is edited by Louis Ma'luf in *Maqālat Falsafiyah Qadimah li Ba'di Masyāhīrih Fālāsifah al-'arab Muslimin wa Nasara*, published by *al-Matba' al-Kātsūlikiyyah lil Abāi al-yasū'iyin* in 1911.

Furthermore, Ibn Sīnā's idea on the role of state in social justice can be found in his writing above especially in his *Al-Shifā fi al-Ilāhiyyat*.

## Discussion and Finding

### The Existence of State

To Ibn Sina, the existence of state results in the division of society, which consist of three mutual components, written in his treatise "*Al-Shifā*" in the tenth chapter in article four as follows:

فيجب أن يكون القصد الأول في وضع السنن وترتيب المدينة علي أجزاء، المدبرون والصناع والحفظة. وأن يرتب في كل جنس منهم رئيسا يترتب تحته رؤساء يلونه يترتب عنهم رؤساء يلونهم إلى أن ينتهي إلى أفناء الناس.<sup>7</sup>

The legislator's first objective in laying down the laws and organizing the city must be divided into three groups: administrator, artisans, and guardians. He must place at the head of each group a leader, under whom he will place other leaders, under these yet others, and so forth until he arrives at the common run of men.<sup>8</sup>

This paragraph can be understood that all things must be regulated by laws in order to maintain stability in the state and the

<sup>7</sup> Ibn Sina, *Al-Shifa/Al-Hilahiyyat* (Kairo: al-hay'a al-um li syu'uni al-mathābi' al-amiriyyah, 1960), 447.

<sup>8</sup> Michael E. Marmura, (trans). *Avicenna on Metaphysics X: Medieval Political Philosophy*. eds. Ralph Learner and Muhsin Mahdi (USA: MacMilan Company, 1986), 104.

people who are responsible for it covers three components of society:

1. Government, which consists of legislative, executive and judicative that have the responsibility to govern the state by making some regulations.
2. Entrepreneurs or businessmen, who plan, organize and carry out the economic matters.
3. Guardians of state, which consist of military members, policy-makers and other organizations that have the responsibility to protect the security of state.

On the other hands, he adds that development of society into the state has three phases.<sup>9</sup> First, economic household, which consists of family elements such as husband, wife, children and servants. Each element is responsible to assure that the economic household gives benefit to all in the family. Second, economic society consists of individuals and groups, who are engaged in the economic activities. At this level, the needs of an individual are more variety and cause the classification of occupation as Ibn Sīnā mentions in the previous chapter. Lastly, state economics is responsible to make sure that economic activities run by economic household and economic society achieves the justice and welfare of society.

### The Role of State

Ibn Sina's view on role of the state can be divided into three aspects, namely: (1) the existence of law, (2) availability of job opportunity, and (3) social security.

#### 1. Providing the Law

In regard to stabilize economy in the state, the government must make the rules in the form of economic policies. It is because the economic gives many problems in the society such as exploitation, double-dealing, persecution, oppression and corruption. Therefore, the government must provide the rules which relate to the economy. To Ibn Sīnā the government is responsible as he states:

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<sup>9</sup> Ibn Sina, *Kitab al-Siyāsah*. ed. Louis Ma'luf, in Louis Cheikho et. al, *Maqālat Falsafiyah Qadimah li Ba'di Masyāhirih Fālāsifah al-„arab Muslimin wa Nasara*, Beirut: *al-Matba' al-Kātsūlikiyah lil Abāi al-yasū'iyyin*, 1911), 5.

He must also prescribe to the transactions involving exchange, laws that prevent treachery and injustice. He must forbid unsound transactions involving the objects of exchange before actually receiving or being paid, as with money being exchanged, deferment in payment of debt, and the like.<sup>10</sup>

Hence, all actions that are harmful to and most of society and exploit their material needs are unjust, made by an economic offender, and must be regulated by the laws of the state.

However, the laws of state and their relationship to economic problems must be regulated in order to establish *madīnah al-fādhillah*. This explanation is mentioned in the tenth chapter, Article 5, as follows:

وَأَنْ يَسْنَ عَلَى النَّاسِ مَعَاوَنَةَ النَّاسِ وَالذَّبَّ عَنْهُمْ وَوَقَايَةَ أَمْوَالِهِمْ وَأَنْفُسِهِمْ مِنْ غَيْرِ أَنْ يَغْرَمَ مَتْبَعٌ فِيمَا يَلْحَقُ يَتْبَعُهُ. وَأَمَّ الْأَعْدَاءَ وَالْمُخَالَفُونَ لِلْسُّنَّةِ مَقَاتَلْتَهُمْ وَأَفْنَاءَهُمْ بَعْدَ أَنْ يَدْعُوا إِلَى الْحَقِّ وَأَنْ تَبَاحَ أَمْوَالُهُمْ وَفُرُوجُهُمْ فَإِنَّ تِلْكَ الْأَمْوَالَ وَالْفُرُوجَ إِذْ لَمْ تَكُنْ مَدْبُورَةً بِتَدْبِيرِ الْمَدِينَةِ الْفَاضِلَةِ لَمْ تَكُنْ عَائِدَةً بِالْمَصْلَحَةِ الَّتِي يَطْلُبُ الْمَالُ وَالْفُرُوجُ بَلْ مَعِينَةٌ عَلَى الْفُسَادِ وَالشَّرِّ.<sup>11</sup>

He must also legislate that people must help and protect others, their properties and lives; without this, the person should penalize himself for not making a contribution. As for enemies and those who oppose his law, the legislator must decree waging war against them and destroy them, after calling on them to accept the truth. Their properties and honours must be declared free for the spoil. When such properties and honours are not administrated according to the constitution of the virtuous city, they will not bring about the good for which property and women are sought. Rather, these would contribute to corruption and evil.<sup>12</sup>

At this points, it should consider that laws are required in the state in order to have stability and welfare. In context economic, the laws made by the government regarding economic matters must be obeyed by economic doers such as traders, businessmen, and brokers. The laws must be in conformity to the *Sunna* of the

<sup>10</sup> Michael E. Marmura. (trans.) Avicenna; Healing; Metaphysics X" *Medieval Political Philosophy*, 108.

<sup>11</sup> Ibn Sina, *Al-Shifa*,... 453.

<sup>12</sup> Michael E. Marmura. (trans.) "Avicenna; Healing; Metaphysics X",... 108.



prophetic lawgiver. Additionally, the guardian of state must assure the security to allow the economic activities to run well in the state. When the security of the state is not stable, it will cause the investors or economic doers hesitate from running their business in the state.

Therefore, the structure of society according to Ibn Sīnā in his *madīnah al-fādhilah* must be regulated to achieve the political economic stability in the state. These three components of state: government, economic doer, and guardian of state, must stand together responsibly to achieve *madīnah al-fādhilah*.

## 2. Providing the Job Opportunities

Ibn Sīnā emphasizes the importance of employment in the state as he says in his *al-shifā*, chapter ten in Article Four:

فلا يكون في المدينة إنسان معطل ليس له مقام محدود بل يكون لكل واحد منهم منفعة للمدينة. وإن تحرم البطالة والتعطل وإن لا يجعل لأحد سبيلا إلا أن يكون له من تحبر الحظ الذي لا بد منه للإنسان وتكون جنبته معافاة ليس يلزمها كلفة. فإن هؤلاء يجب أن يرد عنهم كل الرذح فإن لم يرتدعوا نفاعهم في الأرض. فإن كان لسبب في ذلك مرضا أو أفة أفرد لهم موضعا يكون فيه أمثالهم ويكون عليهم قيم.<sup>13</sup>

Thus none in the city will remain without a proper function and specific place, but each of them must be beneficial to a city. Idleness and self-unemployment must be prohibited. The legislator must leave the way open to no one for acquiring from another than share of a livelihood necessary for man while exempting himself from any effort in return, such people he must vigorously restrain. If the cause is physical malady or defect, the legislator must set aside a special place for such cases, under someone's charge.<sup>14</sup>

There are three points that can be derived in Ibn Sīnā's explanation on prohibition of unemployment. Firstly, it is the responsibility of the society to contribute or give benefit to their city. It is one of the obligations of the society to contribute to the state. In order to give benefit to the state, they should do the job perfectly, conscientiously and diligently with maximum degree of care and skill.

Secondly, the responsibility of the government is make sure that

<sup>13</sup> Ibn Sina, *Al-Shifa*,... 447.

<sup>14</sup> Michael E. Marmura. (trans.) "Avicenna; Healing; Metaphysics X",... 104.

there is no idleness and self-unemployment in the city by providing people with opportunity to get jobs and prepare laws that prohibit idleness and self-unemployment. This universe perfectly created by Allah provides means for mankind to earn their livelihood. Allah has naturally put each affair for a purpose, and that the existence of the universe and its parts are created perfectly, that there is no imperfection, unoccupied and object of its own. Then, jobs are available for humans on this earth as long as they really struggle to earn their living. Therefore, as the deputy of Allah, the state should pay attention to providing and selecting the appropriate jobs that give benefit to individuals and society, and prohibit or abolish of jobs that give harm the individual and society in general. This advice it explained by him:

إن على الملك.....العناية بالصناعات المفيدة في الحياة وإضعاف الصناعات  
المفسدة كالزنا والرقص واللهو<sup>15</sup>

He explains that the state should take care of the useful manufacturing skills in this life and prohibit harmful manufacturing skills in areas such as adultery, dancing and entertainment.

there are many *surahs* that explain types of works that God has provided to human beings to in order to live and survive in this world. The works that can be acquired by human beings in certain ways are mentioned in the following Surah in al-Qur'an:

### 1. Agriculture

[The let man look at his food (and how we provide it). For that we pour forth water in abundance, and we split the earth in fragments, and produce therein corn, and grapes, and nutrition plants, and olive and dates, and enclosed gardens dense with lofty tress, and fruits and fodder for use and convenience to you and your cattle]<sup>16</sup>

### 2. Steel industry

[.....we sent down iron, in which is (material for) mighty warm, as well as many benefit for mankind, that God may test who it is that will help]

[O ye children of Adam! We have bestowed raiment upon you to cover your shame as well as to be an adornment to you]

<sup>15</sup> Ibn Sina, *Al-Shifa ...*,447.

<sup>16</sup> The Qur'an, At-Taubah: 24-32

### 3. Trade

[O ye who believe! Eat not up your property among yourselves in vanities: but let there amongst you traffic and trade by mutual good-will: nor kill yourselves: for verily God hath been to you Most Merciful]<sup>17</sup>

These three examples of work described in al-Qur'an provide human beings the means to earn a living. Firstly example, the agriculture is very important that should be taken into consideration because God has provided the lands on this earth for a purpose. Human beings have the responsibility to prosper them in order to acquire the fruit of labour that can be used for living. Secondly, there are two important elements in industrial sector such as the iron industry and the textile industry. These two industries provide humans the opportunity to fulfill their needs. Thirdly, trade is the work that can be carried out by all individuals that function as intermediary between the producer and the consumer. With these explanations it can be concluded that God has created several works on earth for humans. It is obvious that the state should be responsible to provide the opportunity for all individuals to attain jobs available in this world. For individuals, finding a job is *fard 'ain* as long as they are able to work.

Thirdly, it is the social responsibility of the government to care for ill or disabled person who unable or unwilling to work. The obligation of the governments is to place them in a special place and train them until they could fend for themselves and in general for their country. These three must be included in the state in order to achieve justice and welfare.

With this argument, the state is responsible for the arrangement for sustenance of the sick, disable and unemployed. As a result, every society must be taken care of by the government if they are in need. In Islam, the state has to provide and guarantee the basic needs of society by providing employment. Yet, when people cannot work because of malady or disease, the state should sustain them by giving financial assistance, but if they cannot afford to find work because of laziness, the state should punish them. Furthermore, to maintain financial assistance, the rich should contribute to the government by giving money to cater to social activities.

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<sup>17</sup> The Qur'an, Al-Nisa: 29

In addition, Asad (1980) explains clearly and adds some notions from Ibn Sīnā's explanation regarding a responsibility of the government in providing employment to the citizens, though it seems a similar concept with a different interpretation. To him the state must contain some policies for its citizens. In the case of provision of work, they are as follows:<sup>18</sup>

1. Productive and remunerative work while of working age and in good health.
2. Training for making productive work.
3. Free and efficient health services in case of illness.
4. A provision of basic needs for its citizen that have disability resulting from illness, widowhood, unemployment and due to circumstances beyond the individuals' control like old age and under age.

In fact, from the historical perspective it was carried out by the Right Guided Caliph Umar Ibn Khattab. To him, the poor should be given substantially, if possible, not merely to meet their basic needs. He gave us one example regarding this affair; he gave a poor man three camels, stating that he would continue to give even if it amounted to a hundred camels to one person (Abu-Ubaid).<sup>19</sup> He was reported to have reprimanded those who were poor because they did not strive to earn their living or because they spent all their time in the mosque, even though it was for worshipping God and reciting the Qur'an, "Would not these people know that heaven does not rain gold and silver!" exclaimed the caliph.<sup>20</sup> The example given by him can be concluded that governments should pay attention to the fulfillment of their citizens' basic needs by providing resources that can be used for productive work for the poor in order to make them to survive on their own two feet. Therefore, to Ibn Taimiyyah the state should be considered as the source of all economic activities to the community.<sup>21</sup>

<sup>18</sup> Muhammad Asad, *The Principles of State and Government in Islam* (Gibrartar: Dar al-Andalus, 1980) 58.

<sup>19</sup> Rodney Wilson and Ahmad el-Ashkel, *Islamic Economics: A Short History* (Leiden: Brill, 2006), 109.

<sup>20</sup> *Ibid.* p. 109.

<sup>21</sup> Haroon Khan Sherwani, *Studies in Muslim Political Thought and Administration* (Lahore: SH Muhammad Ashraf Printing Press, 1970), 183.

### 3. Providing Social Security

Ibn Sīnā regards the importance of social guarantee to the society and how it is the means to solve problems for the interest of society, as he mentions:

و يجب أن يكون في المدينة وجه مال مشترك بعضه من حقوق تفرض على الأرباح المكتسبة والطبيعية كالثمرة والتناج بعضه يقرض عقوبة وبعضه يكون من أموال المعاندين للسنة وهو الغنائم ويكون ذلك عدة المصالح مشتركة وأزاحة لعله الحفظة الذين لا يشتغلون بصناعة ونفقة على الذين حيل بينهم وبين الكسب بأمراض وزمانات.<sup>22</sup>

There must exist in the city a common fund. Part of it consisted of duties imposed on acquired and natural profits such as fruit and agricultural produce, part of it imposed as punishment, while another part should consist of property taken from those who resist the law that is war booty. Thus, the fund will serve to meet the exigencies of the common good, to meet the needs of the guardians who do not work in any craft, and those prevented from earning their livelihood by maladies and chronic diseases.<sup>23</sup>

According to his explanation it can be analyzed that there are two main points in regard to management or administration of wealth for society's interest, namely *mal musyatarak* (common wealth) and *mashōlih musyatarakah* (common interests). The first can be defined as wealth collected from other resources that are used for the interest of society. So, the state has the responsibility to conduct and collect it from other resources as follows:

1. Companies that deal directly with the vital interests of the people, whether medium or large industries, should share some of their profit for the public interest. It can be imposed as tax revenue.
2. Agricultural lands that have good results such as agricultural crops or forests that produce timber and others.
3. Property is taken because of the government's decision in cases such as confiscated property and war booty.
4. Property that comes from the enemy or intruder of the state who is considered as an enemy of the country.

<sup>22</sup> Ibn Sina, *Al-Shifa*, ...447.

<sup>23</sup> Michael E. Marmura. (trans.) "Avicenna; Healing; Metaphysics X",... 104.

Consequently, he does not mention other important sources of *mal musyarak* (common wealth) such as *zakat*, *kharaj*, and *ushr* that are found in an Islamic state. The fund collected through *zakat*, *kharaj*, *ushr* and others (*mal musyarak*) are put in the *baitulmal* and then used for society by a responsible government (*mashōlih musyarakah*).

The second point is *mashōlih musyarakah* (common interests). The goal of the state to accommodate the collective interest of society, the expenditure on security, and help for the elderly people whether because of illness or old age. Then, Ibn Sīnā explains more detail regarding elderly people who are also the responsibility of government:

ومن الناس من رأى قتل الميوس من صلاحه منهم وذلك قبيح فإن موتهم لا يحجف بالمدينة فإن كان لا مثال هولاء من قربته من يرجع إلى فضل لاستظهار من قوته فرض عليه كفايته.<sup>24</sup>

Some people have held the opinion that the diseased whose recovery is not to be expected should be killed. But this is wrong; for their sustenance will not hurt the city. If such people enjoy relative superfluity of means, then the legislator must impose on those people the responsibility for their relatives.<sup>25</sup>

In his explanation, he rejects the argument that says that the people who are no longer contributing because of malady or disease in their city must be killed so that they do not burden their society and state. They are human beings that have the right to live on this earth.

For those people who are unproductive in the state, Ibn Sīnā proposes some regulations that should be taken into consideration: (1) the state is not responsible to cover their expenditure of livelihood; (2) the state should encourage their friends and relatives who are enjoying a superfluous of means to be responsible for them; and (3) the decision for imposing this responsibility should be done through laws. This proposal is very important to be regulated in order to assure that the society is handled well.

In this context, Islam takes a mid-way approach regarding wealth, securing the interest of citizens and the benefit of individuals. Therefore, individuals cannot live alone. They should communicate with others. The individuals should do their economic affairs in the society in order to earn wealth, and then they should share part of

<sup>24</sup> Ibn Sina, *Al-Shifa*,... 447.

<sup>25</sup> Michael E. Marmura. (trans.) "Avicenna; Healing; Metaphysics X",... 104.

it for the interest of society. Some individuals will generate more income (rich), while others will generate less income (needy), which means income differences among society. This principle can be derived from Surah al-Zukhruf 32: “*And we raise some of them above others in ranks, so that some may command work from other.*”

In other words, distribution of wealth can be carried out by individuals into two ways; through exchange (in the market) and through inheritance, or through transfers by the state in the form of social assistance or guarantee. In the first category, it will result in income differences among them when they earn a livelihood. The second category should be conducted by the state in order to reduce the income differences among people in the society, as clearly mentioned in Surah al-Hasyr 7: “*...in order that it may not (merely) between the wealthy among you...*”

The state should also be responsible to cater the social interests (*mashōlih musytarakah*) to conduct a balanced economy in the society. As mentioned in Ibn Sīnā mentions that there must exist a common fund (*mal musytarak*) for the social interest of the society. In this regard Ibn Sīnā says that the common fund can only be imposed on the profit of companies that deal mostly to the interests of society, agricultural products, confiscated property, and war-booty. He does not mention other common funds that have been mentioned by his predecessors such as Abu Yusuf, Abu Ubayd and Muhammad ibn Hasan al-Shaibani. These common funds are divided into three components, namely: (1) obligatory common fund, (2) voluntary common fund, and (3) other common funds.

#### 1. Obligatory common fund

This obligation is subjected to the state to collect common funds from its society. Furthermore, the obligatory common fund consists of *zakat*, *ghanimah*, *fa’I*, *kharaj*, *jisyah*, and *kafarat*. These common funds are used for the social security of the society that depends on the requirements and circumstances. For instance, *zakat* fund is used for the eight *ashnaf* (categories) of people; they are *faqir*, *miskin*, *muallaf*, *riqab*, *gharim*, *fi sabililah* and *Ibn Sabil*. The other instruments have the same objective as *zakah*, while some funds will be used in other ways such as *ghanimah* and *fa’I* require one fifth of the fund to be distributed to Muslims as army allowances, preparation of horses and armament, building castles and bridges, and the remuneration of judges and religious leaders and similar benefits (al-Shafi’i), while



four fifth are distributed to the needy, the poor, the orphan, and the traveler (*Ibn Sabil*).<sup>26</sup> Then, *jisyah* is tax levied onto non-Muslims (adults) who live in the Islamic state. Consequently, *al-kharaj* is one of the instruments of state revenue introduced by the second caliph Umar ibn Khattab, which was imposed to the land of non-Muslims.

2. Voluntary common fund

It is divided into certain categories such as *infāq*, *shodaqoh*, and *waqf*. These common funds are based on voluntary basis, which all individuals can give from their excess of income to help other people who are needy. Historically, *waqf* is one of important of common funds in the early Islamic age, which played an important social and economic role. It was institutionalized at a very significant degree in the Ottoman Empire. Traditionally, the *waqf* was used for expenditure on mosques, schools, researches, hospitals, social services and defence.<sup>27</sup>

3. Other common funds

This category of common fund is imposed onto the society depending on the need of the state to regulate it. For instance, '*an ushūr* or custom duty *was* first imposed to in time of the second caliph Umar ibn Khattab. A letter came from the governor of Basrah, Abu Musa Al-Asyari saying that all Muslims who brought goods for trade to the states which were not authorized by Islamic state were imposed up to 10%.<sup>28</sup>

**Tabel 3: the Rate of 'Ushur**

No.	Group	Percentage	Dirham	Mistqal
1.	Muslim	2.5%	5	½
2.	Dhimmi	5%	10	1
3.	Harbi	10%	20	2

<sup>26</sup> Al-Mawardi, *Al-Ahkam al-Shultāniyya w'al-Wilāyāt al-Diniyyah (The Ordinance of Government)*, Mans. Wafaa H. Wahba, UK: Garnet Publishing Ltd, 1996), 141.

<sup>27</sup> Muhammad Akram Khan, *An Introduction to Islamic Economics*, Pakistan: International Institute of Islamic Thought and Institute of Policy Studies, 1994), 82

<sup>28</sup> Cahyono Nurdin, *Harta dan Jaminal Sosial Menurut Syariat Islam*, (Malaysia: Pustaka Mizan, 1986), 43.



For instance, in table 4.1 explain that *'Ushur* is imposed 2.5%, on the Muslims, 5% on the *Dhimmi*, and 10% on the *al-harbi* if the goods had reached their value of 200 dirhams or 20 mitsqal. It imposed a double percentage on the other non-Muslims, i.e. the *Dhimmis* had to pay double of what Muslims pay, and for the *Harbis* had to pay double of what the *Dhimmis* pay to the Islamic state.<sup>29</sup>

Additionally, there were new taxes introduced during the reign of the Abbasid Caliphate, they are mainly:<sup>30</sup>

1. Market tax, which was first introduced in 784 CE under the reign of caliph al-Mahdi (775 CE-785 CE) and was imposed on shops in the market.
2. Stamp duties on the sale of estate property imposed on sellers at a rate that reached 2 percent.
3. Inheritance tax, which was first introduced under the reign of al-Musta'sim.
4. Fishery tax, which was imposed on fish and other sea products.

Furthermore, these common funds are place at the financial department or ministry of the state, and then distributed to the society depending on the needs. In the Islamic history these common funds were put at the *bait al-mal*. They were divided into four divisions depending on the sources of fund.<sup>31</sup>

1. *Bayt al-mal* for *ghanimah* is the fund spent for soldiers who fought in war and for state facilities and needy Muslim (*fuqara*).
2. *Bayt al-mal* for *jisyah* and *al-kharaj* are the funds spent for state facilities and indigent people who were not Muslims but took refuge in the shade of the Islamic state.
3. *Bayt al-mal* for *zakat*, is the fund spent for eight *ashnaf* (categories) of people as mentioned in the Qur'an and explained in many books of *fiqh*.
4. *Bayt al-mal* is the wealth whose owners are unknown does not have any heir.

<sup>25</sup> Abu Yusuf Ya'qub Ibn Ibrahim, *Kitab al-Kharaj*, (Kairo: Al-Matba'ah Salafiyah, 1302), 132-133.

<sup>30</sup> M.D. Al-Rayyis, *Al-Kharaj and the Financial System of the Islamic State, al-Kharaj wal nuzum al-maliah fi al-Islam*, (Dar al-Anshar, 1997).

<sup>31</sup> Ahmad Husain, *Al-Siyasah Al-Iqtisadiyah wa al-Nuzum al-Maliyah fi al-Fiqh al-Islami* (Kairo: Maktabah al-Kulliyat al-Azhariyah, 1982), 497.

## Conclusion

Ibn Sīnā's thought on social justice give us the important concept for the state's role for social welfare. However, he begins with division of society creates the state that make mutual cooperation. All compenent of society must be regulated by laws in order to maintain stability in the state.

Then, to achieve social justice from his point of view is by providing thnies and social security to society. First, the regulated laws must be in conformity to the *Sunna* of the prophetic lawgiver in order to decide community matters justly. Secondly, the government's responsibility is to make full employment in the state to contribute to the economic growth. state is providing people with job opportunity and prepare laws that prohibit idleness and self-unemployment. This is in line with the teaching of Islam that Muslims should earn and seek the provisions by their capability that God has bestowed on them. Lastly, the social security is balance economy in the state by eradicating disparities between the rich and the poor.

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