

A SUMMARY OF ISLAMIC JURISPRUDENCE

2
Volume



The Prophet (PBUH) says:

*“If Allah wants to do good for a person,
He makes him understand the religion.”*

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In the Name of Allah, the Entirely Merciful, the Especially Merciful

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CHAPTER

2

Prohibited Trade Transactions

Allah has made trade permissible for His servants as long as it does not cause them to miss what is more useful and much important, such as an obligatory act of worship. Trade is also permissible so long as it does not cause any harm to others.

It is impermissible for a Muslim upon whom the *Jumu`ah* (Friday) Prayer is obligatory to buy or sell after its second prayer call (*adhân*), for Allah, Exalted be He, says:

“O you who have believed, when [the adhân] is called for the prayer on the day of Jumu`ah [Friday], then proceed to the remembrance of Allah and leave trade. That is better for you, if you only knew.”
(Qur`ân: Al-Jumu`ah: 9)

Thus Allah, Glorified and Exalted be He, has prohibited trade when the prayer call for the *Jumu`ah* (Friday) Prayer is declared lest Muslims should be too busy with trade to attend the Prayer. Allah has mentioned trade in particular

as it is one of the most important worldly activities that occupy people's times, as most people earn their living through trade. This Divine prohibition implies that trade is prohibited and invalid at such a time (when the *Jumu`ah* Prayer is due). Then Allah, Glorified and Exalted be He, says, "***That***", referring to leaving trade and attending the *Jumu`ah* Prayer, "***is better for you***" than being occupied with trade "***if you only knew***" your own good and interests. Likewise, it is prohibited for a Muslim to be occupied with any worldly activity, not only trade, at the due time of *Jumu`ah* Prayer.

It is impermissible for Muslims as well to let trade or any other worldly activity divert them from establishing obligatory prayers after hearing the prayer call. Allah, Exalted be He, says:

"[Such niches are] in houses [i.e. mosques] which Allah has ordered to be raised and that His Name be mentioned [i.e. praised] therein; exalting Him within them in the morning and the evenings. [Are] men whom neither commerce nor sale distracts from the remembrance of Allah and performance of prayer and giving of Zakâh¹. They fear a Day in which the hearts and eyes will [fearfully] turn about - that Allah may reward them [according to] the best of what they did and increase them from His bounty. And Allah gives provision to whom He wills without account [i.e. limit]." (Qur`ân: An-Nûr: 36-38)

It is also illegal to sell anything which can be used for disobeying Allah and committing a sin. To illustrate, it is illegal to sell certain fruit juices to whoever uses them for making intoxicants, as it would be cooperation in sinning. Allah, Exalted be He, says:

"...but do not cooperate in sin and aggression..."
(Qur`ân: Al-Mâ'idah: 2)

This kind of sale is considered cooperation in aggression. Similarly, it is illegal to sell weapons, armaments, and munitions at the time of dissention among Muslims lest they might be used for killing Muslims; the Prophet (PBUH) prohibited Muslims to do so, and Allah, Exalted be He, says:

"...but do not cooperate in sin and aggression..."
(Qur`ân: Al-Mâ'idah: 2)

In this connection, **Ibnul-Qayyim** said:

"All legal proofs demonstrate that the validity, legality and permissibility of a sale are also affected by intentions and usage. For example, one is prohibited from selling someone a weapon if one knows that he would

use it for killing a Muslim, as this is considered cooperation in sin and aggression. However, if a Muslim sells a weapon to someone who fights in the Cause of Allah, it is considered (for the seller) a sign of obedience and devotion to Allah. On the other hand, it is impermissible to sell weapons to those who fight Muslims or those who use them for highway robbery, as it is regarded as cooperation in sin.”²

Muslims are not permitted as well to cancel the sales of one another. For example, a Muslim seller may say to a customer who has paid ten pounds for an item from another seller, “I can sell you a similar piece for only nine pounds,” or “I can sell you a better one for the same price.” This is prohibited for the Prophet (PBUH) said:

“You must not try to cancel the sales of one another.”

(Related by Al-Bukhârî and Muslim)³

The Prophet (PBUH) also said:

“A Muslim must not try to cancel the sales of his (Muslim) brother.”

(Related by Al-Bukhârî and Muslim)⁴

Likewise, it is impermissible for Muslims to cancel the purchases of one another. For instance, a Muslim buyer may say to a seller who has sold another Muslim a commodity for nine pounds, “I can buy it for ten pounds,” or the like. Nowadays, many a prohibited trade transaction like the aforementioned ones occurs in the markets of Muslims. So, a true Muslim must avoid such violations, forbid them, and show disapproval of those who commit them.

Among the prohibited trade transactions is that made by a town dweller on behalf of a desert dweller, for the Prophet (PBUH) said:

“A town dweller should not trade on behalf of a desert dweller.”⁵

Ibn `Abbâs, commenting on this *hadith*, said, “It means that he (a town dweller) should not act as his (a desert dweller’s) broker.”⁶

The Prophet (PBUH) also said:

“Leave the people alone, Allah will give them provision from one another.”⁷

Thus, a town dweller is prohibited to sell or buy on behalf of a desert dweller. In fact, what is prohibited is that a town dweller goes to a desert dweller and offers his service to buy or sell something on his behalf. Yet, it becomes

permissible only if the desert dweller is the one who comes to the town dweller asking him to buy or sell on his behalf.

Another type of prohibited trade is that called *`inah*, in which a seller sells a commodity on credit to a buyer and then buys it from him at the same time at a lower price. For example, a trader sells a car for twenty thousand pounds on credit then buys it from the same man (who has just bought it) for fifteen thousand pounds cash. Thus, the original buyer owes the seller twenty thousand pounds to be paid at the due time. This kind of selling is prohibited as it is mere fraud and one of the forms of *ribâ*⁸. In this way, the seller sells a sum of money on credit for another one in cash, making the commodity just a means of fraud. The Prophet (PBUH) said:

*“If you sell to one another with `inah, hold the tails of cows (i.e. become occupied with worldly gains), become pleased with agriculture, and give up jihâd (fighting in the Cause of Allah), Allah will make disgrace prevail over you, and will not withdraw it until you return (i.e. adhere) to your religion.”*⁹

He (PBUH) also said:

“There will come a time when people consider ribâ lawful by means of trade.”

Endnotes

- 1 *Zakâh* is an annual expenditure for the benefit of the Muslim community, primarily to help the poor, required from those Muslims who have excess wealth. Paying *Zakâh* is one of the five main pillars of Islam (for more elaboration, refer to the chapter on *Zakâh*).
- 2 See the footnote in Ibn Qâsim’s book entitled “*Ar-Rawâ Al-Murbi*” [4/374].
- 3 Al-Bukhârî (2139) [4/446] and Muslim (3440) [5/200].
- 4 Al-Bukhârî (5142) [9/249] and Muslim (3441) [5/201].
- 5 Al-Bukhârî (2140) [4/446] and Muslim (3803) [5/202].
- 6 Al-Bukhârî (2158) [4/467] and Muslim (3804) [5/404].
- 7 Muslim (3805) [5/404].
- 8 *Ribâ*: A term that includes usury and usurious gain and interest.
- 9 Abû Dâwûd (3462) [3/477].