

**THE INTERNATIONAL ISLAMIC
CONFEDERATION OF LABOUR**

ISLAM AND TRADE UNIONS

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The attitude of contemporary Islamic thought towards labour or trade unions is a deplorable one. The majority of Islamic thinkers know little about labour (in its technical sense). A minority wrote in a very simple and naïve manner that cannot tackle or cope with the recent complicated industrial relations. Noah was a carpenter, Idris was a tailor, Moses and, of course, our Prophet Mohamed, were shepherds. Two or three Hadithes⁽¹⁾ about work are frequently quoted and that is the stock of trade of the traditionally Moslem thinker. Most of those who wrote about labour avoided any hint to trade unions as if they were taboo. Indeed some of them believe that trade unions are not conforming with Islamic society, or they do not comply with Islamic ethics or policies.

A very bad and serious result had been arisen from this aversion. Trade unions were deprived of Islamic guidance. Most of them follow pragmatic attitude. Others were submitted to communist influence. Islamic associations had been deprived of workers, and became exclusively bourgeois associations with an individual nature and conception, bearing all the defects of the customary bourgeois association.

There is no objective reason for this attitude. The actual reason is the ignorance of the traditional Moslem thinker of Trade unions issue. He does not find any hint to trade unions in the classic books about Fikh⁽¹⁾, Hadith and Tafessir⁽¹⁾ which were written ten centuries ago, and are the established references. The Islamic thought till now mainly concerned with worship, prayers, and rites. Consequently, a wide gap isolated the modern Islamic thinker from this important and vital issue, mainly labour.

This is the actual reason of this aversion and not the incompatibility of the Islamic principles with trade unions.

History proves it :

Islamic history proves that the Guilds (the predecessors of trade unions) were well established in Islamic society from the third Higura century. The well-known traveler Ibn Batota 1304-1378 who, before Marco Polo and more than Marco Polo, visited most of the known world wrote about the «Goudia» جودية or Karmia كرمية both words are derived from an Arabic word

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- (1) **The tradition of the Prophet.**
 - (2) **Islamic Jurisprudence.**
 - (3) **Explanation the Holy Quran.**

that meant generosity, which he had met in many Asian Moslem cities. Sometimes these associations were called Brotherhoods or Fraternities. They were organized according to their crafts. Every association has its own Chapel, which is used as it does headquarter, and place of ceremonies and festival. Ibn Batota spoke with admiration about their good customs, kind hospitality, and was eager to meet them whenever he goes. A close link joined these craft associations with the spiritual aspect of the society namely the Sufi Orders الطرق الصوفية every craft has its own Sheikh or Imam. The rites and ceremonies of these craft associations resemble those of Sufi Orders.

Another link that joined these associations with the civil authorities was its recognized relation with Al-Mohtaseb⁽¹⁾.

These craft associations controlled the craft, put the rules of its practice, represented the masters, the journeymen, and the apprentices.

No one can open a workshop without previous permeation from the guild. A festival must be held to give the nominee his new craft statue (from a journeyman to a master or from an apprentice to a journeyman). The festival is opened by Quran recitation, repeating Al Fatiha الفاتحة and is concluded by prayer and invoking blessings up on the Sheikhs, and Masters of craft, and at last Alsalah up on the prophet.

It is now a well established fact that European Guilds, or Masteries inspired their rules from the Islamic guilds through the Crusade period. Sir Ernest Parker, professor of History in Cambridge University said that the European Miseries inspired their rules from Islamic Asnaf الأصناف or fraternities. He noticed that nothing was heard about these Miseries before the first Crusade, and only after it by 50 years that we heard something about them.

The Islamic craft guilds existed till the beginning of the 19-century. Aly Pasha Mobarek (1823 -1893) an Egyptian savant and ministry of education fixed the number of the craft guilds of Cairo in the second half of nineteenth century by 198, their members by 360489. He described the last vestiges of their old traditions and the ceremony of admitting a journeyman to be a Master. After recitation of the Quran, the Master of the guild put a girde around the waist of the nominee, and knotted as many knots as the number of his Masters, (usually from three to seven) the festival is concluded by

(1) A civil officer responsible for inspecting markets.

prayers, and invoking blessings upon the Sheikhs and Alsalah upon tile Prophet.

The relation between these guilds and Sufi Orders on one hand, and their relation with AI Mohtaseb on the other, proves not only that these guilds were legitimate and recognized associations in the Islamic society from the third Higura century till the thirteenth century, but also that they have useful functions towards their members their clients, the craft and the society as a whole.

True, there is a difference between these guilds and the modern trade unions, but the main idea is the same : representing their members and defending their lawful rights. If this function did not comply with Islamic principles, how then the Islamic society - for. Nearly ten centuries tolerated, recognized, and entrusted some technical functions to the guilds??

The Aims of Trade Unions

Are The Aims of Islam :

Although the word «Nikaba» نقابة that is «Trade Unions in recent Arabic is not mentioned in the Holy Quran, yet the word «Nakib» نقيب (Trade Union Man or President) is mentioned. Verse 12, Chapter 5 «Al Maida, the Repast».

If we wish to crystallize the aims of trade unions in one word, this word will be JUSTICE. All worlds knows that the workers were exploited and are still exploited, that the conditions of work are inhuman; that trade unions were established to prevent these gross outrages, and to enable workers to live a decent life.

If the foremost aim of trade unions is Justice, then this is the foremost aim of Islam too.

Why? Because Islam is not a religion of worship and prayer only, it has its own social, economic and political rules and principles, which are considered as an integral part of Islam. Prohibiting despotism and usury (ALRIBA), الربا imposing AL SHORA and ALZAKAT⁽¹⁾ الزكاة are few, but clear, examples of Islamic principles in politics and economics.

Moreover, Islam is the latest and all over world religion.

(1) A Kind of Capital Levy or Social Security. It is roughly about 2 % of the capital or resource deducted and allotted to various kinds of poor Moslems and non-Moslems.

Such universal and general religion must have Justice as its supreme aim. Justice is the only principle that can be a basis for a social, economic, political order. Justice is the social virtue, the virtue of virtues, the virtue, and aim of all societies, in all ages.

This explains to us why Justice is the main character of Islam; and this is what distinguishes it from other religions.

The main character of Judaism is Monotheism, of Christianity is Love, and none of these two can be a suitable basis for a social order.

Everyone reads the Holy Quran and Hadith is impressed by the prevalence, objectivity and straightness of Islamic Justice, Islam recognizes the right of the people in a decent life without hunger or fear, considers this a reason founding the God «Let them adore the Lord of this house who provide them with food against hunger, and with security against fear.» (Chapter Quraish). Practically, trade unions struggle specifically for these two : «food against hunger, security against fear».

In the great social problem, i.e., the poor VS the rich, the have VS the have not, the position of Islam is clear and decisive. It stands by the poor. It imposes ALZAKAT as a positive duty upon the rich towards the poor. Richness arises foreboding «Nay but man doth transgress all bounds, in that he looked upon himself as self-sufficient» (Chapter ALALAK). The prophet preferred to be a poor man all his life. So great was his aversion towards richness that he told his close friend Abd El-Rahman Ibn Owf-one of the first ten believers that he will enter Paradise crawling? Although Ibn Owf put his great wealth in the service of Islam, nevertheless, it was a heavy burden.

When the Prophet saw some poor Arabs in tatters, he was ashamed, his face grew red as if it was dyed by «Pomegranate» as the Hadith told us. This scene, the scene of the poor in tatters, must make the Islamic State blushed as, or even more-than the scene of women in bathing costume. After all it is the exclusive duty of State to apply justice by law whereas many individuals or associations can preach decency.

The Moslem jurists (Fokoha) stated that the just non-Moslem ruler is better than the unjust Moslem ruler, because it is the main function of the Islamic State to apply justice.

When the trade unions stand by the poor, seek justice, they in fact applying the aims and traditions of Islam.

The point that can be argued is whether the justice claimed by trade unions comply with the Islamic justice, True the trade union justice may have a subjective element, but it is after all, the justice claimed by the poor masses this makes it very near from Islamic justice. Anyhow, Islamic can offer its own contribution and can assist in solving the trade union crisis. When the Islamic trade unions put their claims upon Islamic justice, they will lose nothing, and will gain the Islamic full legality and confirmation. This is what the International Islamic Confederation of Labour calls for.

Trade Unions Techniques are recognized by Islam :

a) Right of Combination :

Some Islamic thinkers believed that Islam prohibits workers combinations. Far from it, Islam not only recognized such combinations, but it also calls for them. It is a well-known fact that Islam applauds gathering, meeting, making prayer in assembly الجماعة equal to 27 individual prayers.

The logic of Islam is that when the individuals gather, everyone forgets his own, and the cause of the all prevails. Gathering obliterates selfishness, which is one of the most hateful sins in all religions. Islam stimulates all Moslems to work together, to acquaint each other with the other, to cooperate, to exchange Salam. Thus when workers assemble to settle their problems together, they follow the regulation and guiding of Islam.

The only alternative way of work is individual one; this is not the way of Islam. It is the way of capitalist, materialist, individualist society whereas the slogan of such society is «Everyone for himself, and the devil takes the hindmost the Prophet of Islam described the lonely individual as a Satan.

Right of Combination can be considered in principle the only recognized channel for social work, and if this combination aims at right and useful objects, then it can be the incarnation of the directive Verse 2 in Chapter Al Maida to cooperate and help one another in righteousness and piety.

b) The Right of Strike and Boycott :

Islam calls for everyone who was denied his lawful rights, or badly treated, or suffer injustice to defend his rights. If he were killed in defending his own property, he would be a martyr, because if he submits, then the rule of might and not the rule of right will prevail.

Upon this principle, the legality of Al Jihad (Islamic war) was established. This is clear from the first Verse that permits fighting (Verse 39

Chapter Al Hajj) «To those against whom war is made, permission is given to fight, because they are wronged, and verily God is most powerful for their aids and again in Chapter Al Shora «the blame is only against those who oppress men with wrong doing and insolently transgress beyond bounds through the land, defying right and justice. For such there will be a penalty grievous» (Verse 42) from these two Verses, and many others, it is clear that Islam gives everyone the right to defend his lawful claims and freedom. If he was unable to do that, then he must immigrate to other land according to the command of the Holy Quran (Verse 97, Chapter Al Nissai «Women”).

Indeed, this principle was the cause of the Prophet emigration (Hegra) from MECCA to AL MADINA.

The prophet stated in one of his confirmed Hadithes that it is the duty of each Moslem, to change any wrong by hand, if he could not by tongue, if he could not by heart, and this is the least of the Iman (Faith الإيمان The Hadith applied the text of Verse 104, Chapter AL OMRAN(3) «Let there arise out of you a band of people inviting to all that is good, enjoining what is right and forbidding what is wrong, they are the ones to attain felicity».

A celebrated Moslem jurist (Fakih) Tag El Din Abdel Wahab Al Sobky (died 771 H.) wrote a book about the obligations of the Moslem artisan. He stated that it is the duty of the Moslem artisan to abstain from doing anything that is prohibited by Islam. He stated that the goal jailer must assist a prisoner to escape if he knew definitely his innocence, the executioner must not kill anyone he knew his innocence, if he did, he will be an accomplice before God, the donkey man must not drive women to places of vice, even if they gave him plenty of money, the cobbler must not use pig leather and so forth. Probably Al Sobky went so far, but it is a recognized Islamic rule, «NO OBEDIENCE FOR A CREATURE IN DEFIANCE OF THE creators. The Holy Quran does not accept obedience of the masses to their rulers and magnates as an excuse of shaking their belief. This is very clear from many Verses.

Work in Islam is governed by Islamic regulations. The employer, or even the state cannot compel a worker to do anything contrary to Islam. If this happened, it is the lawful right, nay duty, of the worker to abstain from doing it, or by the trade union terms to boycott it. We can state with confidence that all kinds of exploitation, of injustice is contrary to Islam, and it is the right of the workers to oppose them by all peaceful means.

Now, let us examine this fearful and hated word STRIKE. Actually it is a negative practice that workers resort to, after all other peaceful means had

been exhausted, to defend their lawful rights. If Islam gives the Moslems the right to use positive means to defend their lawful claims, then it cannot deny them a passive one. No one can say that Islam in principle - does not recognize strikes in a capitalist (or as they called it a free society). The essential point is not the technique, but the aim and how far it conforms to justice. If it conforms to Justice, then Islam not only approves it, but also applauds it.

We confess, strike is a kind of industrial war. It causes disturbance and much damages and loss, but it is a due punishment in a capitalist society. In the absence of Islamic Justice, there is no alternative. If the Islamic Justice is applied truly in law and practice, then there will be no need for strikes, because Islamic Justice will guarantee to the workers their lawful rights; if any deviation, or misapplication occurs, the courts can correct it,

(c) Collective Bargaining and Agreements :

Islam recognizes the freedom of two parties (or more) in any transaction, whether it was buying, selling, or any other agreement, so far that this agreement conforms with Islamic ethics and regulations. «The CONTRACT is the law of the CONTRACTED» is a famous and general rule. But Islam pre-supposes the full freedom and equality of the two contracted parties, the inexistence of any element of coercion, the conformance of the subject of the contract with Islamic regulations. If any contract is concluded under any kind of pressure or necessity, or if the two parties are not equals, or if the contract contains any prohibited element, then this contract is not a legal Islamic one.

When we consider the contract as between employer and worker, it is clear that the worker cannot be an equal to the employer; also he never has the real freedom, even if he has the legal or formal one. The worker must eat and support his family - usually a big one - he has no means of subsistence but his power to work, and so he is obliged to work on the employer's own terms. He has no say, not only because he is not equal and is under awful pressure, but also because in such cases there is no bargaining altogether. There is a written contract. The worker must sign it if he wishes to be appointed. He cannot modify or adjust anything, and must take or leave the contract as a whole. Since he is obliged to work, have no alternative, he accepts the contract whatever unfair it might be. Such contracts are called in legal term «Submission Contracts». They are not conforming with Islam according to one of our contemporary jurist, the late martyr ABDEL

KADER ODA, in his famous book, «Islamic Sharia and Modern Laws». Professor ODA's proof was one Verse in Chapter AL BAQARA (The Cow).

This Verse (282) which is the longest verse in all the Quran determines in details the items of an Islamic contract. Its first half is as follows :

«Oye who believe, when you deal with each other, in transactions involving future obligations in a fixed period of time, reduce them to writing. Let a scribe writes down faithfully as between the parties, let not the scribe refuse writes as God taught him, so let him write. Let him who incurs the liability dictate, but let him fear his Lord God, and not diminish ought of what he owes. If the party liable is mentally deficient or weak or unable himself to dictate, let his guardian dictate faithfully. And get two witnesses out of your own men, if there are not two men, then a man and two women such as you choose for witnesses so that if one of them errs, the other can remind her. The witnesses should not refuse when they are called on ».

Mr. Mohamed Assad in his book, «The Message of Quran», translated the sentence that begins with «Let a scribe write down. Faithfully as follows: «Let a scribe write it down equitably etc. The word equitably is more precise and accurate than the word faithfully because the Quran used the Arabic word (by justice) which, of course, gives the meaning of equity.

From this Verse we can deduct these rules :

- (a) A written contract must be concluded in transactions involving future obligations in a fixed period of time.
- (b) A neutral scribe and not one of the two parties will be entrusted with writing and he must do that equitably (or faithfully).
- (c) This scribe must not refuse to write (as God has taught him).
- (d) The party «who incurs the Usability» dictate the conditions of the contract. This rule is very important, because this party in case of a contract between employer and worker - is the worker. Actually the employer and not the worker dictate the contract in clear defiance with the Verse.
- (e) If the party liable is mentally deficient, or weak or unable himself to dictate, Set his guardian dictate faithfully.

This rule - like item (d), is very important.

Mr. Mohamed Asad in explaining the meaning of weakness or disability of the party liable said; «because he is physically handicapped, or does not fully understand the business terminology used in such contracts, or

is not acquainted with the language in which the contract is to be written⁽¹⁾». Now all these descriptions are the characteristics of all workers. The worker is weak by his very position, he usually does not understand the terminology of such contracts, he may be illiterate as the majority of workers in developing countries. So s. guardian must be entrusted with dictating the conditions of contract on behalf the workers. No such guardian can be found better than the TRADE UNION.

In the light of this Verse we can state with all confidence that a contract concluded by an employer only is in clear contrast with the Quranic conception and qualifications of such contract. There is no neutral and accepted scribe, there is no witnesses, there is guardian. In fact, it is an arbitrary contract imposed by the strong party upon the weak party who is obliged to accept it.

On the other hand a collective contract: negotiated by a trade union with an employer contains all the Islamic merits, advantages and guarantees sleeked in such contract.

Verse 282 stated all the sleeked guarantees in brief and precise words. No convention of I.L.O. can attain its perfection.

(1) The Message of Quran by Mohamed Asad, p. 83.

THE INTERNATIONAL ISLAMIC CONFEDERATION OF LABOUR

- (1) Was established in Geneva in June 1981.
- (2) Its aims are.
 - (a) Representing the Moslem Working Force in International Organizations and securing their lawful rights. This includes the Immigrant Moslem Workers who work in other countries or Moslem Workers who work in their countries and face racial and religious discrimination,
 - (b) Supporting the affiliated organizations in their struggle to improve conditions of employment, raising the material, social and spiritual standard and secure to all workers they're present and future.
 - (c) Defending Freedom of Association and provide international protection to trade union leaders to enable them to pursue their duties and responsibilities.
 - (d) Combat all forms of exploitation or despotism in labour relations, calling for inspiring Islamic morals and ethics in deciding labour rules and laws, basing labour relations upon Islamic Justice to enable the application of Islamic slogan «Obligations by honesty, rights by justice».
 - (e) Diffusion of knowledge and education, especially adult and workers education and vocational training to rationalize Trade Union practices and give it strength. Knowledge is strength, ignorance is humiliation. Islam gives knowledge priority over worship.

As a first step the Confederation organizes campaigns to abolish illiteracy under the Quranic command and Aye (Read) «Sour at Al Alak».
 - (f) Calling for diffusion and learning Arabic language because it is the language of Quran and mother tongue of all Moslems.
 - (g) Supporting liberation movements and international cooperation.
- (3) The Confederation abstains from all involvement in political conflicts, governments, and policies; also it refuses entering in doctrinal or sectarian arguments.