

***Business Transactions, Inheritances, Gifts,  
Bequests, Vows and Oaths***

The ninth book is the “Book of Business Transactions” (*al-Buyu*). Let us remind ourselves that Muhammad in his pre-prophetic days was a merchant, so his views on the subject should be of interest.

#### SPECULATION FORBIDDEN

Muhammad forbids speculation. “He who buys food grains should not sell it until he has taken possession of it” (3640). During Muhammad’s own lifetime, as the control of Arabia passed into his hands, his injunctions became state policy. Salim b. ’Abdullah reports: “I saw people being beaten during the lifetime of Allah’s Messenger in case they bought the food grain in bulk and then sold them at that spot before taking it to their places” (3650).

Because of their speculative nature, Muhammad also disallowed “futures” transactions. He forbade “selling ahead for years and selling of fruits before they become ripe” (3714). Transactions with the help of documents (probably the *hundi* or bill of exchange system), were also made unlawful. The injunction was implemented with the help of the police. “I saw the sentinels snatching these documents from the people,” reports SulaimAn (3652).

#### OUTBIDDING

Muhammad also forbade outbidding. “A person should not enter into a transaction when his brother is already making a transaction and he should not make a proposal of marriage when his brother has already made a proposal except when he gives permission” (3618). He also forbade brokerage, “the selling of goods by a townsman on behalf of a man

of the desert” (3621).

## CONTRACTS

Muhammad recognized the contract system. Unless otherwise laid down in the contract, “he who buys a tree after it has been fecundated, its fruits belongs to one who sells it. . . . and he who buys a slave, his property belongs to one who sells him” (3704).

## TENANCY

Muhammad also forbade the leasing of land. “He who has land should cultivate it, but if he does not find it possible, he should lend it to his Muslim brother, but he should not accept rent from him” (3719).

## THE PROPHET AS A LANDLORD

Several *ahAdIs* (3758-3763) show that Muhammad’s own business practices could be sharp. ‘Abdullah, the son of ‘Umar, reports that “when Khaibar had been conquered, it came under the sway of Allah, that of his Messenger and that of the Muslims” (3763). Muhammad made an agreement with the Jews of Khaibar that they could retain the date-palms and the land on the condition that they worked them with their own wealth (seeds, implements) and gave “half of the yield to Allah’s Messenger” (3762). Out of this half, “Allah’s Apostle got the fifth part,” and the rest was “distributed” (3761). This lends credence to the common observation that those who control the funds, whether in the name of Allah or the state or the poor, are apt to spend them first on themselves.

These acquisitions enabled Muhammad to give each of his wives 100 *wasqs* (1 *wasq* = about 425 English pounds), 80 *wasqs* of dates, and 20 *wasqs* of barley per year. When ‘Umar became the Khalifa he distributed the land and gave the wives of Allah’s Apostle the option of taking the land or the yearly

*wasqs*. Their reactions to this offer differed. 'Aisha and Hafza, two wives of the Prophet, "opted for land and water" (3759).

## IMPROPER EARNINGS

Muhammad also "forbade the charging of price of the dog, and earnings of a prostitute and sweets offered to a *KAhin* [soothsayer]" (3803). He said that "the worst earning is the earning of a prostitute, the price of a dog and the earning of a cupper" (3805).

Muhammad had a great dislike for dogs. He said: "It is your duty to kill the jet-black [dog] having two spots [on the eyes], for it is a devil" (3813). 'Abdullah, 'Umar's son, tells us that the Prophet "ordered to kill dogs, and he sent men to the corners of Medina that they should be killed. . . . and we did not spare any dog that we did not kill" (3810, 3811). Later on, on representation, an exception was made in the case of dogs meant for hunting and for protecting the herds. With the exception of these dogs, anyone who kept a dog "lost two *qIrAt* [the name of a measure] of reward every day" (3823).

Muhammad also forbade the sale of wine, carcasses, swine, and idols. "May Allah the Exalted and Majestic destroy the Jews; when Allah forbade the use of fat of the carcass for them [see Leviticus 3:17], they melted it, and then sold it and made use of its price" (3840).

## BARTER DISAPPROVED

In some matters, the Prophet was modern. He disapproved of the barter system and in its place stood for money-exchange. The collector of the revenues from Khaibar once brought Muhammad some fine dates. Muhammad asked whether all the dates of Khaibar were of such fine quality. The collector said: "No. We got one *sA* [of fine dates] for two *sAs* [of inferior dates]." Muhammad disapprovingly replied: "Don't do that; rather sell the

inferior quality of dates for *dirhams* [money], and then buy the superior quality with the help of *dirhams*” (3870).

## RIBA

Muhammad also forbade *riba*, which includes both usury and interest. He “cursed the acceptor of interest and its payer, and one who records it, and the two witnesses”; and he said: “They are all equal” (3881).

Though he forbade interest, Muhammad himself sent AbU Bakr to the QainuqA tribe of Medina with a message bidding them to “lend to God at good interest,” using the very words of the QurAn, “to lend to God a goodly loan” (5:12). When they rebuffed him, their fate was sealed, and they were driven away from their homes.

## INHERITANCES, GIFTS, AND BEQUESTS

The next three books are the “Book of Inheritances” (*al-fara'id*), the “Book of Gifts” (*al-hibAt*), and the “Book of Bequests” (*al-wasIyya*). In some ways, they are interrelated. The laws deriving from them are complicated, and we need not go beyond mentioning them here.

## GIFTS

Anything given as a gift or charity should not be taken back. 'Umar had donated a horse in the Path of Allah (i.e., for *jihAd*). He found that the horse was languishing in the hands of the recipient, who was very poor, and considered buying it back. “Don't buy it back. . . . for he who gets back the charity is like a dog which swallows its vomit,” Muhammad told him (3950).

## WAQF

Muhammad favored *waqf*, i.e., the dedication of the corpus of a property to Allah. 'Umar told Muhammad: "I have acquired land in Khaibar [the land of the defeated Jews, which had now been conferred on the Companions]. I have never acquired property more valuable for me than this, so what do you command me to do with it? Thereupon, Allah's Apostle said: If you like, you may keep the corpus intact and give its produce as *sadaqa*. . . . 'Umar devoted it to the poor, to the nearest kin, and to the emancipation of slaves, and in the way of *Allah* and guests" (4006).

## TWO-THIRD FOR LEGAL HEIRS

The estate of a deceased person can be distributed after certain obligations, such as funeral expenses and debts incurred by the deceased, have been met. A person who professes a religion other than Islam cannot inherit anything from a Muslim, and vice versa (3928). Another principle of inheritance is that "the male is equal of the portion of two females" (3933).

Muhammad says that one can will only one-third of one's property; the remaining two-thirds must go to the legal heirs. Muhammad visited Sa'd b. Abi WaqqAs, on his deathbed. Sa'd had only one daughter. He wanted to know whether he could will two-thirds or half of his property in *sadaqa* (charity). The Prophet replied: "Give one third, and that is quite enough. To leave your heirs rich is better than to leave them poor, begging from people" (3991).

## DEBTS

Muhammad was scrupulous about the debts of the deceased. That was the first charge on the property of a deceased person after the funeral expenses. In cases where the property was not sufficient to meet the debt obligations, money was raised through contributions. But when Muhammad became rich through conquest, he himself met these

charges. “When Allah opened the gateways of victory for him, he said: ‘I am nearer to the believers than themselves, so if anyone dies leaving a debt, its payment is my responsibility, and if anyone leaves a property it goes to his heirs’ “ (3944).

#### MUHAMMAD’S LAST WILL

On a certain Thursday when his illness took a serious turn, Muhammad said: “I make a will about three things: Turn out the polytheists from the territory of Arabia; show hospitality to the foreign delegations as I used to do.” The third the narrator forgot (4014).

Muhammad also wanted to write a will in his last moments. “Come, I may write for you a document; you would not go astray after that,” he said, asking for writing materials. But ‘Umar, who was present, said that the people already had the QurAn. “The Book of Allah is sufficient for us,” he asserted, and thus it was unnecessary to tax Muhammad in his critical state. When those who were gathered around his bed then began to argue among themselves, Muhammad told them to “get up and go away” (4016).

‘Umar might have been moved by genuine concern for the dying man, but the supporters of ‘Ali later claimed that Muhammad in his last will had wanted to appoint ‘Ali as his successor, and that ‘Umar, in league with AbU Bakr, had prevented him from doing so by a dirty trick.

#### VOWS AND OATHS

The twelfth and thirteenth books, on vows (*al-nazar*) and oaths (*al-aiman*), respectively, can be treated together. Muhammad discourages taking vows, for a vow “neither hastens anything nor defers anything” (4020). Allah has no need of a man’s vows. A man once took a vow to walk on foot to the Ka’ba, but Muhammad said that “Allah is indifferent to his inflicting upon himself chastisement,” and

“commanded him to ride” (4029).

Muhammad also forbids believers to swear by LA or 'UZZA or by their fathers. “Do not swear by idols, nor by your father,” says Muhammad (4043). But he allows you to swear by God, something which Jesus forbade. “He who has to take an oath, he must take it by Allah or keep quiet,” Muhammad says (4038).

## ABROGATION OF AN OATH

Allah Himself allowed abrogation of oaths if need be. “God has already ordained for you the dissolution of your oaths” (QurAn 66:2).

A vow which is in disobedience to Allah or which is taken for un-Islamic ends is not to be fulfilled. Muslim jurists differ as to whether a vow taken during the days of ignorance (i.e., before one embraces Islam) is binding or not. Some hold that such a vow should be fulfilled if it is not against the teachings of Islam.

An oath can be broken, particularly if the oath-taker finds something better to do. “He who took an oath, but he found something else better than that, should do that which is better and break his oath,” says Muhammad (4057). Some people once asked Muhammad to provide them with mounts. Muhammad swore: “By Allah, I cannot provide you a mount.” But immediately after they were gone, he called them back and offered them camels to ride. Muhammad explained: “So far as I am concerned, by Allah, if He so wills, I would not swear, but if later on, I would see better than it, I would break the vow and expiate it and do that which is better” (4044).

## THE “GOD WILLING” CLAUSE

If one includes the proviso “God willing” (*Insha Allah*) when taking an oath, the vow must be fulfilled. SulaimAn (Solomon) had sixty

wives. One day he said, "I will certainly have intercourse with them during the night and everyone will give birth to a male child who will all be horsemen and fight in the *cause of Allah*. " But only one of them became pregnant, and she gave birth to a premature child. "But if he had said *InshA' Allah* he would have not failed," observes Muhammad. In other *ahAdIs* about the same story, the number of wives increases from sixty to seventy and then to ninety (4066-4070).