



Private property: From an Islamic and Western Perspective

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What for does a man need property? Why does a man forget everything---morality, sociality and honesty---in the race for more and more property? As the famous Italian thinker once remarked, ".....men sooner forget the death of their father than the loss of their patrimony." Why is the desire for property not satisfied even after accumulating millions and millions of rupees? These are the questions which always come up in the mind of a common man. There can be three reasons with regard to the utility of property. The first is that property is required for the satisfaction of physical wants. The second is that property is required as a guarantee of a safe future. The third reason for acquiring property is the most important one, and it is a social reason---without property a man gets neither social status nor any prestige. Property in this third sense makes a man mad after it and he comes to view property as the only human value. The first two requirements of property are universally accepted as it is confined to consumption. But the third reason for accumulation of property is questioned, since property required here is not for consumption but for dominating and exploiting others. The former form of Property is regarded as personal property while the latter is regarded as private property.²

Private Property in the western Discourse

The modern notion of property dates from the seventeenth and eighteenth centuries and stems from the growth in Western societies of a commercialized economy. Simultaneously the notion of property as 'private' developed and it provided a legal framework within which commercial activity could take place.³ Since then a variety of burgeoning views regarding the justification and utility of private property have been expressed by Western thinkers. These views fall under three broad perspectives---the liberal individualist perspective, the liberal welfare perspective and the Marxist perspective. The liberal-individualists like Jhon Locke (1632-1704) and Adam Smith (1748-1832) argued in favour of private ownership of property and justified individual's right to acquire unlimited property. Jhon Locke asserted that man's right to 'life, liberty and property' was a fundamental natural right and the State is supposed to guarantee the protection of this right. Similarly Adam Smith, the author of '*Wealth of Nations*' justified private property on the ground that it was an instrument of social progress.⁴ The influence of liberal individualist philosophy on subsequent generations was so profound that it came to be enshrined as a fundamental right in the constitutions of various democratic countries of the world.

The liberal welfare thinkers like T.H Green (1836-1882) and J. S Mill(1806-1873) defended private property but they challenged man's right to acquire unlimited property. T.H. Green highlighted the evil of unlimited right to private property and "pointed out that when an unrestrained right to property creates conditions under which some men take an unduly large share and others are prevented from acquiring requisite property as a means of their 'self-realization', as in the case of landed property, this right becomes a hindrance

¹ Machiavelli, Nicollo, *The Prince*, Penguin, 1961, p. 97

² Jain, M. P *Political Theory: Liberal and Marxian*, New Delhi, 1981, P.404.

³ Heywood, Andrew, *Political Theory: An Introduction*, Palgrave Macmillan, New York, 2005, PP.317,318

⁴ Gouba. O.P, *An Introduction to Political Theory*, New Delhi, 2003, P.352

to the exercise of freedom in society. Green, therefore pleaded for reasonable restrictions on the right to (private) property in the interest of social good”⁵

The Marxist thinkers like Karl Marx (1818 -1883) and Friederich Engels (1820-1895) view private property as the main source of conflict, exploitation, injustice and division of society into antagonistic classes. They, therefore, strongly plead for the abolition of private property. According to them, “private property has not existed from eternity and its origin was attended by the beginning of exploitation in the society.”⁶

Private Property in Islam:

Islam is not merely the name of few rituals. It is infact a complete system for practical life in all its aspects-----economic, political, social and spiritual. In the words of Sayyid Qutb (1906-1966), the prominent Egyptian Islamic thinker, “The ramifications of the Islamic system are so conspicuous and profound that it would be futile to attempt depicting it as an emotional creed divorced from practical life’s organizations and institutions. Nor could it be taken as a belief that promises a paradise in the next life to those who perform its rituals, without applying in their everyday life its distinctly unique institutions, jurisprudence and methodology. The sacred versus secular dichotomy has never been postulated in Islamic history, nor can it ever be.”⁷

Not only is Islam a complete way of life, it is also in complete consonance and harmony with human nature. It never asks man to do that which is beyond his capacity and which does not suit his natural instincts. As Qutb writes, “A basic characteristic of Islam is this : that it never forgets for an instant, at any time or place the nature of man and the limits of his capacities, nor does it neglect the material realities of his existence.”⁸ These basic characteristics are easily discernible in all the teachings of Islam, including those pertaining to property. Paying due consideration to man’s innate selfish acquisitive instincts, Islam (unlike Marxist philosophy) does not insist on the abolition of private property outrightly. It regards property a useful institution and “does not make any distinction between private property and property for consumption. It gives a general right of property to individuals, but limits it with restrictions.”⁹ The limitations are imposed with a view to avoid concentration or circulation of wealth amongst the rich alone. As the Quran says, “.....so that the wealth may not circulate between the rich alone amongst you.”¹⁰ Islam lays great emphasis on equitable distribution of wealth in the society. To this extent it believes in “controlled capitalism.”¹¹ The limitations imposed by Islam on private ownership of property are thus, reasonable in so far as they provide a framework for the maintenance of social justice and of socio-economic equilibrium in the society.

Islamic Regulations on Private Property:

Unlike the liberal individualist philosophy of the early nineteenth century, Islam does not endorse an unlimited right to property as this leads to concentration of wealth in few hands and the corresponding destruction of the balance of the socio-economic fabric of the society. On the other hand, it does not impose such irrational regulations on private property which kill all incentives for individual endeavour. The economic teachings of Islam are so delicately balanced that the possibility of conflict between individual claims and societal good, which is so characteristic of western philosophy, is completely eliminated. These regulations are:

1. Means of earning should be lawful or pure. Islam gives the individual right to freely strive for his economic betterment. However, in the methods and means of earning, Islam has established the bounds of lawful and unlawful or permissible and prohibited. Accordingly a man is given full freedom to earn by lawful means and methods but no freedom to earn by unlawful (*Haram*) ways.¹² Wealth earned through deceit, bribery, embezzlement, theft etc. is declared unlawful by Islam.¹³

2. Usury: Islam declares usury to be an unlawful practice and emphasizes that capital alone can not be a means for increasing the property of a person. Usury was one of the principle tools through which capitalism spread in Europe. By declaring it illegal, Islam limited the unjust appropriation of huge share of property by a capitalist in lieu of fulfilling impending human needs. This is because people are forced (by their poverty) to

⁵ Ibid, P. 353

⁶ Ibid, P. 363

⁷ Qutb, Sayyid, *Islam the Religion of Future*, Markazi Maktaba Islami, New Delhi, 2000, PP. 6-7.

⁸ Qutb, Sayyid, *This Religion of Islam*, Markazi Maktaba Islami, New Delhi, 1996, P. 2.

⁹ Mawdudi, A.A., *Islamic Economic System: Principles and Objectives*, Markazi makbata Islami, New Delhi, 1998, PP.7-8.

¹⁰ The Holy Quran, 59:7

¹¹ Term used by Dr Israr Ahmad in *Islam ka Ma’ashi Nizam*, Itiqad pub., New Delhi, P.51

¹² . Mawdudi, A.A., *Op.cit*, PP.9,10.

¹³ For knowing all the unlawful means and methods of earning in Islam, See, Yusuf al-Qadhwawi, *Halal and Haram in Islam*. Mawdudi, *Islamic Economic System*, and Dr Israr, *Islam ka Ma’ashi Nizam*.

borrow money on interest only in times of impending needs. Moreover, by prohibiting usury, Islam has accorded to labour its proper dignity and bridged the unjust gulf between labour and wage.¹⁴

3. Hoarding: Hoarding is a practice by which traders and businessmen deliberately hold back necessary goods (especially the Eatables) so that their supply in the market may decrease resulting in higher prices¹⁵. This practice is illegal according to Islamic law as it is likely to create gross economic inequalities in the society and thereby destroy its socio-economic equilibrium. The Prophet (peace be on him) denounced hoarders in very strong words, saying "If withholds grain for forty days out of the desire for a higher price, Allah will renounce him."¹⁶

4. Welfare of the State: Islamic State is a welfare state. It fulfils the basic needs of its subjects, defends its own territory etc. However, sometimes the state may not be able to meet the expenses for performing these welfare functions out of its own treasury. Under such circumstances it is entitled to exact funds even from the principle amount (capital) of a person to meet such requirements. Thus, this also regulates an individual's right to property. This principle is, however, not directly based on original Islamic sources but is supported by many especially by Maliki scholars.¹⁷

5. Public Property; Islam makes it abundantly clear that a person can not claim his right to own certain things like water, grass, fire, oil, minerals etc. Such property exclusively comes under the domain of public property. This way also the private property is regulated by Islam.¹⁸

6. Zakat: It has been made obligatory by Islam. It is levied on accumulated capital, trade goods, and various forms of business, agricultural produce and cattle wealth. It is used to put the economically weaker sections of the society on their feet. Thus, *zakat* also regulates private property and plays a key role in bringing about economic balance in the society.¹⁹

The need for a managed and internally controlled economy was increasingly felt by the liberal welfare thinkers towards the end of nineteenth century after the disastrous consequences of unregulated private property were expressed in the form of mass unemployment, disease. Poor working conditions and flagrant injustice and inequality. Islam had given the notion of controlled economy many centuries ago. Its teachings regarding private property, if translated into action, would eliminate all the crisis of the modern world, which are rooted in fallacious economic policies of some dominant countries like USA.

¹⁴ Qutb, Sayyid, *Amn e Aalam Aur Islam*, Markazi Maktaba Islami, New Delhi, 2002, P. 163.

¹⁵ Mawdudi, A.A., *op.cit*, P. 12

¹⁶ . Quoted in Ahmad, Israr, *Islam ka Ma'ashi Nizam* , P.24

¹⁷ Qutb, Sayyid, *op.cit.*, PP.160,161.

¹⁸ Ibid., PP, 164,165.

¹⁹ Mawdudi, A.A., *op.cit* , P15.