

FARD AL-KIFĀYA, MU^ḥĀMALA, AND THE COMMONWEAL:
RECONNECTING ECONOMICS AND THE ECONOMY TO COMMUNITIES

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A Little Exchange in the Hamlet of Janda Baik

Janda Baik is a lovely Malay-Muslim hamlet nestled amidst the rain-drenched hills and mountains of the Titiwangsa range in west-central peninsular Malaysia. The soothing gurgling sounds of the swift-running streams and brooks through verdant hollows and lush forests easily evoke the restful ambience of the elven redoubt of Rivendell that so awed Frodo Baggins in Tolkien’s famed *Fellowship of the Ring*. Conveniently located at an hour’s leisurely drive from the intensely concretized city of Kuala Lumpur where I live (or rather, stay), I have adopted it as my favorite retreat for reconnecting myself with the existential meaning of the verse, *And they contemplate the creation of the heavens and earth* (Q 3:191). Needless to say, droves of other city folk regularly escape there too, and hence the proliferation of inns, guest-houses, and homestays, and even a number of expensive vacation homes built by the wealthy.

One recent weekend, I took my five young kids (my wife was away at a function) out to lunch at one of the eating-stalls, and was looking at what was on offer—fried chicken, fish curries, etc.—when it occurred to me to ask the proprietor, a middle-aged woman, “Where do you get your chicken, fish, and vegetables from?”

“From the central market in Kuala Lumpur,” she replied.

I stared at her in disbelief. “Don’t you source anything from the village

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itself? What about *kampung* (free-range, village) chicken? Do you have them here?”

“No. Nobody supplies that here, and moreover they are pricey.”

This impromptu exchange set me thinking. This was a verdant, fertile hamlet, of maybe about a few hundred families, where almost every one of them owns their own little farms or gardens—some of them cultivated according to organic methods—but nobody was supplying the local guest-houses and eating places, or even one another. Yet everyone could work their farms or gardens, be totally self-sufficient in provisions, and still have surplus to supply the local community and its many eco-tourism businesses. It also seems that most of the younger generation has abandoned the traditional husbandry of the land, in the process losing touch with much of the useful country know-how of the older generations, and finding themselves stuck in poor-paying, soul-destroying, and ultimately meaningless paper-pushing desk jobs in towns and cities. This widespread socio-economic phenomenon just goes to show how befuddled is the way most young people think about wealth: fertile, family-owned orchards in the country, which constitute true wealth, are neglected in the exodus to parasitic cities in the quest for meaningless jobs that don't pay a living wage anyway.

*Far, far away thy children leave the land;
ill fares the land, to hastening ills a prey.*¹

Muslims should learn a lesson or two from the resurfacing back-to-the-land movement in the West.² Janda Baik is a nice little hamlet, yes; but does it constitute a real ‘community’? A locality in which people fail to forge vibrant exchange linkages amongst themselves for sourcing even their most basic needs, but instead are overly dependent on outside impersonal markets, cannot be truly holding something in common upon which they can work together and thereby generate a sustainable internal economy. Without this internal economy, which is the basis of local solidarity generated through mutual trust founded on direct personal interactions in local markets, one does not have a community in any meaningful sense of the word. It is rather only a collection of people, not one of whom feels the need to really connect to their neighbors

1. Oliver Goldsmith, “The Deserted Village” (1770), lines 50 and 51. See also Tony Jundt, *Ill Fares the Land* (New York: Penguin, 2010), where he deplores the current loss of a sense of collective purpose due to the unfettered pursuit of material self-interest.

2. Jeffrey Jacob, *New Pioneers: The Back-to-the-Land Movement and the Search for a Sustainable Future* (University Park, PA: Pennsylvania University Press, 1997).

for their livelihood. Everyone is working with, or for, impersonal, disembodied outsiders and strangers, and none is really working with, or for, one another. Hence none really knows the other, even though all live in close proximity and congregate in the same mosque for the ritual prayers. A true community is founded on inter- or rather intra-dependence among its members, not extra-dependence on faceless outsiders.

Individual and Communal Duty

Fard al-kifāya is a technical fiqh term that literally means the ‘obligation of sufficiency’. This refers to the duty of someone in a group of people carrying out a task to cater to a shared need (*hājal mushtaraka*) in a way that suffices for both himself and the other members of the group, so that others are relieved of having to undertake that task. For example, any community has a common, shared need for education and hence teachers, but not everyone has to engage in teaching, since that common need can be met by only a few of them becoming teachers. Hence *fard al-kifāya* also means ‘collective duty’, because the commission of that duty by one or a few members of the collective suffices for the rest. *Fard al-kifāya* can also be translated as ‘the obligatory duty of provisioning what suffices for the community’. This is in contrast to *fard al-‘ayn*, or ‘individual duty’, in which the commission of the duty by an individual only suffices to lift its obligation from that individual alone. In short, an individual duty (*fard al-‘ayn*) cannot be fulfilled by others but only by the individual him or herself.

Yet another way to put it is that *fard al-‘ayn* refers to the duty incumbent on every legally responsible individual in a community without exception, while *fard al-kifāya* refers to the duty incumbent only on a sufficient (hence, *kifāya*) number of individuals, such that other individuals in the community are absolved of carrying out that duty. The measure of this “sufficiency” depends on the size of the community, the nature of the need, and other such factors.³ So, while *fard al-‘ayn* pertains to the realization of personal, individual good, *fard al-kifāya* pertains to the realization of the commonweal (*maṣlaḥa*) of the community as a whole. This is the semantic demarcation between the two ethico-legal concepts, but in reality one can see much existential overlap between them: for since no one is really isolated from the other in a community, a private good, if it is really good, will have some positive, rippling impact on the public good, and vice versa, just as a private evil may have an indirect negative impact on public peace.

3. This obligation is called “obligation of sufficiency” because “the carrying out of this obligation by some is sufficient to legally absolve others from doing so”; see Quṭb Muḥammad Sanū, *Muḥjam muṣṭalahāt usūl al-fiqh* (Beirut: Dār al-Fikr al-Mu‘āṣir, 2000), 315.

In his *Kitāb Ādāb al-kāsh wal-māʿāsh*,⁴ Imam al-Ghazālī (d. 505/1111) has the following to say in regard to how the ethico-juristic precept of *farḍ al-kifāya* applies to livelihoods, commercial exchange, and economic life in general:⁵

The second matter⁶ is to intend, through one's craft, commerce, or work, the discharge of one of the obligations of sufficiencies (*furūd al-kifāyāt*).⁷ If the crafts and the businesses should be abandoned, the livelihoods of people would be disrupted, and most people would perish [as a consequence]. Therefore the well-ordering of the affairs of all is realized through the cooperation of all (*intizām amr al-kull bi-taʿāwun al-kull*), while each group assumes an occupation. If all of them were to be devoted to a single vocation (*ṣināʿa*), then the rest of the vocations would be left unattended and people would be destroyed. It is in the light of this reality that some of the scholars have interpreted the saying of the Prophet—Allah bless and give him peace, “The diversity of my Community is a mercy (*ikhṭilāf ummatī rahma*),” as referring to the diversity of their occupations in [their pursuit of] the various crafts and vocations.⁸

Here, al-Ghazālī sees economic exchange as an ethico-pragmatic organization of livelihoods for the common good, which must also mean the highest good, which is the attainment of everlasting felicity, since life in this world is but the seedbed of (i.e., preparation for) the life in the Afterlife, and the ultimate goal of all earthly human action must be salvation and felicity in the Afterlife. In this vision, personal good is but a function of the larger common, communal, or societal good, and these two goods are, in turn, a function of the ultimate eschatological good. When one really gives some thought to this inter-dimensional connection between the material and the spiritual, most of the “goods” exchanged in the current economic system will turn out in fact not to be beneficial in the least.

But can a person really *intend* (i.e., aim for) the common good in one's pursuit of personal good, and then make his or her livelihood choices accordingly, if one does not have a clear conceptual and practical vision of

4. *Ihyāʾ ʿulūm al-dīn*, 10 vols. (Jeddah: Dār al-Minhāj, 2011), 3:235–339. All relevant citations to this edition.

5. In the first book of the *Ihyāʾ* (1:54ff), he applies this ethico-juristic precept to the acquisition of knowledge and the cultivation of the sciences and vocations in general.

6. That is, the second of the seven matters that the merchant should attend in order to fully realize his concern for his religion (*Ihyāʾ* 3:323ff).

7. That is, communal obligations the discharge of which leads toward the adequate provisioning of public goods and services that are commonly needed in the community.

8. *Ihyāʾ* 3:323.

precisely what constitutes the common good (*maṣlaḥa*) and how it is embodied in the general wellbeing of the community or society in which one lives and works? When confused in regard to what really constitutes benefit or ill, what can one intend but his own narrow self-serving good, hoping all the while it enhances too the wider public good, whatever that may mean? Can there be true, correct, and sincere intention leading to right, benevolent action, without true and clear vision of what harms and what benefits (*mā yanfaʿ wa mā yaḍurr*)? An intention that is unguided by clear vision cannot lead to beneficial action or even truly fruitful interaction.

In this culture of cognitive confusion, resulting from the fragmentation of sincere intention from true vision (*tafrīq bayn niyya khāliṣa wa ruʿya ṣādiqa*), *farḍ al-kifāya* becomes but a feel-good slogan, a vacuous verbal justification bandied around to justify pursuing any academic or vocational discipline or business enterprise whatsoever. One sees many smart Muslim young men and women getting trained in, say, neoliberal, capitalistic economics and finance, thinking this to be *farḍ al-kifāya*, while at the same time totally oblivious of even the basic ethico-juristic precepts of classical *muʿāmala*—already well-outlined by al-Ghazālī almost a thousand years ago—the creative grasp of which could have provided for them the conceptual tools necessary for a truly intellectual and critical engagement with their chosen fields of study (be they related to economics or other areas), and with their future career paths in the service of the Umma, if they really care about serving the Umma through their local communities.

If we are truly concerned about what *farḍ kifāya* means in practice, we would undertake (i) to ascertain the benefit and harm to either culture or nature of any science or discipline or vocation before investing one's intellectual, physical, and financial energy in it; (ii) to opt for career paths most relevant to meeting some hitherto unmet needs of our communities or solving some hitherto unsolved, pressing problems; and (iii) to be constantly vigilant about the kind of state or corporate structures, benign or otherwise, one works for, in, or with. For instance, why contribute to the oversupply of corporate lawyers when one can so easily opt for a career path doing legal work pertaining to public interest advocacy? If one has a BBA or MBA, why waste your precious life helping the rich to get richer by free-riding on the commons (heaping salt into the sea) when one can help them to reinvest their wealth into communities, on the one hand, and help the poor to get out of poverty and beggary, on the other? It was reported that the Prophet—Allah bless him and give him peace—gave “business” advice to a destitute young man and thereby helped him to get out of demeaning beggary into dignified self-reliance through meaningful

livelihood.⁹ Classical *mu'āmalā*, when revived creatively for communities, can provide all the earning and commercial tools for this entrepreneurship to happen. We are not talking about charity but about giving people, rich or poor, the knowhow to create meaningful, sustainable enterprises that fulfill the dictates of *farq̄ al-kifāya*.

What Constitutes a ‘Community’?

This narrative or way of reasoning leads us to think a little deeper about what, precisely, is meant by the term ‘community’ (*jamā'ā/mujtama'*), for the common good must mean the good of the concrete local community in which one is nurtured, works, and lives. Suppose we are in the Friday congregational mosque of a town and see Muslims worshiping in congregation (*ṣalāt jamā'ā*) behind and following the imam, standing, bowing, and prostrating in unison. The act of them worshiping together implies a common intention and vision (i.e., understanding) leading to the common action expressed in their congregational worship, and this must in turn be due to the fact that they learned and internalized the same set of rules of worship, with all its ethico-juristic integrals (*arkān*) and stipulations (*shurūṭ*). If, alternately, few of those who worship there have learned the rules of prayer; instead each coming to worship as they subjectively deem fit, then we won't quite see a congregation, but rather a loose gathering of people in a room or hall seemingly engrossed in rather different rituals. Likewise, if Muslims in the work- and market-place have not learned *mu'āmalā*—which is the ethico-juristic science of interpersonal transactions in Islam—can they be said to ‘work together’ in communion (*mu'āmalā jamā'ā*), based on a common vision as grounded in their religion of what is meant by work (*kasb/amal*), commerce (*tijāra*), and exchange (*tabādul/taqābul*) in general, and how all that relates to enhancing their communal life and shared wellbeing? Since most educated Muslims and the masses who follow or are influenced by them consciously or unconsciously learn and apply alien, secular, Western Economics 101 or Business Administration 101—with all its inane preoccupation with competition and narrow profit-maximization—rather than the *ādāb* and *fiqh* of *mu'āmalā* in their commercial dealings, they are actually working disparately, or even against one another, rather than “working together,” which is what the term *mu'āmalā* literally means. Just as worshiping together is inconceivable for Muslims without them learning and applying the *ādāb* and *fiqh* of *ṣalāt*, so working together is not possible if they

9. Abū Dāwūd, hadith no. 1641, cited in ‘Alā’ al-Dīn ‘Alī ibn al-Lubūdī, *Faḍl al-iktisāb wa aḥkām al-kasb wa ādāb al-ma'īshah*, in *Risalatān fī-l-kasb*, ed. Suhayl Zakkār (Beirut: Dār al-Fikr, 1997), 139–40; trans. Adi Setia and Nicholas Mahdi Lock, *The Virtue of Working for a Living* (Kuala Lumpur: IBFIM, 2012), 10–11.

neglect the *ādāb* and *fiqh* of *mu‘āmalā*. In both cases, in both mosques and markets, what is required is a purposeful, integrated congregation (*jamā‘at al-wahda*), not a loose gathering of the disparate many (*jamā‘at al-kathra*).

Hence, in line with this manner of kalāmīc integrative reasoning, Muslims anywhere cannot really claim to be working together in a community if they interact or mutually transact according to exchange ethics and structures that are not really theirs, and that are in direct contradiction to the imperatives of justice (*‘adl*), fair dealing (*mumāthala*), benevolence (*ihsān*), transparency (*nushh*), and the commonweal (*maṣlaha*) underpinning classical *mu‘āmalā*. This situation is made worse by those financial *mufṭīs* and *fuqahā’* who allow themselves to be complicit in bending classical *fiqh* of *mu‘āmalā* to serve these alien ethics and structures.

Bill Mollison provides a compelling definition of community in his *Permaculture: A Designers’ Manual*:

A people without an agreed-upon common basis to their actions is neither a community nor a nation. A people with a common ethic is a nation wherever they live....We cannot profess or teach one ethic, and live another, without damage to ourselves and to common resources.¹⁰

The key question thus centers upon what the “agreed-upon common basis” to our actions and transactions in the work- and market-places should be. Is it, for Muslims, classical *mu‘āmalā* rooted in our religious and cultural traditions, or is it modern economics, rooted in secular, post-Enlightenment Western Europe? Or is it the so-called Islamic Banking and Finance (IBF) industry so hopelessly complicit in robbing classical *mu‘āmalā* of its ethical soul, just so that its lifeless form can then be more easily bent and twisted this way and that to serve the secular economic vision through all sorts of deceptive self-serving legal stratagems (*hiyal*)?¹¹ A formal legalistic (*hiyalī*) *fiqh* divorced from its socio-ethical purpose (*ādāb* and *maqāṣid*) which it should properly serve is only a self-interested narrowing and corruption of the meaning of *fiqh*, which literally

10. Bill Mollison, *Permaculture: A Designers Manual* (Sisters Creek, Tasmania: Tagari, 2004), 507. This chapter is dedicated to exploring strategies for creating structures for realizing the socioeconomic dimensions of permaculture, or “social permaculture.”

11. I recommend, *inter alia*, the following critiques of IBF: Mahmoud A. El-Gamal, *Islamic Finance: Laws, Economics and Practice* (Cambridge: Cambridge University Press, 2006); Clement Henry and Rodney Wilson, *The Politics of Islamic Finance* (Edinburgh: Edinburgh University Press, 2004); Shafiel A. Karim, *The Islamic Moral Economy: A Study of Islamic Money and Financial Instruments* (Boca Raton, Florida: BrownWalker, 2010); Tarek El-Diwany, *The Problem with Interest* (London: Kreatoc, 2003), especially 135–95.

means “understanding,” and this much we can gather from al-Ghazālī in the first book of the *Ihyāʾ*.¹² Some of the people working—wittingly or unwittingly—in this *structural* subversion of *muʿāmalā* to Mammon are even claiming (or arguing for) global juristic consensus (*ijmāʿ*) on Islamic financial standards set by one of the (so-called) standards-setting bodies of the IBF industry.¹³ While one can find room to argue that these standards are legally legitimate, I do not think one can argue that the neoliberal corporate structures are the proper home for them. If we truly care about ethico-juristic *fiqh* standards, then we have to go about creating community-based structures for them to root and blossom in.

Thus, classical *muʿāmalā* has been hijacked through the conscious or unconscious complicity of these *muftīs* and *fuqahāʾ* in serving usurious banking structures through meaningless innovations called “Islamic windows,” and in serving the global usurious monetary system through the IBF industry, which most people, learned and lay, now think to represent authentic *muʿāmalā*. Frankly speaking, *muftīs* and *fuqahāʾ* can either opt to stay faithful to classical *muʿāmalā*, and thereby creatively revive it in the current context, or they can take the easy way out by simply assuming current economic and financial structures to be unproblematic at core and allow themselves be instrumental in both narrowing and corrupting *muʿāmalā* to serve these seemingly universal value-free structures.

Muslims cannot superficially profess a set of ethics, say, those embodied in their devotional worship and which relate to their private relationship with Allah, while actually living another set of contradictory ethics in their transactional relationships with people (Muslim or non-Muslim). Classical ethics and jurisprudence of *muʿāmalā* are essentially a systemic, self-consistent extension of the private devotional ethics and jurisprudence of worship into the realm of public, interpersonal, transactional relationships. In short, *muʿāmalā* is a function of *ṣalāt*, and the one cannot be detached from the other; and *iḥsān*, *taqwā*, and *ādāb* are just as much applicable in *muʿāmalā* as in *ṣalāt*. That much we know from the classical *kasb* texts, so long as one’s thinking is not befuddled by what modern corporations, banks, and academia take to be economics. We should know how to define ourselves, our problems, and

12. *Ihyāʾ* 1:120ff. For a good study on the use and abuse of *hiyal* in both historical and contemporary contexts, see Muhammed Imran Ismail, “Legal Stratagems (*hiyal*) and Usury in Islamic Commercial Law,” (PhD diss., University of Birmingham, 2010).

13. See the article “Fiqh or Fiction,” accessible at www.ethicainstitute.com/webinar/Ethica-Fiqh-or-Fiction.pdf (the author is unnamed). This article warrants a thorough rebuttal from both the ethico-juristic and socio-economic perspectives.

our goals, and to create structures to realize all three through reviving our civilizational institutions—not go on lazily mimicking Western constructs and structures and creating Islamo-Arabic sounding labels for them. This recivilizing project can be undertaken by neither states nor corporations, but by community intellectual and social leaders rooted in and supported by their communities. This requires both personal and communal responsibility.

Community and Right Livelihood

Again, citing Mollison:

As people, we need to adopt an ethic of *right livelihood*, for if we bend our labour and skills to work that is destructive, we are the destroyers. We lay waste to our lives in proportion to the way in which the systems we support lay waste to the environment. Although societies for *social* responsibility are rapidly forming, we need to expand the concept to *social and environmental* responsibility, and to create our own financial and employment strategies in those areas. We should not be passive workers for established destructive systems, but rather we can be investors in life.¹⁴

A true community must mean that its members consciously contribute and *invest*, in one way or another, in the common good of their community, and primarily through their livelihood and employment choices. They must endeavor to find their respective paths to *right* livelihoods, guided by the transcendent ethical principles they know and identify with; paths that, when chosen, will be found to be expressive of personal creative aptitude, communally relevant, and spiritually fulfilling.¹⁵ For Muslims, especially the youth deciding on their academic and career paths, looking for meaningful jobs, or setting up businesses, the challenge is to internalize those transcendent ethical precepts of right livelihood (*kasb ṭayyib/ṭīb al-maksib*) and creatively apply them to the current economic context. This may entail working together with like-minded *shuyūkh* and professionals to create alternative socio-legal structures and strategies to facilitate this quest for communal relevancy, personal meaning, and transcendent purpose. Along the way, much can be critically learned from the many Western and Eastern experiments with right livelihood and their efforts in creating alternative social, legal and educational structures to translate those precepts into practice.¹⁶

14. Mollison, *Permaculture*, 507.

15. For some bright and practical ideas, see Ron Schultz, ed., *Creating Good Work* (New York: Palgrave, 2013).

16. See, for instance, Michael H. Shuman, *Going Local: Creating Self-Reliant Communities in a Global Age* (New York: Routledge, 2000) and Shuman, *The Small-Mart Revolution: How Local Businesses Are Beating the Global*

Fuqahāʾ and *muftīs* of *muʿāmalā* should work together with like-minded business professionals, accountants, and commercial lawyers to serve this revival of economies for communities rather than prostitute their minds and souls to monopolistic, rent-seeking, exploitative, and manipulative IBFs, banks, and corporations. Without a systemic, structural, and creative revival of classical *muʿāmalā*—which is basically the art of working together for the commonweal—we can pretty much forget about reviving Muslim communities, for a community is not just a matter of praying together in mosques but also of doing business together in the work- and market-places. This requires what Imam al-Ghazālī calls *ʿilm al-ḥasb* (science of earning), *ʿilm al-tijāra* (science of commerce), and even *taʿallum al-naqd* (study of money).¹⁷

However, this quest for right livelihood in a context of community relevance will fail if Muslims narrow their vision of working for a living to whatever high-paying management or consulting jobs they can find in current state and corporate mega-structures. For instance, the exorbitantly-priced MBA programs that abound do not really teach and train students to be creative and conscientious entrepreneurs in a community-oriented context, to create their own jobs and businesses by looking out for what is needed in their communities, and then to work out a business plan to provide that need, or even to look into their hearts for their true callings. These programs only teach and train people to be highly paid slave drivers (CEOs and high-level managers) for faceless, profit-maximization banks and corporations and the big consulting firms that serve them. We must not think in terms of “looking for work,” or “applying for a job,” for that is but intellectual prostitution to the highest bidders residing in towers of Mammon; rather, we should think in terms of *defining and creating* our own work, jobs, and vocations by identifying our personal creative aptitudes and pressing them into the service of our communities and our Creator.

We are not mere “job-seekers,” “workers,” “employees,” or even “managers;” rather, we have a total integrated personhood (*insān kullī*), and we should be able to apply that *total personhood* outlook to whatever vocation we choose to pursue. In the process, we will contribute toward the development of our communities in the company of others. If we do that, we shall always be creatively self-employed, even if, ostensibly, we work for a boss.¹⁸

Competition (Berret-Koehler, 2007).

17. See *Ihyāʾ* 3:325-339 passim.

18. For some insightful explorations in right livelihood in East and West, see Claude Whitmyer, ed., *In the Company of Others: Making Community in the Modern World* (New York: Tarcher, 1993); Whitmyer, ed., *Mindfulness and Meaningful Work: Explorations in Right Livelihood* (Berkeley, CA: Parallax Press, 1994).

Mu‘āmalah and the Art of Working Together

Al-Ghazālī writes that people transacting in their work or commerce must learn the basic legal rules governing the validity of the more prevalent contracts (‘*uqūd*’) of transactions. More abstruse transactional problems will require consulting with qualified legal scholars or jurisconsults (*muftīs*). This obviously points to the imperative of having qualified, community-rooted *muftīs* who can, on the one hand, conduct regular educational and training courses for ordinary business people on the science and art of transactions in Islam (‘*ilm al-mu‘āmalah*’), while, on the other hand, serve as *mu‘āmalah* jurisconsults. Since everyone who transacts is legally obliged in Revealed Law to learn the science of transactions,¹⁹ then, by implication, having scholars of transactions (*fuqahā’ al-mu‘āmalah*) able to teach this science would constitute a collective obligation on the community.

One can even envisage the establishment of community *mu‘āmalah* advisory panels (MAPs), for the true *muftī* or *faqīh* should serve communities rather than the manipulative state and monopolistic banks and corporations. Their communal role and relevance would be enhanced if they are also critically familiar with conventional secular business norms and practices, but otherwise they can work in concert with commercial lawyers, accountants, and business professionals interested in public interest work and advocacy, including independent business alliances²⁰ and community economics in general.²¹ Together, they can help in creating viable commercial enterprises that address local needs²² rather than the whimsical indulgences of the rich in far-away Dubai or Singapore.

Here I would like to outline some practical steps Muslims (including their ‘*ulama’* and *fuqahā’*) can do to realize for themselves this vision of right livelihood (*ḥash ṭayyīb*) and good work (‘*amal ṣāliḥ*’) that has been expressed in

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19. “Know that the acquirement of the knowledge of this topic is obligatory on every Muslim earner (*muktasib*) because the seeking of knowledge is an obligation on every Muslim. Indeed, this is knowledge that is needed, and the earner is in need of the science of earning (*al-muktasib yahtāj ilā ‘ilm al-ḥash*)” (*Iḥyā’* 3:251).
 20. One can learn much from the effective strategies adopted by the American Independent Business Alliance; see their website, www.amiba.net.
 21. Ron Schaffer, Steven C. Deller and David W. Marcouiller, *Community Economics: Linking Theory and Practice* (London: Wiley-Blackwell, 2004).
 22. For an outline of how this may work in practice, see the useful working draft by Darcy Hitchcock, “Community-Based Economic Development: Creating Opportunities that address local needs” (www.axisperformance.com/Community_based_econ_developmt.pdf).

such a rambling manner above.

1. Convene a weekly session for reading and discussing Imam al-Ghazālī's *Kitāb Ādāb al-kasb wal-ma'āsh*.²³ It would be optimal if the reading and discussion is guided by a *shaykh* or *faqīh* critically familiar with both classical *mu'āmala* and modern economics, and able to bring the former into incisive dialectical engagement with the latter.
2. Schedule a regular study session on the various contractual structures of *mu'āmala* in our internal business dealings. Community-rooted *muftīs*, *fuqahā'*, and commercial lawyers can easily design various contract templates compatible with both *mu'āmala fiqh* and secular commercial law.
3. Befriend and work closely with the growing global alternative economics and sustainable living movement, and critically apply the strategies they have successfully used to create community-rooted socio-legal structures for pursuing good work and right livelihood.
4. Convene annual or bi-annual local, national, or regional convergence of like-minded scholars, researchers, and activists to discuss and debate positive, constructive alternatives to IBF through a creative revival of classical *mu'āmala* in a context of deep dialectical (*kalāmīc*) engagement with modern economic thought and institutions, and publish the proceedings as a guide to similar initiatives elsewhere in the Muslim world. This can be patterned on the permaculture convergences that have been taking place all over the world; and we may call this Islamic Gift Economy Convergence.
5. Design a public educational Islamic Gift Economy course for the general public, on the one hand, and for *muftīs*, *fuqahā'*, *ulamā'*, and *shuyūkh*, on the other. The latter course is less to teach them classical *fiqh* of *mu'āmala*—which they must already know—but to help them *evaluatively* understand and discern what is really going on in IBF and in modern economics and finance, and the kind of perverse and deceptive language games governing it. A comprehensive rebuttal of the IBF abuse of *mu'āmala* may result out of this discourse, in order to create sufficient discursive space for an alternate narrative and clear the path to constructive, community-rooted initiatives for communal empowerment.
6. Design and fund pilot projects to illustrate, in practical terms, the viability of this vision of a creative *mu'āmala*; for, at the end of the day, the teachers of *mu'āmala* will have to be able to demonstrate their own ability to put into effective practice what they preach, whether or not

23. *Ihyā'* 3:235–339; trans. Adi Setia, *The Book of the Proprieties of Earning and Living* (Kuala Lumpur: IBFIM, 2013).

they are themselves commercially inclined.

7. If possible, get someone qualified to conduct introductory permaculture courses for the general public, regardless of their academic, professional, or vocational backgrounds. Permaculture is such an effective and practical integrative science that it can help them to put their particular skills into their proper place within a comprehensive socio-ecological context and thereby free them from the quagmire of fragmented thinking and the attendant loss of meaning in what they do for a living.

Conclusion

Some readers may question why I quote extensively from Mollison in an article on *mu'āmalah* directed primarily at Muslims (though non-Muslim readers may find this internal discussion to be relevant as well). The answer lies in yet another quote from him on how we can go about creating community-rooted structures to serve the ethics of right livelihood:

Just as we can select a global range of plants for a garden, we can select from all extant ethics and beliefs those elements that we see to be sustainable, useful, and beneficial to life and to our community.

He then proceeds to delineate these elements as pertaining to (i) duties and responsibilities to both culture and nature; (ii) right livelihood; (iii) studying in a total integrated system framework; (iv) a conservative approach to technology; (v) acting toward a common ideal by which meaning in life is attained; (vi) security through sharing, not hoarding; and (vii) leisure for expressing individual creative capacities. All these are summarized in the three foundational principles of permaculture, namely, care for people; care for the earth; and reinvesting surplus into both.

Given our understanding of the ethico-juristic precepts of right livelihood (*ṭīb al-maṣīb/kasb ṭayyib*) as expounded in al-Ghazālī's *Book of the Proprieties of Earning and Living*, we, as thinking Muslims, can select and appropriate from all extant ethical systems and the institutional structures expressing them, modern or traditional, those elements we see to be relevant to our efforts to revive classical *mu'āmalah* in the current age. By 'appropriate' we mean critically taking over such relevant elements as our own, putting them in their proper mutual relationship, and integrating them into our socio-ethico-juristic framework for realizing right livelihood, thereby enriching and expanding that framework through this creative, constructive process.

The fact that instead of this creative exercise we find a thoroughly passive parroting of the worst aspects of the modern economic and financial structures through the oxymoron called Islamic Banking and Finance, exposes the extent

to which *muftīs* and *fuqahā*³ working in (so-called) *sharīʿa* advisory boards of the IBF industry have sacrificed ethical substance and purpose for *ḥiyālī* forms and stratagems, all in the service of change, development, and progress as envisaged by neoliberal economists. This is not to say that they, on a personal level, have malicious motives, but that the structural elements of this modern corporate ethos are invisible to them, such that they are easily coopted into serving it while thinking they serve the *sharīʿa* and the common good of the community and the Umma. We need to revive the art of *structural auditing* or *structural deconstruction* to be able once again to see through the facade of what is formal into the core of what is substantial. Even further, we have to do away with the terms ‘Islamic finance’ and ‘Islamic bank’ altogether, if we want to create community-based structures compatible with the socio-ethical and eschatologico-spiritual goals of classical *muʿāmalā* (the ethico-juristic principles of “working together”). We should rather go about creating our own terms and concepts expressing the vision-in-action of the Islamic Gift Economy.

To sum up, the main theses of this rambling discourse is that there is another way, another narrative truly true to the ethical core and purpose of classical *muʿāmalā*; that there are many other thinkers, scholars, researchers, activists, *fuqahā*³, *muftīs*, *ulamā*³, *shuyūkh*, and professionals who are working very hard with very limited resources to create a discursive and practical context where classical *muʿāmalā* can meet modern economics and finance head-on, but on the former’s axiological terms and points of departure; and that we must work together with them to create a world in which *muʿāmalā* can again find its home and prosper.

And help one another unto righteousness and mindfulness (Q 5:2)