# Al-Ghazālī on the Proprieties of Earning and Living: Insights and Excerpts from His *Kitāb Ādāb al-kasb wal-maʿāsh* for Reviving Economies for Communities

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Al-Ghazālī's important *Kitāb Ādāb al-kasb wal-maʿāsh* (*The Book of the Proprieties of Earning and Living*) constitutes Book Three of the Quarter on the Norms of Daily Life from his celebrated magnum opus *Iḥyāʾ ʿulūm al-dīn* (*The Revivification of the Sciences of Religion*). A reflective reading of this work provides valuable insights into the integrative socio-axiological vision underpinning all commercial transactions and economic activities in Islam, leading to a succinct re-definition of economics as "the science of earning and provisioning" (*ʿilm al-iktisāb wa al-infāq*), and thereby doing away with the current obsession with and anxiety over scarcity in chasing after wants.

**Keywords:** Common good, communities, earning, economics, al-Ghazālī, *Iḥyāʾ ʿUlūm al-Dīn*, *iktisāb*, *infāq*, *kasb*, *Kitāb Ādāb al-kasb wal-maʿāsh*.

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*Wealth increases not through perfidy,*
*just as it decreases not through charity.*
—al-Ghazālī

## Preamble

Many Muslim business people take honesty in commercial transactions for granted. This is because they imagine 'honesty' to be a simple concept to understand and thereby to practice. Simple to understand, maybe—though even that is subject to further scrutiny—but easy to practice?

As Imam al-Ghazālī makes clear in his *Kitāb Ādāb al-kasb wal-maʿāsh* (*The*

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*Book of the Proprieties of Earning and Living*),[1] if working and business people do not properly learn and apply the science of earning and provisioning (Arabic, *ʿilm al-iktisāb wal-infāq*; Malay, *ilmu mencari hidup dan memberi nafkah*), most of them would actually end up in the lying, cheating, and deception business without even realizing it. Hence, it is most important for them to thoroughly understand the art of doing business and transacting in its ethical, legal, pragmatic, and, most importantly, eschatological dimensions. Al-Ghazālī also embeds individual or personal good into the common good, and commercial profit into the attainment of felicity in the Afterlife, leading thereby to a vision of the end of the economic life as ensuring the common well-being of all in the life of this world and their ultimate salvation in the life of the Hereafter.

His book provides, in a succinct volume, an integrative ethico-legal vision for the proper conduct of commercial exchange and earning a living in general. This is a vision which has earlier been articulated by, *inter alia*, al-Shaybānī (132–189/729–804) in his *Kitāb al-Kasb*,[2] al-Muḥāsibī (165–243/781–857)[3] in his *al-Makāsib*,[4] al-Khallāl (234–311/849–923) in his *al-Hathth ʿalā al-tijāra*,[5] Ibn Abī al-Dunyā (208–281/823–894) in his *Iṣlāḥ al-māl*,[6] Abū Ṭālib

1. In *Iḥyāʾ ʿulūm al-dīn*, 10 vols. (Jeddah: Dār al-Minhāj, 2011), 3:235–339. All relevant citations to this edition.

2. Muḥammad ibn al-Ḥasan al-Shaybānī, *Kitāb al-Kasb*, ed. ʿAbd al-Fattāḥ Abū Ghudda (Aleppo: Maktab al-Maṭbūʿat al-Islāmiyya, 1417H), trans. Adi Setia as *The Book of Earning a Livelihood* (Kuala Lumpur: IBFIM, 2012); see also Adi Setia, "Imām Muḥammad Ibn al-Ḥasan al-Shaybānī on Earning a Livelihood: Seven Excerpts from his *Kitāb al-Kasb*," *Islam & Science* 10, no. 2 (Winter 2012):99-116.

3. A new study of him is Gavin N. Picken, *Spiritual Purification in Islam: The Life and Works of al-Muḥāsibī* (New York: Routledge, 2011).

4. ʿAbdullāh al-Ḥārith ibn Asad al-Muḥāsibī, *al-Makāsib wal-waraʿ wal-shubha wa bayān mubāḥihā wa maḥẓūrihā wa ikhtilāf al-nās fī ṭalabihā wal-radd ʿalā al-ghāliṭinā fī-hā*, ed. ʿAbd al-Qādir Aḥmad ʿAṭā (Beirut: Muʾassasat al-Kutub al-Thaqāfiyya, 1987); also published under the title *al-Makāsib wal-rizq al-ḥalāl wa ḥaqīqat al-tawakkul ʿalā Allāh*, ed. Muḥammad ʿUthmān al-Khist (Cairo: Maktabat al-Qurʾān, 1983).

5. Abū Bakr Aḥmad ibn Muḥammad al-Khallāl, *al-Ḥathth ʿalā al-tijāra wal-ṣināʿa wal-ʿamal*, ed. ʿAbd al-Fattāḥ Abū Ghudda (Aleppo: Maktab al-Maṭbūʿat al-Islāmiyya, 1995); ed. Abū ʿAbd Allāh Maḥmūd ibn Muḥammad al-Ḥaddād (Riyāḍ: Dār al-ʿĀṣima, 1404H); trans. Gibril Fouad Haddad as *The Exhortation to Trade, Industry and Work* (Kuala Lumpur: IBFIM, 2013).

6. Abū Bakr ibn Abī al-Dunyā, *Iṣlāḥ al-māl*, ed. Muṣṭafā Mufliḥ al-Quḍāh (Cairo: Dār al-Wafā, 1990).

al-Makkī (d. 386/996)[7] in his *Qūt al-qulūb*,[8] al-Rāghib al-Iṣfahānī (d. 443/1060)[9] in his *Dharīʿa*[10]; and later by al-Dimashqī (fl. 6th/12th cent.) in his *al-Ishāra*,[11] al-Qurṭubī (d. 671/1273) in his *Qamʿ al-ḥirṣī*,[12] and al-Lubūdī (*ca.*900/1500) in his *Faḍl al-iktisāb*.[13] Al-Zabīdī (1145–1205/1732–1791),[14] in his *Itḥāf sādat al-muttaqīn*,[15] a multi-volume commentary on the *Iḥyāʾ*, can also be said to have given due consideration to the topic.

These and other similar classical texts constitute what may be called the *kasb* ethico-juristic genre in Islamic economic thought, providing for discerning readers a clear vision and understanding of the proper relationship between

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7. A good study of his life, thought, and influence is Saeko Yazaki, *Islamic Mysticism and Abū Ṭālib al-Makkī* (New York: Routledge, 2013).

8. Abū Ṭālib al-Makkī, *Qūt al-qulūb fī muʿāmalat al-maḥbūb wa waṣf ṭarīq al-murīd ilā maqām al-tawḥīd* (Beirut: Dār al-Kutub al-ʿIlmiyya, 1997).

9. See the study by Yasien Mohamed, *The Path to Virtue: The Ethical Philosophy of al-Rāghib al-Iṣfahānī: An Annotated Translation, with Critical Introduction, of* Kitāb al-Dharīʿah ilā Makārim al-Sharīʿah (Kuala Lumpur: ISTAC, 2006), and the discussion at 70–75 on the dating of his passing away, and 375–414 on his economic ethics.

10. Abū al-Qāsim al-Ḥusayn ibn Muḥammad ibn al-Mufaḍḍal al-Rāghib al-Iṣfahānī, *Kitāb al-Dharīʿa ilā makārim al-sharīʿa*, ed. Abū al-Yazīd al-ʿAjamī (Beirut: Dar al-Kutub al-Ilmiyya, 1987), 375–416 passim.

11. Abū Faḍl Jaʿfar ibn ʿAlī al-Dimashqī, *al-Ishārat ilā maḥāsin al-tijāra,* ed. al-Bishrī al-Shūrabjī (Cairo: Maktabat al-Kulliyyat al-Azhariyya, 1977), trans. Adi Setia, *The Indicator to the Virtues of Commerce* (Kuala Lumpur: IBFIM, 2011); see also Adi Setia, "Jaʿfar ibn ʿAlī al-Dimashqī on Community, Money and Prudent Management in Trading and Spending: Four Excerpts from his *Kitāb al-Ishārat ilā Maḥāsin al-Tijārat*," *Islam & Science* 9, no. 1 (Summer 2011):11–32.

12. Abū ʿAbd Allāh Muḥammad ibn Aḥmad al-Qurṭubī, *Qamʿ al-ḥirṣī bil-zuhd wal-qanāʿa wa radd dhull al-suʾāl bil-kutb wal-shafāʿa*, partial trans. Abū Salif Aḥmad ʿAlī al-Adanī, *The Secrets of Asceticism* (Bristol: Amal Press, 2008).

13. ʿAlāʾ al-Dīn ʿAlī ibn al-Lubūdī, *Faḍl al-iktisāb wa aḥkām al-kasb wa ādāb al-maʿīsha*, in *Risālatān fī-l-kasb*, ed. Suhayl al-Zakkār (Beirut: Dār al-Fikr, 1997), trans. Adi Setia and Nicholas Mahdi Lock as *The Virtue of Working for a Living: The Legal Rules of Earning, the Ethics of Livelihood* (Kuala Lumpur: IBFIM, 2012). Al-Lubūdī's *Faḍl al-iktisāb* is largely based on al-Ghazālī's *Ādāb al-kasb.*

14. Al-Sayyid Muḥammad ibn Muḥammad al-Ḥusaynī Murtaḍā al-Zabīdī, *Itḥāf sādat al-muttaqīn bi sharḥ Iḥyāʾ ʿulūm al-dīn* (Beirut: Dār al-Kutub al-ʿIlmiyya). A good study on his life and works is Stefan Reichmuth, *The World of Murtaḍā al-Zabīdī (1732–91): Life, Networks and Writings* (Cambridge: Gibb Memorial Trust, 2009).

15. (Beirut: Dār al-Kutub al-ʿIlmiyya).

detachment (*zuhd*) from worldly wealth and engagement in the seeking of it (*kasb*), and helping them to come away more enlightened about the meaning, function, and purpose of working for a living (*kasb/iktisāb/takassub*), the imperative of wholesome sources of incomes and revenues (*ṭīb al-maksib*), the moral obligation to avoid, even denounce, whatever is illicit (*ḥarām/maḥẓūr*) and of doubtful provenance (*shubha*), and the fine distinction between provisioning (*infāq*) and squandering (*isrāf/tabdhīr*), and thereby contribute more effectively to the positive flourishing of themselves and their communities.

*Kasb* (also *iktisāb* or *takassub*) in this context simply means working for a living, or earning a livelihood, by means of commerce, craft production, farming, or hiring out one's services, or by any other legitimate and ethical means. It is also about what to do with what you have earned: how to spend and indeed invest your income, profit, or revenues in provisioning (*infāq*)[16] for your own livelihood, for the livelihoods (*maʿāsh*, *maʿīsha*) of your dependents, and for the wellbeing of your community, instead of squandering those incomes away in dissipative living (*isrāf*) or for wealth accumulation for its own sake. It is about how to organize or manage (*tadbīr*) all of that effectively and prudently, with strict adherence to the ethico-juristic parameters of ensuring justice (*ʿadl*) and practicing magnanimity (*iḥsān*), as well as showing sincere concern for the religious life (*al-shafqa ʿalā al-dīn*), for the commercial enterprise must always serve the higher personal, social, and eschatological goals of the faith. In short, the merchant[17] is to realize that he is at once conducting commerce in the market of the world as well as in the market of the Hereafter (*sūq al-ākhira*), and transacting with both people as well as with the Creator of people.[18] Indeed, the concept of *ʿamal ṣāliḥ* ("good work"[19]) is not limited in its practical expression to observing the private domain of personal devotions like the prayer or fasting, but has its ramifications too in the public domain of both formal and informal economic exchange.

16. "Providing" or "provisioning" rather than "spending" better describes the operative meaning of *infāq*.

17. The "merchant" here would include all participants in the market.

18. See also the comprehensive, 80-page monograph, S. Mohammad Ghazanfar and Abdul Azim Islahi, *Economic Thought of al-Ghazali* (Jeddah: King Abdulaziz University, 1997).

19. Cf. E.F. Schumacher and Peter N. Gillingham, *Good Work* (New York: HarperCollins, 1980); see also the interesting website http://goodwork.org/about. Obviously, "good" here means wholesome, meaningful and beneficial work, that is true to the nature of the worker (see al-Rāghib al-Iṣfahānī on work ethics in Yasien Mohamed, *Path to Virtue*, 392ff).

## The *Kitāb Ādāb al-kasb wal-maʿāsh*[20]

In this book[21] of the *Iḥyāʾ*, Imam al-Ghazālī (d. 505/1111)[22] elucidates the proper relationship or harmony between working for a living in the life of this world and working for salvation in the life of the Afterlife. In this regard he divides people into three groups: (1) those who pursue the life of this world (*al-maʿāsh*) at the expense of their life to come (*al-maʿād*), and these are the people of perdition (*al-hālikūn*); (2) those who devote themselves to worship for the sake of their Afterlife while forgoing their livelihoods in the life of this world, and these are the successful (*al-fāʾizūn*);[23] and (3) those who are occupied with their livelihoods in the life of this world for the sake of their salvation in the life of the Afterlife, and these are the people of the golden mean (*al-muqtaṣidūn*). As is quite apparent in the book, al-Ghazālī is primarily concerned with espousing the proper conduct (*ādāb*) of the people of the golden mean[24] in regard to the manner of their work, earning, and livelihoods.[25]

The rank of the golden mean (*rutbat al-iqtiṣād*) will not be

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20. Recently translated by Adi Setia as *The Book of the Proprieties of Earning and Living* (Kuala Lumpur: IBFIM, 2013). This is the seventh book so far translated in an informal series of translations of a number of selected Arabic texts in classical Islamic economic thought for the express purpose of reviving an Economics for the Common Good, or the Islamic Gift Economy (IGE). The first is al-Dimashqī's philosophical and pragmatic *al-Ishārat ilā maḥāsin al-tijāra*; the second, al-Shaybānī's ethico-juristic *Kitāb al-Kasb*; the third, Ibn al-Lubudī's *Faḍl al-iktisāb wa aḥkām al-kasb wa ādāb al-maʿīsha;* the fourth, al-Jāḥiẓ's *Kitāb al-Tabaṣṣur bil-tijāra*; the fifth, al-Ghazālī's *Kitāb al-Ḥalāl wal-ḥarām*; and the sixth, al-Khallāl's *al-Ḥathth ʿalā al-tijāra wal-sināʿa wal-ʿamal*.

21. Book 13 of the *Iḥyāʾ* as a whole, or specifically Book 3 of the Quarter on the Proprieties of Daily Life (*Rubʿ al-ʿĀdāt*).

22. The life of al-Ghazālī has been well studied, and hence I do not see the need to recount it here. Among the latest surveys of his life and works are the articles published in the Special Issue on al-Ghazālī in the Canadian journal *Islam & Science* 9, no. 2 (Winter 2011), especially the article by Muhammad Hozien, "Ghazālī and His Early Biographers," 95–122.

23. That is, provided they do not become a nuisance to people by resorting to beggary and asking of them, directly or indirectly; on this, see, for instance, al-Khallāl, *Exhortation*, x-xi, 34–43 passim; or this refers to the rank of the prophets and those who follow their path from among the truthful (*Itḥāf* 6:248).

24. Indeed, it can be said that the whole of the *Iḥyāʾ* is concerned about how one is to go about adhering to the 'golden mean' in creed (*ʿaqīda*), devotions (*ʿibāda*), and transactions (*muʿāmala*).

25. *Kitāb Ādāb al-kasb wal-maʿāsh* (hereafter *KAKM*) 3:238.

> attained so long as the proper procedure (*manhaj al-sadād*) is not adhered to in the seeking of one's livelihood; and the seeking of this world cannot be raised to a means (*wasīla*) and an expedient towards the Hereafter so long as the seeker fails to discipline himself with the discipline of the Revealed Law (*yataʾaddab ṭālibuhā bi ādāb al-sharīʿa*). And so here we expound on the proprieties of commercial dealings and the [practice of the trades and] crafts (*ādāb al-tijārāt wal-ṣināʿāt*), and the various kinds of earnings (*ḍurūb al-iktisābāt*) and their norms (*sunanihā*).[26]

He divides the book into five chapters, namely (1) on the merit (*faḍl*) of and exhortation (*ḥathth*) to earning a living; (2) on the science of valid business contracts, transactions, and dealings; (3) on the meaning and practice of justice (*al-ʿadl*) in transactions; (4) on the meaning and practice of magnanimity or benevolence (*al-iḥsān*) in business dealings; and (5) on the merchant's showing sincere concern (*shafqa*) for his soul and his service to the religious life.[27]

In the first chapter, after presenting various verses of the Qurʾān, Prophetic hadiths, traditions of the Companions, and anecdotes of the Predecessors exhorting people to work for their livelihoods, he goes on to discuss in some detail some of the special circumstances in which certain people can be excused from working and rely on the public treasury for their support.

> However, abandoning working is better for four types of people: the devotee who is devoted to bodily devotions (*al-ʿibādat al-badaniyya*); a person observing some inner [spiritual] wayfaring (*sayr bil-bāṭin*) and practice of the heart (*ʿamal bil-qalb*) pertaining to the sciences of the [spiritual] states and unveilings (*ʿulūm al-aḥwāl wal-mukāshafāt*); a scholar occupied with cultivating exoteric knowledge (*ʿilm al-ẓāhir*) from which people can derive benefit in their religious life, such as the jurisconsult (*al-muftī*), the exegete (*al-mufassir*), the scholar of prophetic traditions (*al-muḥaddith*) and others like them; and a person occupied with taking care of the wellbeing of Muslims (*maṣāliḥ al-Muslimīn*) and responsible for their affairs, such as the ruler (*al-sulṭān*), the judge (*al-qāḍī*), and the court witness[28] (*al-shāhid*). These people, if they are sufficed from out of the wealth allocated for the public interest, or charitable endowments (*al-awqāf*) established for the poor and the scholars, then their attention to what they are doing [for the public good] is better than occupation with earning a living.[29]

He concludes the first chapter by saying:

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26. *KAKM* 3:238.
27. Ibid.
28. Or, notary public.
29. *KAKM* 3:248.

> These then are the virtues of earning a livelihood. It behooves that the contractual agreement (*al-ʿaqd*) by which this earning is realized fulfills four conditions: validity (*al-ṣiḥḥa*), justice (*al-ʿadl*), magnanimity (*al-iḥsān*), and concern (*al-shafaqa*) for the religion.[30]

At the beginning of the second chapter, he writes that every person who engages in buying and selling, or other forms of business dealings or working for a living, is obliged to learn the "science of earning" (*ʿilm al-kasb*):

> Know that the acquirement of the knowledge of this topic is obligatory on every Muslim earner (*muktasib*),[31] for the seeking of knowledge is an obligation on every Muslim. Indeed this is knowledge that is needed, and the earner is in need of the science of earning (*al-muktasib yaḥtāj ilā ʿilm al-kasb*). And when he has acquired knowledge of this topic, he will be able to pause[32] at practices that corrupt transactions (*mufsidāt al-muʿāmala*) and guard himself against them. And as for whatever that is anomalous (*mā shadhdha*) from among the problematic technicalities [of transactions] (*al-furūʿ al-mushkila*), and one is confronted with the cause of their ambiguity,[33] then he should be scrupulous concerning them and enquire.[34] This is because if he does not know in general[35] the causes of corruption [of transactions] (*asbāb al-fasād*) then he will not be aware when he is obliged to pause and to enquire [about them of the scholars].[36]

He then goes on to narrate the Caliph ʿUmar b. al-Khaṭṭāb's statement, "None trades in our market[37] except those who know [the] jurisprudence[38] of [trade] (*lā yabiʿ fī sūqina illā man tafaqqaha*),"[39] and presents for treatment

30. *KAKM* 3:250.
31. That is, on all workers, traders and entrepreneurs in general; anyone seeking a livelihood.
32. Or hesitate; that is, he will pause and reflect and take precaution and be scrupulous.
33. Or encounter situations in which these technical or more complex and ambiguous problematics arise.
34. That is, enquire a *muftī* or *fāqih* to help him resolve those anomalous problems so as to preempt possible invalidity of his contracts or transactions.
35. Literally, know with a "general knowledge" (as opposed to expert, detailed knowledge).
36. *KAKM* 3:251.
37. That is, the markets of the Muslims.
38. That is, especially the legal rules governing any particular transaction one is engaged in.
39. Related by al-Tirmidhī, cited in al-Makkī, *Qūt al-qulūb* 2:262; *KAKM* 3:252.

in some detail six of what he considers to be the most prevalent types of transactions amongst business people, the basic legal rules of which they must learn—namely, sale (*al-bay*ʿ), usurious gain (*al-ribā*), buying in advance (*al-salam*), hiring and renting (*al-ijāra*), business partnership (*al-sharika*), and venture capital financing (*al-qirāḍ*). At the end of this second chapter, which is the juristic (*fiqhī*) core of the whole treatise, he says:

> This is the measure of knowledge of the jurisprudence [of transactions] that every earner (*muktasib*)[40] is obliged to learn lest he should intrude into the unlawful (*al-ḥarām*) without even realizing it.[41]

Moreover, since business dealings usually involve the use of money (gold dinars and silver dirhams) as a means of exchange and a measure of value, he speaks out strongly against the witting or unwitting circulation of counterfeit money, and ruled it obligatory on the merchant to "learn [the science] of money" (*ta*ʿ*allum al-naqd*) so that he may thereby guard himself against shortchanging people. Hence, in the third chapter, dedicated to "justice in transaction," he says:

> it is obligatory on the merchant to learn about money (*ta*ʿ*allum al-naqd*), not for his self-interest *per se*, but [also] so that he can avoid giving [even] a counterfeit coin to a Muslim out of heedlessness, lest he should be sinful due to his shortcoming in learning this science of money. Since for every vocation there is a science by means of which one can discharge the [the duty of] giving good counsel to Muslims (*nuṣḥ al-Muslimīn*), then acquiring it is obligatory. It is because of issues like this that the Pious Predecessors (*al-salaf*) acquired the science of knowing the characteristics of [good] money out of concern for their religion rather than for their [personal profit in this] world.[42]

He begins the fourth chapter by detailing the relationship between justice and magnanimity in transaction, which is basically that the merchant will be in a greater position to observe justice in his transactions with people if he were at the same time to make it a point to observe magnanimity.

> Allah Most High has commanded us to observe justice (*al-*ʿ*adl*) and magnanimity (*al-iḥsān*) together. Justice is a means to salvation (*al-najāh*) only, and it functions just as capital functions in commerce.[43] Magnanimity is a means to success (*al-fawz*) and to the attainment of felicity (*al-sa*ʿ*āda*), and it is comparable to profit in commerce. A person is not considered to be among the

40. Or entrepreneur.

41. *KAKM* 3:252.

42. *KAKM* 3:289.

43. That is, the business is surviving but not prospering.

> intelligent if he is content with merely maintaining his capital in the transactions of this world, and so likewise [the case] in the transactions of the Hereafter. Hence, the religious person (*al-mutadayyin*) should not limit himself to merely observing justice and avoiding injustice (*al-ẓulm*) while altogether overlooking the imperatives of showing magnanimity.... We mean by 'magnanimity'[44] the doing of that by which the transactor [buyer or seller] derives benefit even though it is not mandatory on one to do so, but rather as a goodwill (*tafaḍḍul*) on one's part.[45]

In the fifth and final chapter, on showing concern for the religion, al-Ghazālī is chiefly concerned with the fact that the merchant should always be conscious of the eschatological dimension of mundane commercial life, such that the seeking of daily sustenance in the life of the world becomes inseparably integrated into the seeking of everlasting felicity in the life of the Afterlife. In this way, a merchant's concern for his short term material gains is never in spite of his concern for his long term spiritual gain, but rather the former becomes a part and parcel of the latter, and thereby the commercial is embedded into the spiritual, and becomes one with it.

> It does not behoove the merchants to be occupied with their livelihood (*maʿāsh*) at the expense of their life to come (*maʿād*), lest they should squander their lives away and suffer a bad bargain (*ṣafqa khāsira*). What he loses of profit in the Afterlife cannot be compensated by what he gains from this world, and he will be among those who buy the worldly life with the Afterlife (*ishtarā al-ḥayāt al-dunyā bil-ākhira*). Rather, it behooves the intelligent to show concern (*al-shafqa*) for his soul (*nafs*), and his showing concern for his soul is by preserving his capital, and his capital is his religion and his commerce in it. Some of the Predecessors have said, "The things most appropriate for the intelligent person are those most required for him over the short term, and the things most required for him over the short term are those most praiseworthy with respect to their consequences over the long term".... Allah Most High says, *And do not forget your portion of the world* (Q 28:77), that is, do not forget while you are in this world [to prepare] your portion of it for the [sake of your salvation in the] Afterlife,[46] for the world is the seed-bed of the Hereafter, and in it you earn your good deeds (*al-ḥasanāt*).[47]

As elaborated by al-Ghazālī, this concern for the religious imperative in earning a living is operationalized through, *inter alia*, (i) wholesome vision and

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44. "Goodness" or *iḥsān* in the context of the discussion here obviously denotes the meaning of magnanimity, generosity, kindness, and benevolence.

45. *KAKM* 3:308–09.

46. That is, your share *of* the world is your share *for* the Hereafter.

47. *KAKM* 3:322–23.

intention by which one abstains from beggary and covetousness through one's economic independence, and thereby be in a position to provide for one's dependents; (ii) giving good counsel to people with whom one transacts, and to desire for them the good one desires for oneself; (iii) cooperating through one's vocation in contributing to the common good, by means of which the needs of the community are met; (iv) being steadfast in one's religious devotions and mindful of them, and avoid allowing oneself to be distracted by commerce from the perpetual remembrance of God; (v) being scrupulous, not only with respect to what is obviously unlawful, but also with respect to what is of doubtful provenance; (vi) and holding oneself to account for "all the avenues of one's transaction with every single one of whom he transacts with."[48]

> One should keep a keen eye on all avenues of one's transaction with every single one of those whom he transacts with, for he is being watched (*murāqab*) and taken to account (*muḥāsab*), so that he should prepare his response on the Day of Accounting and Penalty (*yawm al-ḥisāb wal-ʿiqāb*) in respect of his every deed and word, as to why he embarked boldly on them, and for what reason. Indeed, it has been said that the merchant shall be made to stand firmly on the Day of Resurrection with every person to whom he had sold something, and he shall be held to account fully for [his dealing with] every single one of them to the number of those with whom he had transacted [in the life of this world]. One of them said, "I saw one of the merchants in my sleep, and so I said to him, 'What has Allah done with you?' He said, 'Fifty thousand scrolls [of accounts] were unrolled for me.' I said, 'Were these all sins?' He said, 'These were transactions with people, to the number of every person with whom I had transacted in the world. Each person had his own individual scroll regarding everything between me and him, from the very beginning of his transaction [with me] until its very end.'"[49]

On the whole, al-Ghazālī shows that the legal forms of the commercial contracts must serve the ethical substance of the exchange between the parties involved, which is justice, magnanimity, and the common good. This ethico-moral vision is based on the governing precept that one should desire for his brother what he would have desired for himself in similar circumstances. Since life in this world is the seedbed of the life to come (*al-dunyā mazraʿat al-ākhira*),[50] it behooves the merchant and all who are working for a living to be constantly aware of the eschatological dimensions of trade, commerce, and industry. The governing goal here is that the acquiring of profit in this temporal life should also lead to the acquiring of profit in the eternal Afterlife, and that the latter

48. *KAKM* 3:322–39 passim.

49. *KAKM* 3:338–39.

50. *KAKM* 3:322.

profit is the one that really matters in the final analysis. Thus he ends his treatise with these words:

> Therefore this is what is incumbent on the earner [to be cognizant of] in his work in respect of what pertains to justice, magnanimity, and concern for the religion. If he limits himself to [observing] justice, then he is from among the upright (*al-ṣāliḥūn*). And if he appends magnanimity to that, then he is among those who are brought near (*al-muqarrabīn*) [to Allah]. And if, in addition to that, he seriously takes into account [and attends to] the service of the religion, as we have mentioned in the fifth chapter, then he shall be among the truthful (*al-ṣiddīqīn*). And Allah is the Most Knowing of what is sound.[51]

## Some Insights from the *Kitāb Ādāb al-kasb wal-maʿāsh*

### *Detachment and Engagement* (ʿibāda *and* muʿāmala)

The governing idea here is that the more you are engaged with the world, the more you have to be detached from it. So, paradoxically, *engagement entails detachment*, indeed demands it in order for that engagement to realize its positive objectives instead of deteriorating into self-destructive attachment. Thus one reads classical *kasb* and *iktisāb* books and comes away with the profound realization that the operative test of true abstinence and prudence—or true inner worth and spiritual discipline in general—lies in the very way one conducts oneself through the every-day trials, tribulations, temptations, worries, and vexations of working for one's sustenance, whether by trading in goods and merchandise, working for a wage, farming, or practicing a craft.

In a nutshell, a person is prudent and abstinent when he takes care to work in a wholesome enterprise (*al-kasb al-ṭayyib*) in order to provide for his needs and the needs of his family and dependents, and, if there is surplus, to provide (*infāq*) therefrom for the poor and needy in his community, while at the same time, avoiding the illicit (*ḥarām*), the abhorred (*makrūh*), and the questionable (*shubha*), and turning away from materialistic covetousness, and from indulging in an overly opulent life-style, so that one may avoid casting rancor into the hearts of the poor and needy. Only then can his whole life be a life of solidarity with the poor, and of total worship in humble devotion to his Creator, to Whom he shall be returned, and to Whom he shall be held accountable for all the blessings and enjoyments bestowed on him in his temporal earthly life. This integrative insight is also nicely alluded to by Imam Muḥammad al-Shaybānī with his statements, "In earning a livelihood there is the meaning of cooperation in acts of devotion" (*fī-l-kasb maʿnā al-muʿāwana*

51. *KAKM* 3:338–39.

*ʿalā al-qurab*),[52] and "Permissible earning is in the category of cooperation in acts of devotion and obedience" (*al-kasb al-ḥalāl min bāb al-muʿāwana ʿalā al-qurab wal-ṭāʿāt*).[53]

Hence, in order to observe devotions (*ʿibāda*), we need to cultivate appropriate transactions (*muʿāmala*) to support and nurture it; the one simply cannot do without the other. This integration is expressed by al-Ghazālī thus:

> This was the manner of the commerce of those who engaged in commerce for the sake of seeking sufficiency[54] (*ṭalab al-kifāya*), rather than for the sake of opulent living (*al-tanaʿʿum*) in the world. Indeed, those who seek the world in order to be assisted by it towards attaining to the Afterlife, how could they be disregardful of the profit of the Afterlife (*ribḥ al-ākhira*) when the market (*al-sūq*), the mosque (*al-masjid*), and the home (*al-bayt*) are for him [governed by] one law[55] (*ḥukm wāḥid*), and salvation is only through piousness (*al-taqwā*)? The Prophet—Allah bless him and give him peace—has said, "Fear Allah wherever you are (*ittaqi-Llāh ḥayth kunt*)."[56] The vocation of piety is never suspended for those who are devoted to the religious life, whatever the vicissitudes of their situations. Their life and their livelihoods are in [the state of] piety, since it is through it that they envision their commerce and their profit. It has indeed been said:
>
>> Whosoever desires the life of the Afterlife is prosperous,
>> and whosoever desires the life of this world is off course;
>> the imprudent departs and retires in wanton heedlessness
>> whereas the sagacious scrutinizes his soul's deficiencies.
>>
>> (*man aḥabba al-ākhirat ʿāsh*
>> *wa man aḥabba al-dunyā ṭāsh*
>> *wal-aḥmaq yaghdū wa yarūḥu fī lāsh*
>> *wal-ʿāqil ʿan ʿuyūb nafsih fattāsh*)[57]

### *Livelihood and the Common Good* (maʿīsha *and* maṣlaḥa)

Al-Ghazālī views the economic life as an integration of private interest into

52. See al-Shaybānī, *Kitāb al-Kasb*, 136.

53. Ibid., 164.

54. That is, for themselves, their dependents and the common good in general.

55. That is, all three are interconnected, grounded, in and directed by the same core of ethico-moral values and principles.

56. Related by al-Tirmidhī, hadith no. 1987 (*KAKM* 3:332).

57. *KAKM* 3:332.

the common interest, of the commercial into the moral, of the material into the spiritual, and of worldly life into the Afterlife. Even while we transact with people, at a deeper level and in the final analysis we are transacting with our Creator; and hence we are to be always attuned to Transcendence, that is, to the common good and our higher calling.

> The second matter[58] is to intend, through one's craft, commerce, or work, the discharge of one of the obligations of sufficiencies (*furūḍ al-kifāyāt*).[59] If the crafts and the businesses should be abandoned, the livelihoods of people would be disrupted, and most people would perish [as a consequence]. Therefore the well-ordering of the affairs of all is realized through the cooperation of all (*intiẓām amr al-kull bi-taʿāwun al-kull*), while each group assumes an occupation. If all of them were to be devoted to a single vocation (*ṣināʿa*), then the rest of the vocations would be left unattended and people would be destroyed. It is in the light of this reality that some of the scholars have interpreted the saying of the Prophet—Allah bless and give him peace—"The diversity of my Community is a mercy (*ikhtilāf ummatī raḥma*)," as referring to the diversity of their occupations in the various crafts and vocations. [60]

Here economics is to be seen as an ethico-pragmatic organization of livelihoods for the common good, which must also mean the highest good, which is the attainment of everlasting felicity, since life in this world is but the seedbed of the life in the Afterlife, and the ultimate goal of all human actions on earth must be salvation and felicity in the Afterlife.

### Kasb, Infāq, *and Redefining Economics*

A close reading of this book and others of the genre, which are so very careful to differentiate between 'provisioning' (*infāq*) and 'squandering' (*isrāf/tabdhīr*), brings us to a definition of economics that clearly connects means to ends and integrates the two within a *meta-economic* vision of the role and function of the temporal life of human beings on earth, their inborn spiritual identity, and their ultimate, eschatological destiny: the "organization of livelihood"—or the "science of earning (*kasb*, *iktisāb*) and provisioning (*infāq*) of livelihood (*maʿīsha*) for the common good (*maṣlaḥat ʿāmma*[61])"—whether at the level of

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58. That is, the second of the seven matters that the merchant should take care of in order to fully realize his concern for his religion; *KAKM* 3:323ff.

59. That is, communal obligations the discharge of which leads toward the adequate provisioning of public goods and services that are commonly needed in the community.

60. *KAKM* 3:323.

61. May also be rendered as general good, public good, or public interest, but

the individual and family, or at the level of the community and society. The word 'economy' originally referred to "household management" (*tadbīr al-manzil*)—or rather, household *caretaking* or stewardship—and the primary duty of the householder is to ensure that the resources and revenues of the household, tangible and intangible, are managed prudently so that the needs, material and spiritual, of all members of the household are well taken care of and *provisioned* in such a way that none is marginalized, especially the weaker and more dependent members, such as babies, young children, the handicapped, the ill, the elderly, including even pets and animals and plants of the household, and even the very physical structure of the home itself. The idea of social and intergenerational responsibility is also implicit in this understanding of the economic life.

> It has been narrated from him concerning the virtue of abandoning hoarding—Allah bless and grant him peace: "Whosoever imports (*jalaba*) food and then sells it at the day's price, it is as if he has given it away in charity (*taṣaddaqa*),"[62] and in another wording, "it is as if he has emancipated a slave (*raqaba*)."[63]
>
> Zayd ibn Maslama[64] used to cultivate his land, and 'Umar—Allah be pleased with him—said to him, "You are doing the right thing. Be independent of people, for that will be more protective of your religion and more munificent of you in respect of them, as your friend Uḥayḥa[65] has said:
>
> *Never have I ceased bestowing lavishly on al-Zawrā'*[66]
> *For indeed the one of means is munificent to his brethren.*
>
> The Prophet—Allah bless and give him peace—was sitting one day with his Companions, and they observed a strong, sturdy youth setting out early to work. They said, "Woe unto this man; would that his youth and strength were spent in the path of Allah." The Prophet—Allah bless and give him peace—said, "Do not say this; for if he works for himself in order to restrain himself from begging and to be independent of people, then

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the term "utility" certainly does not describe it!

62. Ibn Mardawayh in *al-Tafsīr*; al-Ḥākim cited in al-Makkī, *Qūt al-qulūb* (see *Itḥāf* 6:361).

63. Cited in al-Makkī, *Qūt al-qulūb* (*Itḥāf* 6:361); *KAKM* 3:285.

64. Following *Qūt al-qulūb*, al-Zabīdī says that this person was actually Muḥammad ibn Maslama ibn Salama al-Anṣārī, a famous Companion who died after 40H (*Itḥāf* 6:258).

65. Uḥayḥa ibn al-Julāḥ al-Ḍārī was a pre-Islamic poet and also of the Anṣār (*Itḥāf* 6:258).

66. A place in Madīna (*Itḥāf* 6:258).

> he is in the path of Allah. If he works for his impoverished parents or for his impoverished children so as to enrich and suffice them, then he is in the path of Allah. If [however] he works for the sake of showing off (*tafākhuran*) and accumulation (*takāthuran*) [of wealth], then he is in the path of Satan."[67]

## *Ethics, Economics, and Politics*

In the classical Islamic system of philosophy, *tadbīr al-manzil* comes under the division of *al-ḥikmat al-ʿamaliyya* (practical philosophy), which includes—apart from economics (management of the household)—ethics (management of the self) and politics (management of society).[68] All three are interconnected, grounded in, and directed by the same core of ethico-moral values and principles. In this mode of thinking, the market aspects and the welfare aspects are both integral, constituent aspects of the same wholesome economy, which in this regard can be termed the market-welfare economy,[69] or the Islamic Gift Economy (IGE) (*al-itqtiṣād al-infāqī*), or the "provisioning" economy, or even an economics of charity (*al-iqtiṣād al-taṣadduqī*), in which profits and surpluses are to be self-consciously and systemically re-invested into the service, promotion, and preservation of communal well-being.[70]

Hence we read in these classical texts the stern injunctions against any transactions involving usurious gain (*ribā*), hoarding (*iḥtikār*), cheating (*ghash*), deception (*talbīs*), perfidy (*khiyāna*), and circulating counterfeit gold or silver coins (*tarwīj al-zayf*), for all these are seen as injustice and oppression, and thus against the common good, *even if* these transactions are prima facie valid in regard to their outward contractual forms. In this regard, Imam al-Ghazālī and, following him, Imam al-Lubūdī say:

> Know that a transaction (*al-muʿāmala*) sometimes comes in a form with respect to which the jurisconsult (*muftī*) rules the transaction to be valid and contracted, but the transaction,

67. Al-Ṭabarānī in his three *Maʿājim* (*Itḥāf* 6:252); *KAKM* 3:230.

68. See Yassine Essid, *A Critique of the Origins of Islamic Economic Thought* (Leiden: Brill, 1995).

69. For a good discussion, see Realli Schechter, "Market Welfare in the Early-Modern Ottoman Economy: A Historiographic Overview with Many Questions," *Journal of the Economic and Social History of the Orient* (*JESHO*) 48, no. 2 (2005):253–76.

70. For some discussions of the operational meaning of *infāq* in contemporary Arab-Islamic scholarship, see, *inter alia*, Muḥammad Aḥmad Maḥmūd Mukhliṣ, *Wujūh Kasb al-māl wa infāqih fī ḍawʾ al-Qurʾān al-karīm* (Alexandria: Dār al-Jāmiʿat al-Jadīda, 2008) and Maḥmūd Muḥammad Bāballī, *al-Kasb wal-infāq wa ʿadālat al-tawzīʿ fī-l-mujtamaʿ al-Islāmī* (Beirut: al-Maktab al-Islāmī, 1988).

> evertheless, implicates some [manner of] oppression (*ẓulm*)[71] by which the transactor is exposed to the wrath of Allah Most High.[72] This is because not every prohibition (*nahy*) entails invalidity (*fasād*) of the contract (*al-ʿaqd*).[73] This oppression (*al-ẓulm*) refers to that by which others are harmed (*mā istaḍarr bi-hil-ghayr*),[74] and it is divided into that whose harm is of a pervasive nature[75] (*mā yaʾummu ḍararuhu*) and that which is particular to the transactors[76] (*mā yakhuṣṣu al-muʿāmil*).[77]

Hence, the transactor, the earner, the merchant or the artisan is to take all the steps, measures and precautions necessary to ensure that their business practices harm neither their business partners or their customers, nor the public at large.

> He should not limit himself only to steering clear of what is unlawful, but rather, he should be wary of all the avenues through which doubtful matters creep in (*mawāqiʿ al-shubuhāt*), and the occasions in which uncertainties prevail (*maẓānna al-rayb*). He should not look towards the formal juristic rulings (*al-fatāwā*) but rather he should seek rulings from his heart (*yastaftī qalbah*),[78] so that should he find in his heart rancor (*hazāza*) [towards the thing in question] then it behooves him to avoid it. If someone should carry to him some merchandise whose provenance fills him with misgivings it behooves him to enquire about it so that he may be sure about it lest he should consume what is doubtful.[79]

### *Integrating Justice, Magnanimity, and Concern for the Religious Life*

In addition to the imperative of justice, there is also the imperative of magnanimity, generosity, and empathy, to which both al-Ghazālī and al-Lubūdī devote a special chapter. Both have this to say regarding the relation between justice and magnanimity in commercial dealings:

> Allah Most High has commanded us to observe justice (*al-ʿadl*) and magnanimity (*al-iḥsān*) altogether. Justice is a means

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71. Or unjust.
72. That is, or perpetrators, those who contract and transact according to such unjust transactional forms.
73. That is, a contract may be valid, yet unjust and illicit.
74. Literally, that by which others are harmed.
75. That is, harmful to transactors and third parties, or to the public at large.
76. That is, to the immediate transacting parties.
77. *KAKM* 3:284; cf. the corresponding passage in al-Lubūdī, *Faḍl al-Iktisāb*.
78. That is, from his innermost conscience.
79. *KAKM* 3:

> to salvation (*al-najāh*) only, and it functions just as capital (*raʾs al-māl*) functions in commerce.[80] Magnanimity is a means to success (*al-fawz*) and to the attainment of felicity (*al-saʿāda*), and it is comparable to profits in commerce. A person is not considered to be among the intelligent if he is content with merely maintaining his capital in the transactions of this world, and likewise in the transactions of the Afterlife. Hence, the religious person (*al-mutadayyin*) should not limit himself to merely observing justice and avoiding injustice (*al-ẓulm*) while altogether overlooking the imperative of showing magnanimity. Allah says, *And be good* (*aḥsin*) *just as Allah has been good to you* (*aḥsan*) (Q 28:77). And He Most Majestic, Most Exalted says, *Verily, Allah commands justice and goodness* (*al-iḥsān*) (Q 16:90). And He, Most Glorious, says, *Allah's mercy is close to those who do good* (*al-muḥsinīn*) (Q 7:56). We mean by "magnanimity" the doing of that by which the transactor [buyer or seller] derives benefit even though it is not mandatory on one to do so, but rather as a goodwill gesture (*tafaḍḍul*) on one's part.[81]

In this emphasis on integrating justice and magnanimity we see a vision of commercial exchange in which both parties are to benefit more or less equally from the exchange (the notion of *mumāthala*, or fair exchange), such that neither party is being disadvantaged or short-changed in any way. One is even to cultivate the sensitivity of empathy for the other: to put oneself in the other's shoes, so to speak, to be absolutely transparent, to give good counsel, to charge fair prices, and pay fair wages; and basically, to desire for your business partner or customer or even debtor what you would have desired for yourself in similar circumstances and in similar situations. Indeed, one is to be charitable, giving, and forgiving at all times.

### *Commercial Exchange as a Special Case of Giving and Gifting*

This understanding of the underlying notion of "giving" or "gifting" finds support in Michael Bonner's careful study of early, pre-Dimashqīan economic thought in Islam as exemplified in al-Shaybānī's *Kitāb al-Kasb*.[82] Here, the corresponding notion is that of a virtuous "circulative exchange" between rich and poor, or an economics of interdependence between rich and poor, in which the surplus of the rich is "returned" (*radd*, *rujūʿ*) to the poor in order to maintain order, peace and balance in society, especially in urban society.[83] So

80. That is, the business is surviving but not prospering.

81. *KAKM* 3:308.

82. See Adi Setia's translation of *The Book of Earning a Livelihood: Kitāb al-Kasb* (Kuala Lumpur: IBFIM, 2011).

83. See Michael Bonner, "The *Kitāb al-Kasb* Attributed to al-Shaybānī: Poverty, Surplus, and the Circulation of Wealth," *Journal of the American Oriental Society* 121, no. 3 (July–September 2001):410–27;

the "gift" economy is also the "charitable" economy (*al-iqtiṣād al-taṣaduqqī*) or the "return" economy, in which the circulation of wealth is from the rich to the poor and *not* from the rich to the rich, *so that it does not become something which [only] circulates among the wealthy in your midst* (Q 59:7). It is only in the context of this circulative economy that wealth (*al-ghinā*) is seen as part of health (*al-ʿāfiya*)—indeed, part of the "common-health."

> Ayyūb[84] said, "Abū Qilāba[85] said to me, 'Frequent the market,[86] for independence is part of wellbeing (*al-ghinā min al-ʿāfiya*).'"[87] This refers to independence from [asking of] people.[88]

Here, it is appropriate also for us to cite Shaykh Gibrīl Ḥaddād's splendid introduction to his masterful translation of Imam al-Khallāl's important book *al-Ḥathth ʿalā al-tijārat wal-ṣināʿa wal-ʿamal*:

> Imam Aḥmad liked to cite the great *Tābiʿī* Abū Qilāba's pithy summation, "Wealth is part of health" (*al-ghinā min al-ʿāfiya*)[89]—[which refers to] not just one's own physical upkeep and mental peace of mind, but that of one's family and community as well, since it permits mutual aid in times of sickness and bereavement, which is the soul of joint responsibility (*takāful*). Acquiring and spending wealth licitly, moreover, shows obedience to Allah and His Prophet....al-Khallāl's work therefore provides a great service to the *Umma* by reminding people that wealth that is acquired lawfully and put to good use is an avenue of blessings at all levels.[90]

### *The Role of the* **Muftī** *in Community-Rooted Economies*

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idem, "Poverty and Charity in the Rise of Islam," in *Poverty and Charity in Middle Eastern Contexts*, ed. Michael Bonner, Amy Singer, and Mine Ener, 13–30 (New York: SUNY, 2003); and idem, "Poverty and Economics in the Qur'an," *Journal of Interdisciplinary History* 35, no. 3 (Winter 2005): 391–406.

84. Ibn Tamīma al-Sakhtiyānī.

85. ʿAbdullāh ibn Zayd ibn ʿAmr al-Jaramī al-Baṣrī (*Itḥāf* 6:259).

86. That is, for commerce or plying a trade.

87. Or, "wealth is part of health."

88. *KAKM* 3:245.

89. *Ghinā* has also been translated as "self-sufficiency," "independence," and "autonomy" as it can mean any or all four concepts; similarly *māl* has been variously translated as "wealth," "possessions," "money," "holdings," and "capital"; see Gibril Fouad Haddad's introduction to his forthcoming translation of al-Khallāl's book, entitled *The Exhortation to Trade, Industry and Work* (Kuala Lumpur: IBFIM, 2013).

90. Al-Khallāl, *Exhortation*, 27–30.

Al-Ghazālī writes that people transacting in their work or commerce must learn the basic legal rules governing the validity of some of the more prevalent forms of transactions, as presented in chapter two of his book. More abstruse transactional problems require consulting with legal scholars or jurisconsults (*muftī*s) qualified to issue formal legal rulings to resolve such problems.

> The earner is in need of the science of earning (*al-muktasib yaḥtāj ilā ʿilm al-kasb*). And when he has acquired knowledge of this topic, he will pause at practices[91] that corrupt transactions (*mufsidāt al-muʿāmala*) and guard himself against them. And as for whatever that is anomalous (*mā shadhdha*) from among the problematic technicalities (or, complexities of transactions) (*al-furūʿ al-mushkila*), and one is confronted with the causes of these problems,[92] then he should be scrupulous concerning them and enquire.[93] This is because if he does not know in general[94] the causes of corruption [of transactions] (*asbāb al-fasād*), then he will not be aware when he is obliged to pause and to enquire.[95]
>
> These [elucidations[96]] are adequate for explicating the sale transaction (*taʿrīf al-bayʿ*), and for bringing attention to what will lead the merchant to be aware of the sources of corruption so that he may seek legal opinion (*yastaftī*) whenever he is uncertain and confused about anything in respect thereof. But if he is not cognizant of this [science] then he will not be perceptive of the occasions for enquiring and he will thereby plunge into usurious gain and into the unlawful without being conscious of it.[97]
>
> Here, we only mention this much that one may know by it the major legal rulings[98] (*jaliyyāt al-aḥkām*), and be astute thereby regarding matters of ambiguity; for to know [these rulings and juristic problems] exhaustively is the vocation of the *muftī*, not

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91. Or hesitate; that is, he will pause and reflect and take precaution and be scrupulous; or he will desist from such ambiguous or doubtful practices until he enquires about them and becomes certain about their validity.
92. Or encounter situations in which these technical problematics or complexities arise.
93. That is, enquire a *muftī* or *fāqih* to help him resolve those anomolous problems.
94. Literally, know with a "general knowledge" (as opposed to expert, detailed knowledge).
95. *KAKM* 3:251.
96. That is, on practices leading to usury gain in buying and selling.
97. *KAKM* 3:269.
98. That is, in regard to hiring and renting (*KAKM* 3:288).

the vocation of the laity.[99]

The above citations point to the imperative of having qualified, community-rooted *muftī*s who can, on the one hand, conduct regular courses for ordinary business people on the science of transactions in Islam (*ʿilm al-muʿāmala*), while, on the other hand, serve as *muʿāmala* jurisconsults for them. Since everyone who transacts is legally obliged to learn the science of transactions,[100] then by implication, to have a scholar of transactions (*faqīh al-muʿāmala*) able to teach this science would be a collective obligation on the community. One can even envisage, say, a community Muʿāmala Advisory Council (MAC) on which these *muftī*s and *fuqahāʾ* can serve, for the true *muftī* or *faqīh* should serve communities rather than monopolistic banks and corporations. If they are also familiar with conventional secular business norms and practices, that would only enhance their role and relevance; otherwise, they can work in tandem with commercial lawyers and other professionals (such as accountants) interested in public interest work and advocacy.

## Ten Excerpts from the *Kitāb Ādāb al-kasb wal-maʿāsh*

1. On the Virtues of Working[101]

   As for what is from the Noble Book,[102] it is His statement, *And We have made the day for livelihood* (Q 78:11), and He mentioned this in the context of exhibiting His blessings [on humankind]. And He Most High says, *And We have established you on earth and provided you a means of livelihood thereon. Little are you grateful* (Q 7:10). Thus He has made livelihood a blessing and demanded gratitude for it. And He Most High says, *It is no crime for you to seek bounty from your Lord* (Q 2:198). And He Most High says, *And others traveling the land seeking the bounty of Allah* (Q 73:20). And He Most High says, *Then disperse through the land and seek the bounty of Allah* (Q 62:10).

   As for what is from the Prophetic reports (*al-akhbār*),[103] verily he (the Prophet)—Allah bless and give him peace—has

99. *KAKM* 3:288.

100. "Know that the acquirement of the knowledge of this subject matter is obligatory on every Muslim earner (*muktasib*) because the seeking of knowledge is an obligation on every Muslim. Indeed this is knowledge that is needed, and the earner is in need of the science of earning (*al-muktasib yaḥtāj ilā ʿilm al-kasb*)" (*KAKM* 3:251).

101. *KAKM* 3:239ff.

102. Attesting to the virtue of earning.

103. That is, the Sunnah and the Ḥadīth.

said, "Of the sins, there are sins for which nothing can atone except vexation in seeking a living."[104] And he—Allah bless and grant him peace—has said, "The honest merchant (*al-tājir al-ṣadūq*) is resurrected on Judgment Day with the truthful and the martyrs."[105] And he—Allah bless and give him peace—has said, "Whosoever seeks the world lawfully in order to refrain from asking,[106] to work for [the provisioning of] his dependents and to show compassion to his neighbor, shall meet Allah with his face like the moon on the night when it is full."[107]

The Prophet—Allah bless and give him peace—was sitting one day with his Companions, and they observed a strong, sturdy youth setting out early to work. They said, "Woe unto this man; would it that his youth and strength were spent in the path of Allah." The Prophet—may Allah bless and give him peace—said, "Do not say this; for if he works for himself in order to restrain himself from begging and to be independent of people, then he is in the path of Allah. If he works for his impoverished parents or for his impoverished children so as to enrich and suffice them, then he is in the path of Allah. If [however] he works for the sake of showing off and accumulation [of wealth], then he is in the path of Satan."[108]

And he—Allah bless and give him peace—has said, "Verily, Allah loves the servant who adopts a trade in order to be independent through it of people, and He dislikes a person who learns knowledge in order to adopt it as a trade."[109] And in a report (*al-khabar*), "Verily, Allah Most High loves the gainfully employed believer[110] (*al-muʾmin al-muḥtarif*)."[111] And he—Allah bless and give him peace—has said, "The most licit of what a

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104. Al-Ṭabarānī in *al-Awsaṭ*, Abū Nuʿaym in *al-Ḥilya* (*Itḥāf* 6:251).

105. Al-Tirmidhī, al-Ḥākim, Ibn Māja (*Itḥāf* 6:251).

106. Or beggary in general.

107. Abū al-Shaykh in *al-Thawāb*, Abū Nuʿaym in *al-Ḥilya*, al-Bayhaqī in *Shuʿayb al-īmān* (*Itḥāf* 6:252).

108. Al-Ṭabarānī in his three *Maʿājim* (*Itḥāf* 6:252).

109. Al-ʿIrāqī says he did not find the hadith in this wording; however, Abū Manṣūr al-Daylamī narrates in *Musnad al-Firdaws* a hadith of ʿAlī that Allah loves to see His servant worn out in seeking the lawful (*Itḥāf* 6:253).

110. One who has acquired a skill, trade, or profession and is practicing it.

111. Al-Ṭabarānī and ibn ʿAdī (*Itḥāf* 6:253).

person eats is from his own work, and [from] every pious[112] sale (*bayʿ mabrūr*)."[113] And in another report, "The most licit of what the servant eats is [out of] the work of his vocation when he acts in good faith (*naṣaḥa*)."[114] And he—peace be on him—has said, "Hold fast to commerce (*al-tijāra*) for indeed it constitutes nine tenths of sustenance (*al-rizq*)."[115] It has been narrated that ʿĪsā (Jesus)—peace be upon him—met a man and he said, "What do you do?" The man said, "I worship." He said, "Who provides for you?" The man said, "My brother." He said, "Your brother is more worshipful than you."[116]

As for the traditions (*al-āthār*):[117] Luqmān al-Ḥakīm said to his son, "O my son, seek independence from poverty through lawful earning, for indeed, not a single person becomes impoverished except that he is afflicted by three traits: vulnerability in his religion, weakness in his intelligence, and loss of his dignity. And what is greater than these three is people's belittling of him." ʿUmar [ibn al-Khaṭṭāb]—may Allah be pleased with him—said, "None of you should sit unoccupied with seeking sustenance and says, 'O my Lord, give me sustenance,' for you are well aware that the sky does not rain down gold or silver."[118] Zayd ibn Maslama[119] used to cultivate his land, and ʿUmar—may Allah be pleased with him—said to him, "You are doing the right thing. Be independent of people for that will be more protective of your religion and more munificent of you in respect of them, as your friend Uḥayḥah[120] has said:

*Never have I ceased bestowing lavishly on al-Zawrāʾ*[121]
*For indeed the one of means is munificent to his brethren.*

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112. Or wholesome.

113. Aḥmad, al-Bazzār, al-Ḥākim, al-Bayhaqī (*Itḥāf* 6:253).

114. Aḥmad (*Itḥāf* 6:254).

115. Ibrāhīm al-Ḥarbī in *Gharīb al-ḥadīth* (*Itḥāf* 6:254).

116. Cited in al-Makkī, *Qūt al-qulūb* (*Itḥāf* 6:255).

117. That is, traditions and reports pertaining to the sayings and deeds of the Companions and Pious Predecessors (*al-Salaf al-Ṣāliḥ*).

118. Cited in al-Makkī, *Qūt al-qulūb* (*Itḥāf* 6:257).

119. Following *Qūt al-qulūb*, al-Zabīdī says that this person was actually Muḥammad ibn Maslama ibn Salama al-Anṣārī, a famous Companion who died after 40H (*Itḥāf* 6:258).

120. Uḥayḥa ibn al-Julāḥ al-Ḍārī was a pre-Islamic poet and he was of the al-Anṣār (*Itḥāf* 6:258).

121. A place in Madīna (*Itḥāf* 6:258).

And Ibn Masʿūd[122]—Allah be pleased with him—said, "Indeed I detest seeing a person idling, neither occupied with his worldly nor afterworldly concerns." And Ibrāhīm[123] was asked about the truthful merchant (*al-tājir al-ṣadūq*) as to whether such a person was more to his liking than one exclusively devoted to worship (*al-mutafarrigh lil-ʿibāda*). He answered, "The truthful merchant is more to my liking for he is in exertion (*jihād*). Satan comes to [tempt] him through the avenue of measuring and weighing, and through taking and giving, but [despite all that] he strives against him." However, al-Ḥasan al-Baṣrī[124] differs with him on that issue.[125] And ʿUmar [ibn al-Khaṭṭāb]—Allah be pleased with him—said, "There is not a place through which death enters that is more beloved to me than an abode (*mawṭin*) in which I ply my trade in the market (*atasawwuq*), buying and selling for the sake of my family." Al-Haytham[126] said, "It may be that I come to know of a person speaking bad about me (*yaqaʿu fiyya*), but then I recall my independence of him and thus it becomes light on me."[127]

Ayyūb[128] said, "A work in which there some [small] gain is more to my liking than asking of people." A violent gale occurred at sea and the people on the ship said to Ibrāhīm ibn Adham[129]—Allah have mercy on him—who was with them on the ship, "Do you not reckon this to be hardship?" He said, "This is not hardship (*al-shidda*). Verily hardship is to be in need of people." Ayyūb[130] said, "Abū Qilāba[131] said to me, 'Frequent the market,[132]

122. A famous Companion.

123. Ibn Yazīd al-Nakhaʿī (*Itḥāf* 6:258).

124. A famous follower (*tābiʿī*) of the Companions.

125. That is, because he sees that the one occupied in personal devotions is also striving against the temptations and whisperings of Satan, albeit in a different manner (*Itḥāf* 6:258).

126. Ibn Jamīl al-Baghdādī of Antioch, a trustworthy scholar of hadith (*Itḥāf* 6:259).

127. That is, if you are not dependent on others for your livelihood, then it should not trouble you at all if they speak bad of you.

128. Ibn Tamīma al-Sakhtiyānī al-Baṣrī (*Itḥāf* 6:259).

129. A prominent early Ṣūfī.

130. Ibn Tamīma al-Sakhtiyānī.

131. ʿAbdullāh ibn Zayd ibn ʿAmr al-Jaramī al-Baṣrī (*Itḥāf* 6:259).

132. That is, for commerce or plying a trade.

for independence is part of wellbeing (*al-ghinā min al-ʿāfiya*).'"[133] This refers to independence from [asking of] people.

2. On Usurious Gain[134]

   Allah Most Glorious has prohibited usurious gain (*al-ribā*) and shown severity in the matter. It is obligatory on the money-changers (*al-ṣayārifa*) who deal with the bimetallic money (*al-naqdayn*)[135] and on the dealers in foodstuffs to be on guard against it; for there is no usurious gain except in money or in foodstuffs (*al-aṭʿima*). The money-changer (*al-ṣayrafī*) should be on guard against usurious gain by deferment (*al-nasīʾa*) and[/or] by quantitative disparity (*al-faḍl*[136]). As for usurious gain by deferment, it is that he should not sell anything of the substance of bimetallic money (*al-naqdayn*[137]) for anything [else] of the substance of bimetallic money except by way of hand to hand [exchange] (*yadan bi-yadin*), and this is by having the mutual exchange taking place on the spot (*majlis*)[138] of the transaction.[139] This is the way to guard against usurious gain by deferment.[140] [For example,] the money-changers' handing over of [raw] gold[141] to the mint (*dār al-ḍarb*) and buying minted dinars [with that gold] is unlawful due to [the incidence of] deferment,[142] and due to the prevalence of the incidence of quantitative disparity (*tafāḍul*) in respect thereof, since the minted coins do not weigh in equivalent to the weight of the gold [that was handed over in the first place]. As for usurious gain by quantitative disparity (*al-faḍl*),[143] one

133. Or, "wealth is part of health."

134. *KAKM* 3:266–269.

135. That is, the two forms of money, namely gold and silver coinage.

136. Literally, excess, surplus.

137. That is, gold dinars and silver dirhams.

138. That is, meeting place of the transaction, or where the transaction takes place.

139. That is, by way of cash transaction on the spot, or in the place where the transaction takes place; that is, cash and spot transaction.

140. That is, by any time lapse between initial offer and terminal acceptance.

141. That is, raw gold or gold bullion.

142. That is, time-lapse or waiting period or temporal gap between the initial handing over of the raw gold or gold bullion and the receiving of the minted gold coins (*dīnār*s) in exchange.

143. That is, by surplus or augmenting or quantitative disparity.

should be on guard against it in three situations.[144] [First,] in selling broken pieces of coins (*al-mukassar*) for whole pieces (*al-ṣaḥīḥ*). It is not permissible to conduct transactions (*al-muʿāmala*) in these coins except in exact [quantitative] equivalence (*al-mumāthala*). [Second,] in selling the good quality coins (*al-jayyid*) for bad coins (*al-radiyy*). One should not buy coins of poor quality with good quality coins of less weight, or sell the bad quality coins for good quality ones of more weight—I mean when one sells gold for gold, or silver for silver; but when the sale pertains to two different types[145] of coins, then there is no harm in quantitative disparity (*al-faḍl*).

And third, in [selling] things compounded (*al-murakkabāt*) of gold and silver, such as dinars composited of gold and silver. If the amount of gold [in those composite coins] is unknown, it is invalid to transact with them at all, unless such money circulates as currency in the land (*jāriyan fī-l-balad*), in which case we give dispensation (*nurakhkhis*) in transacting with it as long as it is not considered equivalent for [pure gold] coins (*al-naqd*).[146] Likewise dirhams that have been adulterated with copper (*al-nuḥās*); if these are not in circulation as currency (*rāʾiḥa*) in the land, then it is not valid to transact with them, because what is sought in them is the silver content (*al-nuqra*) but that is unknown. If these dirhams are currency (*naqdan rāʾiḥan*) in the land, then we give dispensation in transacting [with them] because of the need (*al-ḥāja*) [for them], and because the silver content is not meant to be extracted [from these coins]; but these [adulterated coins] are not at all to be considered equivalent (*yuqābil*) to [pure] silver (*al-nuqra*). Likewise, [with regard to] every piece of jewellery compounded (*ḥaliyy murakkab*) of gold and silver, it is not permissible to buy it, neither with gold nor silver. Rather it should be bought with another commodity (*matāʿ*)[147] if the amount of gold in it is known, unless if it is coated with a coating of gold such that the gold sought cannot be extracted upon assaying with fire (*al-ʿarḍ ʿalā al-nār*), in which case it is permissible to sell it with its equivalent in silver (*al-nuqra*), or with what is preferred other than silver. And likewise, it is not permissible for the money-

144. Or in three types of dealings.

145. That is, different types of metals, like gold for silver.

146. That is, as long as such composite money is not treated as money but as compensation or payment or counter-value (*ʿiwaḍ*).

147. That is, other than gold or silver.

changer to buy a necklace of pearl and gold[148] for gold, or to sell it, but rather for silver in a hand to hand sale if there is no silver content in the necklace. It is not permissible (*lā yajūz*) to buy garments woven of gold—from which the gold sought[149] (*dhahab maqṣūd*) can be extracted upon assaying by fire—with gold; but it is permissible with silver and with other than silver [from among the commodities].

And as for the dealers (*al-mutaʿāmilūn*) in foodstuffs, it is [obligatory] on them to execute reciprocal taking-possession (*al-taqābuḍ*) during the sale meeting (*al-majlis*), whether or not there is a difference between the types of food to be sold and bought. If the food exchanged is of the same type, then they are obliged to execute reciprocal taking-possession as well as to observe mutual equivalence (*al-mumāthala*). What usually happens in this regard is [as in the case of] the transaction of the butcher, such as when a goat would be handed over to him and meat is then purchased with it in cash[150] (*naqdan*) or on credit (*nasīʾatan*); such a transaction is unlawful. [And likewise,] the transaction of the oil presser[151] (*al-ʿaṣṣār*), such that seeds or sesame or olives are handed over to him in order that the oil [pressed from the seeds] be taken from him [in return]; such transaction is [also] unlawful. Likewise [the case of] milk, such that milk is given in order to take from him[152] [in return] cheese, cream, butter or other parts of the milk; this is also unlawful.

Foodstuff (*al-ṭaʿām*) is not to be sold with other kinds of foodstuff except in cash,[153] and nor sold with its kind except in cash (*naqdan*) and with [quantitative] parity (*mumāthilan*). And [as for] everything that is produced from something edible (*al-shayʾ al-maṭʿūm*), it is not permissible to sell the product for it,[154] whether with [quantitative] parity (*mumāthilan*) or disparity (*mutafāḍilan*). Hence, flour, bread, and mush (*sawīq*) are not sold for wheat; nor syrup (*dibs*), vinegar (*al-khall*), or juice for grapes

148. Or a necklace in which the beads are a composite of pearl and gold.

149. Or gold content.

150. That is, with the payment paid on the spot.

151. Or miller of grains and seeds.

152. That is, from the person who produces butter, cheese, and the like from raw milk.

153. That is, by paying in cash on the spot without deferment.

154. That is, for the original unprocessed edible thing.

or dates; nor cream, butter, buttermilk (*makhīḍ*), whey (*maṣl*), or cheese for milk. Quantitative parity (*mumāthilan*) is of no avail if the foodstuff is not in a condition of complete preservation (*kamāl al-iddikhār*). Hence, fresh dates (*ruṭab*) are not to be sold for fresh dates, nor grapes for grapes, whether with [quantitative] disparity or parity.[155] These [elucidations] are adequate for explaining the sale (*taʿrīf al-bayʿ*), and for bringing attention to what will lead the merchant to be aware of the sources of corruption so that he may seek legal opinion whenever he is uncertain and confused about anything in respect thereof. But if he is not cognizant of this [science], then he will not be perceptive of the occasions for enquiring, and he will thereby plunge into usurious gain and into the unlawful without being conscious of it.

3. On Hoarding[156]

The first type is hoarding (*al-iḥtikār*).[157] [In this case,] the seller of staple foodstuffs (*al-ṭaʿām*) stores up staple foodstuffs in anticipation for their prices to appreciate. This is an act of general oppression (*ẓulm ʿām*), and its perpetrator is censured (*madhmūm*) in Revealed Law. The Messenger of Allah—Allah bless and gives him peace—has said, "Whosoever hoards food for forty days and then gives it away in charity, his charity will not be an expiation for his [sin of] hoarding."[158] And [ʿAbdullāh] ibn ʿUmar narrated from him—Allah bless and grant him peace—that he said, "Whosoever hoards food for forty days has indeed disavowed Allah, and Allah has disavowed him,"[159] and it is said [in another version], "It is as if he has killed all of humankind."[160] And [it is related] from ʿAlī—may Allah be pleased with him—"Whosoever hoards food for forty days, his heart has hardened."[161] It is also [related] from him that he

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155. That is, this is because these can be preserved and stored and hence protected from deterioration only when they are dried out or dessicated, not when they are still fresh and wet.

156. *KAKM* 3:284ff.

157. This is also the Arabic word for monopoly.

158. Abū Manṣūr al-Daylamī in *Musnad al-Firdaws*; and al-Khaṭīb in *al-Tārīkh* (*Itḥāf* 6:360).

159. Aḥmad and al-Ḥākim (*Itḥāf* 6:360).

160. Cited in al-Makkī, *Qūt al-qulūb* (*Itḥāf* 6:360).

161. Cited in al-Makkī, *Qūt al-qulūb* (*Itḥāf* 6:361).

burned the food of a hoarder in the fire.[162] It has been narrated concerning the virtue of abandoning hoarding from him—Allah bless and grant him peace—"Whosoever imports (*jalaba*) food and then sells it at the day's price, it is as if he has given it away in charity (*taṣaddaqa*),"[163] and in another wording, "...it is as if he has emancipated a slave (*raqaba*)."[164] It is said in regard to the statement of Allah Most High, *And those who seek to misuse it to do oppression in it, We will have them taste of a painful penalty* (Q 22:25), that hoarding is part of oppression and included in the meaning of this threat (*al-waʿīd*).

It is reported of a pious predecessor (*al-salaf*) that he was in Wāsiṭ[165] where he loaded a boatful of wheat (*ḥinṭa*) for Baṣra, and wrote to his agent (*wakīl*) [there],[166] "Sell this food on the day you arrive in Baṣra, and do not postpone until the next day." The agent encountered [in Baṣra] low [wheat] prices, and the merchants [there] said to him, "If you postpone [selling] it until Friday, you will profit many times over." So he postponed it until Friday and profited in its sale many times over. He then wrote to the wheat owner informing him of that, and he wrote back to him, "Oh, [how unfortunate is] this! We would have been content with a little profit along with the security of our religion, while you have contravened [this arrangement]. We do not desire to multiply profits by its sale through sacrificing anything of the religion. You have surely committed a crime against us. When this letter of mine reaches you, take all the money (*al-māl*)[167] and give it away in charity to the poor of Baṣra. Would that I were delivered from the crime of hoarding altogether, regardless of whether it was [committed] against me or for me." And know that the prohibition of hoarding is absolute (*al-nahy muṭlaq*),[168] but some considerations pertain to it in regard to the occasion (*al-waqt*) [of hoarding] and the kind (*al-jins*) [of food hoarded]. As for the kind [of food], the prohibition of hoarding applies

162. Cited in al-Makkī, *Qūt al-qulūb* (*Itḥāf* 6:361).

163. Ibn Mardawayh in *al-Tafsīr*, al-Ḥākim cited in *Qūt al-qulūb* (*Itḥāf* 6:361).

164. Cited in al-Makkī, *Qūt al-qulūb* (*Itḥāf* 6:361).

165. A town on the way to Baṣra from Kūfa.

166. That is, proxy or representative.

167. The money of the unwarranted profits, or even all the property of the wheat-trading business without exception.

168. That is, without any qualifications.

to the various kinds of staple foodstuffs (*al-aqwāt*).[169] But, as for what is not a staple food (*qūt*) nor [substantively] complementary to staple food (*muʿīn ʿalā al-qūt*)—like medicinal remedies (*al-adwiya*), spices (*al-ʿaqāqīr*), saffron (*al-zaʿfarān*), and others like these—then the prohibition does not apply to them, even if they are eaten [together with food]. And as for what complements staple foods, like meat and fruits, and what substitutes the need for staple foods on some occasions—even though it is not possible for it to be eaten on a regular basis, then this issue is subject to scrutiny [with regard to the prohibition of hoarding them or not]. There are those from among the scholars (*ʿulamāʾ*) who extend the prohibition [of hoarding] to cooking butter[170] (*al-samn*), honey (*al-ʿasl*), sesame oil (*al-shīraj*), cheese (*al-jubn*), olive oil (*al-zayt*), and other foods like these.

As for the occasion (*al-waqt*), the prohibition of hoarding also bears application to all occasions (*jāmiʿ al-awqāt*), and this is evidenced by the story we have mentioned regarding the food that encountered low prices in Baṣra. [However,] it can also bear application specifically to occasions when food is in short supply while people are in need of it, such that postponing its sale would bring about some hardship. But as for when food is widely available and abundant, while people are not in need of it and they do not incline to it except [when the food is offered] at low prices, and [in this situation] the food dealer awaits that[171] but awaits not scarcity,[172] then there is no harm in withholding the sale of the food. But if the time [in question] is the time of drought (*zamān al-qaḥṭ*),[173] then there will be harm in storing up honey, ghee, sesame oil, and other foods like these; and so it[174] should be judged to be prohibited [as hoarding]. Negating or affirming the prohibition will depend on [the existence or non-existence of] harm (*al-ḍarar*), for that is categorically understood (*mafhūm qaṭʿan*) from particularizing food [as the object of the

169. That is, food that is eaten regularly and constitutes the major portion of a normal diet, like rice, maize and wheat.

170. Or ghee.

171. That is, wait and postpone selling until prices fall to a level at which more people are willing to pay, since food are abundant and they will not buy otherwise, that is, except when prices fall.

172. Or drought or times of poor harvest, or for prices to rise.

173. Or famine.

174. That is, such storing up of foodstuffs.

prohibition of hoarding in the prophetic reports cited]. [And even] if there is no harm, hoarding up foodstuffs [still] cannot be shielded from [the judgment of] offensiveness (*karāhiyya*), for it is anticipating the foundations for harm (*mabādiʾ al-ḍarar*),[175] which is the inflation of prices; and anticipating the foundations for harm is forbidden (*maḥẓūr*), just like anticipating the actual harm itself (*ʿayn al-ḍarar*), but the former is lesser [in gravity] than the latter. And anticipating the actual harm itself is [in turn] lesser [in gravity] than the [actual] damages (*al-aḍrār*) [resulting therefrom]. Hence the degrees of offensiveness (*al-karāhiyya*) and prohibition (*al-taḥrīm*) fluctuate in tandem with the degrees of damages.

4. On Counterfeit Money[176]

The second type is putting counterfeit dirhams into circulation (*tarwij al-zayf min al-darāhim*) together with the [*bona fide*] money (*al-naqd*[177]), since the transactor will be harmed by them if he is unaware; and [even] if he is aware he will [in turn] circulate them to others, and likewise the third and fourth transactors [in their turn]. This counterfeit money will not cease to be passed around in the hands [of people], and thus the harm becomes pervasive (*yaʿumm al-ḍarar*) and the corruption widespread (*yattasiʿu al-fasād*). The crime of all of them and its evil consequences will recoil on him,[178] for he is the one who opened this door [to harm and corruption in the first place]. The Messenger of Allah—Allah bless and give him peace—has said, "Whosoever initiates an evil convention (*sunna sayyiʾa*), and those after him practice it, he will bear its crime and the like of the crime of those who practice it, without any diminishment in [bearing the full burden of] their crimes."[179]

One of them (the Predecessors) said, "The spending of one counterfeit dirham (*dirham zayf*) is more serious than stealing one hundred dirhams."[180] This is because stealing is [only] a single iniquity, which is completed and terminated [when the act is done],

175. That is, the factors or causes or situations leading to injury and harm to others.

176. *KAKM* 3:288ff.

177. That is, gold dinars and silver dirhams.

178. That is, the original circulator of the counterfeit money.

179. Muslim (*Itḥāf* 6:366).

180. Cited in al-Makkī, *Qūt al-qulūb* (*Itḥāf* 6:366).

while the spending of counterfeit dirhams is an [evil] innovation that he has manifested in the religion, and an evil custom (*sunna sayyiʾa*) that will be perpetuated by those after him. Therefore the crime of that evil custom will be borne by him after his death for a hundred years or for two hundred years [or more] until those coins are destroyed.[181] He will also be held accountable for whatever that is corrupted and diminished of people's wealth due to his [evil] precedent. Fortunate indeed is he who passes away and his sins pass away with him; whereas prolonged perdition unto him who passes away while his sins abide for a hundred or two hundred years or more, suffering punishment in his grave because of them, and being held to account for them until the end of their extinction. Allah Most High says, *And We record what they have sent ahead and what they have left after them* (Q 36:12), meaning that, "We also record what they have deferred of the traces of their deeds,[182] just as We record what they have forwarded." This is comparable to the statement of Allah Most High, *Man will be told on that day what he forwarded and what he deferred* (Q 75:13). He indeed defers the consequences of his deeds from out of the evil custom[183] practiced by other people. One should know that in regard to counterfeit money there are five issues. The first issue is that if anything is returned to him of counterfeit money, he should throw it into a well such that no hands can be extended to reach it, and he should take care not to circulate it through another transaction. And if he destroys it such that it can no longer be possible to transact with it, then it is permissible.

The second issue is that it is obligatory on the merchant to learn about money (*taʿallum al-naqd*), not for his self-interest *per se*, but [also] so that he can avoid giving a [single] counterfeit coin to a Muslim out of heedlessness, lest he should be sinful due to his shortcoming in learning this science of money. Since for every vocation there is a science by means of which Muslims are well counseled, then acquiring it is obligatory. It is because of issues like this that the Pious Predecessors (*al-salaf*) acquired the science of knowing the characteristics of money out of concern for their religion, rather than their [commercial profit in the life

181. Or go out of circulation and no longer used as a means of exchange.

182. That is, the abiding consequences of their deeds in the world after they die, and for which they will also be taken to account.

183. That is, the evil custom that he has initiated and which others put into practice after he has passed away.

of this] world. The third issue is that if the trader hands over the dirham to his transactor, who recognizes it to be counterfeit, the trader will [still] not escape sinning because [he knows] that the transactor does not take it except to circulate it to another person without telling him; and if the transactor [really] does not intend to do that he will [surely] not desire to take it [from him] in the first place, and so the trader escapes the sin of harming on the part of the transactor only.[184] The fourth issue is that he accepts counterfeit money (*al-zayf*) so as to apply the statement of the Prophet, Allah bless and give him peace, "May Allah be merciful to a person who is indulgent in selling, indulgent in buying, indulgent in paying (*al-qaḍāʾ*), and indulgent in claiming (*al-iqtiḍāʾ*),"[185] then he is included in the blessing of this invocation (*al-duʿāʾ*) if he resolves to toss it into a well. But if he resolves to circulate it in a transaction, then this is an evil which Satan promotes to him by making it appear to be good, and hence he will not be included among those who are "indulgent in taking payment." The fifth issue is that by "counterfeit money" (*al-zayf*) we mean what has no silver content (*nuqra*) in it at all but, instead, has been coated with a base metal (*mumawwa*),[186] or what has no gold in it—I mean in the case of dinars. But as for what contains silver [in the case of dirhams]—and if it is mixed with copper and is the money of the land—then the scholars differed in regard to transacting with it. My strong view is to allow dispensation (*al-rukhsa*) for its use if it is the money of the land (*naqd al-balad*), regardless of whether the amount of silver [in it] is known or not. But if it is not the money of the land, then it is not permissible [to transact with it], unless the amount of silver [in it] is known. If there is in his property a coin[187] whose silver content is less than [that contained] in the money of the land, then he is obliged to inform his transactor about it and to avoid transacting in it except with those who do not condone its circulation into the money supply by way of deception (*al-talbīs*). But as for those who condone that, then handing it over to them is enabling them to sow [monetary] corruption, and such action is like selling grapes on the part of a person who knows that the buyer will make it into

184. That is, the trader still sins for his own part in handing the counterfeit dirhām over to the transactor.

185. al-Bukhārī (*Itḥāf* 6:368).

186. Or with silver water or silver paint in the case of counterfeit dirhāms.

187. Or a piece or bar of silver.

wine. That is forbidden, for it is giving assistance to do evil and participating in it. Treading the path of the truth on this [ethical] pattern in commerce is more difficult than assiduousness in [the observance of] the supererogatory devotions (*nawāfil al-ʿibādat*) and secluding oneself for them. Because of this, one of them (the Predecessors)[188] said, "The truthful merchant is more virtuous with Allah than the devotee."

The Pious Predecessors were so careful about something like this that it is related from one of the warriors (*al-ghuzā*) in the path of Allah that he said, "I mounted my horse to kill a rascal [from among the unbelievers], but it became recalcitrant with me and I had to turn back while that rascal slipped away from me. Then I mounted my horse a second time but it was still obstinate with me and I had to turn back. Then I mounted it a third time but it fled away from under me. I was not used to experience such an attitude from it, and so I returned [to the army camp] in a despondent state. I sat down, my head slumping, broken-hearted over my failure to get at that rascal and the [bad] behavior of my horse. I put my head down on a tent beam [and slept] while my horse [was secured] standing [by my side]. Then I saw my horse in my sleep as if it were addressing me, and it was saying, 'Have fear of Allah! You wished to capture that rascal three times, but yesterday you bought for me some fodder and you paid its price with a counterfeit dirham. That will never ever do at all!'" He said, "Then I woke up suddenly, and I went right away to the seller of provender (*al-allāf*) and replaced that counterfeit dirham for him [with a good one]."[189] This [story] is an example of what causes pervasive harm, and one should infer from it to other similar situations.

5. On Justice and Avoiding Harm[190]

Anything by which the transactor is harmed is oppression. Justice (*al-ʿadl*) is that a Muslim is not harmed by his brother. The general precept (*al-ḍābiṭ al-kullī*) here is that "one desires not for his brother except what he desires for himself" (*an lā yuḥibb li akhīh illā mā yuḥibb li nafsih*). One should not engage other people in any transaction that would have caused hardship to him or burden his heart were he himself to be engaged in it. Rather,

188. Namely, Ibrāhīm al-Nakhaʿī (*Itḥāf* 6:370).

189. Cited in al-Makkī, *Qūt al-qulūb* (*Itḥāf* 6:371).

190. *KAKM* 3:292.

one should view as equally valuable one's own dirham and the dirham of one's brother. Some of them said, "Whosoever sells something to his brother for a dirham which he himself would not have deemed proper to buy unless it were for five *dawāniq*,[191] then he has indeed abandoned giving the good counsel (*al-nuṣḥ*) that is enjoined in transaction, in which case he desires not for his brother what he desires for himself." This is the gist of this division. As for its elucidation, it is with regard to four issues, which are: that one should not extol the merchandise (*al-silʿa*) for what is not in it; that one should not conceal any of its defects (*ʿuyūb*) or hidden features at all; that one should not conceal anything of its [true] weight (*wazn*) or measure (*miqdār*); and that one should not conceal anything of its price, such that if the buyer were to know about it he would not have wanted it.

6. On Acting in Good Faith and Giving Good Counsel[192]

The obligation of acting in good faith (*al-nuṣḥ*) by revealing defects is proven by what is narrated regarding when the Prophet—Allah bless and give him peace—took the pledge of allegiance (*bāyaʿa*) to Islam from Jarīr and when he then proceeded to depart, the Prophet—Allah bless and give him peace—suddenly caught hold of his shirt and charged him to act in good faith to every Muslim. Thereafter, whenever Jarīr went about to sell his merchandise, he would point out its defects [to the buyer] and then allow [him] the option [of cancelling the purchase], and he would say, "If you wish you may take it, and if you wish you may leave it." It was said to him, "Indeed, if you do like this your sale will not be transacted for you." Whereupon he said, "We have pledged ourselves to the Messenger of Allah—Allah bless and grant him peace—to act in good faith with every Muslim."[193] [It was related that] Wāthila ibn al-Asqaʿ[194] was standing [by] when a man sold a camel of his [to another man] for three hundred dirhams. Wāthila thought nothing of it until that man had left with the camel, and then [something occurred to him and] he rushed after him and began to speak earnestly to him, "O this [camel]! Did you buy it for meat or for riding?" He said, "Indeed, for riding." Then he said, "I have noticed a

191. Plural of *dāniq*, which is one sixth of a dirham.

192. *KAKM* 3:295ff.

193. al-Bukhārī and Muslim (*Itḥāf* 6:377).

194. A Companion (*Itḥāf* 6:377).

perforation in its hoof, and it will surely not be able to continue on its way." The man turned back to return the camel [to the seller], whereupon the seller discounted one hundred dirhams from its [original sale] price, and he then said to Wāthila, "May Allah have mercy on you. You have spoiled my sale to my detriment." Wāthila said, "We have pledged ourselves to the Messenger of Allah—Allah bless and grant him peace—to act in good faith with every Muslim." And he (Wāthila) said, "I have indeed heard the Messenger of Allah—Allah bless and give him peace—say: 'It is not licit for a seller to sell something unless he makes known its shortcomings, and it is not licit for someone who knows that except that he tells about it.'"[195] Therefore they had understood from giving good counsel (*al-nuṣḥ*) that one does not desire for his brother except what he desires for himself. They did not consider giving good counsel to be something [merely] complementing the moral excellences (*al-faḍāʾil*) and augmenting the spiritual stations (*ziyādāt al-maqāmāt*), but rather they believed it to be the [very foundational] requirements of Islam that were included in their pledge of allegiance. This matter is something arduous for most people, and because of that they opted for seclusion to devote themselves to worship and for withdrawal from people, since discharging the rights of Allah along with socializing and transacting [with people] are a striving [against the self] that cannot be carried out except by the truthful (*al-ṣiddīqūn*).

7. On Magnanimity in Pricing[196]

The seller [or buyer] should not exact an opportunistic price from his counterpart (*sāḥibuh*) that he would not normally exact [for the type of merchandise concerned]. Opportunistic-pricing (*al-mughābana*)[197] is allowed (*maʾdhūn*) in principle because selling is for making profit (*al-ribḥ*); and this is not possible except through some degree of opportunistic-pricing, but one is to consider approximation (*al-taqrīb*) [to the cost price].[198] If the buyer pays [a price] higher than what is normally profitable [for the seller]—whether due to his great desire or great need for the item in his current situation—then the seller should decline to

195. al-Ḥākim and al-Bayhaqī (*Itḥāf* 6:377).

196. *KAKM* 3:308 ff.

197. That is, pricing the merchandise to ensure that some profit is earned from its sale.

198. Or to the market price, such that the profit margin be small or fair, reasonable or customary for the type of merchandise concerned.

accept it,[199] and that will constitute magnanimity [on his part]. However, so long as there is no deception (*talbīs*) involved, then it is not oppression to take the increased payment. Some scholars are of the view that opportunistic-pricing (*al-ghabn*) by increasing the price to more than one third of the [cost or market price[200]] will necessitate the option (*al-khiyār*) [to rescind the sale],[201] but we do not hold the same view. However, it is part of being magnanimous to reduce that opportunistic-price [to a reasonable amount]. It has been related that Yūnus ibn ʿUbayd had some suits of clothes (*ḥulal*) of different prices, and for each suit (*ḥalla*) he had set its price—one variety each suit of which was valued at four hundred, and [another] variety each suit of which was valued at two hundred [dinars or dirhams].[202] He went away to pray and left behind his nephew in the shop (*al-dukkān*). A countryman (*aʿrābī*) then came [to the shop] and requested a suit of clothes for four hundred. The nephew displayed to him a suit of the variety priced at two hundred. He deemed it good, liked it, and bought it. He left with it, and he held it in his hands. Yūnus met him [in the streets] and recognised his suit of clothes. He said to the countryman, "How much did you pay for it?" He said, "Four hundred." He said, "It is not worth more than two hundred. Go back so that you may return it." The countryman said, "This is worth five hundred in my region, and [moreover] I am pleased with it." Whereupon Yūnus said to him, "Go back, for indeed giving good counsel (*al-nuṣḥ*) in the religion is better than the world and all that it contains." He returned the suit to the shop and Yūnus gave him back the two hundred. He then reprimanded his nephew for that incident, contended with him, and said, "Are you not ashamed? Do you not fear Allah? How could you profit by the value of the price and abandon giving good counsel to Muslims?" His nephew said, "By Allah! He did not take it except after being pleased with it." He said, "Well then, why didn't you desire for him what you would have desired for yourself?" In this incident [of opportunistic-pricing], if there had been in it any concealment of the [actual] price or any deception,

199. But rather he insists on the normal market price or fair price.

200. Or what is generally considered the fair price.

201. This means that if the buyer later finds out that the price he paid is actually far above the current market price for that area then he has the option of returning the goods and rescinding the purchase.

202. Or *fulūs*.

then it would have been in the category of oppression, and this has been mentioned before.[203] And in a hadith [it is stated], "Overcharging the innocent[204] is unlawful (*ghabn al-mustarsil ḥarām*)."[205]

Al-Zubayr ibn ʿAdī[206] used to say, "I came to know eighteen persons from among the Companions, and none of them deemed it nice to buy meat for [less than] one dirham." Overcharging innocent[207] people like them is oppression.[208] But if the overcharging does not involve deception then it is abandoning magnanimity [albet not oppressive]. However, rarely is opportunistic-pricing accomplished except through some form of deception and concealing the current price[209] (*siʿr al-waqt*). [As for] genuine magnanimity (*al-iḥsān al-maḥḍ*), it is what has been narrated regarding al-Sariyy al-Saqaṭī,[210] that he bought a load (*kurr*[211]) of almonds (*lawz*) for sixty dinars and wrote in his ledger (*rūznāmaj*)[212] three dinars as his profit margin. It was as if he had reckoned to profit by half a dinar for every ten dinars. Then the almonds rose to ninety dinars in price. A broker (*al-dallāl*) came

203. In this case, the nephew was frank to the countryman about the real price, but the latter paid more out of his own accord, and so there was no element of concealing the real price or deception or misinformation; but despite this transparency, the uncle refused to accept that extra payment, and deemed it shameful if he did.

204. That is, not an expert, new to the subject, green, greenhorn; or one who is trusting of the seller, or who has no knowledge of the price; here I translate *ghabn* as 'overcharging' since the sense here pertains to opportunistic-pricing that is exploitative (*al-ghabn al-fāḥish* as opposed to *al-ghabn al-yasīr*).

205. al-Ṭabarānī, al-Bayhaqī (*Itḥāf* 6:397).

206. al-Hamadānī al-Yāmī Abū Adī al-Kūfī, judge of Rayy, d. 131H (*Itḥāf* 6:397).

207. Or good-hearted.

208. That is, by overcharging people who are not familiar with the market prices, and thus they take the words of merchants at face value and trust them to be honest and transparent. This is oppression if deception or deceit is involved.

209. Or spot price, that is, the price at the particular place and time of transaction, as opposed to anticipated prices in the future.

210. Maternal uncle of al-Junayd (*Itḥāf* 6:398).

211. A dry measure.

212. A double-entry accounting ledger; in some editions, spelled *rūzmānaj*; vowelization according to al-Zabīdī (*Itḥāf* 6:398).

to him and requested for the almonds. He said, "Take it." He said, "For how much?" He said, "For sixty-three." The broker, who was also an upright person, said, "The price of almonds have now reached ninety dinars!" Al-Sariyy said, "I have made a resolution that I will not undo. I shall not sell it except for sixty-three dinars [only]." The broker said, "I have made a pact between myself and Allah that I will not defraud a Muslim. I shall not take it from you except for ninety dinars." The narrator said, "[In the end,] the broker did not buy from him, and al-Sariyy did not sell to him." This is genuine magnanimity from both parties, due to their knowledge about the reality of the situation.[213]

8. Commerce and Personal Integrity[214]

Commerce is the touchstone[215] of true men (*miḥakk al-rijāl*), by which a person's religion is put to the test, along with his scrupulousness (*warᶜ*); hence it was said:

*Do not be lured by the person's tattered tunic*[216]
*or by his waist-cloth raised above the ankles,*[217]
*or his brow on which a dark mark is impressed*[218]
*but by the dirham assess his passion or caution.*[219]

Because of this it has been said, "If a man is praised by his neighbors in the town, by his companions in a journey, and by his transactors in the marketplaces, then do not entertain misgivings about his integrity." A witness (*shāhid*) was giving testimony in the presence of ʿUmar ibn al-Khaṭṭāb—Allah be pleased with him—and ʿUmar said, "Bring me someone who knows you." He brought a person who extolled his goodness. ʿUmar said, "Are you his close neighbor who knows his comings and goings?" He said, "No." ʿUmar said, "Have you been his companion on a journey in the course of which you discerned his good character traits?" He said, "No." ʿUmar said,

213. That is, that one should neither cheat nor deceive.

214. *KAKM* 3:320.

215. An assaying tool for identifying precious metals like gold or silver.

216. That is, one usually worn by sufis and ascetics.

217. That is, which may only be indicative of apparent piety.

218. That is, a small dark patch that appears on the brow due to much prostration in worship.

219. That is, a man is truly tested by his attitude towards money, whether he is honest or dishonest in regard thereof.

> "Have you ever conducted transactions with him in dinars and dirhams by which you discerned his conscientiousness?" He said, "No." ʿUmar said, "I suspect you [only] saw him standing in the mosque, engrossing people's attention with [his reading of] the Qurʾān, while bowing and raising his head now and then?" He said, "Yes." ʿUmar then said, "Go, for you do not know him." Then he said to the witness, "Go and bring me someone who [really] knows you."

9. On Intention and the Imperative of the Commonweal[220]

It does not behoove the merchant to be occupied with his livelihood (*maʿāsh*) at the expense of his life to come (*maʿād*), lest he should squander his life away and suffer a bad bargain (*ṣafqa khāsira*). What he loses of profits in the Afterlife cannot be compensated by what he gains from this world, and he will be among those who buy the worldly life (*al-ḥayāt al-dunyā*) with the Afterlife (*al-ākhira*). Rather, it behooves the intelligent to show concern (*al-shafqa*) for his soul (*nafs*), and his showing concern for his soul is by preserving his capital, and his capital is his religion and his commerce in it. Some of the Predecessors have said, "The things most appropriate for the intelligent person are those most required for him over the short term, and the things most required for him over the short term are those most praiseworthy with respect to their consequences over the long term." Muʿādh ibn Jabal—Allah be pleased with him—says in his will (*waṣiyya*), "It is essential for you to have your portion (*naṣīb*) of this world, though you are more in need of your portion of the Afterlife. Hence, begin with your portion of the Afterlife and take it, for indeed you shall pass by your portion of this world and you shall orchestrate it." Allah Most High says, "And do not forget your portion of the world," that is, do not forget while you are in this world [to prepare] your portion of it for the [sake of your salvation in the] Afterlife,[221] for the world is the seed-bed of the Hereafter, and in it you earn your good deeds (*al-ḥasanāt*). The merchant's concern for his religion is only fully realized by taking care of seven matters.

The first matter[222] is a wholesome intention (*al-niyya*)

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220. *KAKM* 3:322ff.

221. That is, your share *of* the world is your share *for* the Hereafter.

222. From the context of the discussion, this would refer to the first measure among several measures to be taken in order to ensure that earning a

and conviction (*al-ʿaqīda*) at the beginning of a commercial undertaking. So he is to intend to abstain from beggary (*al-suʾāl*), to restrain himself from coveting what is in the hands of people by being independent of them through one's licit earning, to assist in one's observance of religion through what he earns, and to provide adequately for one's dependents, and thereby becoming among those who strive in the path of Allah through his commerce. One should also intend to give good counsel to the Muslims, to desire for the rest of creation what one desires for oneself, to intend to follow the path of justice and magnanimity as we have elaborated,[223] and to intend to command what is right and forbid what is wrong in whatever that he sees in the market. If one internalizes into one's heart these convictions and intentions, then one is working on the path to the Hereafter, and if in the process one should acquire some wealth, then that is a boon (*mazīd*); and even if one should suffer some loss in this world, he would nevertheless gain profit in the Afterlife. The second matter is to intend, through one's craft, commerce, or work, the discharge of one of the obligations of sufficiencies (*furūḍ al-kifāyāt*).[224] Were the crafts and the businesses to be abandoned, the livelihoods of people would be disrupted, and most people would perish [as a consequence]. Therefore the well-ordering of the affairs of all is realized through the cooperation of all (*intiẓām amr al-kull bi-taʿāwun al-kull*), while each group assumes an occupation. If all of them were to be devoted to a single vocation (*ṣināʿa*), then the rest of the vocations would be left unattended and people would be destroyed. It is in the light of this reality that some of the scholars have interpreted the saying of the Prophet—Allah bless and give him peace—"The diversity of my Community is a mercy (*ikhtilāf ummatī raḥmatun*),"[225] as referring to the diversity of their occupations in the various crafts and vocations. And of the crafts,[226] there are those which are important, and there are

livelihood leads to felicity in this world and in the Hereafter.

223. That is, in the previous two chapters.

224. That is, communal obligations the discharge of which leads toward the adequate provision of public goods and services that are commonly needed in the community.

225. Hadith already documented and discussed in the first book of the *Iḥyāʾ*, *Kitāb al-ʿIlm* (*Book of Knowledge*).

226. Or vocations.

those which can be done without[227] because these have to do with the seeking of comforts (*al-niʿam*) and embellishment (*al-tazayyun*) in this world. Hence, one should be occupied with an important vocation so that by practicing it he takes care of something of concern in the religion for the Muslims. He should avoid crafts having to do with engraving (*al-naqsh*), goldsmithery (*al-ṣiyāgha*), plastering[228] buildings with gypsum (*al-jiṣṣ*), and everything by which the world is embellished. All that is despised by people of religion.

10. On Accountability to Oneself, to Others, and to Allah[229]

One should keep a keen eye on all avenues of one's transaction with every single one of those with whom he transacts, for he is being watched (*murāqab*) and taken to account (*muḥāsab*), so that he should prepare his response on the Day of Accounting and Penalty (*yawm al-ḥisāb wal-ʿiqāb*) in respect of his every deed and word, as to why he embarked boldly on them, and for what reason. Indeed, it has been said that the merchant shall be made to stand firmly on the Day of Resurrection with every person to whom he had sold something, and he shall be held to account fully for [his dealing with] every single one of them to the number of those whom he had transacted with [in the life of this world]. One of them said, "I saw one of the merchants in my sleep, and so I said to him, 'What has Allah done with you?' He said, 'Fifty thousand scrolls [of accounts] were unrolled for me.' I said, 'Were these all sins?' He said, 'These were transactions with people, to the number of every person with whom I had transacted in the world. Each person had his own individual scroll regarding everything between me and him, from the very beginning of his transaction [with me] until its very end.'" Therefore this is what is incumbent on the earner [to be cognizant of] in his work[230] in respect of what pertains to justice, magnanimity, and showing concern for the religion. If he limits himself to [observing] justice, then he is from among the upright (*al-ṣāliḥūn*). And if he appends magnanimity to that, then he is among those who are brought near (*al-muqarrabūn*) [to Allah]. And if, in addition to that, he seriously takes into account [and attends to] the service of the

227. That is, not important.

228. Or fortifying.

229. *KAKM* 3:338ff.

230. That is, in his working for a living.

religious life, as we have mentioned in the Fifth Chapter,[231] then he shall be among the truthful (*al-ṣiddīqūn*). And Allah is Most Knowing of what is sound.

**Conclusion**

Over the course of the past few years, I have come to notice in my many discussions and interactions with *fiqh* scholars, business professionals, ordinary merchants, and traders, as well as with students and all those concerned about economic, financial, and commercial matters, that the standard *fiqh* manuals (like Shaykh Nuh Keller's *Reliance of the Traveller*) are not really adequate for reviving classical *muʿāmala* in the current age *if* the reader, student, or even scholar fails to attain or be truly cognizant of the underlying meta-economic or meta-legal vision in which the formal *fiqh* of *muʿāmala* finds its substantive meaning, direction, and purpose. Reading the classical *kasb* texts have led me to call this meta-legal (or meta-*fiqh*) vision the Islamic Gift Economy (*al-iqtiṣād al-iḥsānī*[232]) or Common-Good Economics (*al-iqtiṣād al-maṣlaḥī*) as a dialectical framework to allow those texts to engage creatively and evaluatively with current economic concerns. In the light of this vision, I suggest we *re-define* the science of economics as "the science of earning and provisioning of livelihoods (*al-maʿāyish*) for the common good" (*ʿilm al-iktisāb wal-infāq*), and thereby do away for good with the current secular, materialistic, and nihilistic obsession with, and addiction to, dogmatic, cognitively-vacuous notions of scarcity and wants that have been so hegemonic over the way most experts, policy makers and, indeed, Muslim economists think about economics and the economy.

If economics is, following its original etymological meaning, the science of "household management," or rather, the science of household stewardship, and the end of this stewardship is the well-being of the household, then any system of economics that leads, wittingly or unwittingly, to the dissolution of the household, or to the desolation of the earth as the macro-household, can only be an elaborate nihilistic inversion of the true meaning and purpose of economics.[233] In the wake of the current financial and economic meltdown and widespread rethinking of all key economic concepts, Muslims should call for a serious and honest return to and creative revival of the traditional approach to understanding economics and the economy, which takes care to seamlessly embed the short-term goal of worldly prosperity into the larger, long-term goal of intergenerational sustainability and, ultimately, eternal felicity in the

231. That is, this current chapter.

232. The fourth chapter of *Kitāb Ādāb al-kasb wal-maʿāsh* is actually titled *Fī al-Iḥsān fī-l-muʿāmala* (*KAKM* 3:308ff).

233. For more on this, see Adi Setia, "*Muʿāmalah*" and "Jaʿfar ibn ʿAlī al-Dimashqī."

Afterlife. This understanding is very much in line with the Worldview of Islām (*ruʾyat al-Islām lil-wujūd*), which, as Syed Muhammad Naquib al-Attas puts it, "encompasses both *al-dunyā* and *al-ākhirah*, in which the *dunyā*-aspect must be related in a profound and inseparable way to the *ākhirah*-aspect, and in which the *ākhirah*-aspect has ultimate and final significance."[234] This re-expresses the understanding of the "Proof of Islam and the Muslims" (i.e., al-Ghazālī) when he says these words:

> Verily the Lord of lords and the Causer of causes has made the Afterlife the abode of reimbursement (*al-thawāb*) and chastisement (*al-ʿiqāb*), and the world (*al-dunyā*) the abode of intrigue, tumult, and endeavor. The endeavor in the world is not restricted to the Return to the Afterlife (*al-maʿād*)[235] at the expense of livelihood (*al-maʿāsh*).[236] But rather, the livelihood [in this world] is an expedient to the Return to the Afterlife, and an aid towards it, for the world is the seedbed of the Hereafter (*al-dunyā mazraʿat al-ākhira*) and a route towards it.[237]

The overriding meta-economic vision here is always that the personal acquisition of material wealth is to find its direction, purpose, and meaning in the service of individual spiritual advancement and communal belonging; that the personal pursuit of livelihood is to serve both communal and personal wellbeing; and that wellbeing pertains to both the life of this world and the life of the Afterlife. This is a vision, that, in the modern context, would resonate rather well, at least in regard to ethico-moral substance, with the "sacred economics" of Charles Eisenstein[238] and Eileen Workman,[239] and with the "Buddhist economics" of E.F. Schumacher's incredibly insightful *Small is Beautiful*[240] or even the "common-good" economics of Herman Daly.

If one is concerned about putting back soul, substance, and thereby meaning into the formal mechanisms of economic exchange and directing

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234. al-Attas, *Prolegomena*, 1.

235. That is, the Return to the Hereafter.

236. That is, in the life of this world.

237. *KAKM* 3:237–38, 168; cf. al-Lubūdī, *Faḍl al-iktisāb*, 136.

238. See Charles Eisenstein, *Sacred Economics: Money, Gift and Society in the Age of Transition* (Evolver Editions, 2011).

239. See Eileen Workman, *Sacred Economics, the Currency of Life: A Revealing Look at the Erosion of Capitalism and a Reimagining of the Nature of Genuine Wealth* (Writeworks, 2011).

240. See Ernst Friedrich Schumacher, *Small is Beautiful: Economics As If People Mattered*, 25th anniversary ed. with commentaries (Hartley and Marks, 2000); see also his less-known but equally important book, *Good Work* (Harpercollins, 1980). His concept of 'good work' can be fruitfully compared with al-Shaybānī's *al-kasb al-ṭayyib* ("wholesome earning").

this exchange toward serving its proper end, which is (as defined above) the "earning and provisioning of livelihood for the common good," and—for Muslims especially—reviving and re-realizing true *muʿāmala* (literally, "working together"), then they will certainly find the works of al-Shaybānī, al-Khallāl, al-Ghazālī, al-Dimashqī, al-Lubūdī, and our other great, erudite classical scholars, to be a most authentic, well-considered, and commonsensical guide toward attaining to that important objective, and, moreover, one that is of impeccable authority and deeply rooted in our religious identity and historical experience. By mastering, learning, teaching, and implementing at both a personal and structural level the ethico-juristic vision of the classical *kasb* literature, all concerned, thinking Muslims (and even non-Muslims) will find themselves to be in a better position to attain to both the conceptual and the operational tools now so urgently needed for a close, critical, and constructive engagement with all aspects of today's dynamic and promising counter-economics discourse.

A true science of economics must be about the proper means of fair and equitable provisioning of livelihoods for everyone, especially the poor, the weak and the marginalized, and the ethical, legal, and political framework in which that fair and equitable provisioning for the preservation of the commonweal can be promoted and nurtured. We believe that a creative and informed reading and discussion of this little treatise of al-Ghazālī, "the Proof of Islam and Muslims," will be of great assistance to us in our current efforts to revive that true science of economics in our vision and in our action, *in shāʾ Allāh*.

*O believers, give of the good things you have earned* (Q 2:267)