

Employer-Employee Relationships in Islam: A Normative View from the Perspective of Orthodox Islamic Scholars

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Abstract

Management researchers have recently started investigating normative teachings of different religions regarding workplace related issues in order to understand the influence of religious beliefs on lives of people. In line with these studies, some researchers have presented normative understanding of Islamic teachings about employment relations in the light of their reading of the *Qur'an*, sayings of Prophet Muhammad (PBUH) and writings of earlier Muslim scholars. These scholars have completely ignored the views of orthodox Islamic scholars in the process of understanding the teachings of Islam. This is quite worrisome as orthodox Islamic scholars are considered by majority of Muslims as the authoritative spokesperson of Islam (Zaman, 2002). Furthermore, the neglect of orthodox Islamic scholars strengthen the view put forward by Ul-Haq and Westwood (2012) that Islamic management and organization knowledge is mis-represented and/or under-represented in Western academic discourse. In line with the recommendations given by Ul-Haq and Westwood (2012), this work is an attempt to understand Islamic teachings from Islamic epistemological grounds by giving voice to orthodox Islamic scholars. The findings of the study show that, not only there are some differences in the understanding of orthodox Islamic scholars and Western academic scholars, orthodox Islamic perspective on employer-employee relationships offers a more detailed analysis in terms of explaining conditions associated with permissibility of workplace related issues.

Keywords: Islam, employer-employee relationships, labour unions, women's right to work

1. Introduction

The last three decades have witnessed a massive growth in the number of publications investigating workplace related topics from the perspective of different religions (Gundolf & Filser, 2013; King, 2008). While a section of these studies investigated the influence and role of general religious beliefs on the practices of individuals in workplace settings, other studies tried to understand normative teachings of different religions regarding workplace related issues and investigated the impact of these teachings on the lives of the followers (e.g., Cui et al., 2015; Parboteeah et al., 2015; Carrascoso, 2014; Findley et al., 2014; Martin & Bateman, 2014; Ray et al., 2014; Suki et al., 2014; Cleveland et al., 2013; Wilson & Hollensen, 2013; Ismaeel & Blaim, 2012; Shu et al., 2012; Uygur, 2009; Brammer et al., 2007; Essoo & Dibb, 2004; Weaver & Agle, 2002; Vogel, 2001; Porter, 1998; Dorff, 1997). One prominent section of these studies consists of work carried out to understand the normative teachings of Islam and to understand the importance and influence of these teachings on the behavior of Muslims (e.g., Jusoh et al., 2015; Basah & Yusuf, 2013; William & Zinkin, 2010; Dusuki, 2008; Dusuki & Abdullah, 2007; Farook, 2007; Beekun & Badawi, 2005). A soaring part of these studies tried understand important workplace related issues including importance of work, permissibility of trade unions, and women's right to work from the perspective of Islam (Burdha Khan & Nisar Sheikh, 2012; Mellahi & Budhwar, 2010; Syed & Ali, 2010; William & Zinkin, 2010; Ramzan, 1992). According to these studies, work is an obligatory activity in Islam, and Islamic teachings are in line with formation of trade unions and equal employment opportunities for females (ibid).

This study intends to contribute in this debate by understanding and presenting these issues from the perspective of orthodox Islamic scholars. By doing so, this study tries to address a major limitation of contemporary research on the topic as identified by Ul-Haq and Westwood (2012) who argued that Islamic Management and Organization Knowledge is misrepresented and underrepresented in Western academia because of "persisting orientalism and essentialism; refraction through Northern epistemic, theoretic and methodological lenses and

intellectual captivity”. Ul-Haq and Westwood (2012) then called for future studies to be carried out from Islamic epistemology and worldview.

Giving voice to orthodox Islamic scholars in the debate on employer-employee relationships is important as the researchers have used their own understanding of Islam while understanding these issues and have ignored the views of orthodox Islamic scholars. The neglect of these scholars is worrisome as they are considered as authoritative spokesperson and custodians of Islamic traditions by majority of Muslims. Muslims consult these scholars to check permissibility of any product, service or practice and are provided by non-binding views of *Muftis* (most qualified orthodox Islamic scholars). These non-binding opinions are known as *Fatawa* (plural of *Fatwa*) and, as shown by contemporary research, have considerable influence on the lives of Muslim population. Regardless of the fact that a *Fatwa* is a not binding opinion of the *Mufti*, it is observed by anthropologists to have higher impact than an order passed by court of Law on a matter (Agrama, 2010; Messick, 1986). Furthermore, contemporary research on different fields including business, medicine, sociology, technology diffusion, food and pharmaceutical industry also confirm great influence of *Muftis* on the lives of Muslims (Al-Kandari & Dashti; 2014; Halim et al., 2014; Hanzaee & Ramezani, 2011; Nathan Garas & Pierce, 2010; Assyaukanie, 2009; Nasution, 2009; Alkuraya & Kilani, 2001; DeLorenzo, 2000).

Thus, understanding the perspective of *Muftis* is extremely important if we want to comprehensively understand Islamic view on workplace related issues. The aim of this paper is to give voice to these scholars on employer-employee relationships and to check how their understandings correspond to the existing depiction of Islam and employer-employee relations in existing western academic research. The paper is organized as follows. Methodology of the study is explained in the next section. Next, views of *Muftis* are explained on importance of work, permissibility of trade unions and women’s right to work. These views are then compared and contrasted with existing depiction of these issues in Western academia.

2. Methodology

This study is based on analysis of a comprehensive text (*‘Islami Tareeqa’ay Mulazmat’*-Islamic way of Employment) written by most qualified Islamic scholars (*Muftis*) located in Pakistan and is recommended by one of the most renowned Pakistani *Muftis* and head of an Internationally known *darul ifta* (Note 1) during an interview. The interview was done as part of a research project on articulating Normative Islamic CSR theory from the perspective of orthodox Islam. For this project, I conducted face-to-face interviews from fifty *Muftis* located in Pakistan from November 2013 – June 2014. Understanding the views of Pakistani *Muftis* is justified for two reasons. First, as the aim of the study is to generalize to theory, they are as good a place to start as any other (Yin, 2009). Second, Pakistani *Muftis* have played important role in the emergence of Islamic Financial Institutions and they are given respect by Islamic scholars living in different countries. One of the biggest challenges during the data collection was to identify and reach top *Muftis*. I selected initial set of respondents by using purposive sampling which is considered as most important non-probability sampling technique and expanded sample size by snowballing. The interviews were conducted till the data saturation point is reached. All interviews were recorded using a recording device and then transcribed for careful analysis of data. During the interviews, scholars also talked about responsibilities of employers and employees on each and other and other important workplace issues including women’s right to work and permissibility of trade union. The responses of *Mufti* relating to these issues have been used in this study to understand the views of most qualified orthodox Islamic scholars. During one of the interviews, a very renowned Pakistani *Mufti* recommended me a text representative of the views of orthodox Islamic scholars on these topics.

This recommended text (*‘Islami Tareeqa’ay Mulazmat’*-Islamic way of Employment) comprises of three volumes and is written by most qualified Islamic scholars (*Muftis*) after taking inputs from qualified business professors and practitioners, and is vetted by 21 renowned *Muftis* living in different parts of Pakistan. Some of these scholars are considered authority in the field of Islamic Finance. As this text was recommended by a very renowned Pakistani *Mufti* and is vetted by twenty one well-known scholars, this provides a fair view of how orthodox Islamic scholars understand employer-employee relationships in the light of *Shari’a*. Furthermore, the relevant part of interviews which I conducted to understand scholarly views on Islamic CSR further validates the findings of this study.

3. Orthodox Islamic View on Work and on Contemporary Work-Related Issues

3.1 Importance of Work in Islam

According to the orthodox Islamic scholars, worshipping Allah, preaching the message of Islam and living life as a vicegerent in this world are the three core responsibilities of every Muslim. In order to adequately fulfill these responsibilities, an individual need to have sufficient economic resources at his disposal to meet his basic human

needs. For this reason, engaging in work to earn livelihood has special status in Islam because such work helps and enables individuals to fulfill their primary responsibilities. One senior *Muftis* and *Shari'a* advisor of a *darul-ifta* expressed his views as under:

The purpose of engaging in work should be to fulfill responsibilities by using the material gains. As we know that there can be multiple intentions behind a single activity, our intention to engage in work should not be to only maximize profits. We should also aim to fulfill our responsibilities in a better way and to help needy people by the extra money. By doing so, we can make engaging in apparently worldly activities religiously noble acts.

In the absence of adequate economics resources, engaging in work to satisfy basic needs becomes an obligation, as indicated by one of sayings of Prophet Muhammad (PBUH) that engaging in work is an obligation after other obligations. However, if an individual already possesses enough economic resources to meet his and his family's basic needs then engaging in work to earn income does not remain an obligation on him. Nonetheless, he is still allowed to engage to work to earn additional income but his intention should then be to spend that money in line with the desires of *Shari'a* and to obtain higher rewards by spending his money. Having the right intention is extremely important as evident from the following saying of Prophet Muhammad (PBUH):

He who earns his livelihood through *halal* (permissible) means to avoid dependence on others and to spend on his family and to do good with his neighbors, will meet Allah on the day of judgment in such a condition that his face will be shining like the moon of fourteenth night. And he who earns money through *halal* means to collect more money than others, and to show off his money, will meet Allah in such a condition that Allah will be angry on him (*Hadith*, Narrated in *Mishkat Shareef*).

It is also obligatory on Muslims to earn only through *halal* (permissible) means. Importance of earning *halal* money is clear from the fact that Allah rejects charity done from *haram* (forbidden) money and does not listen the prayers of that individual who earns *haram* money. Furthermore, individuals will also have to face severe accountability on the day of judgement for earning through impermissible ways. Following verses of Qur'an and sayings of Prophet Muhammad (PBUH) explains the importance of earning *halal* money and consequences of earning *haram* money and doing charity from it.

O you who believe, eat of the good things We have provided to you and be grateful to Allah, if it is He whom you worship (in real terms) (the *Qur'an*, 2:172) (Note 2).

Eat from what Allah has provided you as good and lawful, and fear Allah in whom you believe (the *Qur'an*, 5:88).

No meat (i.e. person) that was nourished with *haram* (impermissible earning) will enter paradise. Every meat (i.e. person) that was nourished with *haram* is more deserving of the Fire (*Hadith*, Narrated in *Musnad Ahmad*) (Note 3).

'O people, Allah is *Tayyib* (good) and does not accept anything but that which is good. Allah has enjoined upon the believers that which He has enjoined upon the Messengers. He says: O (you) Messengers! Eat of the *Tayyibat* [the lawful] and do righteous deeds. Verily, I am Well-Acquainted with what you do", and He says: O you who believe! Eat of the lawful things that We have provided you with... Then he mentioned a man who has undertaken a lengthy journey and is disheveled and dusty, raising his hands towards heaven and saying: 'O Lord, O Lord!' But his food is unlawful, his drink is unlawful, his clothing is unlawful, and he is nourished with what is unlawful, so how can he receive a response? (*Hadith*, Narrated in *Sahi Muslim*) (Note 4)?

A slave (of Allah) who acquires *haram* (impermissible) wealth and gives charity from it, it is not accepted from him. If he spends from it, he does not have any blessing (*barakah*) in it. If he leaves it behind him (i.e. he dies) it will be a means of taking him to the fire (of Hell). Verily, Allah does not wipe out evil deed with evil deed; instead, He wipes out evil deed with good deed. Indeed, the repulsive does not wipe out the repulsive (*Hadith*, Narrated in *Musnad Ahmad*) (Note 5).

If a man purchases a cloth with ten dirhams and if one dirham out of them is unlawful, his prayer will not be accepted till a portion of that cloth remains in his body (*Hadith*, Narrated in *Musnad Ahmad*) (Note 6).

In summary, the obligation of engaging in worldly activities to earn livelihood is conditional in Islam and depends on the absence of adequate economic resources. Although Muslims are permitted to earn more than their requirements, their intentions in this case should be to use these additional resources in order to obtain higher rewards in hereafter. Furthermore, livelihood should only be earned through *halal* (permissible) ways.

3.2 Responsibilities of Employers and Employees on Each Other

Islam teachings provide guidelines to both employers and employees to avoid exploitation of any of the two parties and to positively impact their relationships as Islam gives utmost importance to relationships. This is evident from the following saying of Prophet Muhammad (PBUH):

Shall I not inform you of what is more virtuous than the rank of fasting, *Salāt* (prayer), and charity? They said: "But of course!" He said: "Making peace between each other". For indeed spoiling relations with each other is the *Haliqah*. I do not speak of what cuts hair, but it severs the religion (*Hadith*, Narrated in *Jami at-Tirmidhi*) (Note 7).

One of the important directions by *Shari'a* to minimize chances of conflicts between employers and employees is to have clarity in the employment contracts. This is important because ambiguity in employment contract can become a source of future conflict between the two parties. Both parties are required to then fulfill their duties as agreed upon in the contract in addition to the responsibilities assigned by *Shari'a*. Further details about the responsibilities of employers and employees is explained in the below section.

3.2.1 Responsibilities of Employers

According to the orthodox Islamic scholars, the core obligatory responsibilities of employers towards their employees are to pay their employees adequately and timely, to allow and facilitate employees in performing religious obligations during working hours, to give them proper respect and to ensure the safety of their employees at workplace. It is desired that all rights of the employees should be respectfully fulfilled by the employers. The first and foremost responsibility is fair monetary compensation of the employees against the services of employees. *Shari'a* has left the determination of wage on the mutual consent of employers and employees. Both parties should enter in the contract with free will and compensation of the worker should be known from the time of contract. Scholarly opinion on non-determination of wage rate is based on the following incident from the life of Prophet Muhammad (PBUH):

The people said: Messenger of Allah, prices have become too high; fix the prices for us. The Messenger of Allah said: 'Allah is the One Who decrees prices, Who takes and gives, and He is the Provider. I hope that I will meet Allah with no one among you making any claim against me concerning issues of blood or wealth'. (*Hadith*, Narrated in *Sunan Abu Dawud*) (Note 8).

It is expected that salary of *ajir-e-khas* (full time employee) should at least be sufficient to cover his basic needs. However, it is not obligatory on employers to pay their employees more than the agreed upon wage. The government can intervene only in extreme conditions when it is clearly evident that one of the parties is getting exploited. For instance, if government feels that employees are exploited by the employers and are not adequately compensated then they can set a minimum wage rate of an employees. In such cases, it becomes obligatory on employers to abide by these laws. While talking about the topic, a senior *Mufti* expressed his views as under:

Employers should ensure that they are paying what they promised with their employers at the time of employment contract. Secondly, the employers should ensure that employees are given time to offer their prayers during office hours. Although organizations cannot force their employers to offer obligatory prayers, they should at least try to convince their employees. Furthermore, they should provide such an environment where employees can fulfill their religious obligations. Similarly, it is *haram* (prohibited) to consider employees inferior, to misbehave with them or not to give them due respect. Employers should also ensure that nothing at workplace put the life in danger of their employees and should do every possible thing to protect employees' lives.

The first core responsibility of employers is to ensure timely payment of salaries to the employees irrespective of their financial difficulties. Prophet Muhammad (PBUH) emphasized the importance of the issue by saying "Give the worker his wages before his sweat dries (*Hadith*, Narrated in *Sunan Ibn-e-Majah*) (Note 9)" and warned employers of strict accountability on the Day of Judgment by saying in case of not ensuring full and timely payment of employees:

Allah Said, 'I will be the opponent of three on the Day of Judgment: one who makes a covenant in My Name and then breaks it; one who sells a free man as a slave and devours his price and one who hires a workman and having taken full work from him, does not pay him his wages (*Hadith*, Narrated in *Ibn-e-Abi Shaiba*) (Note 10).

The second core obligatory responsibility of employers is to ensure that employees are given due time to perform their obligatory religious prayers. This right is given to employees by *Shari'a* and cannot be taken away by any

clause of employment contract. The third core obligatory responsibility of employers towards their employees is to give them proper respect and burden the employees keeping in view their capabilities. The superiority of any individual before Allah depends on the level of righteousness rather than level of wealth. Allah says in holy Qur'an, "Surely the noblest of you, in Allah's sight, is the one who is most pious of you. Surely Allah is All-Knowing, All-Aware (the Qur'an, 49:13)". At another place in Holy Qur'an, Allah says "And We bestowed dignity on the children of Adam (the Qur'an, 17:70)". Therefore, the employers should never insult their employees and should never consider them inferior human beings. Furthermore, employers should burden their employees considering their abilities as is evident from the following saying of Prophet Muhammad (PBUH):

Your slaves are your brothers and Allah has put them under your command. So whoever has a brother under his command, should feed him of that which he eats and dress him of that which he wears. Do not ask them (slaves) to do things beyond their capacity (power) and if you do so, then help them (*Hadith*, Narrated in *Sahi Bukhari*) (Note 11).

The conversation between Prophet Moses and Prophet Shoaib, quoted in Qur'an, in which Prophet Shoaib told Prophet Moses that "And I do not want to put you in any trouble; you will find me, Insha'allah (God-willing) one of the righteous (the *Qur'an*, 28:27)" also demonstrate the desired behavior of a good employer towards his employees. The fourth and final obligatory core responsibility of employers is to ensure safety of their employees at workplace.

3.2.2 Responsibilities of Employees

Shari'a has ordered employees to honestly do their job jobs and to strictly adhere to the job timings agreed in the job contract. In the light of the verses Qur'an in which Allah says, "Woe to the curtailers. Who, when they measure something to receive from people, take it in full. And when they measure or weigh something to give it to them, give less than due (the *Qur'an*, 83:1-3)", scholars believe that it is obligatory responsibility of the employees that they should perform their duties as promised in the employment contract. One senior *Mufti* commented on the responsibilities of employees as under:

Employees should fulfill their job responsibilities with complete honesty and they should not perform their personal activities during the time they have given to their employers. They should not waste time in needless talking as well and should concentrate on their work. They cannot even engage in voluntary religious activities when they are required by their employers to perform their duties. This is because of the reason that the employees have sold their time to their employers and now it is their responsibility to strictly observe organizational policies regarding timetable.

The following verses of Holy Qur'an and sayings of Prophet Muhammad (PBUH) also show the importance given in Islam on honestly performing job responsibilities:

Whoever misappropriates shall bring forth, on Doomsday, what he misappropriated. Then, everybody shall be paid, in full, for what he has earned, and they shall not be wronged (the *Qur'an*, 3:161).

O you who believe, do not betray the trust of Allah and the Messenger, and do not betray your mutual trusts, while you know (the *Qur'an*, 8:27).

And (success is attained) by those who honestly look after their trusts and covenant. And who consistently observe their prayers. Those are the inheritors. Who will inherit *Firdaus* (the Paradise). They will be there forever (the *Qur'an*, 23:9-12).

The honest treasurer who gives willingly what he is ordered to give, is one of the two charitable persons (the second being the owner) (*Hadith*, Narrated in *Sahi Bukhari*).

It is equally important for employees to strictly observe office timings and not to use this time in personal affairs without the consent of the employer. This is because of the reason that the employee has sold his time to employer and does not now possess the right to use this time to carry out personal things. This is so much important that the employees are not even allowed to involve in any kind of worship, except what is obligatory in nature, in the office timings.

3.3 Labour Unions

The focus of preceding sections was on explaining the mandatory responsibilities of employers and employees towards each other. The responsibilities of one party are the rights of others. In order to protect their rights, employees nowadays form trade and labor unions. According to orthodox Islamic scholars, although there is nothing in Islamic teachings against forming such bodies, the operations of contemporary unions make them undesirable bodies. They recommend that unions should take legal route or adopt any other peaceful way to

protect the rights of employees as commented by a senior *Mufti*:

According to *Shari'a*, one is considered martyred if he dies while fighting for his rights. If employees form a labour union to demand those rights which were originally promised to them by their employers then are allowed to do so with the condition that they will not violate any injunction of *Shari'a*. Unfortunately, neither employees nor employers care about the teachings of *Shari'a* in these issues and try to achieve their aims by hook or by crook.

Another *Mufti* commented as under:

There is nothing wrong in forming labour unions if their demands are justified. However, if the aim is to blackmail the employer and unions use impermissible tactics to pressurize their employers then it is not acceptable.

The *Muftis* argue that the use of force, pressure and threat against coworkers, damaging company properties, slowing down work speed, physically harming any individual, practice of hunger strikes and use of similar tactics to pressurize employers are religiously impermissible activities and are contrary to the teachings of Islam and use of these tactics make very existence of these bodies problematic. The scholars give explanations for the prohibition of above mentioned protest strategies. For instance, doing hunger strikes is one of the ways through which different individuals and members of union record their protest and pressurize other parties to accommodate their demands. Hunger strikes are not allowed in Islam due to following reasons mentioned in the books of jurisprudence and sayings of Prophet Muhammad (PBUH):

Whoever kills himself with something will be punished with it on the Day of Resurrection (*Hadith*, Narrated in *Sahi Muslim*).

Whoever purposely throws himself from a mountain and kills himself, will be in the (Hell) Fire falling down into it and abiding therein perpetually forever; and whoever drinks poison and kills himself with it, he will be carrying his poison in his hand and drinking it in the (Hell) Fire wherein he will abide eternally forever; and whoever kills himself with an iron weapon, will be carrying that weapon in his hand and stabbing his abdomen with it in the (Hell) Fire wherein he will abide eternally forever. (*Hadith*, Narrated in *Sahi Bukhari*).

There are different levels of eating food. It is obligatory to eat that quantity of food which can save life of the individual. Therefore, if somebody stops to eat and drink and dies at a result of it, he will be a sinner (Book of Jurisprudence, Mentioned in *Fatawa-e-Aalamgiri*).

If someone refuses to eat even when he has the resources at his disposal and he dies, he will be a sinner (Book of Jurisprudence, Mentioned in *Fatawa-e-Aalamgiri*).

It is not allowed to eat so little that it becomes difficult to do obligatory worship (Book of Jurisprudence, Mentioned in *Fathal-Moeen*).

Therefore, according to orthodox Islamic scholars, first, unions can exist to struggle for those rights which are guaranteed to them in employment contract. Second, they should either use legal ways or use any other peaceful way to struggle for their rights. The important thing is not to force, harm and coerce other members to join the movement and willfully slowing down work, and to not damage any property during the protest. The inclusion of any of these prohibited activities can make the existence of trade unions and strikes impermissible as well.

3.4 Islam and Women's Right to Work

According to orthodox Islamic scholars, there is no difference between male and females as far as their creation and the rewards of their good deeds are concerned. However, *Shari'a* recognizes certain differences between male and females and based on these differences it has assigned different roles to males and females. Females are not only required to cover themselves differently, they are encouraged to stay at their homes and are declared not suitable for top leadership position. However, the reward for the females for the different roles is equal to the rewards of males who are expected to play a different role in this society. One senior *Mufti* expressed his opinion the issue as under:

Shari'a does not normally encourage females to leave their homes and to engage in work related activities. This is because of the reason that it is responsibility of males to feed the family as brothers, fathers and sons. However, if females have to leave home because of economic circumstances then they are allowed to do so provided they can engage in work without breaking any order of *Shari'a*. The environment at workplace should not require gender mixing and there should be separate portion for the employees. If the office is near then females can go themselves otherwise they need to go with one of

their *mahrms*. They should not use perfume and should not use attractive dresses. Furthermore, they should immediately leave workplace after job timings and should ensure that they do not have to compromise on their responsibilities towards their husbands, children and parents. Similarly, employers offer jobs to females only when they can arrange and manage segregation of male and females. In normal circumstances, males should be preferred because they have more responsibilities as compared to females.

The scholars quote following verses of the *Qur'an* and the saying of Prophet Muhammad (PBUH) to explain and highlight similarities and differences between males and females and to show different responsibilities expected from them from Islam:

I have not seen anyone more deficient in intelligence and religion than you. A cautious sensible man could be led astray by some of you." The women asked, "O Allah's Messenger! What is deficient in our intelligence and religion?" He said, "Is not the witness (evidence) of two women equal to the witness of one man?" They replied in the affirmative. He said, "This is the deficiency in her intelligence. Isn't it true that a woman can neither offer *Salat* (prayers) nor observe *Saiim* (fasting) during her menses?" The women replied in the affirmative. He said, "This is the deficiency in her religion (*Hadith*, Narrated in *Sahi Bukhari*)."

It is mentioned that Asma bint al Yazeed approached the Messenger of Allah (sallallahu 'alayhi wa sallam) and said: I am a messenger for a group of females. All of them say a similar statement to mine, and they all are in agreement with my opinion. Indeed, Allah has sent you to men and women, and we have believed in you and we follow you. We (females) are responsible for tending to the homes and we are the place where men fulfill their desires, in addition to carrying their children (during pregnancy). But the men are preferred over us due to the merits gained for attending the Friday congregational prayer, attending burial procedures and also fighting in the way of Allah. If they leave their homes, we protect their wealth and we also raise their children. (With this being the case) do we take part in their tremendous reward, oh Messenger of Allah (sallallahu 'alayhi wa sallam)? Upon hearing this, the Prophet (sallallahu 'alayhi wa sallam) turned toward his male companions and said: Have you ever heard a female inquiring about her religion in a better manner than this female? The companions replied: Indeed we have not, oh Messenger of Allah (sallallahu 'alayhi wa sallam)! The Prophet (sallallahu 'alayhi wa sallam) then replied to her: Return oh Asma, and inform the group of females that being a good wife to your husband, exerting yourself to please him, and making him pleased with you is equivalent (in reward) to all of what you have mentioned concerning the men! Asma walked away saying: La illaha ilAllah, Allahu Akbar, do to the extreme joy she felt after hearing the Prophet's reply (*Hadith*, Reported in *Behqi*) (Note 12).

No people will ever prosper who appoint a woman in charge of them (*Hadith*, Narrated in *Tafsir Ibn-e-Kasir*) (Note 13).

The woman is *Awrah*, so when she goes out, the *Shaitān* seeks to tempt her (*Hadith*, Narrated in *Jami at-Tirmidhi*).

A man is not alone with a woman but the third of them is *Ash-Shaitān* (*Hadith*, Narrated in *Jami at-Tirmidhi*).

If a man and a woman are alone together in an isolated place, then the third is Satan (*Hadith*, Narrated in *Ahmad*) (Note 14).

O prophet, tell your wives and your daughters and the women of the believers that they should draw down their shawls over them. That will make it more likely that they are recognized, hence not teased. And Allah is Most-Forgiving, Very-Merciful (the *Qur'an*, 33:59).

And tell the believing women that they must lower their gazes and guard their private parts, and must not expose their adornment, except that which appears thereof, and must wrap their bosoms with their shawls, and must not expose their adornment, except to their husbands or their fathers or the fathers of their husbands, or to their sons or the sons of their husbands, or to their brothers or the sons of their brothers or the sons of their sisters, or to their women, or to those owned by their right hands, or male attendants having no (sexual) urge, or to the children who are not yet conscious of the shames of women. And let them not stamp their feet in a way that the adornment they conceal is known. And repent to Allah O believers, all of you, so that you may achieve success (the *Qur'an*, 24:31).

Men are caretakers of women, since Allah has made some of them excel the others, and because of the

wealth they have spent. So, the righteous women are obedient, (and) guard (the property and honor of their husbands) in (their) absence with the protection given by Allah. As for women of whom you fear rebellion, convince them, and leave them apart in beds, and beat them. Then, if they obey you, do not seek a way against them. Surely, Allah is the Highest, the Greatest (the *Qur'an*, 4:31).

There are some verses of Qur'an and sayings of Prophet (PBUH) in which it is mentioned that females also used to leave their homes and do stuff which was expected from the males in the light of preceding verses and *ahadiths*. *Muftis* respond to these *ahadith* by arguing that *Shari'a* has allowed females to leave their homes only after fulfillment of six conditions. First, the nature of work should be permissible according to Islamic teachings and should be suitable for females. Second, females are required to properly cover themselves at workplace in accordance with the teachings of *Shari'a*. Third, the job should not require female to remain in isolation with *na-mahram* (Note 15) males. Fourth, their basic responsibilities regarding the training of their children and responsibilities relating to their husbands should not suffer because of the job demands. Fifth, females need to take permission from their guardians. Sixth, they should not use perfume or use any such cosmetics while leaving home which may attract opposite gender towards them. However, keeping in view the responsibilities assigned to males, orthodox Islamic scholars recommend that a male job applicant should be given preference over the female applicants in hiring process because he has to feed his family. The female applicants can be given equal preference when they are forced to work to fulfill basic needs of their families.

4. Discussion and Conclusion

The comparison between understanding of orthodox Islamic scholars and western published literature about work, responsibilities of employees and employers towards each other, working of trade unions and women's right to work shows that there are differences in the understanding of both groups on these issues. For instance, unlike the explanation put forward Syed and Ali (2010) about importance of work in Islam in which they argue that work is an obligatory activity in Islam, orthodox Islamic scholars believe that it is obligatory only for those individuals who do not possess the means to meet their basic needs to fulfill their responsibilities. Involvement in work to earn income cannot be done by neglecting the three main responsibilities. Muslims are indeed allowed to engage in work to increase their income beyond the minimum level. However, their intention to engage in such work should only be to meet their responsibilities in a better way and to use their income in the way of Allah.

One of the most important aspects in this topic is the understanding regarding the responsibilities of employers and employees towards each other when they enter in an employment contract. According to the understanding of orthodox Islamic scholars, employers are required to timely and adequately pay the salary of their employees, give necessary time to their employees for the performance of obligatory rituals, give due respect at the workplace, do not overburden their employees and ensure the safety of their employees at workplace. On the other hand, employees are required to honestly do their work and to strongly adhere to job timings. This understanding is quite similar to the one put forward by Ramzan (1992) except the obligatory responsibility on employers to facilitate their employees in performance of their obligatory worship.

One of areas in which difference in understanding of orthodox Islamic scholars and Western academic scholars is clear is the legitimacy and performance of unions. The focus of existing research on the topic (Syed & Ali, 2010; William & Zinkin, 2010) is on the formation of unions. These studies have ignored the ways through which these union record their protests and force other parties to submit to their demands. On the contrary, the focus of orthodox Islamic scholars has been on the operations rather than on their formations. Although they acknowledge that formation of such unions is not problematic, they are ready to discourage their formation because of the strategies used by contemporary unions. They demand that the actions of unions should not include anything prohibited in the teachings of *Shari'a* which include hunger strikes, blockage of roads, harassing, harming and forcing other employees to support their actions of unions. Furthermore, these unions should not be used to pressurize employers to pay their employees more than what was promised at the time of contract. The orthodox Islamic scholars feel that the contemporary unions do not take into account the teachings of *Shari'a* in the selection of their actions and have no realization about the sensitivity of the issue that involvement in any of the religiously prohibited activities can make the existence of the unions impermissible.

The biggest conceptual difference between Western scholars and orthodox Islamic scholars has surfaced in the issue relating to women's right to work in Islam. While it is argued in the western academic discourse that there should not be any differential treatment on the basis of gender at workplace (Syed & Ali, 2010; William & Zinkin, 2010; Beekun & Badawi, 2005), orthodox Islamic scholars put forward a different understanding on the issue and provide numerous verses of Qur'an and sayings of Prophet Muhammad (PBUH) to support their view

that Islam demands from females to play a different role than males in a Muslim society. Orthodox Islamic scholars argue that Islam has assigned different roles to males and females and claim that females are not encouraged to leave their home without a genuine excuse. Furthermore, male job applicants should be given preference in hiring processes because contrary to the responsibilities of females, it is obligatory on males to fulfill the basic needs of their families. Women can only be given equal opportunity in the hiring process if they are forced to work in order to meet basic needs of their families. Orthodox Islamic scholars also believe that females are allowed to work if the nature of work is permissible in Islam, the job does not demand any compromise on religiously desired dress code at the workplace, job demands does not require female to remain in isolation with a *na-mahram*, job demands does not affect the core responsibilities of females regarding their children and husband, have permission of their guardians to engage in work and do not use such dress and cosmetics which may attract *na-mahrams* towards them. This understanding of Islamic view on women's right to work is substantially different from the current discourse on the topic and hints that role played by women in Muslim countries is not solely linked to their cultures and can possibly be a product of their religious beliefs.

The preceding discussions show that orthodox Islamic scholars provide us another way to understand Islamic perspective on workplace related issues. More importantly, completely and/or partially different view of orthodox Islamic scholars on some issue (e.g., women's right to work) give strength to the argument that giving voice to orthodox Islamic scholars can provide an alternative perspective on the debates on Islam and workplace related issues. As a large number of Muslim population is influenced with the way orthodox Islamic scholars understand an issue, a complete and comprehensive understanding of the behavior of Muslim population is not possible if we keep on ignoring the views of influence community of orthodox Islamic scholars.

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Notes

Note 1. A department in the Islamic religious schools where *Muftis* provide answers to the questions asked by people seeking to know Islamic view on a particular issue.

Note 2. Translation of all the verses of the *Qur'an* in this paper has been taken from the English Translation of the Holy *Qur'an* by 'Shaykh Mufti Taqi Usmani'.

Note 3. Translation of the Hadith taken from <http://as-sahabah.org/index.php/islamic-library/54-haram-food-and-haram-earnings>

Note 4. Translation of all *ahadith* of '*Sahi Muslim*' in this paper has been taken from the English translation of '*Sahi Muslim*' by Nasiruddin al-Khattab (Published by Darusslam Publishers and Distributors).

Note 5. Translation of the Hadith taken from <http://as-sahabah.org/index.php/islamic-library/54-haram-food-and-haram-earnings>

Note 6. Translation of Hadith taken from <http://www.ghazali.org/ihya/english/ihya-vol2-C4.htm>

Note 7. Translation of all *ahadith* of '*Jami at-Tirmidhi*' in this paper has been taken from the English translation of '*Jami at-Tirmidhi*' by Abu Khaliyl (Published by Darusslam Publishers and Distributors).

Note 8. Translation of all *ahadith* of '*Sunan Abu Dawud*' in this paper has been taken from the English translation of '*Sunan Abu Dawud*' by Nasiruddin al-Khattab (Published by Darusslam Publishers and Distributors).

Note 9. Translation of all *ahadith* of '*Sunan Ibn-e-Majah*' in the dissertation has been taken from the English translation of '*Sunan Ibn-e-Majah*' by Nasiruddin al-Khattab (Published by Darusslam Publishers and Distributors).

Note 10. Translation of the Hadith is taken from <http://www.islamweb.net/emeraht/index.php?page=showfatwa&FatwaId=127106>

Note 11. Translation of all *ahadith* of '*Sahi Bukhari*' in the dissertation has been taken from the English translation of '*Sahi Bukhari*' by Dr. Muhammad Muhsin Khan (Published by Darusslam Publishers and Distributors).

Note 12. Translation of the Hadith is taken from <https://revivalofthemuslimfamily.wordpress.com/2015/02/24/a-great-encouragement-for-our-muslim-sisters-the-hadeeth-of-asma-bint-yazeed-bin-al-sakn-al-ansariyyah/>

Note 13. Translation of the Hadith is taken from <http://islamqa.info/en/20677>

Note 14. Translation of the Hadith is taken from <http://www.peacexpeace.org/2012/04/dating-islamto-me-its-an-oxymoron/>

Note 15. *Na-Mahram* is that individual with whom *Sharia* has not prohibited to marry.

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