

Golden Age Land Laws

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Reviewed by ROBERT CLANCY

ONE of the wonders of history is the rise and spread of Islamic civilization over an area twice that of the Roman Empire in half the time. Not enough is taught in our history books about Islam, nor of its considerable influence upon our own culture.

Dr. Ben Shemesh, Professor of Middle Eastern Law at Tel Aviv University, has brought to light one important aspect of Islam, its taxation system, which certainly had a bearing on the success of that civilization. In Volume I of a study of which several more volumes are planned, he has translated and commented upon the *Kitab Al Kharaj* (Book of Land Taxation) of Yahya Ben Adam, an early Muslim jurist.

The Muslims inherited from the Hebrews the idea that the ownership of land is vested ultimately in God. They, the Muslims, received it from God and the Prophet, and the state, representing the whole Muslim community is the owner of the land.

During their period of conquests, the Muslims at first imposed a land tax only on conquered peoples. In fact, Muslims were forbidden to buy land. But as a more settled way of life developed, the Muslims acquired land and were taxed accordingly. The land tax (*kharaj*) was the basis of Muslim public finance.

The system was not an ideal one, there were some crudities about it, but a surprising amount of attention was paid to justice and equity.

One respected Muslim, Abd Allah,

upon being asked how he dealt with his land, replied, "When I harvest the crop, I divide it into three parts, one-third for my household, one-third goes back to the land for sowing, and one-third I give as sadaqa (tax)." Not a bad approximation of wages, interest and rent—and each going to the right place!

The land tax varied in proportion to the natural resources on the owners' land. For instance, agricultural land upon which sufficient rain fell was taxed twice as much as land that had to be irrigated.

Among other principles observed were that the owner who neglected his land and held it idle began to lose his rights in it; that "he who revives dead land has the most right to it;" and that the owner must pay the *kharaj* whether he uses his land or not.

Flowing water could not be withheld or sold. One jurist, Ata, was asked about the sale of water from water-skins. "He said there is no harm in it because the man (the seller) draws and carries it, and it is not like surplus water flowing on the earth." A perfectly sound distinction between *land* and *wealth*.

These are among the precepts that were followed during Islam's Golden Age. A study of its later decline would surely reveal a steady weakening and abuse of the basic idea—for we find an increasing concentration of wealth, power, immense estates and increasing poverty among the landless masses.

Dr. Ben Shemesh—who has also lectured at the Henry George School—has produced a scholarly work. I think it would be a good idea if he would put his findings in a more popularized form for the lay public—he has the wit and ability for it.

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