

Principle Of Business 3
Written By
Maulana Ashraf Ali Thanvi Rhamatullah Alaihi

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Mudârabah or Silent partnership

1. You gave some money to a person in order to conduct some business. You told him that he should conduct some business and the profits that accrue from there will be shared between the two of you. This is permissible. This is known as *mudârabah*. However, there are several conditions for this. If these conditions are fulfilled, it will be valid. If not, it will not be permissible and will be regarded as *fâsid*. The conditions are:

(a) You must mention the amount of money you wish to give him and also hand it over to him in order to conduct the business. If you do not hand over the money to him and keep it with you, this agreement will be *fâsid*.

(b) You should also specify how the profits will be shared by mentioning the percentage that each one will receive. If this is not specified and you merely said that we will share the profits, this will be *fâsid*.

(c) When specifying the share of profits, do not say that from all the profits, R100 will be mine and the balance yours or R100 yours and the balance mine. Instead, you should specify the percentage, e.g. half the profits will be mine and the other half yours, one third mine and two thirds yours or one quarter mine and three quarters yours. In short, the distribution should be according to the profits that accrue. If this is not so, the agreement will be *fâsid*.

(d) Only if there is a profit will the person who is working receive a share of the profits. If there are no profits, he will not receive anything. If you say that even if there are no profits I will give you a certain amount from the capital, this agreement will be *fâsid*. Similarly, if you make this condition that if there are any losses, they will be borne by the person who is working or borne by both of us, it will also be *fâsid*. The rule is that if there are any losses, it will be the responsibility of the owner and it will be his money that has been lost.

2. As long as the person has the money with him and has not purchased the goods for trade as yet, you have the right to dismiss him and take the money back. Once he purchases the goods, you do not have the right to dismiss him.

3. If you make this condition that I will work with you or a certain employee of mine will work with you, then this agreement will be *fâsid*.

4. The rule with regard to *mudârabah* is that if the agreement is valid and there are no nonsensical conditions in it, then both of them will be partners in the profits. They must divide the profits according to their agreement. If there are no profits or if they suffered any loss, then the person who is working will not receive anything and he will not have to pay any compensation for the loss. If the agreement becomes *fâsid*, the person who is working will not be regarded as a partner in the profits. Instead, he will be regarded as any other ordinary employee. You must check the amount of salary he would have received had he been employed as an ordinary employee and pay him accordingly. He will receive a salary irrespective of whether there are any profits or whether they suffer a loss. All the profits belong to the owner. However, if his salary is more than the profits, in such a case he will not receive a salary. Instead, the profits will have to be shared.

Note: Since women very rarely need such *masâ'il*, we have not written any lengthy explanations. Whenever the need arises, consult an *'âlim* so that you do not commit any sin.

Amânah or Trusts

1. A person came and gave you something to keep as an *amânah* and you accepted it. It is now *wajib* on you to safeguard it. If you display any shortcoming in safeguarding the item and it gets lost, you will have to compensate for it. However, if you did not display any shortcoming in safeguarding the item and it still gets lost either by being stolen or getting burnt when your house caught on fire, etc. then that person cannot demand any compensation from you. In fact, even if at the time of accepting the *amânah* you said to the person that you are responsible for it and that he can take the money for it if it gets lost, he does not have the right to demand any compensation. Compensating him out of your own free will is another matter.

2. A person comes and says: "I am going for some work. Please keep this item for me." You reply: "Okay leave it here." Alternatively, you do not say anything but merely remain silent. That person leaves it with you and goes away. This becomes an *amānah*. However, if you clearly state that you are not going to keep it and that he should keep it with someone else or you do not accept it and yet the person keeps it with you and goes away, then that item will not be an *amānah*. However, if you pick up that item and keep it away after the departure of the person, it will become an *amānah*.

3. Several women were sitting together. A lady comes, keeps an item with them and goes away. It is *wajib* on all of them to safeguard that item. If they leave that item behind and go away and it disappears thereafter, they will have to pay compensation. If all of them did not leave at once but left one after the other, it will be the responsibility of the last person to safeguard the item. If she leaves that place and the item disappears, compensation will be taken from her.

4. The person who has an *amānah* with her has the right to keep the item with her and safeguard it or to give it to her mother, sister, husband or any such relative who lives in the same house as hers and by whom she also keeps her possessions at the time of need. However, if any of the relatives are not trustworthy, it will not be permissible to keep it with them. If she intentionally gives it to such an unreliable person, she will have to pay compensation in the event of that item disappearing.

It is not permissible to keep an *amānah* by anyone else (besides the above-mentioned) without the permission of the owner. This is irrespective of whether the person is a total stranger or a distant relative. If an *amānah* is kept with such a person, she will have to pay compensation in the event of that item disappearing. However, if this person is such that she herself entrusts her with her own possessions, then it will be permissible to keep an *amānah* with that person.

5. A person came and gave you an item to be kept as an *amānah*. You forgetfully left it behind and went away. If it disappears, you will have to pay compensation. Alternatively, you left the lock of the closet or safe open and went away. And there are several persons sitting over there. Furthermore, the item is such that it generally cannot be safeguarded without being locked. In the event of it disappearing, you will have to pay compensation.

6. Your house caught on fire. At such a time, it is permissible to keep the *amānah* with strangers as well. However, once this excuse (house being on fire) is no more, you should immediately go and take that *amānah* from that person. If you do not go and take it, you will have to pay compensation in the event of it disappearing. Similarly, if at the time of your death, none of your house folk are present, it will be permissible to give it to your neighbour.

7. If a person gives you gold or silver coins to be kept as an *amānah*, it will be *wājib* on you to safeguard those very gold or silver coins. You cannot mix them with your gold or silver coins nor can you spend them. You should not think that all gold or silver coins are the same and therefore you will use them and when he asks you for them you will give him your own. This is not permissible. If the person permits you to use them, it will be permissible. However, the rule with regard to this is that if you keep those very coins aside, it will be regarded as an *amānah*. If they disappear, you will not have to pay any compensation. But if you seek his permission and use them,

it will now be regarded as a debt and not an *amānah*. You will therefore have to pay him irrespective of whether they disappear or not. After using his coins, you kept aside the same amount in his name (with the intention that it is his). It will still not be regarded as an *amānah*. They will be regarded as your coins. If they are stolen, your coins will be considered to be stolen and you will still have to pay him. In short, once you use his coins, it will be regarded as your responsibility as long as you do not repay him.

8. A person kept R100 as an *amānah* with you. You sought his permission to use R50 and spent it. R50 will be regarded as a debt on your shoulders and R50 will be regarded as an *amānah*. Later when you obtain R50, do not mix it with his R50 which you kept as an *amānah*. If you mix it, the entire amount (R100) will not be regarded as an *amānah* and you will be responsible for the entire R100. If this amount disappears, you will have to repay the entire R100. This is because by mixing the money of *amānah* with your own, the entire amount becomes a debt and you will have to repay the entire amount irrespective of whether it disappears or not.

9. You sought the person's permission and mixed his R100 with your R100. The entire amount will be regarded as a partnership. If it is stolen, both the amounts will be considered to be stolen and there is no need for any compensation. If part of the money is stolen and part is left behind, then from the money which has been stolen, half will be considered to be yours and half his. If one person had given R100 and the other R200, then the amount that is stolen will be calculated accordingly, e.g. if R12 is stolen, R4 of the person who gave R100 will be considered to be stolen and R8 of the person who gave R200. This rule will only apply if it was mixed with his permission.

If you mix it without his permission, the rule that has been mentioned previously will apply. That is, by mixing the money of *amānah* with your money without the owner's permission, that *amānah* becomes a debt. That money no longer remains an *amānah*. Whatever money from there disappears will be regarded as yours and you will have to repay him.

10. A person kept a goat or cow as an *amānah* with you. It is not permissible for you to drink its milk or benefit from it in any other way. However, it will be permissible for you to do so if you obtain his permission. Whatever milk you drink without permission will have to be paid for.

11. A person kept clothing, jewellery, a bed, etc. as an *amānah*. You cannot use these items without permission. If you use these items without permission and while using them, the clothing gets torn or stolen, or the jewellery or bed breaks or gets stolen, then in all these cases you will have to pay compensation. However, if you repent from this action and keep these items away safely and thereafter they disappear, you will not have to pay any compensation.

12. You removed the clothing which was given to you as an *amānah* from the cupboard with the intention that you will wear it in the evening for a particular occasion. However, before you could wear it, it got stolen. You will still have to pay compensation.

13. The cow or goat which was given to you as an *amānah* fell ill. You gave it medication. Because of this medication it died. You will have to pay compensation. If

it dies without your giving it any medication, you will not have to pay any compensation.

14. A person gave you some money. You kept it in your wallet or cash pocket. However, this money did not go into your wallet or cash pocket. Instead, it fell down but you were under the assumption that it is in your wallet or cash pocket. You will not have to pay any compensation.

15. When a person asks for his *amānah*, it is *wājib* to hand it over to him immediately. It is not permissible to delay without any valid excuse. A person asks you for his *amānah*. You reply that you are busy now and that he must take it from you tomorrow. The person agrees - there is no harm in this. If the person is not happy about taking it tomorrow and goes away angrily, that item will no longer be regarded as an *amānah*. If it disappears, you will have to pay compensation.

16. A person sent someone to collect his *amānah*. You have the right of refusing to hand it over to this person with the message that the person must come himself and that you will not give it to anyone else. If you hand it over to this messenger thinking him to be honest and later the owner says that he did not send him, the owner can demand the item from you. You can take the item back from that person. If the item is no longer in his possession, you cannot demand the money for it from him but the owner can demand it from you.

‘Āriyah or Borrowed items

1. You borrowed clothing, jewellery, a bed, utensils, etc. from someone for a few days and told them that you will return them once your need for them is over. The rule with regard to this is the same as that of an *amānah*. It will be *wājib* on you to safeguard these items. If such borrowed items disappear despite your taking all the precautions to safeguard them, then that person cannot demand any compensation from you. In fact, even if you had told that person that if it gets lost you will compensate him, it is not permissible for him to take any compensation. But if you did not safeguard it and it therefore got lost, you will have to pay compensation for it. Furthermore, the owner has the right to take back his item whenever he wishes. It is not permissible for you to refuse to return it to him. If you refuse to hand it over to him despite his asking you to do so and thereafter it gets lost, you will have to pay compensation.

2. If the owner permitted you to utilise the item in a particular manner, you will have to utilise it in that very manner. You cannot use it in any manner contrary to that which he permitted. If you use it in a contrary manner and it gets lost, you will have to pay compensation. For example, a woman lent you her scarf in order to cover your head. Instead, you spread it out on the ground and lied down on it. On account of this it became damaged. She lent you her couch and so many people sat on it that it broke. She lent you a glass utensil and you placed it over the fire and it therefore broke. Alternatively, you used any other item contrary to its normal manner of usage. In all such cases you will have to pay compensation. Similarly, if you borrow an item and have this evil intention in your heart that you will not return it but keep it for yourself, you will have to pay compensation if it disappears.

3. You borrowed an item for a specific number of days. It will be necessary to return it on the expiry of that period. If you do not return it within the specified number of days and it gets lost, you will have to pay compensation.

4. If the owner lent an item and clearly stated that you can use it yourself and also give it to others to utilise, then you have the right to lend it to others. Similarly, if the owner did not clearly state this but your relationship with him is such that you have full conviction that others are permitted to utilise it as well, then the above rule will also apply. If the owner clearly prohibited you from lending it to others or allowing others to utilise it, then under no circumstances will it be permissible for you to give it to others.

If you borrowed an item telling the owner that you will use it and he did not prohibit you from giving it to others nor did he clearly permit you to do so, then check the nature of the item. If it is such that the manner of utilising it is the same and everyone utilises it in the same manner without there being any difference whatsoever, it will be permissible for you to use it and to allow others as well. If the item is such that it is not utilised in the same manner - some people use it in the proper manner while others mishandle it, then it will not be permissible for you to allow others to utilise it.

Similarly, if you borrowed an item telling the owner that a certain relative or friend will use it and the owner did not mention anything about you using it yourself or not using it, then the same rule will apply here as well. That is, if the manner of utilising it is the same, it will be permissible for you to use it. If not, it will not be permissible for you to use it. Only that person in whose name you borrowed it will be permitted to use it.

If you borrowed an item without informing the owner as to who is going to utilise it and the owner did not specify anyone as well, then the rule is that if the manner of utilising it is the same, it will be permissible for you to utilise it and give it to others as well. But if the manner of utilising it is not the same and you already commenced utilising it, it will not be permissible for you to give it to others. If you did not commence utilising it and gave it to someone else, it will not be permissible for you to utilise it. Understand this well.

5. It is not permissible for the parents and others to lend items that belong to their immature children. If they lend it out and it gets lost, they will have to pay compensation. Similarly, if an immature child lends his item on his own accord, it will not be permissible to take it.

6. You borrowed an item from a person. Thereafter, the owner passed away. Once he passes away, it does not become the possession of the borrower. It will therefore not be permissible for you to use it. Similarly, if the borrower passes away, it will not be permissible for his inheritors to use it in any way.

HIBA or GIFTS

1. You gave an item to a person and he accepted it. Alternatively, he did not accept it verbally, instead, you placed it in his hand and he took it. That item will now be his and it no longer belongs to you. In the *Shari'ah* this is known as *hiba* - a gift or present. There are several conditions for this. One is that you have to hand over the

item to the person and he has to take possession of it. If you tell him that you are giving him this item and he says that he is accepting it but you have not handed it over to him as yet, then this giving of yours is not correct. The item will still be considered to be under your ownership. However, if he takes possession of it he will become its owner.

2. You placed the item in front of him in such a manner that if he wishes he can take it, and you say to him: "Here, take this." By placing the item in such a way, he will also become its owner. It will be regarded as if he picked it up and took possession of it.

3. You gave a person clothing that is kept in a locked trunk but did not give him the keys to the trunk. This will not be regarded as taking possession of the item. Once you hand over the keys, possession will take place and he will become the owner of the clothing.

4. There is oil or any other substance in a bottle. You gave the bottle to a person but did not give him the oil. This giving will not be correct. Even if he takes possession of it he will not become its owner. Only when you take out your oil from it will he become its owner. If you give the oil but not the bottle and the person takes the bottle with the oil and tells you that he will empty the oil out and then return the bottle to you, then giving the oil in this manner will be correct. Once he takes possession of it he will become its owner. In short, if you wish to give a bottle, utensil, etc. it is a prerequisite to empty the utensil first. It is not permissible to give it without first emptying it. Similarly, if anyone gives a house, he must remove all his belongings and he himself must come out of it and then hand it over.

5. If you wish to give a person a portion of a certain item (i.e. half, quarter, one third or whatever the case maybe), first check the nature of the item. Will it be of any use after being divided or not? If it will not be of any use after dividing it, it will be permissible to give it. Such items are: a grinding mill that if it is split in half, it will not be of any use, a bench, a bed, a utensil, a pitcher, a bowl, a tumbler, a trunk, an animal, etc. Once the person takes possession of such items he will become owner of that portion which you have given to him and the whole item will come under a partnership between both of you.

If the item is such that if it is divided it can still be of use, then it is not permissible to give it without dividing it. Such items are: a plot of land, a big house, a roll of material, firewood, dry groceries, milk, yoghurt, etc.

You tell a person: "I am giving you half the *ghee* that is in this container." He replies: "I accept it." This giving will not be correct. In fact, even if he takes possession of the container he will not become the owner of that *ghee*. All the *ghee* still belongs to you. However, if you thereafter separate half the *ghee* and hand it over to him, he will become its owner.

6. Two persons purchased a length of material, a house or a farm and each one paid half the money for it. As long as they do not divide it, it is not permissible for any one of them to give his share away to anyone.

7. You gave R10 to two persons and told them to take half each. This is not correct. Instead, you should divide both in half and then give it to them. However, if both of

them are poor, it is not necessary to divide it. If you give one cent to two persons, this will be correct.

8. A goat or cow is pregnant. It is not permissible to give the young of the goat or cow to anyone before it can be born. In fact, even if the person takes possession of it after it is born, he will not become its owner. If you wish to give it, you must give it again after it is born.

9. A person gives you a goat and tells you that he is not giving you the kid that is in its stomach and that it belongs to him. The goat and the kid now belong to you and the person does not have the right to take the kid away.

10. A certain item of yours is kept with someone as an *amānah*. You gave that very item to that very person. In such a case that person will become its owner by merely stating that he has accepted it. It is not necessary for him to go and take possession of it again because it is already in his possession.

11. If an immature boy or girl give their possession to someone, this will not be correct. It is also not permissible to take anything that they give. Remember this *mas'ala* well because many people are neglectful in this regard.

Giving to children

1. When anything is given to a child on the occasion of his circumcision or any other such occasion, the purpose and object is not to give the child but to his parents. All those gifts are therefore not the possession of the child. Instead, the parents are its owners and they can do whatever they wish with those gifts. However, if a person gives an item specifically for the child, he will be its owner. If the child has reached an age of understanding, it is sufficient for him to take possession of the item himself. Once he takes possession of it, he will be its owner. If the child does not take possession of it or is incapable of doing so, then by the father taking possession of it, the child will become its owner. If the father is not present, the child will become its owner by the grandfather taking possession of it. If the father and grandfather are not present, the guardian of the child should take possession of it. If the mother or grandmother take possession of the item despite the father or grandfather being present, it will not be considered.

2. If the father or the grandfather (in the absence of the father) wish to give the child or grandchild a gift, it is sufficient for them to say: "I have given this to the child." In the absence of the father or grandfather, if the mother or brother wish to give a gift to the child and this child is also under their care, then by their saying the above words, the child will become its owner. It is not necessary for anyone to take possession of the item.

3. When wishing to give anything to your children, ensure that you give it equally among your children. The son and the daughter should be given equally. If you give one of your children more than the others, there is no harm in this. However, you should not have the intention of causing harm to the one whom you gave less. If this is your intention, it will not be permissible to give him less.

4. Anything that belongs to an immature child should only be utilised for him. It is not permissible for anyone to utilise it for their personal purposes. Even the parents should not utilise it for their personal purposes nor for any of the other children.

5. If an item is given outwardly to the child but the actual purpose was to give it to the parents, but the person gave it in the name of the child because he considered the gift to be insignificant, then that item will be considered to be under the ownership of the parents. They can utilise it as they wish. Furthermore, one should see who has given the gift. If the gift was given by the wife's relatives, it will belong to the wife. If it was given by the husband's relatives, it will belong to the husband.

6. You sewed a set of clothing for your immature child. That child will now be its owner. You made a set of jewellery for your immature daughter. She will now be its owner. It will not be permissible to give that clothing or jewellery to any other boy or girl. It should be given to the one for whom it was made. However, if at the time of making it, you clearly stated that this item belongs to you and that you are merely loaning it to this child, the item will belong to the person who made it (or got it made). It is the habit of many elder sisters and also mothers to borrow a scarf and other items from their immature sisters or daughters. It should be noted that it is not permissible to borrow such items even for a little while.

7. Just as an immature child cannot give any of his possessions to anyone, in the same way the father cannot give any of the possessions of his immature child to anyone. If the parents give any of the possessions of the child to anyone or lend it to anyone, it will not be permissible to accept it. However, if the parents have a severe need for it on account of poverty and cannot obtain it from anywhere else, then at such a time of need and desperation it will be permissible for them to take an item that belongs to the child.

8. It is not correct for the parents to loan the wealth of the child to anyone. In fact, it is not correct for the parents themselves to borrow the wealth of the child. Remember this well.

Taking back something that has been given

1. It is a major sin to take back something that you have given. If a person takes back something that he has given and the person gives it back willingly, then the person who had originally given the item will once again become its owner. However, there are certain things which the person has no right to take back, e.g. you gave a goat to a person. This person fed that goat so well that it became fat and healthy. In such a case you do not have the right to take it back. Alternatively, you gave a plot of land to a person. He constructed a house on that plot or turned it into an orchard. In such a case you do not have the right to take it back. Alternatively, you gave a length of material to a person. He sewed a garment out of it, dyed it or had it washed. You do not have the right to take it back.

2. You gave a goat to a person. After some time it gave birth to kids. You can take the goat back but you do not have the right to take the kids.

3. If the person who gives an item or the person who receives it dies after the item was given, the right to take it back no longer remains.

4. A person gave you something. You also gave her something in return for this and said to her: "Sister, take this in return for the item that you gave me." After giving this item in exchange, you do not have the right to take it back. However, if you did not tell her that you are giving this in exchange for what she gave you, you have the right to take back your item and she also has the right to take back the item that she gave you.

5. The husband gave something to his wife or vice versa. They do not have the right to take back whatever they give. Similarly, if a person gives something to a relative with whom marriage is *ḥarām* forever and this is a blood relation, such as brother and sister or nephew and niece, they do not have the right to take back whatever they give. If the relative is such that marriage is not *ḥarām* with him or her, such as one's cousin, then one has the right to take back whatever one gives. Similarly, if marriage is *ḥarām* but the relationship is not a blood relationship, instead it is a relationship based on breast-feeding or some other relationship such as foster brothers or sisters or son-in-law, mother-in-law, father-in-law, etc., then in all these cases one has the right to take back whatever one gives.

6. All the cases wherein we have mentioned that one has the right to take back what one gives, means that he will only have the right to take it back if the person is also willing to give it back, as mentioned in the beginning. However, there is also a sin in doing this. If the person is not willing to give it back and does not give it back, one does not have the right to take the item forcefully without first obtaining a ruling from a judge in his favour. If he takes it forcefully without obtaining a ruling from a judge, he will not become its owner.

7. Most of the rules that have been mentioned with regard to the giving of gifts also apply to giving in the path of Allah, e.g. an item will not go into the ownership of a poor person without the latter taking possession of it. The item which has the prerequisite that it has to be divided before it can be given, this prerequisite will also apply here. The item which has to be emptied before it can be given will also have to be emptied in this case.

However, there are two differences. One is that when you give something you have the right to take it back if the person is willing to do so. However, when you give something in the path of Allah you do not have the right to take it back. The second difference is that if you give a certain amount of money to two poor persons and tell them to share it between themselves, it will be permissible to do so. However, when giving a gift to someone, you cannot ask them to divide the money.

8. You were going to give R10 to a poor person but you mistakenly gave him a R20 note. You do not have the right to take it back.

Renting and hiring

1. Once you have taken a house on rent on a monthly basis and took possession of it, you will have to pay the rent on the expiry of the month. This is irrespective of whether you lived in it or whether it remained empty. In both cases it is *wājib* on you to pay the rent.

2. A tailor sewed a garment for you, a dyer dyed it for you or the washerman washed it for you. After carrying out this work, he brought it to you. He has the right

of refusing to hand over the garment to you until you pay him for the job that he has carried out. It is not permissible for you to take it forcefully without having paid him.

If you asked a labourer to carry a sack of grain for you, he cannot hold back this grain until you pay him for his effort. This is because by his bringing the grain for you, no changes took place in the grain. As opposed to the above-mentioned examples wherein a change took place in the fabric or garment.

3. A person made a condition that you alone should sew this garment, you alone should dye it or you alone should wash it. In such a case it is not permissible to give it to anyone else to do any of the above tasks. But if he did not make this condition, the work could be given to anyone else.

Improper leasing or hiring out

1. The following methods of hiring out are regarded as *ijārah fāsīdah* (improper leasing):

(a) At the time of renting a house, the period was not specified as to how long the house will be rented.

(b) The rental was not specified. The person merely occupied the house and began living in it.

(c) The tenant made this condition that he will pay the costs for whatever breaks in the house.

(d) The landlord rented the house on the condition that whatever breaks in the house will have to be repaired by the tenant and that the repairs that he will undertake will actually be his method of payment of the rental. But if the landlord says: "You live in this house and undertake whatever repairs are necessary. There is no rental to be paid." In such a case this is an *aariyah* (a loan). This is permissible.

2. A person rented a house saying that he will pay R500 monthly. This hiring out will only be valid for one month. At the expiry of one month, the landlord has the right to evict him. If the tenant stays for another month, this hiring out will be valid for one additional month. In this way, a new lease will continue each month. However, if the tenant specified a certain period of time by saying that he will be renting this house for six months or four months (or whatever the case may be), then the leasing will be valid for whatever period he specified. The landlord cannot evict him before the expiry of this period.

3. You asked a person to grind wheat for you and told him to take a certain amount (e.g. half a kilo) of its flour as payment. Alternatively, you asked someone to harvest the crops and told him to take a certain amount of grain from there as payment for harvesting. All this is *fāsīd*.

4. The rule with regard to *ijārah fāsīdah* is that whatever had been agreed upon will not be given. Instead, he will be given whatever payment is normally made for a particular job. If it is a house, the tenant will have to pay the normal rental. However, if the normal payment or the normal rental is more than what had been agreed upon,

then the normal payment or rental will not be given. Instead, he will be paid that which was agreed upon. In short, he will be entitled to receive the amount which is less.

5. The hiring of singers, dancers, tricksters and all other types of frivolities is not valid. All this is absolutely *bâtil*. Therefore, no payment will be given for this.

6. A *hâfiẓ* was employed in order to stand over a grave for a certain number of days and recite the Quran and send the rewards to the deceased. This is not valid. The *hâfiẓ* will not receive any reward nor the deceased. Furthermore, he is not entitled to receive any payment for this.

7. A person hired a book in order to read it. This hiring out is not valid.

8. The custom of hiring a bull, male goat or male buffalo in order to enable your cow, female goat or female buffalo to fall pregnant is absolutely *harâm*.

9. It is not permissible to hire a cow, goat or buffalo in order to obtain its milk.

10. It is not permissible to give your fowls or goats to a person asking him to take care of them and thereafter if they give birth, half the young will be for you and the other half for him. This is not permissible.

11. It is not permissible to hire chandeliers, etc. merely to adorn and decorate the house. Even if one hires them, the person who hired them out is not entitled to receive any rental for them. However, it is permissible to rent a chandelier if it is for the purpose of illuminating the house (and not for mere adornment).

12. A person hired a rickshaw (car or any other vehicle). It is not permissible to load such a vehicle beyond its capacity or beyond the normal way of loading. Similarly, it is not permissible for more than the normal number of persons to sit in a palanquin without obtaining the permission of the palanquin-carrier.

13. A person lost an item of his. He announced: "Whoever can show me where this item is, I will give him R10." If anyone shows him the place where it is, he will not be entitled to receive the money because this *ijârah* is not valid. However, if the person asked a particular person that if you can show me where it is, I will give you R10, then the latter will not receive any money if he showed it to him while he (the latter) was sitting or standing in that very place. However, if he took a few steps and showed him where the item is, he will receive whatever he was promised.

Taking of compensations

1. A dyer, washerman or tailor was given an item in order to carry out his respective job. The item which is given to him is regarded as an *amânah*. If it is stolen, lost or destroyed unintentionally despite his taking all the precautions; it is not permissible to take any compensation from him. However, if he washed the cloth in such a way that it got torn, or placed an expensive silk garment in the cauldron in such a way that it got damaged; it will be permissible to ask him for a compensation. Similarly, it is permissible to take compensation for a garment which he may have exchanged (with another garment). If he loses a garment and says that he does not know

where it has disappeared or what has happened to it, it will be permissible to ask him for compensation. But if he says that a burglary took place and it got stolen, it will not be permissible to ask for any compensation.

2. You hired a labourer and asked him to deliver some oil, *ghee*, etc. to your house. On the way, it fell down. It is permissible to ask him for compensation.

3. As for the person who is not hired for that particular job, instead he is your employee, domestic servant or a person who has been hired for a day or a few days, if he drops anything, it will not be permissible for you to take any compensation from him. However, if he intentionally causes any damage, it will be permissible to ask him for compensation.

4. A person has been employed to tend to a child. Through his negligence, the child's jewellery or any other item disappeared. It is not permissible to take any compensation from him.

Annulment of a rental contract

1. A person took a house on rent. However, it leaks profusely, a certain portion of it collapsed or any other fault became apparent which makes it difficult to live in. In such cases, it is permissible to annul the rental contract. And if the house becomes absolutely dilapidated and uninhabitable, the rental contract will be annulled on its own. There is no need for you to request an annulment nor is it necessary to obtain the consent and agreement of the landlord.

2. If the landlord or the tenant passes away, the rental contract becomes annulled.

3. If a certain reason crops up whereby one is forced to annul the contract, it will be permissible to annul it. For example, you hired a vehicle in order to travel to a certain place. Thereafter, you changed your mind and decided not to embark on such a journey. In such a case it is permissible to annul the contract.

4. The custom of paying a deposit when hiring a vehicle and thereafter paying the balance when you embark on the journey, and forfeiting the deposit when you decide not to embark on the journey is not permissible. The person who takes the deposit has to return it in the event of the customer not embarking on the journey.

Taking an item without permission

1. It is a major sin to take an item which belongs to a person forcefully or in his absence. Some women take items that belong to their husbands or other relatives without permission. This is also not permissible. If you take an item without permission and you still have it in your possession, you will have to return that very item. However, if you have already used that item then the rule is that if the same item could be purchased from the bazaar, it will be *wājib* on you to purchase it and replace it. Such items are: grain, *ghee*, oil, money, etc. If the item is such that its exact replica cannot be obtained, then you will have to give money equal to the value of that item. Such items are: fowls, goats, guavas, oranges, pears, etc.

2. One of the legs of the bed broke or its strips or joints broke. Alternatively, you took an item and it got damaged or broken. You will have to pay for the damage caused.

3. You took a certain amount of money without permission and thereafter began a certain business with it. It is not permissible for you to take whatever profits you make with that money. You will have to return the original money to the owner and the profits will have to be given to the poor.

4. You tore someone's clothing. If very little got torn, you will have to pay compensation according to the damage. If you tear it in such a way that it cannot be used for the purpose for which it was made, that clothing will be given to you and you will have to pay for it entirely. For example, a scarf was torn in such a way that it can no longer be used as a scarf. Instead, small blouses can be made with it. In such a case, keep that scarf and pay for the entire cost of it to the owner.

5. You took someone's gem-stone and had it set in a ring. You will now have to pay for that stone. It is not *wājib* on you to break the ring, remove the stone, and return it to the owner.

6. A person took a cloth and had it dyed. The owner of the cloth has the choice to take the dyed cloth and pay whatever increase took place in the price of the cloth. Alternatively, the owner can leave the cloth with the person and ask him to pay for it.

7. A person takes a certain item without permission, loses it, pays compensation for it, and thereafter finds it. He will have to check whether the value of the item is according to the compensation that the owner had asked for. If it is the same, he does not have to return the item. It will now belong to him. If the compensation paid was less than what the owner had asked for, then the owner has the right to take back his item and return the compensation.

8. Someone's goat or cow came into your yard. It is *ḥarām* for you to milk it. If you take any milk, you will have to pay for it.

9. It is not permissible to take the following items without permission: needles, cotton, a scrap of material, etc. It is *wājib* to pay for whatever you take if it gets lost or consumed. Alternatively, inform the person that you have taken a certain item and that he should forgive you. If you do not do so, you will have to pay on the day of judgement.

10. Your husband brought a length of material for himself. At the time of cutting the material, you saved a certain length and kept it for yourself without informing him. This is also not permissible. Whatever you want, ask for it. If he does not give it to you, do not take it.

Partnerships

1. A person passed away and left behind some wealth. All his wealth will fall under the partnership of all his rightful inheritors. As long as permission is not obtained from all the inheritors, no one can take it for his personal purposes. If anyone takes it and uses it, he will be sinning.

2. Two women got together and purchased a utensil. This utensil will now be under their joint partnership. One of the women cannot use it or sell it without the permission of the other.

3. Each of two women contributed a certain amount of money and purchased guavas, pears, berries, jambolana, cucumbers, melons, etc. under a joint partnership. When the items came from the market, one of the women was not present. In such a case, do not divide the items taking your share and leaving her share one side thinking that when she comes she will take her share. As long as both of them are not present, it is not permissible to divide the shares. If you divide the shares and eat your share before she can arrive, you will be committing a major sin.

However, if wheat or any other grain was purchased under a joint partnership and you divided it, took your share and gave hers to her when she arrived, this is permissible. However, in such a case, if any theft takes place in the share of the other wife before her share could be given to her, then this would be regarded as a loss of both the women and she (the woman whose share got stolen or disappeared in any other way) will become a partner in her (the woman whose share was not stolen) share.

4. Two persons invested R100 each and commenced with a business and agreed that whatever profits they make will be divided equally between them. This is valid. If they agree that one person will receive two thirds of the profits and the other will receive one third, it is also valid. This is irrespective of whether both of them invested the same amount of money or one invested more and the other less.

5. These two persons hadn't purchased the goods as yet and the money got stolen. Alternatively, both their money was still kept separately and the money of one of them got stolen. In such a case the partnership will be annulled. They must become partners again and then commence with their business.

6. Two persons entered into a partnership and one of them said: "Take this R100 of mine, add R100 from your side and you start selling clothes. We will divide the profits between us." One of them purchased some clothes (with his own money). Thereafter, R100 of the other person (the one who did not purchase the clothes) got stolen. In such a case, both of them will be partners in whatever clothes were purchased and the other person (the one whose money got stolen) can take money from him equal to the value of half the clothes.

7. When embarking on a business venture, one of them made the condition that whatever profits we make, R10 or R15 will be mine and the balance will be yours. This is not permissible.

8. The goods that were for sale got stolen. Both of them will have to bear the loss. It cannot happen that all the losses are borne by one person. If they make an agreement that whatever losses we encounter, I will bear them and whatever profits we make we will share it between us, this is not permissible.

9. Once a partnership has been pronounced to be prohibited or invalid, then when they share the profits, all their previous agreements will not be taken into consideration. Instead, if both of them made an equal investment, they will receive equal profits. If the investment was not the same, the profits will be shared

according to the percentage invested by each person irrespective of what agreement may have been made. Agreements are only taken into consideration when the partnership is valid and is not allowed to become prohibited.

10. Two women entered into a partnership on the basis that whatever sewing we get, we will do it together and whatever money we receive for the sewing, we will share it between ourselves. This partnership is valid. If they make an agreement that we will do the sewing together but the money that we receive, I will take two thirds and you must take one third, it will still be valid. But if they agree that one will receive R10 or R20, and the other will receive the balance, this is not permissible.

11. One of these two women accepted a length of material which had to be sewn into a garment. The other woman cannot say: "Why did you take this job? Since you have taken it, you will have to sew it." Instead, the responsibility of sewing the garment is now *wajib* on both of them. If one of them does not sew, the other one will have to sew it. Alternatively, both of them can sew it together. In short, they cannot refuse to sew it.

12. The customer who had given the job of sewing came to collect her garment. When she came to collect it, the woman who had accepted the job was not present. Instead, the other partner was present. The customer has the right to ask for the garment from this partner as well. The latter cannot say that she has nothing to do with it and that she must collect it from the person whom she had given it to.

13. In the same way, both partners have the right to ask for the money for carrying out the job. The customer cannot say that she will not give it to you and that she will only pay the person to whom she had given the job. When both of them are working under a partnership, both of them have the right to ask for the money. The customer will be fulfilling her duty by paying any one of them.

14. Two women entered into a partnership that they will go together into the jungle and bring firewood. This partnership is not valid. The firewood belongs to the one who picks it up. There is no joint ownership in this.

15. One woman said to another: "Keep these eggs under your hen. Whatever chicks are born, we will share them equally." This is not permissible.

Distributing items that are under a partnership

1. Two persons got together and purchased wheat from the market. At the time of dividing this wheat, it is not necessary for both of them to be present. Even if one of them is not present, it is permissible for the other person to have it weighed properly, take her share, and keep the other share aside for her partner. Once the wheat has been divided, it is permissible for the person who was present to do whatever she wishes with her own share - she can eat it, consume it in any other way, give it to someone, etc. All this is permissible. The same rule will apply to *ghee*, oil, eggs, etc. In short, items which do not have any difference and are all the same can be purchased and divided in the absence of any one of the partners. However, if the second person has not taken her share as yet and it disappears or is destroyed in some way or the other, then this loss will be regarded as a loss of both the partners - as explained in the chapter on partnerships.

As for those items in which there is a difference, such as guavas, pears, etc. then as long as both partners are not present, it will not be permissible to divide the shares.

2. Two girls got together and purchased some mangoes, guavas, etc. One of them was not present at that time. It is not permissible for the other girl to eat any of this fruit. When the other girl comes, the fruit will be divided and only then can she eat it. If she does not wait for her and commences eating before it can be divided, she will be committing a sin.

3. Two persons got together and purchased roasted gram seeds. It will not be permissible for them to divide this by mere estimation. They will have to weigh it properly and divide it equally. If there is any difference in the weight, it will be regarded as interest.

Mortgages

1. You took a loan of R10 from someone and in order for him to trust you, you kept one of your possessions with him informing him that if you do not trust me, keep this item with you. Once I repay you the R10, I will take my item back. This is permissible. This is known as mortgaging or pawning. However, under no circumstances is it permissible to pay any interest as is in vogue among the merchants and bankers whereby they charge an interest for mortgaging. It is *ḥarām* to pay or to accept interest.

2. Once you have mortgaged an item, you do not have the right to ask for it or take it until you have fulfilled your debt.

3. If any one mortgages an item with you, it is not permissible for you to utilise it or take any benefit from it whatsoever, e.g. it is not permissible for you to eat any fruit from the orchard that has been mortgaged, to eat the grain from such a land, to use such money or to live in such a house.

4. If a person has mortgaged a goat or cow, the milk and young ones will belong to the owner. It is not permissible for you to use any of this for your personal purposes. You will have to sell the milk and include the money with the mortgage. Once the person fulfils his debt, you will have to return the mortgaged item together with the money you receive for the milk, and you can deduct the money for whatever it cost you to feed the animal.

5. Once you have repaid part of your debt, you still cannot take back your mortgaged item. Only when you settle your debt in full will you receive your mortgaged item.

6. You took a loan for R10 and mortgaged an item which cost R10 or more. While that item was under his possession, it got lost or disappeared. In such a case, he has no right to demand his money from you nor do you have any right to demand any money for your item which he lost. You have lost your item and he has lost his money. However, if your item was worth R5 and it got lost or disappeared, you will only have to repay R5 and the balance R5 will be deducted.

Wasīyyah or Bequests

1. A person's saying that a certain amount of money or wealth will go to a certain person or for a certain cause after his death is known as *wasīyyah*. This is irrespective of whether he said this while he was enjoying good health or while he was ill, and irrespective of whether he passes away as a result of this sickness or he recovers from it. The rule with regard to the wealth which he gives with his own hands or forgives the debts that he is being owed is that if he gives this while he is enjoying good health or he recovers from the sickness in which he gave this, it is permissible for him to do this and this is valid. As for the sickness in which he passes away, this will be regarded as a *wasīyyah* - the rules regarding which will be mentioned later.

2. If a person has *ṣalāts* to be fulfilled, fasts to be kept, *zakāh* to be paid, *kaffārah* to be paid for certain oaths, missed fasts, etc., and he also has sufficient wealth to fulfil all these, then at the time of death it is necessary and *wājib* upon him to make a *wasīyyah* in this regard. Similarly, if a person has debts to be fulfilled or an *amānah* has been kept with him, it becomes *wājib* upon him to make a *wasīyyah* in this regard. If he does not make a *wasīyyah*, he will be sinning.

If such a person has poor relatives who cannot inherit from his wealth according to the *Sharī'ah* and this person has a lot of wealth and possessions, it is *mustahab* for him to make a *wasīyyah* in favour of these poor relatives. As for all other persons, he has the choice of either making a *wasīyyah* in their favour or not making.

3. When a person passes away, all the expenses for his *ghusl*, *kafan*, burial, etc. will be paid from his estate. Thereafter, all his debts will be paid. If the entire estate of the deceased is exhausted in paying off his debts, it is still necessary to pay off all the debts and the inheritors will not receive anything. Therefore, his *wasīyyah* of fulfilling his debts will have to be followed. Even if all his money is exhausted in fulfilling his *wasīyyah* of debts, it will have to be followed. In fact, even if he does not make any *wasīyyah* with regard to his debts, they will still have to be paid off first.

Apart from debts, the person can only make a *wasīyyah* for one third of his entire estate. In other words, if his *wasīyyah* can be fulfilled from one third of his entire estate, it will have to be fulfilled and it will not be *wājib* on the inheritors to use more than one third in order to fulfil his *wasīyyah*. For example, after paying for his *kafan*, burial and debts, there remained R300 and R100 (which is one third of R300) was sufficient to fulfil all his *wasīyyahs*. In such a case, his *wasīyyah* will be fulfilled.

If the person's *wasīyyah* is more than one third of his estate (in this case, more than R100), the inheritors will only have to fulfil the *wasīyyahs* until they pay off R100 and the balance of the *wasīyyahs* will not be paid. However, if all the inheritors happily agree to forgo their shares and rather have his *wasīyyah* fulfilled, then it will be permissible to use more than one third in order to fulfil his *wasīyyah*. It should be remembered that the permission of immature inheritors is not considered. Even if they agree, their share cannot be used to fulfil the *wasīyyah*.

4. It is not permissible to make *wasīyyah* in favour of the persons who are going to receive a share of the inheritance, e.g. one's parents, husband, wife, son, etc. It is permissible to make *wasīyyah* in favour of those relatives who are not entitled to receive any inheritance and also those persons who are not relatives whatsoever. However, the person cannot make *wasīyyah* for more than one third of his estate.

If a person makes a *wasīyyah* in favour of one of his inheritors to the effect that a certain person will receive a certain item of mine after my death or a certain amount of money, such a person will have no right whatsoever to receive that item or money. However, if all the other inheritors happily agree to give him, it will be permissible for him to receive it.

If a person makes *wasīyyah* for more than one third, the same rule as above will apply. That is, if all the inheritors happily agree to give more than one third, it will be permissible for him to receive it. If not, he will only receive one third.

It should be remembered that under no circumstances can the permission of immature inheritors be taken into consideration. Remember this rule in all situations and circumstances.

5. Although a person is entitled to make a *wasīyyah* for one third of his estate, it is preferable not to make it for the full one third. Instead, it should be made for a lesser percentage. In fact, if a person is not very rich, it will be preferable for him not to make a *wasīyyah* at all. Instead, he should leave his wealth for his inheritors so that they may lead a life of comfort. This is because one is also rewarded for leaving his inheritors in a state where they can lead a life of comfort and ease. However, if it is a necessary *wasīyyah*, such as his missed *ṣalaats*, fasts, *fidyah*, etc. then he will have to make a *wasīyyah*, if not, he will be sinning.

6. A person says: "After my death, give R100 in charity." After paying for his burial arrangements and his debts, check how much wealth is left over. If there is R300 or more, R100 will have to be given in charity. If it is less than R300, it will only be *wājib* to give one third of whatever money is left over. But if all the inheritors happily agree to give the full amount without anyone of them being coerced into agreeing, it will be permissible.

7. If a person has no inheritors, it is permissible for him to make *wasīyyah* for his entire estate. If he only has his wife as his inheritor, he can make a *wasīyyah* in her favour for three quarters of his estate. Similarly, if a woman only has her husband as her inheritor, she can make a *wasīyyah* in his favour for half her estate.

8. The *wasīyyah* of an immature child is not valid.

9. A person makes the following *wasīyyah*: "A certain person must perform my *janâzah ṣalât*, I must be buried in a certain town, in a certain graveyard, next to a certain person, my *kafan* must be of a certain cloth, my grave must be constructed of bricks, a dome must be constructed over my grave, and a *ḥâfiẓ* must sit at my grave and continue reciting the Quran so that I may receive the rewards." It is not necessary to fulfil such a *wasīyyah*. In fact, it is not permissible to fulfil the last three *wasīyyahs*. The person who fulfils them will be committing a sin.

10. If a person makes a *wasīyyah* and thereafter revokes it, i.e. he says that he does not wish it to be fulfilled anymore and that it should not be taken into consideration, then in such a case this *wasīyyah* will be invalid.

11. Just as it is not permissible to make a *wasīyyah* for more than one third of one's estate, similarly, it is not permissible for one to spend more than one third of one's

wealth while one is in his *maradul maut*. However, he can spend his wealth for his basic necessities, his food and drink, medication, etc. If a person gives more than one third, it will not be permissible to do so without the permission of the inheritors. Whatever he gives beyond one third, the inheritors have the right to take it. As for immature inheritors, even if they grant permission, it is not considered. Inheritors do not have the right to give anything without the permission of all the other inheritors even if it is within the one third. This rule applies when the person gave it while he was alive and the person to whom it was given also took possession of it. If he gave it but the person did not take possession of it as yet, then once the person passes away, this giving of his will be absolutely invalid. The person will not receive anything and the inheritors will have a right in all the wealth. This rule also applies to spending in the path of Allah or in some noble cause while one is sick. In short, under no circumstance is it permissible to give more than one third.

12. When the person fell ill, a few people came to live with him with the intention of tending to him and seeing to his needs. They spent several days with him, living with him and partaking of his meals as well. If the sick person requires their services and therefore they stayed with him, there will be no harm in this. But if there is no need for them to be present, in such a case it will not be permissible for the sick person to spend more than one third in accommodating them.

If these persons who have come are his inheritors and there is no need for them to be present, it will not be permissible to spend even less than one third on them. That is, it is not permissible for them to eat from his wealth. However, if all the inheritors express their consent happily, it will be permissible.

13. When a person is in his *maradul maut*, he has no right to forgive anyone from paying their debts to him. If any inheritor was his debtor and he forgave him, it will not be considered to be forgiven. If all the inheritors give their consent to the waiving of an inheritor's debts (provided all of them are mature), it will be considered to be waived. If a person waives the debts of an outsider, only an amount that is within one third will be waived and the balance will not be waived. It is a custom for the wife to forgive her husband from paying the *mahr* at the time of her death. This is not valid.

14. When a woman begins to experience labour pains and she gives something to anyone or forgives her *mahr*, then the rules that apply at the time of death will also apply here. That is, if, Allah forbid, she passes away during this labour, then whatever she gives will be regarded as a *was'iyyah* and therefore not permissible for an inheritor. If it is an outsider, she has no right to give or forgive more than one third. However, if she delivers the child and recovers completely, this giving and forgiving will be valid.

15. Once a person passes away, his burial arrangements will be paid for with his money. From the balance, his debts will first have to be paid off. This is irrespective of whether he made a *was'iyyah* in this regard or not - fulfilling of debts is always given precedence. The *mahr* that is owed to one's wife is also included in one's debts. If the person has no debts or there is a remainder after fulfilling the debts, we will have to see whether he made any *was'iyyah* or not. If he made any *was'iyyah*, it will be paid from one third. If he did not make any *was'iyyah* or there is still a remainder, all the balance will be the right of the inheritors. One should enquire about the rightful inheritors (and their respective shares) from an *'alim* and distribute the

estate accordingly. The custom of anyone taking whatever he likes is a major sin. If a person does not pay in this world, he will have to pay in the hereafter - where the payment will be with one's good deeds. Similarly, girls should also be given their share as the *Sharī'ah* has given them a right as well.

16. It is not permissible to take the money of the deceased in order to pay for entertainment and accommodation of visitors, feeding them, or to give in charity, etc. Similarly, it is *ḥarām* to give any dry groceries, etc. (of the deceased) to poor persons from the time the person passes away until he is buried. In doing this, no reward whatsoever reaches the deceased. In fact, it is a major sin to regard this as an act of reward. This is because all this wealth now belongs to the inheritors, to deprive them of their right and give it to someone else is similar to stealing someone else's money and giving it in charity. All the wealth should be distributed among the inheritors. Each one of them has the right to spend and give as he wishes provided it is spent in accordance with the *Sharī'ah*. When intending to give in charity, one should not even ask the permission of the inheritors as in most cases, if they grant permission it will only be done superficially because they fear embarrassment. There is no consideration for such a permission.

17. Similarly, it is not permissible to give the deceased's used clothes in charity without obtaining the consent of the inheritors. If there are any immature inheritors, it will not be permissible to give these clothes even if they grant permission. All these clothes should first be distributed among all the inheritors, thereafter, if the mature inheritors wish to give anything in charity, they may do so from that which they received. Without this distribution, these clothes should never be given in charity.

ADDENDUM TO PART FIVE

Rules concerning hair

1. It is *sunnah* to grow one's hair on the entire head till the ear lobes or slightly below them. If a person wishes to shave his head, it is *sunnah* to shave the entire head. It is also permissible to merely clip the hair. However, it is not permissible to clip all the hair and leave the front portion long, as is the fashion today. Similarly, it is also not permissible to shave a portion and leave another portion long. From this we deduce that it is not permissible to sport the babri hairstyle (or to cut the hair in the shape of a cap or to shape the front part of the hair).

2. If the hair has been lengthened considerably, it is not permissible to tie it into a tail like women.

3. It is *ḥarām* for women to shave the head or clip the hair on the head. The Hadith has cursed such women.

4. It is *sunnah* to clip the moustache to such an extent that it is clipped to the skin. There is a difference of opinion with regard to shaving the moustache. According to some it is a *bid'ah*, while others have permitted it. Caution demands that one does not shave it.

5. It is permissible to lengthen the moustache on the sides on the condition that the area above the lips is not lengthened.

6. It is *harâm* to shave or clip the beard. However, it is permissible to clip it if it is longer than the length of one fist. Similarly, it is permissible to clip it on all the sides in such a way that it becomes neat and straight (provided it is beyond one fist).

7. It is permissible to clip the hair and straighten the hair line that grows on the cheeks. Similarly, it is also permissible to straighten and cut the eyebrows a wee bit.

8. The hair on the throat should not be shaven. However, it has been related from Abû Yûsuf *rahmatullâhi 'alayh* that there is no harm in this.

9. Shaving the hair of the lower lip is regarded as a *bid'ah* by the jurists. Therefore this should not be done. Similarly, they have said that it is *makruh* to remove the hair that is on the nape of the neck.

10. It is not permissible to pluck out grey hairs merely for the purposes of beautification. However, it is better for the *mujâhidîn* to do so in order to instil fear and awe in the hearts of the enemy.

11. The hair of the nose should not be tweezed out. Instead, it can be clipped.

12. It is permissible to remove the hair that is on the chest and back. However, it is not good to do so.

13. It is preferable for men to remove the hair of the pubic region from just below the navel onwards. When shaving, they should commence from below the navel. It is also permissible to use sulphurate of arsenic and other preparations (such as hair-removing creams, etc.) to remove the hair of the pubic region. As for women, the *sunnah* method is that they should remove the hair of the pubic region by pinching it out or tweezing it out and that they should not use a shaving machine.

14. It is preferable to remove the hair of the arm pits by tweezing them. However, it is permissible to shave them.

15. As for the hair of the balance of the body, it is permissible to shave it or retain it.

16. It is also *sunnah* to clip the nails of the feet. However, it is *mustahab* for the person who is engaged in *jihad* not to clip his moustache and nails.

17. It is preferable to clip the finger nails in the following order: commence with the index finger of the right hand until you reach the little finger. Thereafter, commence with the little finger of the left hand until you reach the thumb of the left hand. Thereafter, complete by clipping the thumb of the right hand. As for the toe nails, commence with the little toe of the right foot and end with the little toe of the left foot. This is the preferable method. However, it is permissible to clip in any way that may be contrary to this method.

18. Clipped nails and hair should be buried. If they are not buried, they should at least be kept in a safe place. However, they should not be kept in any impure, dirty place as there is the fear of falling ill.

19. It is not good to bite the finger nails as this is a cause of leprosy.

20. It is *makruh* to trim the hair, clip the nails and remove pubic hair while one is in a state of impurity.

21. It is preferable to remove the pubic hair, hair of the arm-pits, nails, to have a bath and cleanse oneself at least once a week. It is best to do all this on a Friday before going for the *jumu'ah salât*. If one cannot do this on a weekly basis, he should carry it out every fortnight. If not, at least every forty days. There is no concession beyond forty days. If forty days expire and the person does not carry out the above, he will be committing a sin.

Shuf'ah - The right of pre-emption

1. The moment a *shafi'* gets the news of a sale and he does not verbally state that he will pre-empt, his right of pre-emption will be invalid. It will not be permissible for him to make any claims later. Making a verbal statement immediately is so important that if a *shafi'* receives a letter wherein it is mentioned at the beginning that a certain house has been sold and he does not make a verbal statement that he will exercise his right of pre-emption until he completes reading the entire letter, then in such a case his right of pre-emption will become invalid.

2. A *shafi'* says: "Pay me a certain amount of money and I will forgo my right of pre-emption." In such a case, since he is happy to forgo his right, his *shuf'ah* will be considered to be surrendered. However, since this amounts to bribery, it is therefore *harâm* to give or to receive this money that he is willing to pay.

3. If the *shafi'* asks for the property but passes away before he can receive it, his inheritors will not have the right of pre-emption. But if the actual purchaser of the property passes away, the right of pre-emption will remain with the *shafi'*.

4. The *shafi'* heard that the house was sold for a certain price. He therefore relinquished his right of pre-emption. Thereafter he learnt that it was sold for a lesser price. At such a time he can exercise his right of pre-emption. Similarly, in the beginning he heard that a certain person is the buyer. Later he learns that the buyer is someone else. Alternatively, in the beginning he heard that half the property has been sold. Later he learns that the entire property has been sold. In all these cases, his relinquishing his right in the beginning, will not invalidate his right of pre-emption.

Muzâra'ah - Temporary sharecropping contract

1. A person gave an empty piece of land to another person telling him: "You cultivate this land. Whatever you harvest will be divided between us according to a certain percentage." This is known as *muzâra'ah* and is permissible.

2. A person cultivated a piece of land and said to another person: "You irrigate this land, tend to it and do whatever else is necessary. Whatever fruit is produced,

irrespective of whether it is up to one-two years or 10-12 years, we will share it between ourselves either equally (i.e. 50% each) or by dividing it in thirds (or whatever the percentage may be)." This is known as *musâqât* and is also permissible.

3. In *muzâra'ah*, the following conditions apply:

(a) the land must be cultivable.

(b) the landlord and the cultivator must be mature and in their senses.

(c) the period of cultivation must be specified.

(d) the ownership of the seeds must be specified - whether they will belong to the landlord or the cultivator.

(e) the crop must be specified - whether it will be wheat, barley or whatever else.

(f) the share of the cultivator must be specified, i.e. what percentage or how much will he receive from the total harvest.

(g) the land must be vacated and given to the cultivator.

(h) the landlord and the cultivator must remain partners in the harvest.

(i) the land and the seeds must be from one person while the ox, ploughing tools and labour must be from the other person. Alternatively, the land must be from one person and the rest of the things from the other person.

4. If any one of these conditions are not found, the *muzâra'ah* will be *fâsid*.

5. When a *muzâra'ah* becomes *fâsid*, all the produce will go to the person who gave the seeds. If the other person is the landlord (i.e. if he did not give the seeds), he will receive a rental for his land, the rate of which will be according to the market value at that time. If the other person is the cultivator (i.e. if he did not give the seeds), he will receive a payment for his labour, the rate of which will be according to what is normally paid at the time.

This rental and this payment for the labour will not be more than what they had agreed upon at the beginning of the contract. For example, if they had agreed that they will share it out equally (i.e. 50% each), either of them will not receive more than half of the total produce.

6. Once the *muzâra'ah* contract has been drawn and thereafter one of them refuses to work, he will be forced to carry out his work. However, the person who gave the seeds will not be forced.

7. If any one of the parties of the contract passes away, the *muzâra'ah* will become invalid.

8. If the specified time of *muzâra'ah* expires and the crops have not ripened as yet, the cultivator will be paid for the extra days that he works on the land. He will be paid according to the normal rate at that time.

9. In certain places the custom is that the crops are divided according to the contract that they had made. As for other crops such as unripe corn, etc. they do not divide between them. Instead, the landlord charges the cultivator a cash fee per acre of land. Since this condition falls contrary to the rule of *muzâra'ah* it ought to be impermissible. However, this law can be re-interpreted and circumvented to exclude such crops from the contract of *muzâra'ah*. Therefore, the *'urf* (current custom) will be considered and it will be assumed that both parties have agreed to execute *muzâra'ah* in certain crops while in other crops it will be considered as though the land was rented out. Such a re-interpretation can make the afore-mentioned custom permissible. However, the consent of both parties is conditional.

10. It is the habit of some landlords that when the crops are being divided, then apart from their own share, they take out something extra from the share of the cultivator for the other labourers and workers. If he specifies a certain number by saying that he will take one or two tons (or whatever the case may be), this will not be permissible. However, if he says that he will take a certain number of kilos from each ton, it will be permissible.

11. Some people do not clearly state what will be planted. Thereafter, they end up in disputes and court cases. This is not permissible. They should either clearly state what will be planted or grant an open permission to the cultivator to plant whatever he wishes.

12. In certain places it is the habit of the cultivator to plant the seeds and thereafter hand over the responsibility of cultivating the land to a few persons. He hands over this responsibility to them on the condition that whatever produce they yield, they will receive one third (or whatever the case may be). This is also called *muzâra'ah*. This will be permissible wherever the landlords permit this sort of contract. If not, it will not be permissible.

13. In the previous *mas'ala* (no.9), the above-mentioned *mas'ala* (no.12) is also applicable. That is, certain crops are divided with these labourers, while for the other crops they are paid in cash per acre (or whatever the case may be). In this *mas'ala* as well, as with the above-mentioned *mas'ala*, it is apparently not permissible and the same explanation for its permissibility will also apply over here.

14. The custom of claiming inheritance or ownership over a land after renting it for 10-12 years or after entering into a *muzâra'ah* contract for a similar period is *bâtil* (invalid), *harâm*, *zulm* (oppression), and *ghaşab* (illegal seizure). Without obtaining a voluntary permission from the owner, it is not permissible to use this land or property. If a person does this, the produce of this land will be evil and eating it will be *harâm*.

15. The rules of *musâqât* are the same as that of *muzâra'ah*.

16. If a tree has fruit on it and the tree is given in order to be taken care of, and the fruit is in such a state that by irrigating it and tending to it, it will grow, *musâqât* will be permissible. However, if the fruit has already matured, *musâqât* will not be

permissible just as *muzâra'ah* is not permissible once the plantation has already been prepared.

17. Once the *musâqât* contract becomes *fâsid*, all the fruit will go to the person who owns the trees. The person who tended to the trees will receive a basic wage, as had been mentioned for *muzâra'ah*.

Intoxicants

1. If any intoxicant is thin and flows, whether it be alcohol, toddy (an intoxicating drink made from palm juice) or anything else, and by drinking a considerable amount of it one becomes intoxicated, then even a single drop of such an intoxicant will be *harâm* even if one does not become intoxicated with such a meagre amount.

Similarly, it is also not permissible to use it in any medicine irrespective of whether the medicine is in the form of a syrup or in the form of an ointment. And irrespective of whether the intoxicant remains in its original form or whether its form changes due to certain chemical reactions. From this we can gauge the impermissibility of modern medicines in which alcohol is found in most of them.

2. As for that intoxicant which is not thin and flowing and is instead a solid, such as tobacco, nutmeg, opium, etc. the rule with regard to this is that the amount which intoxicates a person or causes him severe harm will be *harâm*. As for that amount which does not intoxicate nor does it cause severe harm, that is permissible. If it is used in an ointment, plaster, etc. there is no harm in this.

Partnerships

Partnerships are of two kinds:

(a) *Shirkat-e-Imlâk*: Examples: (1) A person passes away and there are several inheritors to his estate. (2) Two persons contributed an amount of money and purchased one item. (3) One person gave a gift to two persons.

The rule with regard to such a partnership is that no one has a right to do anything with the item without the permission of the other.

(b) *Shirkat-e-Uqûd*: Two persons made a mutual agreement that they will conduct a business together. The categories and rules of such a partnership are as follows:

1. One of the categories of *shirkat-e-uqûd* is *shirkat-e-'inân*.

Shirkat-e-'inân: Two persons contribute a certain amount of money and decide to purchase clothing, grain, etc. and thereafter start a business with it. The condition in such a partnership is that the contribution of both must be in cash irrespective of whether it be silver coins, gold coins or currency notes. Based on this, if both of them add something that is not cash and wish to commence a business on a partnership basis or, one of them contributes cash and the other contributes something else, this partnership will not be valid.

(i) In *shirkat-e-'inân* it is permissible for one person to contribute more than the other and the share of the profits will be according to what they agree upon. That is, if they make this condition that there will be a difference in the contribution of each one but the profits will be shared equally; this will be permissible. If they make a condition that the contribution will be equal but the share of profits will not be equal, e.g. the profit sharing ratio will be on a one third/two third basis, this will also be permissible.

(ii) In *shirkat-e-'inân*, each partner has the right to exercise his power and do whatever he wishes with the tradeable goods on the condition that whatever he does is not contrary to their agreement. However, the debts of one partner will not be demanded from the other partner.

(iii) Two persons agreed on entering into a partnership and they also agreed on the amount of each one's contribution. However, before they could purchase anything in order to commence their business, all the money was destroyed or the contribution of one of the partners was destroyed. In such a case, the partnership will become invalid.

If one of the partners has already purchased some goods and the contribution of the other partner was destroyed, the partnership will not become invalid. The goods that have been purchased will belong to both partners, and according to the percentage that the other partner (the one whose contribution was destroyed) contributed into the capital, he will have to give that percentage to the other partner (the one who had purchased the goods). For example, one person contributed R9 and the other person contributed R3. The person who contributed R9, purchased some goods with it. The one who contributed R3, lost his money. The one who contributed R3 therefore has a share of one third in those goods. The person who contributed R9, will collect one third of this amount (i.e. R3) from this person and these goods will be sold on a partnership basis.

(iv) In such a type of partnership it is not necessary for the contribution of both the partners to be mixed. Such a partnership becomes entrenched by mere *ijâb* and *qubûl* (offer and acceptance).

(v) The sharing of profits have to be specified on a percentage basis, eg. 50% or one third, two thirds, etc. It is not permissible for them to say that one will receive R100 and the other will receive the remainder.

2. Another category of *shirkat-e-'uqûd* is *shirkat-e-sanâ'i*. It is also called *shirkat-e-taqabbul*.

Shirkat-e-sanâ'i: For example, two tailors or two dyers make an agreement that whatever work comes to any one of the two, he will accept it and whatever money he gets paid for this work, it will be shared between the two based on a certain percentage. This is permissible.

(i) Work that is accepted by one of them will become necessary on both of them. For example, one partner accepted a job to sew a garment. Just as the customer can demand the garment from this partner, he can also demand it from the other partner as well. Similarly, just as the partner who sewed it can demand the money for the labour, the other partner also has the right to demand for it from the customer. Just

as the customer can absolve himself by paying the partner to whom he had given the job, he can also absolve himself by paying the other partner.

3. Another type of partnership is *shirkat-e-wujûh*. That is, the partners do not have any money or wealth, nor do they have any profession or occupation. They merely make a mutual agreement that they will take goods on credit from the traders and go around selling them. Even in such a partnership, each partner will be a guarantor for the other. The profits will be shared according to the percentage that they agree upon. For example, if they agree that they are purchasing the goods on an equal basis, the profits will also be shared equally. If they agree that they are purchasing the goods on a one third/two thirds basis, the profits will be shared accordingly.

SUPPLEMENT TO BAHISHTI ZEWAR

(Part Five)

The pursuit of *halâl* wealth

Hadith One: It is mentioned in a Hadith that to earn *halâl* wealth is a *fard* after other *farâ'id*. In other words, it is *fard* to earn *halâl* wealth after other *farâ'id* which are the pillars of Islam, such as *salât*, fasting, etc. This means that although it is *fard* to earn *halâl* wealth, the status of this *fard* is less than that of the other *farâ'id* which form part of the pillars of Islam.

This *fard* (of seeking *halâl* wealth) is *fard* on the person who is in need of spending on the necessities of life. This is irrespective of whether it be for his own necessities or for the necessities of his wife and family. As for the person who has the basic necessities, this is not *fard* on him. Such as a person who owns a few properties or has received wealth through some other means. This is because Allah Ta'âla has created wealth for the fulfilment of one's needs and so that man will fulfil his basic necessities and occupy himself in the *'ibâdah* of Allah Ta'âla. This is because one cannot engage oneself in *'ibâdah* without eating and clothing oneself. From this we can deduce that wealth is not the main object, instead, it is merely a means towards the fulfilment of another object (i.e. the *'ibâdah* of Allah).

Once a person has acquired sufficient wealth, he should not unnecessarily seek more wealth out of greed, nor should he unnecessarily try to increase his wealth. It is not *fard* on the person who has acquired sufficient wealth to seek more wealth. In fact, it should be clearly understood that the greed to increase wealth is something that causes one to be neglectful of Allah, and the abundance of wealth makes one prone to committing sins.

One should always be cautious in acquiring *halâl* wealth. At no time should Muslims turn towards *haraam* earnings. This is because such a type of wealth has no *barakah*, such a person is disgraced in this world and in the hereafter, and he is punished by Allah. Some ignorant persons are under the misconception that in present times it is impossible to earn *halâl* wealth and that there is no hope of earning *halâl* wealth. This is absolutely wrong and is actually a delusion of *shaytân*. You should remember that the person who acts in accordance with the *Shari'ah* is assisted in unseen ways. The person who has the intention of earning *halâl* and abstaining from *harâm* is provided with such type of wealth by Allah. This has been experienced by many, and the Quran and Hadith have promised this in numerous places. Even in these

turbulent times, those servants of Allah who have controlled their *nafs* from *ḥarām* and doubtful things, have been provided with the best of *ḥalāl* wealth from Allah. Such servants are living with greater comfort and honour than those who are devouring *ḥarām* wealth. The person who experiences this himself, who notices this in other persons as well, and finds this mentioned in several places in the Quran and Hadith cannot even bother about what these ignorant persons have to say. If you read this (what the ignorant persons have to say) in any reliable book, then the meaning of it is not what these ignorant persons have taken it to be. When you happen to read such an article, refer to a religious-minded and qualified *ʿālim* and ask him to explain the meaning of it to you. *Inshā Allah*, your doubts will be cleared and such foolish thoughts will disappear from your heart.

When it comes to wealth, people are extremely neglectful and indifferent. They take up prohibited professions and employments and also violate the rights of others. All this is *ḥarām*.

Remember that there is no shortage in the treasures of Allah. You will definitely receive what has been predestined for you. So where is the intelligence in having evil intentions and making preparations for entry into the fire of *jahannam*?

Since people pay very little attention towards *ḥalāl* wealth, this subject has been mentioned time and again with great emphasis. The actual purpose for the creation of man and *jinn* is that they engage in the *ʿibādah* of Allah. You should therefore bear this in mind in all your dealings and transactions. You have been asked to eat and drink in order to gain strength to remember Allah. This does not mean that you should occupy yourself night and day in the pleasures of this world thereby forgetting Allah and disobeying Him. Some ignorant persons are under the misconception that they have come into this world in order to eat, drink and enjoy the luxuries of this world. This is an extremely blasphemous concept. May Allah destroy this affliction of ignorance.

Hadith Two: Rasūlullāh *ṣallallāhu ʿalayhi wa sallam* said: "No person has partaken of a meal better than that which he has eaten through the earning of his own hands. Without doubt, Dāʿūd *ʿalayhis salām* used to earn with his own hands." This means that it is best for one to earn with one's own hands, e.g. one should engage in some occupation, business, etc. and should not be a burden to others. Nor should one show any contempt for any occupation or menial job. When the *Ambiyā ʿalayhimus salām* had taken up such occupations, who is there who is greater than them in honour and respect? In fact, no one's rank is equal to theirs, where can it ever be higher or greater than theirs? It is mentioned in a Hadith that there isn't a prophet who did not graze sheep. Understand this well and save yourself from ignorance.

It is the belief of certain persons that if you receive *ḥalāl* wealth through inheritance or through any other avenue, i.e. it is not acquired through your own hard work, then they feel that they should still work and they regard this as an act of *ibādah*. This is a gross error. Instead, it is preferable for such a person to occupy himself in the *ibādah* of Allah. When Allah has given you peace of mind and removed the concern of acquiring sustenance, it is a sign of great ingratitude that you do not remember Him and instead worry about increasing your wealth. All *ḥalāl* wealth is good no matter how it comes to you provided you do not have to bear any disgrace. This is a great bounty of Allah, one has to value it, spend it in the proper manner, and do not allow any wastage and extravagance.

The import of the Hadith is that people should not burden others and should not beg from others as long as there is no alternative which has been recognized as such by the *Shari'ah*. The Hadith also teaches that no occupation should be regarded as contemptible, *halal* wealth should be pursued, and that earning should not be considered to be a blemish. This topic has been discussed in detail so that people do not consider earning with their own hands to be below their dignity, and that they can eat, feed and spend in charity from their earnings.

This Hadith does not mean that *halal* wealth other than that which has been earned through one's own hands is not *halal* or that it cannot equal wealth that has been earned with one's own hands. In fact, at times, other wealth is better than that which has been earned with one's own hands. Certain ignorant persons criticize and condemn those pious persons who have placed their trust in Allah and use this Hadith as a proof that such persons ought to earn through their own hard work and that they should not merely sit back, have *tawakkul*, and depend on gifts from others. This is actually a sign of their immaturity and this objection of theirs goes right up to Rasûlullâh *sallallâhu 'alayhi wa sallam*. Such persons should fear Allah in this regard, as there is the possibility that by their showing disrespect, criticizing and censuring these pious servants, they will be punished in this world and in the hereafter. By being disrespectful to the *auliyâ* of Allah, there is the fear of one losing one's *imân* and dying in a state of *kufr*. May Allah make such a person extinct before he can criticize the *auliyâ* because this will be best for him.

If one ponders over the Quran and Hadith with an open mind, one will learn that it will be preferable for a person who fulfils the qualities of *tawakkul* to practice *tawakkul* instead of earning a living. This is the highest stage of *wilâyat*. Rasûlullâh *sallallâhu 'alayhi wa sallam* himself was a *mutawakkil*. The income that a person receives as a *mutawakkil* is much better than the income that one earns through one's own hard work. There is special *barakah* and special *nûr* in such income whereby Allah Ta'ala has granted such a person such a high status, foresight, understanding and *nûr*. The person can see the *barakah* of this with his open eyes.

This subject will be dealt with in detail at another place. Because this is a concise article, it is not possible to go into much detail. It will be sufficient to understand over here that such an opinion is absolutely wrong as has already been explained. Furthermore, it is an act of great injustice that a person is not pious himself and yet when someone else has any piety in him, he begins to criticize and censure him. How will the person have the courage to face Allah when he is causing such harm to His *auliyâ*?

Apart from the above-mentioned benefits of *tawakkul*, there are many other *Dini* benefits. As for the *mutawakkilin* who are engaged in teaching and guiding the masses, it is *farq* to serve them to the extent that their necessary expenses are paid for. So if they are accepting this right of theirs, why should it be considered to be wrong? More so when those who are not *mutawakkilin* also demand their rights by arguing and fighting, while the *mutawakkilin* accept their rights with great respect and by honouring the people. It is apparent that there is only good in accepting gifts - when there is no possibility of disgrace, the person is independent, he takes it without really worrying about it, and especially when the person who gave it will be greatly perturbed if it were returned to him. The reality is that persons who are true *mutawakkilin* receive their sustenance with great honour. However, their intention and their attention is only directed towards having complete trust in Allah. Their eyes

are not set on the creation. As for the one who hopes to receive something from the creation and sets his eyes on their wealth, he is an imposter and is not included in our discussion. We have only confined ourselves to explaining the condition of the true *mutawakkilîn*. It is a major sin to despise anyone especially if such a person is one of the special servants of Allah. These pious servants are not harmed in any way by your criticisms. Instead, they only benefit from them because on the day of judgement they will receive the good deeds of those who spoke ill of them. Harm will only come to those who speak ill of them and they will be destroyed in this world and in the hereafter.

It should also be remembered that the *Sharî'ah* has not granted permission for *tawakkul* to every one. It is extremely difficult to take up the task of *tawakkul* and to fulfil all its conditions. It is for this reason that we find so few persons like this. In fact, there are so few, it is as if there is no one. It should be remembered that something that is very good is very scarce. We express our gratitude to Allah that through a little pondering and thinking, this subject has been written very well. May Allah grant you and me the ability to practice on this. *Âmin*.

Hadith Three: It is mentioned in a Hadith that Allah is *tayyib* and that He only accepts that which is *tayyib*. Allah has commanded the believers with that which He commanded the prophets. Allah addressed the prophets saying: "O prophets! Eat that which is pure (i.e. *halâl*) and do good deeds." And He addressed the believers saying: "O you who believe! Eat of the pure things which We have provided for you." Thereafter, Rasûlullâh *sallallâhu 'alayhi wa sallam* mentioned a person who has undertaken a very long journey and who is in a very untidy and dishevelled state (on account of his journey). He raises his hands towards the heavens saying: "O Allah! O Allah!" (i.e. he beseeches Allah again and again asking Him for His mercy and the fulfilment of all his needs), while his food is *harâm*, his drink is *harâm*, his clothing is *harâm*, and he has been brought up in *harâm*. So how can his *du'â* be accepted?"

In other words, despite his bearing such burdens, on account of this *harâm* wealth, his *du'â* will never be accepted. Even if he realizes his goal and ambition, it will not be on account of his *du'â* but on account of it already being predestined in his favour. Just as the goals and ambitions of the *kuffâr* are realized.

The meaning of a *du'â* being accepted is that Allah looks at a person with mercy. It is through this mercy that He grants him whatever he wishes for, and because of his asking, Allah rewards him. So this can only be attained by the person who confines himself to the dictates of the *Sharî'ah* and asks for whatever he wishes from Allah alone. From this we learn that *halâl* wealth has an abundance of *barakah* and that it has a great influence (on the person's life). By consuming *halâl* wealth, one gets the power to do good and one's limbs act in accordance with one's intellect.

Abu Hâmid al-Ghazzâlî *rahmatullâhi 'alayh* narrates from a great *sûfi* by the name of *Suhayl rahmatullâhi 'alayh* who said that when a person eats *harâm*, his limbs give up following his intellect. That is, his intellect commands his limbs to do good but they do not obey it. However, this is only known to those whose hearts are illuminated. As for those whose hearts are black, they are preoccupied day and night in luxuries and following their desires, and this has no effect on them. May Allah protect the sensitivity and insight of our heart. *Âmin*.

Malfûz Four: ‘Abdullah bin Mubâarak *rahmatullâhi ‘alayh* says: "I prefer returning one *dirham* which is doubtful than giving 600 000 *dirhams* in charity." From here we can deduce the serious nature of doubtful wealth. It is extremely sad that today people do not even give up *haraam* wealth. All they are interested in is acquiring wealth irrespective of how it is obtained while the pious servants of Allah used to regard doubtful wealth with abhorrence. It is necessary to safeguard oneself from *haraam* wealth and essential to exercise extreme caution in this regard. By consuming *haraam* wealth, numerous evils are born in the soul. This is what destroys man.

Hadith Five: It is mentioned in a Hadith that Rasûlullâh *sallallâhu ‘alayhi wa sallam* said: "The *halâl* is clear and the *harâm* is clear. In-between these two, there are many doubtful things. The person who abstains from these doubtful things has in fact safeguarded his *Dîn* and his honour. As for the one who consumes the doubtful things, he will soon consume that which is *harâm*. Similar to the shepherd who grazes his flock around the sanctuary of a king. It is highly possible that he will very soon fall into that sanctuary. Beware, every king has a sanctuary, and the sanctuary of Allah is all those things which He has made *harâm*. Behold, there is a piece of flesh in the body, if it is sound, the entire body will be sound. But if it is unsound, the entire body will be unsound. Behold, it is the heart."

Hadith Six: It is mentioned in a Hadith that Rasûlullâh *sallallâhu ‘alayhi wa sallam* said: "May Allah destroy the Jews. Fat was made *harâm* upon them, but they melted it and sold it."

Hadith Seven: Rasûlullâh *sallallâhu ‘alayhi wa sallam* said: "It is not possible for a person to earn *harâm* wealth, give it in charity, and expect to receive any reward for it. Nor is it possible for him to spend such earnings and expect to receive any blessings in it. Nor is it possible for him to leave it behind and expect it to be a source of provision for him in the future. Instead, he will enter hell. Without doubt, Allah does not wipe out evil with evil. Instead, He wipes out evil with good. Without doubt, *harâm* wealth does not wipe out sins."

Hadith Eight: It is mentioned in a *Hadîth* that the flesh which has been brought up and nurtured with *harâm* wealth will not enter *jannah*. And all such flesh is most suitable for *jahannam*. In other words, a person who devours *harâm* will not enter *jannah* without expiating for his sins. This does not mean that he will never enter *jannah* like the *kuffâr*. Instead, if he dies a Muslim but was involved in devouring *harâm* wealth, he will be punished for his sins and eventually admitted into *jannah*. If he repents for his sins before his death and fulfils the rights of those whom he owes, Allah will forgive him and he will be safe from the punishment which has been mentioned in the *Hadîth*.

Hadith Nine: It is mentioned in a *Hadîth* that a person will not be a complete believer until he abandons those things in which there is no fear (of it being *harâm*) because of something in which there is fear. In other words, there are certain things which are absolutely *halâl*, while others are merely permissible. However, by turning one's attention towards the latter and consuming such wealth, there is the possibility and fear of committing a crime. Therefore, even such *halâl* wealth should not be consumed nor should such *halâl* activity be carried out. This is because although there is no sin in engaging in such *halâl* activity or consuming such *halâl* wealth, there is still the possibility of falling into sin. And we know that the means to an evil is also considered to be an evil. For example, it is permissible and *halâl* to eat and

wear expensive food and clothing. But because by one becoming pre-occupied in such luxuries beyond the limits, there is the possibility and fear of committing sins. Piety and righteousness demands that such food and clothing be abstained from.

It is *makrûh* to consume wealth that is doubtful. By consuming it, there is a great possibility that one will lose control over one's *nafs* and thereby fall into *harâm*. Such wealth should therefore be abstained from.

Hadith Ten: 'Ā'ishah *radīyallāhu 'anhā* narrates that Abū Bakr *radīyallāhu 'anhu* had a slave who used to give him *khirāj*. Abū Bakr *radīyallāhu 'anhu* used to consume this income. One day, this slave brought something and Abū Bakr *radīyallāhu 'anhu* ate it. The slave then asked him: "Do you know what you ate?" Abū Bakr *radīyallāhu 'anhu* asked: "What was it?" He replied: "In the times of *jāhiliyyah* (days of ignorance or pre-Islamic era) I had given certain information to a person according to the rules and regulations of the fortunetellers. However, I did not know this art (of fortune telling) very well. I deluded this person into believing whatever I had told him. This person met me and gave me that which you ate as a compensation for the information that I had given him. That which you have eaten is actually what he gave me." Upon hearing this, Abū Bakr *radīyallāhu 'anhu* inserted his hand down his throat and vomited everything that was in his stomach.

In other words, as a precaution and out of complete piety, he expelled everything from his stomach as it would have been impossible to expel only that which was given by this slave. Even if he did not vomit it out, he would not have been committing any sin.

Hadith Eleven: It is mentioned in a Hadīth that a person who purchases a garment for 10 *dirhams* and one *dirham* from it was *harâm*, Allah will not accept his *ṣalāt* as long as he is wearing that garment.

Although the person will absolve himself of this duty, he will not receive the full reward for his *ṣalāt*. Other acts could also be based on this. We should fear Allah in this regard. First of all, our acts of *'ibādah* are not offered in the proper manner. And those that are offered go to waste in this way (by *harâm* wealth). What answer will we give to Allah on the day of judgement and how will we bear the severe punishment?

Hadith Twelve: It is mentioned in a Hadīth that Rasūlullāh *ṣallallāhu 'alayhi wa sallam* said: "There isn't anything which will take you near to *jannah* and keep you away from *jahannam* except that I have ordered you to do it. And there isn't anything which will distance you from *jannah* and take you closer to *jahannam* except that I have prohibited you from doing it. Jibra'īl has informed me that no person will die until his sustenance has been completed for him even though he may receive it late. Fear Allah and try to restrict yourself in seeking your sustenance. Don't ever allow a delay in receiving your sustenance from seeking something through the disobedience of Allah. This is because it is the grand status of Allah that nothing can be attained from Him through disobedience, irrespective of whether it be your sustenance or anything else."

Hadith Thirteen: Rasūlullāh *ṣallallāhu 'alayhi wa sallam* said: "Out of ten parts, nine parts of one's sustenance is in business." In other words, business is a great source of income. You should therefore opt for it.

Hadith Fourteen: It is mentioned in a Hadith that Allah befriends a believer who is hard working and who is a tradesman, and who does not worry about what he is wearing.

In other words, because of his hard work and toiling, he wears ordinary, dirty clothes. He does not have so much of time nor the opportunity wherein he can keep his clothes clean. As for the person who is not forced to do so, he should wear clean and simple clothes.

Hadith Fifteen: Rasûlullâh sallallâhu 'alayhi wa sallam said: "It was not revealed to me that I should gather wealth or that I should become a businessman. However, it has been revealed to me that I should glorify Allah, praise Him, be of those who prostrate to Him and that I engage in His *'ibâdah* until death overtakes me."

In other words, do not occupy yourself in this world more than necessary because it is *wâjib* on everyone to make arrangements for living according to necessity only (and not more). As for the person who has the power of *tawakkul* and fulfils all the conditions of *tawakkul*, such a person can leave all the occupations of this world and occupy himself with theoretical (*'ilmi*) and practical (*'amali*) *'ibâdah*.

Hadith Sixteen: Jâbir radhiyallâhu 'anhu narrates that Rasûlullâh sallallâhu 'alayhi wa sallam said: "May Allah have mercy on the person who is lenient and soft-hearted when he sells something, purchases something, and when he asks for repayment of loans given."

Glory be to Allah! How great it is to display leniency and soft-heartedness at the time of buying, selling and asking for repayment of loans given that Rasûlullâh sallallâhu 'alayhi wa sallam is making a special *du'â* for such a person. We know for sure that his *du'â* will be accepted. If this was the only virtue of displaying leniency and there was no other reward, then this virtue in itself is very great. However, one will still be rewarded for this leniency and soft-heartedness. It would therefore be appropriate for the traders and businessmen to act upon this Hadith and thereby make themselves eligible for the *du'â* of Rasûlullâh sallallâhu 'alayhi wa sallam.

Apart from this, the benefit of such behaviour in this world is that people will be happy with such a person and his business will prosper. Generally, people refer to such a person time and again. At times, they even make *du'â* for him out of happiness. The reality of the situation is that the person who lives and acts according to the *Sharî'ah* lives in this world and in the hereafter like a king and in great comfort. Who can be more fortunate than this person who has the blessings of both the worlds and who is beloved and honoured by Allah and by most of the people as well?

Hadith Seventeen: Rasûlullâh sallallâhu 'alayhi wa sallam said: "Be cautious of taking too many oaths when selling anything. This is because too many oaths cause the goods to become popular among the people (and because of these oaths they begin attaching value to the goods). This results in a lack of *barakah* and one is thereby deprived of any profits both in this world and in the hereafter.

Hadith Eighteen: Rasûlullâh sallallâhu 'alayhi wa sallam said: "The businessman who is honest in his dealings and trustworthy will be with the prophets, *siddiqîn*, and martyrs on the day of judgement."

In other words, the businessman who possesses the above-mentioned qualities will be in the company of the Ambiyâ *'alayhimus salâm*, the *siddiqîn*, the martyrs, and will gain salvation from *jahannam*. Being with such persons does not mean that they will enjoy the same status as them. What it means is that they will attain a special type of greatness which is normally acquired by remaining in the company of such persons. This is similar to a person who invites a pious person to his house and also hosts the attendants of this pious person. It is obvious that the place where these attendants will eat their food and the food that they will eat will be the same as that of the pious person. Despite this, the status and respect that these persons will have for this pious person will be higher than that which they will have for these attendants. But being in his company, sitting at one place and partaking of the same food is also a great feat accomplished by the attendants. Attaining the company of Rasûlullâh *sallallâhu 'alayhi wa sallam* itself is a great virtue. Assuming that they do not even receive any food nor any honour and respect from being in his company, merely being in his company is sufficient for those Muslims who love Rasûlullâh *sallallâhu 'alayhi wa sallam*. Let alone being in his company being a great achievement, even being his neighbour is a great virtue. It is therefore extremely appropriate for Muslims to be entitled to this blessed *du'â* of Rasûlullâh *sallallâhu 'alayhi wa sallam*.

Hadith Nineteen: Rasûlullâh *sallallâhu 'alayhi wa sallam* said: "O traders! Without doubt, business is such a thing that a lot of foolish talk takes place and many oaths are taken. Therefore include charity in it."

In other words, it is reprehensible to engage in foolish talk and to take too many oaths. You should therefore give in charity so that it may be an expiation for those oaths and indiscreet conversations which you may unwittingly engage in, and so that it may also remove the filth and grime that may have accumulated in your heart because of this.

Hadith Twenty: It is mentioned in a Hadith that the businessmen will rise as sinners and shameless persons on the day of judgement except for that businessman who feared Allah and spoke the truth. The person who did not commit any sin in his transactions will be saved from this calamity.

The detestation of taking credit unnecessarily

Hadith One: Abû Sa'îd *radhiyallâhu 'anhu* narrates that he heard Rasûlullâh *sallallâhu 'alayhi wa sallam* saying: "I seek refuge in Allah from *kufr* and debts." A person asked: "O Rasûlullâh! Do you regard *kufr* and debts to be equal that you are mentioning them together?" He replied: "Yes."

Hadith Two: 'Abdullah bin 'Umar *radhiyallâhu 'anhu* narrates that Rasûlullâh *sallallâhu 'alayhi wa sallam* said: "Debts is the flag of Allah on earth. When He wishes to disgrace anyone, He burdens him with the weight of debts."

Hadith Three: 'Abdullah bin 'Umar *radhiyallâhu 'anhu* narrates that he heard Rasûlullâh *sallallâhu 'alayhi wa sallam* advising a person in the following manner: "Reduce your sins so that your death will be easy. Reduce your debts so that you may live a free person."

Hadith Four: Abû Hurayrah *radīyallāhu ‘anhu* narrates that Rasûlullâh *sallallāhu ‘alayhi wa sallam* said: "Allah will fulfil the debts of a person who takes on credit with the intention of fulfilling his debt. Allah will destroy the person who takes on credit with the intention of not paying it and cheating people."

Hadith Five: ‘Â’ishah *radīyallāhu ‘anhâ* narrates that Rasûlullâh *sallallāhu ‘alayhi wa sallam* said: "I will help the person who is involved in debts and thereafter makes every effort to fulfil them, but passes away before he can fulfil them."

Hadith Six: Maymûn Kardî *radīyallāhu ‘anhu* narrates that Rasûlullâh *sallallāhu ‘alayhi wa sallam* said: "The person who marries a woman with *mahr*, whether it be a small amount or a large amount, and has this intention that he will not pay her the *mahr* and passes away without paying her, then on the day of judgement he will rise as an adulterer in the presence of Allah. And the person who takes a loan with the intention of not paying it back and passes away without fulfilling it, will rise as a thief in the presence of Allah on the day of judgement."

Hadith Seven: ‘Umar bin Shurayd narrates from his father (who is a *Sahâbi*) that Rasûlullâh *sallallāhu ‘alayhi wa sallam* said: "The delaying of a person who is able (to pay his debts) makes his honour and wealth *halâl*."

In other words, if a person is able to fulfil his debts and yet does not do so, then his creditors can disgrace him, speak ill of him, announce his dishonesty in his transactions, and when possible, they can claim back their rights either openly or in secret.

Hadith Eight: Abû Dhar *radīyallāhu ‘anhu* narrates that Rasûlullâh *sallallāhu ‘alayhi wa sallam* said: "Allah abhors three persons: (a) an old man who is an adulterer, (b) a poor person who has a lot of pride, (c) a rich oppressor (who oppresses his creditors by delaying in paying his debts)."