

Abu Hurayrah narrated, saying:

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God's Messenger (peace be upon him) prohibited the sale effected by the casting of a stone

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and the sale lacking clarity. ⁽¹⁾

From the Qur'an

- ﴿Believers, do not devour each other's wealth illegally, unless it be through trade which you conduct by mutual consent. Do not kill yourselves, for God is merciful to you.﴾ (4: 29)
- ﴿Give full measure, and be not of those who give others less [than their due], (181) and weigh with even scales, (182) and do not deprive others of what rightfully belongs to them, and do not act wickedly on earth spreading corruption.﴾ (26: 181-183)

The Narrator

'Abd al-Rahmān ibn Şakhr al-Dawsī al-Azdī of Yemen was better known by his appellation, Abu Hurayrah. This is what is best known about his name and his father's name. He embraced Islam in the year in which the Battle of Khaybar took place, i.e. Year 7 of the Hijri calendar. He remained close to the Prophet, eager to learn, and accompanied the Prophet wherever he went. He was one of the best memorizers of the Prophet's companions and the one who narrated the largest number of hadiths. Al-Bukhari mentioned that more than eight hundred companions of the Prophet or those who belonged to the *tābi'īn* generation narrated hadiths from him. 'Umar ibn al-Khaṭṭāb appointed him as Governor of Bahrain. Later he returned to Madinah and devoted his time to narrating the Prophet's hadiths and educating people about their faith. He died in Year 58 AH, 678 CE.

Summary

The Prophet (peace be upon him) prohibited certain sales that may involve cheating or ignorance of one of the two elements of sale, i.e. the goods or the price. One of these prohibited sales used to be that the buyer would cast a stone, and if it fell on an article, he must buy it. Other prohibited sales involved some ignorance which made the sale contract flawed. For example, buying something placed in a bag, and where its contents are unknown to the buyer.

1 Related by Muslim, 1513.



Message and Meaning

Buying and selling are essential to human life. In fact, life cannot prosper without such transactions. Therefore, Islam states certain rules to organize this activity. The starting point is that sales are permissible, but they become unlawful when they are wrongly done, such as sales that lack clarity or those that involve usury.



One such prohibited sale is that involving the use of a stone, which used to be practised in pre-Islamic days. It took different forms, one of which was such that the seller said to the buyer: 'I sell you a portion of this land, extending from here to where this stone will fall'. He then cast the stone. Another form was that whereby the seller gave the buyer the choice to go ahead or withdraw, up to the moment when the stone fell from the buyer's hand. Yet another type was to throw a small stone at a flock of sheep, and the buyer must buy the one the stone hit. A different form was that the seller would take a handful of pebbles and say to the buyer: for each pebble I charge you one dirham. There were other forms of such sales, but all of them relied on ignorance. As such, they constituted unlawful earnings, and were forbidden.



Islam also forbids sales that are unclear. This includes every type of sale that involves what is unknown, or cannot be delivered to the buyer, such as selling fish before it is caught, or selling an unborn animal, or selling milk which is still in the animal's udder. All such sales lack clarity and, as such, are forbidden. It is not possible to estimate the number or the weight of the fish to be caught, or whether any will be caught. Likewise, the unborn animal may be stillborn or deformed, and the volume of the milk in the udder is unknown, and it may be of low quality. Sales involving the casting of a stone come under lack of clarity, but the Prophet (peace be upon him) specified it because it was commonly used in pre-Islamic days.

However, Islam permits some sales that involve a minor aspect of unclarity, if there is need for it. If neither buyer nor seller has such need, the sale is not permissible. Nor is the sale permissible if it involves a major aspect of unclarity, even though the two parties agree to it. Examples of approved sales with minor unclarity are to sell a pregnant sheep, or a female sheep with the milk in its udder or to buy one drink of water, because people differ in the quantity of their drinks. Since the unclarity in such sales is minor and people are in need of them, Islam allows them.

Implementation



A Muslim who sells goods must learn which sales are permissible and which are not, so that he does not commit a sin or take people's money unlawfully.



Under the stone casting sale we may nowadays include some unlawful games, such as those involving casting a coin or a ring on a particular object. If the object is hit, the person wins it, if not he loses whatever he has paid for the coin or the ring.



If you are a trader, make sure that your transactions, whether purchase or sale, are consistent with Islamic rules. The merchandise and the price must be known, and if it is a term sale, the term must be specified.



Selling is permissible, but it becomes unlawful if any one of three elements is involved: 1) the merchandise is unlawful to sell, such as pork, wine, carrion, etc. 2) unclarity of either the merchandise, or the price, or the inability to give possession of it; or 3) it is a usurious transaction. Make sure that what you buy or sell has none of these three elements attached.



One form of sales lacking clarity that have become common nowadays is the purchase of something without seeing or examining it to make sure of its quality.



Another form of unclear sales is to buy what is unknown, such as buying an unspecified article of clothing. It happens when one sees a number of such articles and buys one without selecting it. He is required to take whatever is assigned to him in a random selection.



A very common type of unclear sales at the present time is the purchase of unknown gift boxes. The buyer gives a specified price for a gift box without knowing what it contains.



Children are tempted to buy what is called lucky dip which are said to give them gifts. They get a bag without knowing what it contains. It may not contain anything. This is again a forbidden sale as it lacks clarity.



One of the clearest and most common forms of sale that lacks clarity is that a farmer sells the yield of his farm for an agreed number of years to come.



Some people habitually deal unfairly with their customers. They do not hesitate to take money unlawfully, offering unsound justification. They overlook the fact that God is fully aware of what they do and that everyone will ultimately be given what they deserve.

