Professor Najatullah Siddiqi's Vision for the Future of Islamic Economics

Jasser Auda

Summary

In the later part of his blessed life, Professor Najatullah Siddiqi (rahimahullah) followed the tradition of the great scholars of Islam; he took a step back and issued a high-level critique of the very foundations of the fiqh/jurisprudence of contemporary Islamic economics and finance. The clearest presentation for this critique is his "vision for the future of Islamic economics". In it, Professor Najatullah proposed five strategic changes: (1) Family rather than market as a starting point in economic analysis; (2) Cooperation playing a greater role than competition in the economy; (3) Debts playing a subsidiary rather than the dominant role in financial markets; (4) Interest and interest-bearing instruments playing no role in money creation and monetary management; and, (5) Maqasid-based thinking supplanting analogical reasoning in Islamic economic jurisprudence. This essay is in honour and memory of Professor Najatullah (rahimahullah), in which I argue how his vision is essentially a rejection of the capitalist basis upon which contemporary "Islamic economics" was built! It is a vision for the Ummah today to re-assert its unique economic principles, and this is how his legacy continues (rahimahullah).

Introduction

"To Allah we belong and to Him we return" (Al-Baqarah 156). The Muslim Ummah lost one of its leaders of thought, Prof. Dr. Muhammad Najatullah Siddiqi, on November 12, 2022. We ask Allah to shower His mercy on him, accept his good deeds, and reward him for his struggle for His sake and for the sake of a stronger Muslim Ummah and a better world. Ameen. The late Professor Najatullah Siddiqi (rahimahullah) is undoubtedly one of the most influential voices that shaped the thought/jurisprudence (fiqh) and practice (tatbeeq) of the Islamic economics and finance in our times. His views contributed to the founding and growth of thousands of Islamic financial institutions over many decades.

I am quite familiar with Professor Najatullah's approach to Islamic economics and finances. It is a valuable continuation of the legacy of what I labelled in some of my books as "Islamic modernism in economic thought", starting with Sheikhs Mohammad Abduh and Rashid Reda, all the way till the great jurists of our times who contributed to the Islamic economic thought, such as Sheikh Yusuf Al-Qaradawi, Sheikh Mustafa Al-Zarqa, Sheikh Wahba Al-Zuhaili, Sheikh Abdus-Sattar Abou-Ghuddah (rahimahum-ullah), Sheikh Muhammad Taqi Usmani, Sheikh Ali Al-Qaradaghi, and many notable others.

Contemporary Islamic economics is a project that -in my view- was an important step forward for the Ummah to deal with the invading colonization project, and it contributed in a crucial way to the financing of the Islamic movements and Islamic projects of every kind over the past half a century. I do believe that it is time, however, for our Ummah to wean itself from the Islamic economics' "capitalist apologism" -if I may call it this way, with all due respect to its proponents-and start to envision a different economics and a different future.

Therefore, I was delighted when I studied the latest ideas that our late Professor Siddiqi proposed in the form of "a vision for the future of Islamic economics". It is not unusual for great scholars of Islam to look back at a certain point of maturity in their life/career and reflect upon the fundamentals of their own thought and legacy. For one example, scholars familiar with Imam Al-Ghazali (rahimahullah) would know that there are two Ghazalis: the younger Ghazali who is essentially a Greek philosopher -after some "Islamization"- and a strictly Shafie follower faqih/jurist, versus the Ghazali of his later years, in which he issued a radical critique on philosophy and philosophers, and in which he took a much more "maqasidi" approach to Fiqh and Usul, to the extent of doing Qiyas purely based on Maqasid in his "Mustasfa" seminal work on Usul Al-Fiqh. Al-Ghazali's critique of his contemporary (mainstream) Fuqahaa' in the introduction of his "Ihyaa Ulumud-Din" is quite remarkable and presents quite a different everlasting, and genuine Ghazali (rahimahullah).

Professor Siddiqi expanded the scope of traditional and modernist Fiqh (jurisprudence) of Islamic economics, and presented a comprehensive, wholistic and maqasid-based approach towards a new Islamic economic thought. He introduced a basic critique in the form of "a vision for the future of Islamic economics", in which he proposed five strategic changes: (1) Family rather than market as the starting point in economic analysis; (2) Cooperation playing a greater role in the economy than competition; (3) Debts playing a subsidiary rather than the dominant role in financial markets; (4) Interest and interest-bearing instruments playing no role in money creation and monetary management; and, (5) Maqasid-based thinking supplanting analogical reasoning in Islamic economic jurisprudence.

In my view, this vision is no longer capitalist economics, which was the methodological basis of the mainstream Islamic economic theories and popular Islamic financial instruments that we witnessed over the past half a century or so. This essay in honour and memory of Professor Najatullah (rahimahullah) is making a few arguments to support his vision towards a unique and unapologetic economic contribution of the Muslim Ummah based on Islam.

(1) Family rather than market as the starting point in economic analysis

Quoting Professor Najatullah (rahimahullah) on this fundamental vision, he writes: "The individual person is born in a family. His/her relationships with things as well as persons and other animate beings originate and flourish towards maturity in familial environment. This brings forth gift relationships and reciprocity before exchange relationships that characterize the market as conceived by economics. Economics as it developed in the Western milieu during the last three centuries lost much by ignoring this fact and focusing exclusively on exchange and market. It lost its humanity. It also lost in terms of realism. There is no reason the values nurtured in family entirely evaporate in the market. Insofar as these values are ineffective and dormant for now, can they be activated and energized?".1

In my view, the "gift relationships and reciprocity" that Professor Najatullah (rahimahullah) is calling for, is a call for the return of the Awqaf (endowments) to the center of economics, instead of markets. Professor Najatullah also contributed to the Awqaf thought throughout his blessed journey. Waqf has personal objectives of faith such as seeking rewards in the hereafter, expressing gratitude to Allah, purification, etc. But the Prophet's stipulation that the waqf is: "not to be sold, nor given as a gift, nor was it to be inherited" is meant to free wealth from its previous owner to the ownership of Allah (subhanah), and in practical terms: the jurisdiction of the Ummah. This means granting financial and administrative independence to the waqf body against authorities that might have selfish and narrow interests. It also means guaranteeing sustainability to waqf projects through continuous investments that yield plentiful returns.

These objectives have special importance in our time where nation states and global companies have snatched the material and moral destinies of people and have shrunk – either willingly or by force – the terrains of civic and indigenous action to the lowest limit. The politicians in a modern state, regardless of whether it is democratic or autocratic, and whether in the East or the West, try to continue ruling over social organisations outside the state's authority. This happens in civic organisations, non-governmental bodies, and especially in Islamic institutions of all sorts. This domination is important to them since it guarantees them continued existence in their posts -notwithstanding their blunders- against civic, juristic and philanthropic movements. Global corporations also exercise authority over state and other bodies to continue with their vested interests and their earnings, and to achieve their trade objectives wherever they may be.

¹ Muhammad Najatullah Siddiqi, A Vision for the Future of Islamic Economics, 9th International Conference in Islamic Economics, Istanbul, Turkey, 9 September 2013.

The Islamic world has witnessed a vicious attack on its awqāf from nation states in the "post-colonial" period. But a resurgence of family-oriented economics, i.e. waqf institutions, would reverse this trend. The problems of the poor, the indigent and those who have excessive debt cannot be effectively confronted in matters of food, clothing and housing on an individual, piecemeal basis. There must be bodies that undertake broad human development for them and their societies. This must not involve feeding the poor person some morsels until his hunger returns the next day or meeting the debts of a person until he takes up a loan the following month.

Naturally, priority must be given to provide the urgent needs of these groups but after doing so the welfare bodies must undertake to develop their capabilities and enable them to extricate themselves from the cycle of poverty and debt. This strategy must be far removed from the "growth" standards as defined by global or special organisations based on un-Islamic standards. This is a matter treated by Islamic institutions, whose continuity is guaranteed by awqāf, so that priorities are based on the Islamic magasid of essentials, necessities and embellishments.

Besides, education today is purely a profit-oriented system primarily built on society's economic and political interests. The labour market does not strive to construct a person attentive to the Divine trust of humans' role on earth as envisaged by Islam. These educational institutions produce graduates that are merely cogs in the machinery of modern "growth," exploitation and consumerism observing current standards that are fundamentally capitalist. For this reason, it is one of the priorities of our time that we have help waqf bodies that spend on present-day educational institutions. Professor Najatullah's proposal and its implications certainly creates a different social and economic reality than the current status quo.

(2) Cooperation playing a greater role in the economy than competition

Quoting Professor Najatullah (rahimahullah) on this fundamental vision, he writes: "The next possibility: a restoration of mutual understanding and cooperation in economic activities. A realization by individual economic actors that they owe something to others, a sense of obligation, leading to benevolent/beneficial conduct and a regard for public as distinct from private good - are likely to inspire and motivate economic agents. I am aware of the information problems involved, yet it is hoped the state and other semi-public agencies can meet the information deficit by pooling available knowledge, to an extent sufficient enough to enable joint action. We have a vast literature on both the above issues, familial ethics inspiring economic action and cooperative instinct in economic agents, produced by anthropologists and sociologists. But these trends of thought are not reflected in standard economic text books. The main reason is economics' craving for quantification and its marriage with mathematics. The

rethinking inspired by the recent crisis is expected to overcome this obduracy. Quantification is welcome, but not at the cost of realism and a human touch. Islamic economists can play a role in the search of a balanced approach. There exist advocates of 'holistic' approach similar to those emphasizing 'communitarian' ways in contrast to 'individualism'".²

The key idea for "cooperation versus competition" is Professor Najatullah's call for a "holistic approach". The methodological analysis of the Quran and the Prophetic tradition proves the truth, fundamentality and depth of connectivity that takes systematic patterns between absolutely everything: the seen and the unseen, the material and the non-material. It also proves that the study of these patterns of connectivity result in the emergence of complex (murakkab) and wholistic (kulli) meanings through the relationship between the parts. A primary component of these wholistic meanings is the objectives/maqasid.

A human, for example, emerges from the connection and integration of his or her parts and dimensions. Allah says in the Quran: "In whatever form He willed, He composed you (rakkabak)" (82:8) and "So, We donned the bones with flesh, and then We made another creation emerge (ansha'nahu) so glory to Allah, the best of creators" (23:14). Then, He explained the objectives of that complex composition, the human. To know Allah and worship Him, to rectify earth and preserve life, and to connect what Allah orders to be connected, are objectives at a higher level of awareness and integration. These are meanings higher than the functions of each of the organs. The idea that the constitutive parts cooperate -rather than compete- to rise to a wholistic entity is very much embedded in the Quran. This whole is then characterised not only by these parts but more importantly by the connectivity or relationships among them and the higher objectives that are an integral and inseparable part of all creation – both animate and inanimate.

Studying the Revelation in this way for the sake of developing new economic theories, results in the emergence of webs of meaning that exhibit two universal laws: Interconnectivity (tawasul) and emergence (tawallud) of wholism from the parts. This is true in the realm of interrelations between the revealed meanings and higher objectives in all textual and deduced levels, basically that is how the universal meanings and the higher objectives emerge in the cognition of scholars of Islamic jurisprudence and thought (fiqh), who are reflecting on the interrelationships and the wholistic picture. This also applies, according to the revelation, to the interrelationships in the universe and how researching them causes wholistic patterns and objectives to emerge in the cognition of seekers of knowledge.

² Ibid.

One cannot study the Quran and Sunnah properly without pondering upon the endless interrelationships and internal references, textually expressed and inferred. The Quran also makes reference and connections to the Sunnah. The Prophet also made connections between certain sections of his Sunnah. All such relationships articulated within the texts can be read directly or inferred through mindful and detailed readings. Then, by connecting all references to the meaning of "names" mentioned in the texts, the researcher comes to see the connection between Allah and everything in the Book and in the universe, with everything emerging as an interconnected web and inseparable whole.

The Revelation also teaches us essential knowledge about the universe. It does not leave us to explore based on our natural faculties only. As with its approach to itself, the Revelation addresses the universe by connecting all of its components at the most intricate and sublime levels. This exposition shows us how wholistic meanings are constructed via the integration of the parts. In the true knowledge about the universe, the material world is not separate from what we classify as non-material elements. In fact, the correct classification of these realms is not physics versus metaphysics, but rather seen (shahadah) verses unseen (ghayb).

The universe is alive, connected and interacting by way of its divine creation. This is a different worldview that is based on Professor Najatullah's vision for 'holism', which is different from the purely material capitalist worldview that sees no such life and makes no such connections, and the difference does have an impact on all aspects of life. It follows that everything in this universe is purposeful, with complex relational expressions with all other related matter. Each relation or set of relations giving rise to greater and greater wholistic manifestations. Thus, all cognition, as I have detailed elsewhere, should be based on seven universal elements, namely: concepts, objectives, values, commands, universal laws, parties and proofs.³ These are key elements of the fundamental premises of knowledge, awareness and scholarship that lead to more adequate understandings of Revelation and reality - past, present or future. The logical depth of this methodological shift is a worldview that is more suited to the needs of Muslims and humanity, especially as it shapes thought, education and action in today's economies.

(3) Debts playing a subsidiary rather than the dominant role in financial markets

Quoting Professor Najatullah (rahimahullah) on this fundamental vision, he writes: "Conventional debt-ridden financial arrangements, with a speculative market for debt-instruments to boost, have played havoc with the economy of man. They are the primary cause of increasing levels of inequality within and between nations. By obliging borrowers to pay back

³ Refer to: Jasser Auda, Re-envisioning Islamic Scholarship: Maqasid Methodology as a New Approach, Wales: Claritas and Maqasid Institute, 2021.

what they borrowed with interest added in an environment characterized by uncertainty that does not guaranty additional wealth creation in all circumstances, the current system empowers capitalists at the cost of everybody else. The pressure for additional wealth creation pushes entrepreneurs to accelerate growth in utter disregard of the planet earth's ecological health and sustainability of a pollution-free environment. History testifies that the greatest threat to world peace emanates from the unequal and unfair financial transactions between nations. Debt-centered financial system is inhuman, a threat to the planet earth and anti-peace".⁴

The key here is Professor Najatullah's rejection of a "debt-centered financial system". In my view, this is a rejection of the very system of central banks and fiat currencies, which is the exact next item in Professor Najatullah's vision:

(4) Interest and interest-bearing instruments playing no role in money creation and monetary management

Quoting Professor Najatullah (rahimahullah) on this fundamental vision, he writes: "Recently when the Federal Reserve in the US wanted to increase the supply of money, it printed currency notes worth billions of dollars and purchased debt instruments promising repayment with interest. When the new supply of money originating from the central bank ultimately finds its way into commercial banks, they are able to finance business by creating more money-essentially entries in their ledger books enabling the borrower to write checks against them. These days (August 2013) it decided to end its policy of 'Quantitative Easing' and started selling those assets (bonds) at attractive prices causing a withdrawal of dollars from all over the world. Baring differences in some details, monetary management works that way all over the world. Interest is involved in creation of money as well as in its extinction. Almost all money in circulation is interest bearing debt transferring wealth from fund users to the owners of capital".5

The question "What is usury (riba)?" is foundational and open to ongoing ijtihad (independent reasoning). The wisdom in keeping the answer open in the Quran and Sunnah lies in allowing scholars to adapt to the evolving circumstances of different eras in light of fixed principles and guiding objectives. In my view, the answer can be summarized in the principle that usury is the opposite of trade. The English economist Jeremy Bentham, founder of utilitarian philosophy, argued that justice in trade cannot be achieved due to the inherent inequality between goods and prices, and because prices are subject to irrational whims, as he said. This philosophical

⁴ Ibid.

⁵ Ibid.

approach served as the basis for contemporary capitalism's analysis of usury in the form of open bank interest rates, under the falsely termed concept of "maximizing utility" for the greatest number of people.

Bentham's view differed from the Aristotelians, who believed that the value of goods and prices must be equal, and he also disagreed with those who limited interest rates, like the Scottish economist Adam Smith. Consequently, utilitarians saw trade as being similar to usury in its injustice, which is precisely what this verse rejects: "Allah has permitted trade and forbidden usury" (Quran 2:275). The distinction between trade and usury is the key to defining usury; trade is the exchange of goods for different prices, whereas usury is the exchange of goods for identical prices with an increase in weight, volume, or value, known as "riba al-fadl", or an increase in value through unjustified delay, known as "riba al-nasi'ah".

Riba al-Fadl encompasses any exchange where there is an increase of the same kind, such as interest on bank deposits, or loans from banks to companies and individuals with an increase. This is why the Prophet Muhammad reacted as he did when a man brought him some fine dates. The Prophet's dates were known as "Al-Lawn." The man told the Prophet that he had exchanged two measures of his dates for one measure of this superior quality date, to which the Prophet replied, "You have engaged in riba (usury)." This hadith should not be understood in our era as merely referring to the barter system common in the time of the Prophet, but as a foundational explanation of riba. Riba involves giving one date and taking two in return, which is an unjustified increase or riba. While the date may be of better quality, such considerations are irrelevant in Sharia when the goods are of the same kind. That is, exchanging one date for two, regardless of quality, is riba, just as exchanging a pound of pure gold for two pounds would be, regardless of the shine of the metal. Similarly, in the modern financial system, exchanging one dollar for more than one dollar is riba.

A legitimate sale would involve selling the good date for a dirham, then using that dirham to buy two lesser-quality dates if that is the market price. The difference here is that these two transactions involve trade, which is a mutually agreed exchange between a buyer and seller where prices can vary based on market consensus. Only Allah knows the true value or price. This is why the Prophet viewed government pricing of goods when prices soared in Medina as a form of injustice, stating: "Indeed, Allah is the One who fixes prices, withholds, gives abundantly, and provides. I hope to meet Allah without anyone claiming against me for an injustice regarding blood or property," and in another narration: "Allah is the One who sets prices." This means that Allah determines the true value of things. However, if one date is exchanged for two dates, this is undoubtedly riba because the value unit is the same—the value (weight or volume) of one date—and any perceived difference is riba.

As for riba al-nasi'a, it involves buying a present good with a deferred payment, which is contrary to the Prophet's command "hand to hand" mentioned in the hadith above, and the other prophetic directive: "Do not sell what is not in your possession." In a hadith from Umar ibn al-Khattab, the Prophet (peace be upon him) said: "Do not sell gold for gold except like for like, or weight for weight, and do not sell silver for silver except like for like, or weight for weight, and do not sell something absent for something present unless it is hand to hand. I fear for you the practice of riba." Here, the form of riba involves selling a pound of gold today for a pound of gold tomorrow, which is not hand to hand or "deliver and take" as we say in contemporary transactions. The riba here is the unjustified increase of time. This means that selling a commodity for a deferred payment (debt) is riba al-nasi'a due to the delay in converting the debt into a tangible item. Only selling a tangible item for a tangible item, hand to hand, is lawful.

In an incident narrated by Imam Malik, during the time of Marwan ibn al-Hakam, people started trading documents representing government grain distributions before actually receiving them. Zaid ibn Thabit and another companion entered upon Marwan and asked him, "Are you permitting riba, O Marwan?" He replied, "I seek refuge with Allah; what is that?" They said, "These documents are being traded before they are received." Marwan then ordered his guards to retrieve these documents from the people's hands and return them to their owners. The riba here was identified in the Islamic jurisprudence as the prohibition of selling debt until it is received, as these documents had no intrinsic trading value but were simply a promise of debt payment. Similarly, the Prophet prohibited selling a commodity before taking possession of it. In a hadith narrated by Hakim ibn Hizam, he said: "I bought some food from the charity and made a profit on it before I took possession of it, so I asked the Prophet about selling it, and he said: 'Do not sell it until you take possession of it.'"

The concept of riba from the time of the Prophet's message up until the pre-modern era differed significantly from how it is understood in modern Islamic thought. Historically, there was no distinction between what the Qur'an explicitly mentioned and what is established by authentic hadiths of the Prophet Muhammad , like those previously cited. However, Sheikh Rashid Reda, for example, have differentiated between riba as mentioned in the Qur'an and riba in the Sunnah, limiting riba to the riba of the pre-Islamic era (i.e., traditional debt usury) and confining it to compounded interest. Consequently, the understanding of riba shifted from encompassing all transactions involving any unlawful increase to focusing solely on bank interest, particularly when it is high. This change mirrors what Protestantism did by altering the original concept of riba in the Judeo-Christian tradition.

Historically, riba included schemes like exchanging money with a difference, as illustrated by Ibn Abbas's statement about exchanging dirhams with an added silk garment. The concept of "murabaha" (cost-plus financing) was redefined to permit such arrangements, and more than ninety percent of Islamic banking investments today are based on this structure. But these transactions often involve the "two sales in one" that the Prophet prohibited: "Whoever sells two sales in one transaction, let him have the lesser value or riba."

Even more problematic than murabaha in Islamic banks is the practice of tawarruq, which Professor Najatullah (rahimahullah) was vehemently against. It is essentially a scheme to lend money with riba disguised in a permissible format. Moreover, as an Islamic bank operates within the modern state system, one of its challenges is that it deals with national central banks using riba in various forms of interest-bearing loans. Additionally, it creates money out of nothing, similar to conventional banks, thereby devaluing the currency and boosting financial markets at the expense of real markets. These are some of the implications of the Islamic bank's integration into the riba-based capitalist system.

Professor Najatullah's vision for "Interest and interest-bearing instruments playing no role in money creation and monetary management" solves all of the above problem, even though these basic ideas does require a great deal of development and research, as he also called.

(5) Maqasid-based thinking supplanting analogical reasoning in Islamic economic jurisprudence

"It will be appreciated that reliance on analogical reasoning in deciding about novel financial transaction sometime leads to perverse results. Tawarruq, which leads Islamic finance to an undesirable situation in which debts dominate the market, is one such example. An enquiry into consequences (ma'alat) and a recourse to what Hanafis call istihsan and Malikis characterize as istislah is needed to preserve the capability of Law to serve the objectives (maqasid) it is meant to serve .. Muslim masses feel Islamic banking and finance has not served such goals as poverty alleviation and reduction of inequality in the distribution of income and wealth. Many accuse that instead of setting priorities in the light of Islamic teachings that make wealth a means to universal need fulfillment, Islamic finance too is lead by the greedy whims of the free market, like its conventional counterpart. If these deficiencies are not met, Islamic banking and finance runs the risk of alienation and loss of credibility in its home base".6

_

⁶ Ibid.

Finally, Professor Najatullah's call for a "Maqasid-based approach" to Islamic studies is much appreciated, and the writer of this essay has been taking it as a life project. A true "Maqasid approach" is essentially a methodology that integrates, looks towards the future and critiques based on the fulfilment of the purposes of connections or the lack thereof. The maqasid/objectives are utilized to integrate all phenomena, disciplines, dimensions, proofs, and the signs of Allah in the Book and the universe. These objectives are also the basis of critically assessing current realities and planning for future rectification.

A true "Maqasid approach" to Islamic scholarship is achieved by critiquing shortcomings and promoting their achievements in approaches and methodologies. The following are the dimensions of these shortcomings versus achievements: (1) blind imitation of the Islamic heritage without reference to the Revelation versus utilizing criteria from the Revelation to critique the Islamic intellectual history in a nuanced and balanced way, (2) fragmentation and partialism in the Islamic approach, versus promoting synergy and integration between evidences, disciplines and specializations, (3) apologism for the status quo on all levels versus promoting critical studies of modernity and all systems that it produced in the current realities, (4) contradiction in referencing between "transferred knowledge" and "rational knowledge", defined according to historical and secular views, respectively, versus the integration of these references under the guidance and hegemony of the revealed knowledge, (5) deconstructionist critiques without differentiating between Revelation and culture, given that the Revelation - Quran and its illustration in the Sunnah - is outside the realm of this critique, versus human interpretations that would benefit from this level of critique in Islamic scholarship. It is to be noted that these 5 dimensions of critique apply as well to the new studies in the Maqasid field.

Finally, a true "Maqasid approach" to Islamic scholarship must return to covering all disciplines, specializations, phenomena and forms of organization. The definition of Islamic scholars, therefore, must expand accordingly to include all researchers and activists, each in their respective field and level. The outcomes of Islamic scholarship must be primarily formative principles and theories in all realms of thought and action. These formative principles and theories are the basis of rules, whether they are legislative rules ranging between the obligation and prohibition, or public good rules ranging between benefit and harm. The development of these formative principles and theories should be the purpose of the methodological steps of research. These are all implications, in my view, of the principle that Professor Najatullah Siddiqi outlined in his "vision for the future of Islamic economics". Building on these principle towards a new Islamic economics is the best way to honour his legacy (rahimahullah).

⁷ Refer to: Jasser Auda, Re-envisioning Islamic Scholarship: Maqasid Methodology as a New Approach, Wales: Claritas and Maqasid Institute, 2021.