

Conclusion

What we have discussed and arrived at under the whole discussion is as follows:

1. Ownership inborn in human nature.
2. Work in the forms of production, service or *Hiazat* constitutes the sources from which ownership sprouts.

Note that production, service and *Hiazat* works make only the origin of primary ownership.

3. Ownership is of two types: primary and transferred.
4. Exchange and donation constitute the origin of voluntary transfer. While inheritance (legacy) is the basis of involuntary transfer.

Hence the origin of primary ownership is work (production, service and *Hiazat*). Transferred ownership consists of exchange, donation and inheritance. The other types of origin of ownership are mere derivatives of these types.

5. Ownership is either personal, private, public or governmental. Collective ownership can be regarded as a derivative of one of the four types already mentioned. Personal property implies ownership claim of a person to an object or part of it on the condition that the object is not a production tool. Private property denotes ownership claim of an individual to the whole or a part of a production tool.

Governmental property is, in reality, another manifestation of public property with the two having the same root and origin.

6. Private property, irrespective of its form (individual holding, joint or cooperative venture), is fully permitted and has all economic justification.
7. Capital is nothing but crystallized labor.
8. Crystallized labor (capital), if combined with the current productive labor to boost production, is called

productive capital. Allocation of a portion of the surplus value (augmented production level) attained through the joint operation of labor and productive capital, to the productive capital under the label of productive capital profit, enjoys all economic sanctions.

9. Capital, implying crystallized labor, could have its manifestations in the form of assets with a potential to be utilized. The examples of a house, a shop, and a car, ready to be leased, are apt in such a case. If they earn modest dividends they are also economically justifiable.

10. Trade capital, which may be crystallized and accumulated, due to its inherent impotency and uselessness, is considered to be unproductive. Therefore, all economic justification in earning a profit is withheld from it, and it is equated to usury.

11. Services, performed by grocers, provision sellers, cloth sellers, etc., can earn remuneration commensurate to their services alone. Their sale prices should exceed their purchase prices only nominally without reflecting any profit on their activated capital. Miscellaneous, moderate, reasonable expenditures, associated with shop maintenance, etc., should also be compensated for. Such trade activities are, in fact, either *Muzarebeh* or *qua'si Muzarebeh*.

12. The magnitude of labor, expended in the form of distribution service, must be minimum. This is meant to eliminate the middlemen and intermediaries with superfluous work.

13. *Muzarebeh*, in fact, implies combination of production work with distribution (service work) relating to goods. The resultant yield is not, in any way, in the form of profit peculiar to trade capital. The gain is divided between the producer of the goods and the distributor, and does not add an unwarranted profit to any barren capital, while at the same time, not extending any undue excessive remuneration to the peddler. The example of the bread seller, making home delivery of bread, is pertinent here.

14. *Muzareeh* and *Musaghat* imply a combination of production activities of one individual producer with those of another. Both the parties venture into production in successive phases, and the gains are reaped proportionally by them.

15. Thus, lease, *Muzareeh*, *Musaghat* and *Muzarebeh* expounded and analyzed as warranted contracts in Islam, and are in absolute concordance with innate logic and fully acceptable.

16. None of the above mentioned transactions can be judged to be injurious and exploitative in their pristine nature. The roots of oppressive exploitation of the low income group leading to wealth concentration by a few are to be traced elsewhere, and then remedial measures adopted.

17. The causes and factors of exploitation can be summarized in two main elements:

a. An oppressive rate-determination apparatus, reflecting an arbitrary and unjust wage scale, goods indices, rent and ratio of rewards division between parties involved in *Musaghat*, *Muzareeh* and their like; and,

b. Weak bargaining power of the working class which drives it to surrender its labor against unjust payments, to the owners of production tools and capital.

18. It therefore becomes incumbent upon government to devise and implement fundamental redressive measures by providing the necessary tools and capital to individuals evincing the prerequisite capabilities and willingness to engage in production or service spheres, be it on an individual basis or in the form of joint or cooperative ventures. Effective governmental interference through machinery for regulation and coordination of the prevailing rates would also produce far-reaching desirable effects in this direction.

19. The operation of the following factors, in the economic set-up, must be facilitated and adhered to:

a. The quality and quantity of the working hours, to a large extent, must fall within the discretion of the individual worker's management with a grass-root representation. Choice of the production and factory sites must, as much as possible, reflect the sagacious, impartial judgement and interest of the worker.

b. Creation of the motive for more extensive production. The urge to spur production activities through greater involvement and devotion must enjoy a paramount position in the production growth strategy (this point has much dependence on part of the issue).

c. Sanction of investment opportunities and the provision of a fertile production ground constitute one of the basic means of achieving the objectives laid down in A and B.

20. Thus, the conglomeration of profuse production resources compounded with increased consumption values, spurred level of personal involvement of the working masses, and adequate choice with regard to production items make up the most fundamental economic guiding principle for us.

21. Another noteworthy point here is delivery of the finished goods to ultimate consumers in the minimum possible time and minimum number of agents (middlemen).

22. Obligation of society, government and individuals towards those members of society who are either totally or partially incapable (due to superannuation or other unavoidable factors) of adding to the aggregate production level. Such individuals, in spite of their zero or negligible contribution, will have to be guaranteed a materially secure life.

23. A practical system of taxation, especially direct taxes such as *Khums* which could be levied on both net and gross incomes. *Zakat* (tithe) is also another type of tax levied on gross income and constitutes a type of direct tax.

24. An integration and cohesion of the thoroughly discussed principles in the foregoing are bound to procreate a unique economic set-up devoid of the maladies associated with capitalism and socialism. Under the auspices of this new system, the chances of perpetual entrapment of the working class by the capitalist class, on one hand, and the ubiquitous government control and intervention which infringe or

counter an individual's economic liberties in the form of huge bureaucratic machinery, on the other hand, are precluded.

25. The issues of public properties, *Anfal*, and the scope and extent of *Hiazat* and exploitation of natural resources are indeed meritorious and while dealing with the problem involved, they must be strictly adhered to.

26. Does land become the property of the person rehabilitating it? How long could the duration of such a relationship between the person and the rehabilitated land persist? Does it remain the property of the person as long as he cultivates it, or as long as it shows signs of survival? Would it remain the property of the rehabilitator even if he fails to attend to it so that the signs of previous rehabilitation fade out altogether? This is an issue with an intricate and delicate nature, and due attention must be attached to it from an Islamic viewpoint.

In view of the fact that the issue plays an important role in determining the scope and type of land transactions, and at the same time, land constitutes an important part of our economy, a separate area of discussion has been carved for it.

The preceding discussions are a compendium of what we have hitherto said or would say in pursuit of a survey on the issue of ownership in Islam.

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