CHAPTER EIGHT

"THE SURPLUS OF PROPERTY": AN EARLY ARAB SOCIAL CONCEPT*

The word 'afw occurs in the following passages of the Koran: Sura 7, 198, ḫudi l-‘afwaw wa’mur bi-l-urfi wa’a’rid ‘ani l-ḡāhilina, and Sura 2, 216-127, wayas’alūnaka mā-dā yunfiqūna quli l-‘afwaw ... Blachère, in his translation of the Koran (Le Coran, traduction nouvelle, Paris 1949-50) assigns to 'afw different meanings in both passages. He translates the first of these passages as follows (p. 654): "Pratique le pardon! Ordonne le bien! Écarte-toi des Sans-loi!", with the following remark: "On garde cette traduction textuelle. Mais peut-être l'expression signifie-t-elle: Sois indulgent! Ne t'opiniâtre point." In the second passage the word is understood differently (ibid. p. 791): "Ils interrogent sur ce dont ils doivent faire dépense [en aumône]. Réponds [-leur]: '[Donnez] selon votre mesure!'." He justifies this translation in an added remark and informs us about the various meanings assigned to the term by tradition: "al-‘afwaw '[donnez] selon votre mesure'. Le terme arabe est de sens très vague. C'est un nom verbal signifiant à l'origine 'effacement'; il semble donc qu'il représente le vieux concept sémitique des biens de ce monde considérés comme un souillure dont on se purifie par l'aumône. Les commt. ne prennent plus le terme en ce sens, mais lui découvrent celui de quotité. Ṭab., [V. 2] 213 close par yāsīr 'un peu', par wāṣaf 'quantité modérée', par fajd 'superflu' ...; par al-āfṣal 'le meilleur' ou enfin par as-ṣadaqa l-mafriḍa 'l'aumône imposée'. La traduction reçue ici est donnée comme une approximation; cf. Bell et Aḥmadiyya: what ye can spare. La traduction de Pesle: ce qui vous laissera sans regret est nettement fantasiste."

To us it seems incontrovertible that the term has an identical meaning in both passages. As used in these passages, it must be equated with its meaning in the following passages as transmitted in Yahyā b. Ādam's Kitāb al-Harāq (Le livre de l'impôt foncier, publ. par Th. W. Juynboll) p. 54, 6-10: "It has been transmitted

to us by..., on the authority of Ibn Ṭāwūs, on the authority of his father, on the authority of Ibn ‘Abbās, that Ibrāhīm, i.e. Ibn Sa’d, asked him: ‘What taxes are due from the goods of the ahl ad-‘ānimma?’ Ibn ‘Abbās answered: ‘the ‘afw’, that is: al-faḍl, the surplus’. Ibid. 1. 10-17: ‘It has been transmitted to us by... on the authority of ‘Abdalmalik b. ‘Umair: a man from (the tribe of) Ṭaqīf reported to me: ‘Āli b. Abī Ṭalib placed me in charge of Buzurğ Sābūr, and said: ‘In collecting money do not flog anybody, nor sell anybody’s food supply, winter or summer clothes, beasts of burden...’. Whereupon I said: ‘O Commander of the Faithful! If so, I will return to you as I left you!’’. Thereupon he answered: ‘Even if you return to me as you have left me. Inna umirnā an na’ḥuḍa minhumu l-‘afw wa yakni l-faḍla, Truly, we were commanded [by God] to take the ‘afw from them’, that is: the surplus’.1

The idea that taxes should be paid from the “surplus” has found a very clear expression in the following passage referring to an event which took place in 65 A. H. (Balāḏuri, Ansāb al-ašrāf, 5, 220, 17-18):

waḥata bnu Muṭṭi’in faqāla inna amira l-mu’minina ba’atani ‘alā miṣrīkum waṣṭuṣṣiṭikum wa’amarani bi’gilāyiṭi fa’tikum waλā aḥmilu šai’an mimmā yaḍulu ‘ankum illā an tarḍu biḥamlī dālika ... wal’alba’anna sirata ‘Umara wa ‘Uṭmāna faqāla lahū s-Sā’ib bnu Mālikin ammā siratu ‘Uṭmāna faṣānat hawan wa’atatarat fašt hāẓata lanā fiḥa wa’ammā siratu ‘Umara fa’aqallu s-sirataiṭi šararan ‘alainnā waλākin ‘alaika bisirati ‘Aliy bi’na Abī Ṭalibin fa’sinnā lā nardā bimā dūnahā faqāla bnu Muṭṭi’in nasīru fikum bikūli mā tahwauna waturidīna ... ‘[Abdallāh] b. Muṭṭi’ addres-

1 A. Ben-Shemesh’s rendering of the passage, in his meritorious translation of the work (Taxation in Islam, I: Yahyā ben Adam’s Kitāb al-ḥarāj, Leiden 1958), p. 60: “We have ordered to collect from them with ‘leniency’, which means ‘favor’,” must be corrected accordingly.—The same traditions recur, in a less elaborate form and with slight variations, in Abū Yūṣuf’s Kitāb al-ḥarāq (ed. Cairo 1302 A.H.), p. 70, 16 and p. 60, 13, respectively.—F. Løkkegaard, Islamic taxation in the classic period (Copenhagen 1950), p. 79, makes in connection with these and related passages the following statement: “Abū Yūṣuf knows of two kinds of sulḥ lands 1) ‘alā šayn musam- ma, at the payment of a yearly amount fixed once and for all. 2) ‘alā qadr al-ṭaqqah, according to the utmost ability, which probably means that the ‘afw or faḍl (surplus) that is calculated to be held by the taxpayers is estimated as high as possible.” This statement implies a clear misunderstanding of the concept “surplus,” as expressed by ‘afw and faḍl in the above-mentioned passages. ‘Afw or faḍl is precisely not that part of the property “that is calculated to be held by the taxpayers,” but that part which is not needed by the taxpayers and is to be paid as tax to the authorities.