

The Etiquettes of Commerce: An Excerpt from *Tabsirat al-Muta'allimīn*

The following excerpt is from *Tabsirat al-Muta'allimīn* ("Enlightening the Seekers of Knowledge"), a book of basic Islamic rulings by Jamāl al-Dīn Abū Maṣṣūr Ḥasan ibn Yūsuf ibn Muṭahhar al-Ḥillī, more commonly known in the Shi'ah world as 'Allamah al-Ḥillī.

'Allamah al-Ḥillī was born in the town of Ḥilla, Iraq, and lived primarily during the 7th century A.H. He was the preeminent Shi'ah scholar of his time, particularly in jurisprudence and theology. It is related that 'Allamah al-Ḥillī authored over 100 books during his life, many of which are still extant.

'Allamah al-Ḥillī wrote *Tabsirat al-Muta'allimīn* primarily as a pedagogical tool for beginning students of fiqh. In it, he summarizes the most common legal opinions of Shi'i jurists of his time. The following excerpt, titled "The Etiquettes of Commerce," summarizes the views of those jurists on some basic recommended and reprehensible actions for people who engage in business and trade. The excerpt has been edited for clarity and content.

This particular excerpt out of 'Allamah al-Ḥillī's larger work was selected because of the seemingly quotidian nature of commerce and the general lack of discourse regarding the ethical norms of such transactions. The points in the passage translated below apply both to the businessperson and to each individual's day-to-day exchange of money for goods. It is my hope that this translation serves to generate some reflection regarding the normative goals of Islam, and to imbue some of our commonplace activities with meaning and reflection, particularly in the areas of commerce and general societal interaction.

Italics are brief explanations of the translated rules which are in bullet-point form. All non-italicized text is translated material.

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"The Etiquettes of Commerce" (*Ādāb al-Tijārah*)

Amongst the recommendations (*mustahabbāt*) of commerce are:

- for a seller to acquire deep understanding (*tafaqquh*) of the rules of commerce, in order to ascertain what is correct and incorrect regarding selling, and to protect himself from usury;
- for a seller to treat buyers equally;

This means that a seller should strive to give equal opportunity to all potential buyers, and not

discriminate or play favorites between them (for example, on the basis of family relation).

- for a seller to accept the return of a buyer who seeks to return an item;
- recitation of the *shahādatayn* at the time of the sale;
- recitation of the *takbīr* [at the time of sale];
- for a buyer to accept less of the goods than he is actually owed, and for a seller to provide more of the goods than he has sold.

For example, suppose that a seller agrees to sell a pound of pistachios to a given buyer at the rate of \$3.00/lb. After the buyer has paid and the seller has placed a pound of pistachios on his scale, it is recommended that the seller place a small additional amount of pistachios on the scale (without charging the buyer for this additional amount). This recommendation, in addition to being an act of courtesy, also compensates for any imprecision in the weighing process.

Amongst the reprehensible matters (*makrūhāt*) in commerce are:

- for a seller to praise the goods he is attempting to sell;

It is not problematic for a seller to describe the item he is selling by saying, for instance, that he has taken care of the item regularly, or that the materials used in the item are of superior quality. Rather, it is the seller's excessive or over-zealous marketing of his item that is discouraged.

- for a buyer to disparage the goods he is attempting to buy;

Likewise, a buyer is also discouraged from excessively mentioning the defects of an item so as to obtain a better price from the seller.

- for a seller to conceal the defects of his products;

This refers to things like using lighting or placement to conceal a defect, but without it reaching the level of deception or falsification. If it reaches the level of deception, such as passing off a faulty product as being in working order, it is forbidden altogether.

- for one to take an oath upon a sale;

For example, for a seller to say, "By God, I swear that this wristwatch is real."

- selling in a dark place;

This likely pertains to the possible confusion, inaccuracy, or other mistakes that may result

from selling in a dark place, particularly where the items being sold are measured by weight or volume.

- earning a profit off of believers (*mu'minīn*);

This is an encouragement to engage in commerce with other believers on the basis of kindness and good will, and not primarily or exclusively with a profit motive. However, if one lives in an Islamic country, or if the vast majority of one's clients are other believers by necessity, this recommendation does not apply.

- that a seller earns a profit off of one to whom he has promised goodness;

*For example, if the seller of a product promises to someone, "Don't worry, I'm going to do you a favor (*iḥsān*)," it is disliked for him to then earn a profit off of that person.*

- engaging in commerce between the beginning of *fajr* and sunrise;
- for one to enter the marketplace (*sūq*) before anyone else;
- to engage in commerce with lowly people or people with an apparent affliction;

Various explanations have been given of the term "lowly people." Some scholars have said it refers to those who do not care about their reputation. Others have said it refers to those who do not appreciate goodness, such that they do not recognize or return favors done to them. A third opinion is that it refers to those who hold people to account for even minor and insignificant expenses. Likewise, one explanation of the term "people with an apparent affliction," is that it refers to those whose affliction has left them socially maladjusted, such that this lack of adjustment may cause them to burden or distress others in the context of commercial transactions.

- to seek a reduction [in price] after a transaction is complete;
- to offer a higher price at the time of calling out [of the price];

In other words, if a person is calling out a particular price, it is recommended not to interrupt him or her to offer a higher price, but to wait until they are silent, and then approach them.

- for a seller to sell by weight or volume without knowledge [of how to do so];
- for a seller to intercept the transaction of his brother;

For instance, if a seller were to say, "I know you are planning to buy this item from him (i.e., another seller), but I'll give it to you for a better price."

- for a city-dweller to serve as an agent (*wakīl*) for a Bedouin;

Here, the idea is that the disparate economies and commerce-related customs of city-dwellers and Bedouins may result in an unfair transaction.

- for a seller to monopolize a commodity, which is [defined as] for him to capture and restrict [the sale of] wheat, barley, dates, raisins, fat, or salt, in order to increase the price, in situations where there is nothing other than his product available.

In this case, 'Allamah al-Ḥillī mentions that the seller can be compelled to sell the product he has monopolized by the ruler or state power. However, the seller retains the authority to set the price at which he will sell the product.