Work between Obligation and Right in Muslim Culture: Is There a Paradigm Shift?

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Abstract

The paper starts from the premise that the revolutions in the countries of the so-called Arab Spring (2011 and onwards) brought about an important shift in the understanding of right and duty. This trend is related to the transformation of the relationship of the ruler and the ruled in those countries as well as in the perception of work ethics. Whereas the systems of these countries have consistently considered work as a duty of citizens and encouraged them to work hard for the development and prospering of the state, these popular movements have transformed work from a duty and responsibility on the shoulders of the individual into a right of the individual that can be claimed from the state, which is trying to evade its responsibilities – including the duty to provide job opportunities for its citizens.

The researcher does not claim to present a comprehensive outline of the topic; this is rather a preliminary approach that deserves further study and analysis. What happened is not necessarily caused by direct contact with the “West” or being influenced by “Western” political philosophy, as we can find hints and origins for this transformation in both classical and modern Islamic moral thought. This paper presents examples of the relationship of right and duty from different historical periods.

Keywords

Islamic work ethics – Arab spring – shift of classical paradigms – wājib – ḥaqq – obligation – right – human rights
هل هناك تحول: العمل من كونه واجباً على الفرد إلى كونه حقاً في المفهوم؟

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الخلاصة
تقدم هذه الورقة مقاربة أولية للتحولات التي وقعت في دول ما سمي الربيع العربي (2011 وما بعد) من زاوية التحول الذي طرأ على مفهوم العمل من كونه واجباً على الفرد إلى كونه حقاً للمواطن على الدولة، الأمر الذي له صلة بتحولات العلاقة بين الحاكم والمحكوم في دول الربيع العربي من جهة، وبفهم التصورات القائمة حول موضوع أخلاقيات العمل من جهة ثانية.

تتعلق الورقة من فرضية أن الثورات التي عرفتها المنطقة العربية، مثلت تحولاً عاملاً في فهم مسائل الحق والواجب على مستوى الآلاف ذكورًا وإناثًا لإثارة مطالبة الدولة بحق العمل والتمتع بالتشغيل حقاً مكتسباً، وتمثل تحولاً في التصور السائد لدى منظومة الحكم في بعض دول العالم الإسلامي. يكشف هذا التحول عن أحد أوجه انحراف علاقة الحاكم بالمحكوم في دول المنطقة، مما يستدعي بحثاً في تاريخ المفهوم وتطوره في الأنظمة الإسلامية عموما.

لا يدعي الباحث تقديم تصور شامل للموضوع، ولكن حسبه أنه قدم مقاربة أولية تستحق المزيد من الدراسة والتحليل، كما أنه يفترض أن ما حدث ليس سببه -الضرورة- الاتصال المباشر بالغرب أو الأثر بالفلسفة السياسية الغربية، إذ يمكن لنا أن نجد إجابات وجذوراً لهذا التحول في الفكر الأخلاقي الإسلامي القديم والحديث على السواء، وقد قدمت الورقة نماذج لهذه العلاقة بين الحق والواجب من حقب تاريخية مختلفة.

الكلمات المفتاحية
حقوق انسان – حق – واجب – تحول في المفاهيم التقليدية – أخلاقيات العمل الإسلامية - الربيع العربي – تحول في المفاهيم التقليدية – واجب – حق – حقوق الإنسان
1 Introduction

The successive revolutions and uprisings in the Arab world from 2011 onwards not only bore witness to a debate on the political concepts of dictatorship and democracy, they also bring the discussion on paradigms which have determined the relation between the state and its citizens in this region to the fore. An unprecedented phenomenon occurred in Muslim culture when, in 2011, in countries such as Tunisia, Morocco, Yemen, Egypt, Syria, and Algeria,1 thousands of men and women gathered in public places to demonstrate and demand employment, thereby laying claim to work and democracy as their rights while identifying the state’s obligation to offer employment (Bayat 2017, 135–152). This phenomenon challenges existing research on socio-political changes in the region, rendering a thorough re-examination of established understandings of these concepts necessary, especially those that attribute these uprisings exclusively to the impact of Western concepts of human rights and democracy on Muslim societies. This paper rather attributes the changes and uprisings in Islamic states in the last decades to a change in deep-rooted concepts structured by social, legal, and religious paradigms. I have chosen as my case study the changes that have occurred in the understanding of work ethics as well as those regarding the paradigms of obligation and rights. My research on these topics builds on previous research, including definitions of work, work ethics, law, and obligation in both classical Muslim and modern Western thought: Michael Bonner’s works explore Muslim work ethics in early Islamic periods; he studies the correlation between work ethics, poverty, and wealth. His contribution stresses the role of the pre-Islamic context for studying concepts of work in Islam (Bonner 2001, 410–427). The anthology by Mouez Khalfaoui and Matthias Möhring-Hesse, Eine Arbeitsgesellschaft auch für Muslime (“Towards a Working Society also for Muslims,” 2015), constitutes a milestone in contemporary understandings of work ethics; the contributors of this anthology touch upon classical as well as modern facets of work ethics from interdisciplinary and comparative perspectives. Torsten Meireis notes in his contribution that the assumption of a strong impact of Protestant ethics on Christian understanding of work was exaggerated (cf. Meireis 2016, 145–167).2 Mouez Khalfaoui and Necmettin Kızılkaya present similar results regarding

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1 Further uprisings took place in 2018 and 2019 in Algeria, Sudan, Iraq, Lebanon, Jordan, etc.
2 Torsten Meireis deeply examines this debate and shows that the Weberian interpretation of the correlation between Protestantism and the new Western concept of work has been exaggerated in many aspects.
the centrality of Muḥammad al-Shaybānī’s (d. 189/805) book on the concept of earnings for the understanding of the Muslim pre-modern concept of work (cf. Kızılkaya 2015, 225–232; Khalfaoui 2015a, 233–246).³ In addition, Khalfaoui presents a detailed explanation of the concepts of work, labour, and earnings, in Muslim culture (Khalfaoui 2015b, 54–60) and stresses the importance of work as the central means toward prosperity Islamic economic thought (Khalfaoui 2018, 23–31). This paper is aimed at deepening the understanding of work ethics in premodern Islamic thought and the potential role of this concept in modern Muslim societies. The question whether work constitutes a religious obligation has been of greater concern both to theologians and legal Muslim scholars. Their discussion on legal and theological qualification of work centres on the following questions: Are people obliged to work? How may they earn their living? And is it acceptable to spend time praying instead of working?

I would like to begin by emphasising that the main references to work in Muslim religious thought are found in the Qurʾān and the Sunna (the tradition of the Prophet Muḥammad). Although the Qurʾān refers to human activities and employs verbs such as kasb, ʿamal and fiʿl,⁴ there is no particular reference to the requirements or conditions of work itself, nor to a hierarchy of occupations.⁵ However, one does find a generally favourable approach to work, albeit without reference to specific occupations (Mattson 2006, 548). The notion of work in this text is predominantly qualified as being moral (ethical) and theoretical. In fact, the Qurʾān provides several incentives for seeking work,⁶ and yet contains statements which could be understood as incentives to abstain from undertaking any activity in worldly life.⁷ Moreover, the Qurʾān does not offer any moral ranking of occupations; rather, it privileges certain occupations over others, in the sense that some bring people closer to

³ Kızılkaya sheds light on the classical debate on work and the different discourses.
⁴ Ingrid Mattson gives an overview of the use of terms related to work in the Qurʾān. She insists on the general aspect of this use, so that we cannot decide whether the Qurʾān is in favour of one or the other occupation (cf. Mattson 2006, 548–551).
⁵ The issue regarding the hierarchy of occupations was debated intensely in legal writings prior to the ninth century. The allegedly widespread idea that trade is the best occupation has been challenged by several authoritative religious scholars who argue generally for work without specifying the nature of the occupation (cf. Brunschvig 1976, 145–164). Al-Fatāwa al-Hindiyya (“The Indian Fatwās”) makes a statement for farmers and sees their occupation as being better than trade or jihād (cf. Shaykh 1991, 349).
⁶ Q 51:56: “And say, ‘Do [as you will], for Allah will see your deeds, and [so, will] His Messenger and the believers. And you will be returned to the Knower of the unseen and the witnessed, and He will inform you of what you used to do.’”
⁷ Q 51:56: “And I did not create the jinn and mankind except to worship Me.”
God and will be rewarded in the afterlife (cf. Brunschvig 1976, 146f.).

Ingrid Mattson argues that the Qurʾān considers robust morals to be more valuable than the possession of goods and wealth (Mattson 2006, 549f.). To illustrate the practical aspects of work, the Qurʾān refers to the benevolent acts of former Prophets, which sometimes include detailed references to their professions. As a case in point, Muslim scholars consider the story of the Prophet Moses – depicted in Q 28:26 – to be a detailed reference to work as well as the duties of farmers and traders. Furthermore, the Qurʾān depicts the theological status of work as a component of the relation between this world and the afterlife, in which human deeds will be rewarded. Accordingly, the Qurʾān emphasizes that benevolent deeds will lead to paradise, whereas sinful deeds lead to hell.

Turning now to the qualification of work in relation to the concepts of obligation and rights, the majority of Qurʾānic verses related to the subject of work as a human activity are followed by a warning that it is best for Muslims to act virtuously and to avoid committing evil in order to be recompensed in the hereafter (Q 16:97, 32:12). The Qurʾān qualifies work neither as a legal obligation nor as a legal right. Rather, it merely encourages individuals to commit decent acts in order to be rewarded in the afterlife. Claude Cahen portrays the standard Muslim position regarding work as a search for an equilibrium between this world and the hereafter. This remark is mostly based on the analysis of the main religious texts of Islamic theology. He argues: “In its main trends, Islam is not a doctrine of renunciation of the world, but one of respect for the world, which has been given to man for his benefit” (Cahen and Gardet 1978, 690). Cahen underlines the fact that work in premodern Muslim scholarship was mostly debated with reference to the issue of kasb (earning), which corresponds to Sunnī Ashʿarī theology more than any other religious doctrine (Cahen and Gardet 1978, 690–692). Hence, the Qurʾānic framing of work does not greatly differ from that of other monotheistic scriptures in which work is regarded as a means by which basic human needs may be met; work brings neither enrichment nor self-realization (Postel 2009, 171–173). Furthermore, the position of the Qurʾān towards work reflects commonly understood concept of work in the Arabian context in the 1st/7th century (Khalfaoui 2015c, 58–65).

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8 The reference to this matter in the Qurʾān is the following verse (Q 41:46): “Whoever does righteousness – it is for his [own] soul; and whoever does evil [does so] against it. And your Lord is not ever unjust to [His] servants.”

9 This story refers to nomadic occupations, while other verses refer to other activities such as fishing, hunting, and trade (cf. Mattson 2006, 550).
In contrast to the Qurʾān’s theoretical approach to the concept of work, that of the Sunna is rather practical. In several recorded ḥadīths, the Prophet Muhammad provides advice and grants orders regarding different aspects of labour relations. He insists on granting workers their rights and on rewarding them immediately following their labour. He dictates the importance of work in ensuring one’s own survival and that of one’s family. Similarly, the Prophet deems that those who earn their food autonomously are morally superior to those who instead wait for alms and donations from the wealthy (cf. al-Shaybānī 1986, 18–20). This tradition as well as several others depict conflicting ideas of work at that specific period of time: while many pious people were sceptical towards work and believed it would alienate them from the path of God, other groups with a practical understanding of their religion considered work to be the most ethical means by which to gain the mercy of God (al-Shaybānī 1986, 18f.). The ethical tradition of scholarship of the Prophet Muḥammad portrays work as being preferable to abstaining from participation in this world; the tradition of the Prophet Muḥammad offered guidance to subsequent generations regarding practical issues of work. Michael Bonner argues that the concept of work in premodern scholarship developed due to the fact that several traditions of the Prophet were transcribed in a late period (around the middle of 2nd/8th century), and that several ḥadīths were forged or reconstructed retrospectively. He argues further that the writings concerning the subject of work ethics contained in the ḥadīth were strongly influenced by the debate around work ethics which took place throughout the 2nd/8th and 3rd/9th centuries. To illustrate his position, Bonner uses the Kitāb al-Iktisāb fī al-Rizq al-Mustaṭāb (“The Book of Earnings and Livelihood”) of Muḥammad al-Shaybānī (known as Kitāb al-Kasb), which exemplifies how the two contending ideologies (of the Umayyads and the ‘Abbāsids) regarding work ethics were contested and debated. In fact, the Kitāb al-Kasb also bears witness to the beginning of a new kind of writing devoted to the subjects of work, wealth, poverty, and piety, which would become the scholarly genre of kasb (earnings) in subsequent centuries (Khalfaoui 2015b, 54–60).

In summary, the Qurʾānic conception seems to be rather theoretical and underlines the purity of work from sin, emphasising the moral value of work and regarding good work in this world as a tool to having good life in the hereafter. Conversely, the tradition of the Prophet Muhammad takes a practical approach to the subject, stressing the need for work and introducing what would be understood as the first genuine concept of work ethics in Muslim thought: work at this stage was understood as a means to ensuring a living not as a means to enrichment; this later understanding will be developed in subsequent centuries.
1.1 **The Birth of the Scholarship of Earnings (kasb/iktisāb)**

Besides the evidence from the Qurʾān and the Sunna regarding work and work ethics, which offer a general overview of the subject of work without any definitive judgment regarding its legal qualification, the concept of work became a subject of debate in the subsequent period to such an extent that one can speak of the birth of a new scholarly genre devoted to the question of earnings, work, and other economic issues. It is believed that the first book of the classical period of Islamic religious literature (from the 2nd/8th to the 5th/11th century) that deals directly with the subject of work is *Kitāb al-Iktisāb fī al-Rīzaq al-Mustaṭāb*. This book was unknown until recently, and is attributed to Muhammad al-Shaybānī, the prominent Ḥanafī scholar and disciple of Abū Ĥanifa (d. 150/767) (Bonner 2001, 411f.). Although the book's main subject is piety, not work, it nevertheless contains valuable material about work-related questions and work ethics (Bonner 2001, 411f.), and reflects the central theological debate regarding the value of work at that time. In addition, al-Shaybānī's book addresses matters related to social ethics such as poverty, wealth and prosperity, food, and clothing (al-Shaybānī 1986, 49–51). The book holds major value with regard to the principles of obligation and rights, as al-Shaybānī's main concern was to determine whether people are obliged to work, and for instance, to which extent the state is obliged to provide for its subjects. The *Kitāb al-Kasb* thereby offers general guidance for Muslims in several aspects of daily life. This may be the reason for which other prominent Ḥanafī scholars, instead of presenting their own point of view on the subjects under consideration, reproduced the opinion proffered by al-Shaybānī. In his encyclopaedic work, *al-Mabsūṭ*, the Ḥanafī scholar al-Sarakhsī (d. 499/1106) reproduced al-Shaybānī’s work, nearly in its entirety, on *kasb* in the chapter on earnings (*Kitāb al-Kasb*, al-Sarakhsī 1986, 244–246). Instead of contributing his own thoughts on the subject of work and earnings, al-Sarakhsī paraphrased the authoritative opinion of Muḥammad al-Shaybānī regarding this subject, which became to be known as *Kitāb al-Iktisāb*. Consequently, al-Sarakhsī’s book validates Muḥammad al-Shaybānī by emphasizing the value and importance of work in order to invalidate a theology of abstinence from work (al-Sarakhsī 1986, 244–246).

As far as al-Shaybānī’s *Kitāb al-Kasb* is concerned, argues in several chapters that God requires people to work for their survival (al-Shaybānī 1986, 32f.). He further argues that ensuring one’s existence is equally important to obeying God (al-Shaybānī 1986, 32f.). He bases this opinion on the assumption that “seeking

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10 There is an ongoing debate over whether this book should be attributed to al-Shaybānī or not, since an original version of the book written by al-Shaybānī himself does not exist.
work is an obligation for every Muslim,” (al-Shaybānī 1986, 32f.) adding, “it is like the obligation of seeking knowledge” (al-Shaybānī 1986, 17). He also refers to hadith literature supporting this assumption (al-Shaybānī 1986, 18), and adds, “seeking work after prayer is an obligation” (al-Shaybānī 1986, 18). Accordingly, it seems that, in the period of al-Shaybānī and his disciples, the meaning of the term farḍ (or farīḍa) had not yet been agreed upon. As in the case of most other legal categories, al-Shaybānī attempts to explain the term farḍ (or farīḍa) by employing different examples in different contexts. Two examples are particularly common: the search for knowledge and praying. Al-Shaybānī builds on the widely acknowledged importance of education by establishing an analogy between the acquisition of knowledge and working (al-Shaybānī 1986, 18). He also draws an analogy between work and prayer, arguing that whatever is necessary to fulfill a religious obligation becomes in and of itself an obligation. He asserts, as a case in point, that if a bucket is necessary to conduct the ablution before the prayer, the production of buckets becomes a religious obligation (al-Shaybānī 1986, 19). In fact, the obligation of work comes first, as it is a necessary requirement for the undertaking of other religious obligations, such as prayer. Overall, al-Shaybānī tries to find a balance between work and prayer and between poverty and wealth (Wichard 1995, 43f.). While he is convinced that being poor is preferable to being rich, he argues that the poor should work until they have fulfilled their material needs and only then devote themselves to praying (al-Shaybānī 1986, 25f.). Accordingly, for al-Shaybānī, work constitutes an obligation until people have secured their living; those who oppose this belief consider the primary duty of a Muslim to be prayer and to trust in God (tawakkul). While al-Shaybānī does not deny that trust in God (tawakkul) is an obligation, he nevertheless argues that it is subordinate to the obligation of independently securing one’s living. Work, according to al-Shaybānī, is not a means to acquire wealth, but an instrument of survival. The arguments found in al-Shaybānī’s work, as well as the style of the writing itself, point to his opposition to a philosophical or theological adversary whose opinion complied with social and religious norms of that time. In other words, al-Shaybānī’s work challenged a situation that was widely perceived to be “natural” and “normal.” Al-Shaybānī and his followers were among the first to question the concept of tawakkul. Although al-Shaybānī was not able to completely oppose tawakkul, and did not deny the importance of praying, he tried to increase the lesser value placed on work by some groups of his time, such that a balance between the two contrasting positions could be reached. When challenged, the opponents of al-Shaybānī’s position would claim that they were following a primary Muslim duty by arguing that alms and the help of the rich to poor people did
not constitute a donation (ṣadaqa) in the pre-Muslim sense of the term, but rather a right (ḥaqq) to which the poor were entitled (Wichard 1995, 43f.).

After al-Shaybānī’s death, the theological debate around ḳtisāb attracted notable scholars who devoted extensive attention to these matters, including Abū Bakr al-Khallāl (d. 311/923) in his book Kitāb al-Ḥathth ala al-Ṭijāra (“The Book of Encouraging Commerce”), al-Ghazālī (d. 505/1111) in Iḥyāʾ Ulūm al-Dīn (“The Revival of Religious Sciences”) and Jaʿfar al-Dimashqī (d. 571/1175) in his book al-Ishāra fī Maḥāsin al-Ṭijāra (“The Guide to the Merits of Commerce”).

This emerging scholarship often reflected the disputes between two social and theological positions of the age: the first of these positions emphasized the importance and value of work, which was deemed to be an obligation, while the second defended the belief of regarding work as a means to fulfil basic needs so that one may entirely devote oneself to the worship of God. In this regard, this scholarly genre offers deeper insight into the role of economic and theological issues in the field of work. There is no doubt that the theoretical writings on the concept of work were directly related to broader theological questions regarding an individual’s goals and purpose, their relation to God, and their social behaviour. The difference between the two main theological positions – that of some groups of ascetics and that of legal scholars – lies in their conflicting stances towards the question of whether work constitutes an obligation. Muḥammad al-Shaybānī in his Kitāb al-Kasb presents the arguments of these two groups. The first group, he posits, was represented by some Sufis of his time, and argued that work does not have to be viewed as an obligation. Further, they emphasized the importance of trust in God (tawakkul), which, in their eyes, included reliance on God’s worldly rewards and material support. Al-Shaybānī refers to these individuals as an ascetic ignorant minority (al-Shaybānī 1986, 21–23) composed primarily of some ascetics and Sufis who claimed that God had ordered humans to trust him and that, as a consequence, praying to God and reliance upon him was a duty. Observant believers, they argued, would be rewarded, receiving all that they needed from God: “And in heaven is your provision, and that which you are promised” (Q 51:22).

By contrast, the second position, which seems to have been a new trend at that time, with which Shaybānī himself was aligned, was held by Muslim scholars who argued that religious obligation entailed earning one’s living rather than praying. It appears that authors like al-Khallāl, al-Dimashqī and even al-Sarakhsī were in opposition with the idea of piety presented by the Sufi minority. This scholarly trend presented work as a religious obligation (farḍ).

11 Christoph Pitschke gives an overview of these phenomena (cf. Pitschke 2010, 13–15).
It was claimed that every person is religiously obligated to provide for her/himself and for relatives. This group did not advocate ignoring religious obligation in favour of work; rather, their intention was to achieve a balance between performing a minimal amount of work and prayer. Only once their needs had been satisfied may Muslims stop working and spend the rest of their time praying and worshiping God (al-Shaybānī 1986, 27f.). Like their counterparts, the theologians in support of the act of working employed evidence from the Qur’ān and the tradition of the Prophet to support their opinions.

From an historical perspective, al-Shaybānī’s arguments regarding work and income can be compared to those of later scholars. In his book about income, al-Ḥārith al-Muḥāsibī (d. 261/875), for example, argued that God compelled people to rely on him so that they would not relinquish prayer (al-Muḥāsibī 1992, 17). He also promised to provide for them. Al-Muḥāsibī interprets reliance upon God (tawakkul) as a religious obligation, yet also supports human activities which ensure survival (Kızılkaya 2015, 226). Al-Muḥāsibī mentions the existence of a group – without naming them – who argued that tawakkul implies the renouncement of every kind of occupation. He attempted to reach a balance between this view and the abovementioned ideology, which emphasized the priority of work over prayer (al-Muḥāsibī 1992, 17). As time passed, it seems that the understanding of work as an obligation became the dominant ideology and, as such, was included and expounded upon in several scholarly writings. The Ḥanbalī scholar al-Khallāl, for example, argued that seeking work was an obligation and that the goal of work was survival rather than the accumulation of wealth.12 Interestingly, al-Khallāl used the same analogical argument as al-Shaybānī, stating that working was as important as seeking knowledge (al-Khallāl 1986, 26f.). He further claimed that everyone is obliged to seek knowledge once a handful of food has been acquired (al-Khallāl 1986, 52).

Al-Dimashqī, in his book about the benefits of trade, al-Ishāra fī Maḥāsin al-Tijāra, adopts a different line of argumentation by emphasizing the benefits of trade and wealth. He highlights in particular the advantages of accumulating wealth, and enumerates the reasons for which financially privileged Muslims are constitutionally morally better than impoverished Muslims (al-Dimashqī 1957, 2). This drastic change in approach to work and to the societal value of wealth can be linked to shifting socio-economic circumstances in Muslim societies at that time. In fact, it seems that by the 6th/12th century, the

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12 He argued that a part of the surplus should be given immediately to relatives (al-Khallāl 1986, 26f.).
theological debate around work became one-dimensional and saw the necessity of work as an obligation. The 6th/12th century theologian al-Ghazālī, in his book *Iḥyāʾ ʿUlūm al-Dīn*, underlines the importance of work, especially in the chapter on *kasb*, which begins with the thesis that the support of work has a theological basis in the Qurʾān, the *ḥadīth*, and narratives of the companions of the Prophet (al-Ghazālī 2005, 61–63). Remarkably, the concept of *tawakkul* is missing in this analysis, a fact that supports the assumption that the debate around work had changed considerably by the time al-Ghazālī wrote his book. We can suppose that al-Ghazālī in the 5th–6th/11th–12th century presents what could be understood as the mainstream position regarding work at his time. In the section reserved for earnings (*kasb*) al-Ghazālī presents the obligation of work and earnings as a foregone consensus; he does not address any opposing argument. With al-Ghazālī it seems that work has been established as an obligation. Instead of discussing the status of work in the context of the values of obligation and rights, al-Ghazālī concentrated on presenting the ethical conditions for achieving good and religiously acceptable work. He insisted on the fact that people who work, for instance, those who are involved in trade, and especially those who are involved in labour in the marketplace, need a minimum of normative religious knowledge about accepted and forbidden activities in order to be able to distinguish moral work from amoral activities.

In sum, the writings of Sunnī Ashʿarī scholars from al-Shaybānī to al-Ghazālī support the assumption that the notion of work developed throughout the course of Islamic history and became a central and contentious issue. As more and more time passed since the Prophet and with the impact of Greek philosophy on the subject of work (cf. Essid 1995, 231–233), interest in the theory of rights (*ḥaqq*) and the concept of *tawakkul* waned. The work of Ibn Khaldūn (d. 808/1405) testifies to this development: in his *Muqaddima* ("Prolegomena"), the theory of work reached a higher level of articulation and rationality. Here, Ibn Khaldūn defines ‘work’ as the primary means of ensuring one’s survival, but also argues that work alone cannot satisfy all human needs; thus, it is imperative to barter unnecessary things for necessary ones (Ibn Khaldūn 1978, 384). Such transactions involve not only the trading of goods for goods, but also the payment of money, which represents the value of work (Ibn Khaldūn 1978, 384). Interestingly, Ibn Khaldūn perceives work and trade as a necessary means to ensure material support and ascribes a high moral value to work, considering it to be shameful to rely on others to secure one’s living (Ibn Khaldūn 1978, 384f.).

In short, perceptions of what was deemed obligatory changed over time. In the first centuries of Islam, trust in God (*tawakkul*) was deemed obligatory by some. Until the 3rd/9th century, theologians were divided between those who...
supported the concept of *tawakkul* and those who supported work; the latter arguably “won” the dispute around the 4th/10th century. The establishment of the new ʿAbbāsid dynasty (132/750) as well as the construction of new commercial roads between the Islamic state in Baghdad and in different regions of the world such as China and India gave rise to a theological debate concerning wealth, poverty, and interpersonal relations in general (Ibn Khaldūn 1978, 384f.). Scholarship of the 8th/14th century reveals an ideology that defined work as obligatory. It was only in the 14th/20th century that people in several Muslim societies began thinking of work as a right and considered it a duty of the state to provide employment. The Arab revolutions of 2011 could, at least in part, be understood as the result of such changing perspectives.

The existence of two scholarly genres that were both equally devoted to the subject of work shows how important work ethics were in Muslim society at that time. The scholarship on *kasb*, whose content and style were shaped by Muḥammad al-Shaybānī’s *Kitāb al-Iktisāb* (cf. Khalfaoui 2015d, 43–59), includes reflections on the evolution of work from a way of earning a living to an issue of fundamental and nearly ubiquitous concern. The following section addresses legal scholarship that focuses on the categories of obligation and rights (*wājib* and *ḥaqq*), and thereby offers insight into the development of these two concepts in classical Muslim legal scholarship.

### 1.2 The Political Shift from the Umayyads to the ʿAbbāsids and its Impact on Work Ethics

The analysis here is limited to the period from the beginning of Muslim history to the reign of the ʿAbbāsids, an era which saw the establishment of new Islamic states with various and sometimes contrasting political, social, and economic ideologies. I refer to this formative period of Muslim culture as being the period of time during which the first Muslim scholars attempted to comprehend the founding religious texts and to develop the first concepts of economic and social matters pertaining to the nascent Islamic caliphate. This period includes different and occasionally contradictory stances towards certain subjects, as is the case with the subject of work. Indeed, work was portrayed by some groups as being in opposition to divine worship, which led to the idea that reliance upon and trust in God (Ar. *tawakkul*) was regarded as a religious obligation that should be fulfilled as such (*fard*). Yet there exists another doctrine that presents the activity of work as an obligation whose importance is even greater than the worshipping of God. In fact, it seems that during the period from the 1st/7th to the 3rd/9th century, *tawakkul* philosophy (trust in God) gradually lost its prominence in favour of the opposing belief that praised work and considered it to be a moral imperative. The act of working...
may be qualified, according to this doctrine, with legal categories as a facultative act (Ar. *mubāḥ*), but not as an obligatory one. Work was transformed into an obligatory act (Ar. *farḍ/wājib*) only in the 3rd/9th century. The writings of Muḥammad al-Shaybānī presented above demonstrates the conflict between different theological groups regarding this subject.

In the political history of that time, the gradual substitution of the norm of *mubāḥ* (permissible) with that of obligation as a qualification of the act of working was closely related to questions of power, in the sense that this transformation coincides with the political and economic shift from the Umayyad to the ‘Abbāsid dynasty. While the former was semi-nomadic and supported itself by gathering taxes and alms (Duri 2011, 81–83), the ‘Abbāsid dynasty experienced, for the first time in the history of the Islamic califate, an economic expansion through the proliferation of products and agrarian activities as well as a prospering trade sector. Claude Cahen summarizes this transformation thusly:

> As would be expected, reflections on the legitimacy of gain became more common from the time of the great economic leap forward in the 3rd/9th century; in fact, it was nearly always the legitimacy of commercial gain which was considered. The affirmation of the legitimacy of gain, as long as it was the fruit of honest toil, was underlined in the face of the ascetic tendencies of some spiritual groups outside Islam, and inside it of the nascent Sufism, which sometimes preached a strict ideal of poverty and sometimes relied on God, that is on begging, on the charity of the faithful, in fact on the efforts of others and not of oneself [...] for the acquisition of whatever is necessary for oneself and one’s family.

*CAHEN AND GARDET 1978, 691*

The shift of the concept of work from a facultative occupation to an obligatory undertaking during the period under consideration can be seen as a shift in the role of the Islamic califate from being compelled to help the poor – by gathering alms and taxes from the rich and dividing it among the economically disadvantaged – to motivating people to earn their living autonomously, independently from the state (Bonner 2001, 416f.). This shift bore witness to a radical transition and caused the Muslim population to openly acknowledge their individual need to work, for work came to be viewed as the most important aspect of their lives. Furthermore, the political transition from the Umayyads to the ‘Abbāsids coincides with an economic shift, especially in state finance: Abd al-Aziz Duri argues in this regard that when the ‘Abbāsids came to rule over a vast territory, the number of non-Muslims significantly decreased when
many converted to Islam. However, the state suffered from insufficient income gathered through the convention of jizya as a consequence. The Umayyad state, in contrast to the Abbasids, had financed its rule mostly through the accumulation of taxes via jizya and kharāj (Duri 2011, 81–83). Thus, shift in the structure of state finance played a crucial role in shaping the economic concepts of the Abbasid caliphate with respect to work (Duri 2011, 81–83). According to Michael Bonner, during the first two centuries of Islam, the Islamic caliphate macro-managed society by assuming responsibility for collecting taxes and alms from the rich in order to divide them among the poor (Bonner 2001); consequently, poor and needy people came to understand alms as their right. In contrast to this conception, the micro-organization of society under the ‘Abbāsiddynasty relied on encouraging individuals to seek work (Bonner 2001). Thus, as late as the 3rd/9th century, the subject of work became an important issue of debate and numerous writings were devoted to it. While the theological debate remained consistent over a long period of time, discussions surrounding practical questions concerning work began to intensify, such that chapters on leasing (ijāra) or contracting and hiring workers in legal writings, for example, grew longer and the debate became more complex.

2 The Legal Debate around Obligations and Rights

Contrary to the concept of rights, which did not exist as a legal category in the classical Islamic judicial repertoire, the notion of obligation constituted one of the five legal categories developed by Muslim legal scholars. Indeed, obligation attracts more attention than any other category in legal debate. Representatives of the Ḥanafī school of law even distinguish between two types of obligations, wājib and farḍ, a distinction which defines only their practical implementation, since both farḍ and wājib signify obligation (Juynboll 1965, 15–17). Furthermore, the legal discussion around obligation seems to have arisen not from the ambiguity of these terms but from legal questions regarding individuals who cannot or refuse to fulfil their religious duties such as performing rituals, paying taxes, or respecting contracts. The question that arises is, then, how should these cases be treated and how should a transgression of

13 These categories are usually listed as follows: obligatory (wājib), recommended (mustahabb), neutral (mubah), abominable (makhruh), and forbidden (harām).

14 The Ḥanafīs apply farḍ “to those religious duties which are explicitly mentioned in the proof texts (Qurʾān and Sunna), wājib for the obligatory character of which has been deduced by reasoning” (Juynboll 1965, 15–17).
the rights of Allāh be punished and by whom? Outside of this context, discussions of obligations frequently involved the role of the Islamic state and its relation to its citizens. The arguments submitted by the Shāfiʿī scholar Fakhr al-Dīn al-Rāzī (d. 606/1209) can be seen as the culmination of the legal debate about obligations in the twelfth century. Al-Rāzī opposes the assumption that “those who refuse to fulfil their religious obligations will be punished” (Juynboll 1965, 15f.). He justifies his position through the claim that only God has the right to punish or to forgive those who refuse his orders (Juynboll 1965, 15f.; see also al-Juwaynī 1997, 106–108). Instead of the absolutist phrase, “[t]he [person] will be punished,” al-Rāzī writes that, “he would be punished” or “[He] is worthy of being punished” (Juynboll 1965, 15f.). After all, he argues, God might well forgive those who have disobeyed him (Juynboll 1965, 15–17). Al-Rāzī’s and other scholars’ works that precede and succeed him aimed to enhance religious flexibility and thereby civil freedoms vis-à-vis Muslim rulers, who, on several occasions, used the category of obligation as a means to legitimize actions taken against their opponents; a tendency which lead to misuse of the legal categories (Juynboll 1965, 16).

Unlike the concept of obligation, the concept of rights (ḥaqq) has not yet been thoroughly addressed by Muslim scholars. The term ḥaqq is one of Allāh’s 99 names and is used to describe people who are on the right path, i. e. the path of God. However, this term was not used to describe individual rights: interestingly, the notion of individual rights was mentioned and debated in writings on work only in the very first decades of Islamic history (Q 51:24–25). While the category of obligation is intensely debated in Muslim legal scholarship, there are few references to the concept of rights (ḥaqq). For instance, ḥaqq as a legal category does not officially belong to the group of five legal norms developed in Muslim legal scholarship. In the Islamic religious context, the term “right” is only used in reference to the rights of God and is conceptualized as a human obligation. The Qur’ānic verse on the Islamic ritual of pilgrimage illustrates this (Q 3:97). To clarify, an obligation does not correlate to a “must,” but rather an act which people should accomplish if they have the ability to do so.

The rights of humans (ḥuqūq al-ʿibād) that developed as a legal category alongside the rights of God (ḥuqūq Allāh), do not refer to substantial rights that humans possess by virtue of their status as subjects of the Islamic state. Rather, these are rights they have simply by virtue of being subjects of God. References to this notion can be seen in Muslim social history, which testifies to uprisings against the ruling classes. In most cases, people in revolt who were

15 Hashim Kamali emphasises that Islamic legal conceptions stress obligation and did not underline rights (cf. Kamali 2017).
demanding justice saw work as a divine right worth dying for. This was the case in the uprising against the first Muslim caliphs and governors, which created a precedent in Muslim history (Djaït 1989, 87–89). Yet, these uprisings and the claims to rights made by some groups created awareness among the Islamic state of the danger that these rebellious activities might continue, such that Muslim rulers reacted by trying to lay claim to the exclusive right of speaking in the name of God. They could therefore be seen as the exclusive representatives of divine power and prevent threats to their authority.

2.1 The Islamic State and the Norms of Obligation and Rights

The legal and theological positions outlined above in regard to work ethics as well as to the concepts of obligation and rights demonstrate that the norms of obligation and rights formed the basis of two different debates: one centred around the importance of work to human life, the other around wealth and poverty. Both of these debates addressed questions of the role of the state and its relation to its citizens. Since the Islamic state attempted to become the ultimate authority, and since some caliphs perceived themselves as the shadows and representatives of God (Zubaida 2003, 74f.), it is hardly surprising that the state began to impose more obligations on its citizens and consequently became responsible for the administration of punishments (Zubaida 2003, 75).

Scholars such as ʿAbd al-Malik al-Juwaynī (d. 478/1085) claimed that establishing obligations was admissible, but punishing people for refusing to acknowledge them was not (Zubaida 2003, 75). In fact, al-Juwaynī was of the opinion that only God could do what he saw as right and forgive or punish people for their deeds. These ideas were adamantly refuted by those who held political power at that time. Since the founding of the ʿAbbāsid dynasty (132/750), the Islamic state appears to have tried to establish itself as a “spokesperson” of God. As a result, the punishments administered for the failure to fulfil religious obligations often overlapped with those administered in cases of disobedience to the state. In order to carry out these punishments, a new field of legal norms was established, namely, discretionary punishment (taʿzīr). This category of punishments could be applied to any act that the state or the ruler considered to be a transgression or a threat to the established rule. Accordingly, taʿzīr was abused in order to punish opponents accused of threatening social peace or the custom (urf/ʿāda) of the region (Heffening 1934, 769f.).

Generally speaking, the categories of the rights of God and the rights of humans were employed in Muslim legal scholarship mostly with regard to crime and punishment. While transgressions of Allāh’s rights invited harsh punishments (ḥudūd), transgressions of the rights of humans, or breaches of social peace, were met with only discretionary punishments (taʿzīr). It is
noteworthy that this latter hierarchy of rights does not reflect all aspects of the Muslim premodern concepts of rights and obligation; rather, it represents only one interpretation that managed to be transformed into a norm. This doctrine was favoured by the majority of Muslim rulers over the centuries; it became the canon of behaviour for Muslim populations towards their rulers, such that criticisms of or complaints about rulers became unwanted. Yet claims to political rights were, in most cases, severely punished. The obligation to obey political leaders became in many ways and in several era similar to the obligation to obey God (Zubaida 2003, 74–76). The concept of obligation became the dominant legal and political concept during this period. Likewise, the people who claimed political rights were marginalized.

2.2 Work Ethics in Contemporary Muslim Thought

An analysis of contemporary attitudes to work ethics in the Muslim world is a vast undertaking; accordingly, I will limit my intervention to a few general remarks relevant to the 19th and 20th centuries. Firstly, the 19th century is broadly known as the period of the weakening and disintegration of most Muslim dynasties. Additionally, this period saw the intellectual movement known as Muslim reform or Muslim revivalism (ʿaṣr al-nahḍa), in which leading Muslim scholars attempted to reform Muslim thought in order to promote economic development and prosperity in Muslim societies. The 19th century was also characterized by the intensive interaction between the Islamic world and Western colonialism. The interaction was not limited to military or economic issues; cultural subjects were also subject of debate. The 20th century, meanwhile, is considered to be the period of the emancipation of Islamic states from colonial hegemony as well as the emergence of the modern Islamic nation states informed by new ideological orientations. Both centuries contain valuable information regarding the subject of work ethics as well as the relation of Islamic states to their citizens and their respective relations to Western states. Beginning with the first period, the writings of Muslim reformers of the nineteenth century in several domains show a considerable discussion of modern ideological Western concepts. As a case in point, the writings of the Egyptian traveller and thinker Rifāʿa Rāfiʿ al-Ṭahṭāwī (d. 1290/1873) in his book Talkhīṣ al-Ibrīz fī Takhlīṣ Bārīz (“A Paris Profile”) presents a comparison of Islamic and Western concepts of work (al-Ṭahṭāwī 2012, 168–170). Al-Ṭahṭāwī seems to be impressed by the French working culture, and argues in chapter 11:

16 The chapter is entitled Fi Kasb Madīnat Bārīs wa-Mahārātihā (“About Work in Paris and the Devotion of its People”) (al-Ṭahṭāwī 2012, 168–170).
You should know that devotion to work is rooted in the mentality of these people. They spend all their time and patience in pursuit of it, they like action and hate laziness, the phrase they use to insult one another is ‘You are lazy’.

al-Ṭahṭāwī 2012, 171

Al-Ṭahṭāwī also describes how Parisian citizens understand work and develop new concepts and ways of earning money (al-Ṭahṭāwī 2012, 171). He further argues that everyone in Paris enjoys working, which results in considerable state revenues (al-Ṭahṭāwī 2012, 169–171). Ṭahṭāwī does not hide his enthusiasm vis-à-vis of the French way of managing work. Therefore, he tries to convince his Muslim reader that work constitutes the only path towards development, modernization, and prosperity, as well as the singular means through which the destitution of Muslim societies may be transformed into a wealthier one. It seems that the positive position of the majority Muslim reformers and intellectuals of the 19th century continued into 20th century. Since the main goals of political leaders at that time was to strengthen the newly established Islamic nation states, they invested in the changing of the attitude of their populations towards work (Khalfaoui 2017, 89–101). As a case in point, the former Tunisian president al-Ḥabīb Būrqība (Habib Bourguiba, d. 1421/2000) emphasized in his public speeches that work is the most important obligation that people face (Ḥajjī 2004, 85–87). He argued that Tunisia’s war of independence (which ended in 1376/1956) was minor in relation to the duty of rebuilding the nation. This example may illustrate the claims mentioned above regarding the attitude to work in the modern era in some parts of the Islamic world. It shows that the interpretation of work as an obligation was adopted by several modern Islamic states, and has dominated the concept of work ethics in Muslim societies over centuries.

In several parts of contemporary Muslim world, work is seen as a means toward the establishment of modern states and the achievement of prosperity, as per the Western model. This latter attitude has become problematic as of late, as several modern Islamic states have become unable to offer employment opportunities for all of their citizens. Accordingly, these states can no longer ask their citizens to work nor may they argue for the obligation of work any longer; they are currently facing inequality in job markets and the number of unemployed people is growing. Meanwhile, citizens of those states claim work to be a right or a means of establishing their identity and regard the provision

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17 He spoke of religious war as a little *jihād*, while, in contrast, building a strong state through hard work was the major *jihād* (cf. Ḥajjī 2004, 85–87).
of jobs as a duty of the state. This situation prevails in many Islamic states today and it seems that no solution is at hand.

3 Conclusion

My interest in studying work ethics in Muslim thought is motivated by the demonstrations and uprisings across the Muslim world in recent time. The individuals involved in these forms of revolt emphatically demand work, democracy, and human rights. To this end, states are called upon to provide employment. This situation alone marks a major change in the state’s relationship with the people. Instead of inviting and motivating people to work, the modern nation state in several regions of the Islamic world must take on the duty of providing work. On the other hand, work is understood as a right that is protested against. The roots of this phenomenon may lie in the longstanding structure and culture of Muslim societies. Research on pre-modern times, especially in the period of the emergence of Muslim culture, shows that the concepts of obligation and rights have a strong relation to that of work ethics. While Qur’ānic text gives a moral rather than a legal position regarding work, the Sunna of the Prophet Muḥammad has a practical approach to work ethics and sets the course for its later development. Indeed, during the period when Islam came into being, people were torn between work and prayer: the reflections of the theologians and legal thinkers on this topic show a debate between those who saw work as something optional and even negative because it distracts from prayer, and those who saw work as a philanthropic activity and motivated people to work. The literature from the 2nd/8th and 3rd/9th century shows that the position which see work as a duty has prevailed over time and established itself as the standard Muslim position regarding work. This prevalence is mainly due to intervention by the political powers of the period, particularly the Abbasids, and the prosperous economic situation of that era. Thus, the view that people should be encouraged to work and the making of work as a duty that can be equal to religious obligations such as praying has shaped Muslim culture for centuries; it has found strong support among several theologians and legal scholars. The opposing position has likewise been

18 Some recent and insightful research has been done on this subject, including a recent poll conducted at secondary schools in Tunisia after 2011 which provides evidence that the right to work is ranked among the first items that pupils referred to when asked to name human rights. This study was conducted by the foundation Carnegie Endowment for International Peace (al-Tlīlī 2013).
marginalized but didn’t completely disappear. Furthermore, literature on the subject of work ethics was understood as a separate genre which began with Kitāb al-Kasb by Muḥammad al-Shaybānī and which was picked up again in later epochs by famous Sunni scholars such as al-Ghazālī in the 6th/12th century and Ibn Khaldūn in the 8th/14th century. This attitude towards work appears again in the Renaissance period (ʿaṣr al-nahḍa), although advocacy for a strong work ethic did not come from Muslim sources but from Western culture. To illustrate, the work of al-Ṭahṭāwī reflects his fascination with the devotion of French people to work in the 19th century. In the post-colonial era, work was emphasized time and again as a duty or a means to build modern independent nation states. The originators of this ideology were Muslim politicians and thinkers, most of whom were educated in Western states. However, they underpinned this ideology with selected arguments from Islamic theology, as seen in the case of Bourguiba in the 1970s. The long-term and uninterrupted continuity of the concept of work as an obligation has rendered it an established convention in education and teaching materials in the majority of Muslim states. Nevertheless, this ideology is currently being challenged due to rising unemployment. As a result, many Islamic states are unable to uphold the long-held interpretation of work as a duty. Muslim populations claim the right to work, seeing it not only as a means toward self-sufficiency but toward self-realization as well. The Muslim population’s current demand for the right to employment can be seen not only as a rupture in a long historical process, but as the result of the ongoing development of religious and legal norms and categories as well. The research has shown that both opposing paradigms of obligation and rights are deeply rooted in Muslim thought; they are based in the Qurʾān and the Sunna of the Prophet Muḥammad and were heavily contested even in the germinal period of Muslim thought. While the paradigm of obligation became dominant in political discourse over time, the paradigm of rights lost its value and was marginalized for a lengthy period of time. Nevertheless, the notion of rights survived, and the revolutions of recent years may indicate the return of the notion of rights to Muslim societies. This aspect needs more deep research to study the concept of obligation and rights in other areas of Muslim thought. On the other hand, the interaction of Muslim conception of work, rights and obligation is worth deep studying.

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