

MUZABENE

F24

ibn Abi Libbir, e(-Kafi) 652

MUZABENE

Nevevi, Serhi't-Muslim, c. 10 s. 192

MUZABENE

FICH

Mustafa Said, Eseru'l-ihlaf, 220

MUZABENE (BEYU MUZABENE)

El-Mufassal-VII, 390 v.d.

953  
Ali.m

بخ - ك ٣٤ ب ٧٤ و ٨٢ و ٩١  
 و ٩٣؛ ك ٤٢ ب ١٧  
 مس - ك ٢١ ح ٥٧ - ٥٩ و ٦٧  
 و ٧٠ و ٧٢ و ٧٦ و ٨١ و ٨٥  
 بد - ك ٢٢ ب ١٨ و ١٩ و ٣١  
 تر - ك ١٢ ب ١٤ و ٥٥ و ٦٣  
 و ٦٤ و ٧٢  
 نس - ك ٤٤ ب ٢٧ و ٣١ و ٣٢  
 و ٣٤ و ٣٥ و ٣٨ و ٧٣  
 مج - ك ١٢ ب ٥٤؛ ك ١٦ ب ٧  
 مي - ك ١٨ ب ٢٣  
 ما - ك ٣١ ح ٢٣ - ٢٥  
 ز - ح ٥٨٠  
 حم - أول ص ٢١٧٩ و ٢٢٤٤؛  
 ثان ص ٧ و ٨ و ١٦ و ٢١  
 و ٦٣ و ٦٤ و ١٠٨ و ١٢٣  
 و ١٤٤ و ١٥٠ و ٣٩١ و ٤١٩  
 و ٤٨٤؛ ثالث ص ٦ و ٨  
 و ٦٠ و ٦٧ و ٢١٣ و ٢٥٦  
 و ٢٦٠ و ٢٦٤ و ٢٨١  
 و ٣٩١ و ٣٩٢؛ رابع ص  
 ١٤٠؛ خامس ص ١٨٥  
 و ١٩٠ و ١٩٢ و ٣٦٤؛  
 سادس ص ٤٠٠  
 ط - ح ٢١٤ و ١٧٨٢ و ٢١٧٠  
 و ٢٢١٨ و ٢٢١٩  
 • من باع نخلاً قد أبرت فثمرها  
 للبايع -  
 بخ - ك ٣٤ ب ٩ و ٩٢؛  
 ك ٤٢ ب ١٧؛ ك ٥٤ ب ٢

مس - ك ٢١ ح ٧٧ - ٨٠  
 بد - ٢٢ ب ٤٢  
 تر - ك ١٢ ب ٢٥  
 نس - ك ٤٤ ب ٧٤  
 مج - ١٢ ب ٣١  
 ما - ك ٣١ ح ٩  
 ز - ح ٥٨٤  
 حم - ثان ص ٦ و ٩ و ٣٠ و ٥٤  
 و ٦٣ و ٧٨ و ٨٢ و ١٠٢  
 و ١٥٠؛ خامس ص ٣٢٦  
 ط - ح ١٨٠٥  
 • للبايع أيضاً الممر والسقي -  
 بخ - ك ٤٢ ب ١٧  
 • النهي عن المرفق -  
 حم - ثان ص ٤٣٧؛ ثالث ص ٢٨  
 • ما كان يدأ بيد فخذوه وما كان  
 قد بيته فذروه -  
 بخ - ك ٤٧ ب ١٠  
 • النهي عن بيع الفرار -  
 بخ - ك ٣٤ ب ٦١ و ٧٥ و ٨٢  
 و ٨٣ و ٩١؛ ك ٣٥ ب ٨  
 مس - ك ٢١ ح ٤ - ٦  
 بد - ك ٢٢ ب ٢٤ و ٢٥ و ٦٨  
 تر - ك ١٢ ب ١٦ و ١٧ و ١٩  
 نس - ك ٤٤ ب ٢٦ و ٢٨ و ٥٩  
 و ٦٦ و ٦٧ -  
 مج - ك ١٢ ب ٢٠ و ٢٣ و ٢٤  
 مي - ك ١٨ ب ٢٠ و ٢٩  
 ما - ك ٣١ ح ٦٢ و ٦٣ و ٧٥ و ٨٥  
 ح - ٥٨٨ و ٥٥٦

حم - أول ص ١١٦ و ٣٠٢ و ٣٨٨؛  
 ثان ص ١٥٥ و ١٧٤ و ١٧٨  
 و ٢٠٥ و ٢٥٠ و ٣٧٦ و ٤٣٦  
 و ٤٣٩ و ٤٩٦؛ ثالث ص  
 ٤٢ و ٤٠٢ و ٤٣٤  
 ط - ح ٢٢٥٧  
 • لا تباع ما ليس عندك -  
 حم - ثان ص ١٨٩ و ١٩٠  
 ط - ح ١٣٥٩

04 EKIM 1994

WENSINCK AREN JEAN, MIFTAHU KUNUZU'S-SUNNE.

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KISALTMALAR:

بخ = صحيح البخاري، مس = صحيح مسلم، بد = سنن أبي داود، تر = سنن الترمذي، نس = سنن النسائي، مج = سنن ابن ماجه، مي = سنن  
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 هشام، قد = مغازي الواقدي

المُزَابَنَةُ \* MÜZÂBENE

انظر: البيوع

18 EKİM 1994

WENSINCK AREN JEAN, MİFTAHU KÜNUZÜ's-SÜNNE.

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هشام، قد= مغازي الواقدي

Muzabene pozetive  
M. EL ANSARI  
[Signature]

Muzabene

### مُزَابَنَةٌ:

١ - تعريفها: المزابنة هي بيع شيء من المطعومات بجنسه إذا دخل على أحد البديلين النقص أو الزيادة.

### ٢ - أحكامها:

أ - الربا نوعان: ربا فضل، وriba نسيئة؛ وriba الفضل هو بيع شيء من الربويات بجنسه متفاضلاً، وهو محرم بقوله ﷺ (الذهب بالذهب، والفضة بالفضة، والبر بالبر، والشعير بالشعير، والتمر بالتمر، والملح بالملح، مثلاً بمثل، سواء بسواء، يداً بيد، فإذا اختلفت هذه الأصناف فبيعوا كيف شئتم إذا كان يداً بيد)<sup>(١)</sup>.

ب - وبناء على ذلك فإنه لا يجوز بيع الرطب بالتمر كيلاً - وهو المزابنة - لعدم إمكان التساوي بينهما، فإن الرطب إذا جف وصار تمرأ نقص، ولذلك لا يجوز بيعه بمثل كيله رطباً، ويستثنى من ذلك إذا أراد الشخص أن يشتري حَمْلَ نخلة رُطباً بالتمر، خرساً - أي: مقدراً مساواة الرطب للتمر باجتهاده - بشرط أن يكون يريد الرطب لأكل عياله، لا للتجارة، وسبب هذا الاستثناء هو دفع الحرج عن الناس، فعن سهل بن حنمَةَ رضي الله عنه (أن رسول الله ﷺ نهى عن بيع الثمر بالتمر، ورخص في العريّة أن تباع بخرصها، يأكلها أهلها رطباً)<sup>(١)</sup>.

(١) مسلم في المساقاة باب الصرف وبيع الذهب بالورق.

# ECONOMIC DOCTRINES OF ISLAM

Vol. IV

Muzaleene 116-117

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320	251

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some persons concerned. The principle on which the objection is based is: that even if there is no fraud, you gain what you have not earned, or lose on a mere chance. Dice and wagering are rightly held to fall within the definition of gambling." (1)

The Arabic word '*azlam*' used in the *Qur'an* also refers to the practice of gambling. '*Maisir*' on the other hand, applies to all these forms by which wealth is acquired or divided by devices of chance, for example, lottery, betting, wagering or gambling., etc.

Thus gambling in general (*maisir*) and raffling in a particular way (*azlam*) and all other forms of betting, raffling or lottery which, on principle, come under gambling are prohibited in Islam. The Holy Messenger prohibited all forms of business in which the monetary gain comes from mere chance, speculation and conjecture (i.e., gambling) and not from work.

#### *Habal-al-Habla*

"it is narrated by Abdullah bin Omar that the Holy Messenger forbade the sale called '*Habal-al-Habala*' which was a kind of sale practised in the pre-Islamic days of ignorance period. In this sale one would pay the price of a she-camel which was not born yet but would be borne by the immediate offspring of an expectant she-camel." (2)

#### (b) *Muzabanah and Muhaqalah*

These two forms of business transaction were very common in the pre-Islamic period. *Muzabanah* was the exchange of fresh fruit for dry ones in a way that

1. *Holy Quran*, A.Yusuf Ali, p.86.
2. *Bukhari* English translation by Dr. Mohammad Muksin Khan.vol.111.p. and *Muslim* translated by Mr. Abdul Hamid Siddiqui vol.111,p.798.no.3615-3616.
3. *Bukhari*, Vol.III, op. cit.

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the quantity of dry fruit was actually measured and fixed, but the quantity of fresh fruit given in exchange was guessed while still on the trees. Likewise *muhaqalah* was the sale of wheat in exchange for wheat in ear which was estimated by conjecture while still in ears. (3)

It is reported by many companions of the Holy Prophet, including Jabir, Abu Hurairah, Abu Saeed Khudri, Saeed bin Al-Musayyib and Rafey bin Khadij that God's Messenger forbade the transactions of *muzabanah* and *muhaqalah*. (4-7)

#### (c) *Saje of Fruits before Ripening (Mukhabrah)*

Zaid bin Thabit said that in the life time of Allah's Messenger people used to trade with fruit and many complaints arose. Allah's Messenger told them not to sell the fruit before their benefit was evident (i.e. they were free from all dangers of being spoiled or blighted)". (8)

It is reported by Abdullah bin Umar, Jabir and Zaid bin Thabit that God's Messenger forbade the sale of fruits till they were clearly in good condition. He forbade both the seller and the buyer to enter into such a transaction." (8)

It is narrated by Anas bin Malik that God's Messenger forbade the sale of fruit till they were almost ripe. He was asked what was meant by 'are almost ripe', He replied, "Till they become red." Allah's Messenger furthermore said, "If Allah spoiled the fruits, what right would one have to take the money of one's brother (i.e. other people)." (9)

In fact *mukhabarah* refers to the sale of grain or vegetables before it is ripe. It was forbidden by the Holy Prophet in order to protect the interests of the

4. *Mishkat al Misabih*, English translation by James Robinson, Vol.II p.607 and *Muslim* Vol. III op. cit., p.809 No. 3707 and *Abu Daud* Urdu Translation by Wahiduz Zaman Vol.III p.33-34
5. *Ibn Majah* urdu translation by Wahiduz Zaman Khan, Vol.II p. 180
6. *Tirmizi* urdu translation by H. Hamidur Rahman Siddiqui, Vol. I p.566
7. *Bukhari*, Vol. III op. cit., p.215
8. *Bukhari*, Vol. III op. cit., p.218-20
9. *Bukhari*, op.cit., p.221-224

الحلال و الحرام

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# DOS AND DO NOTS IN ISLAM

Muzabene - 157-158

By

Abdul Rehman Shad

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*Munabadha and Mulamasa*: *Munabadha* (منابذة) means that a man throws his cloth to another and the other throws his cloth to the first and thus the contract is confirmed without inspection, or mutual agreement. *Mulamasa* (ملامسة) means that a man touches another's garment or cloth or anything else without turning it over.

Both these forms of business have been declared unlawful because the purchasers are not offered an opportunity to examine the things to be purchased. As these bargains are likely to prove unduly disadvantageous to one side, the Holy Prophet (peace and blessings of Allāh be upon him) has expressly prohibited them. It is reported on the authority of Abū Huraira (Allāh be pleased with him) that the Messenger of Allāh (peace and blessings of Allāh be upon him) forbade (two types of transactions) *mulamasa* and *munabadha*. (Muslim)

No doubt Islam recognises barter system of trade but it has prohibited all forms of transactions which admit of fraud in the least degree. It has been impressed on the traders that defective and worthless goods should not be given in exchange for good ones and if there is a defect in the commodities for sale, it must be made manifest to the buyer.

*Muzabana*: It is the exchange of fresh fruit for dry ones in a way that the quantity of the dry fruit is actually known or fixed but the quantity of the fresh fruit to be given in exchange is guessed while it is still on the trees. As the quantity of the fruit on

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control e.g., birds in the air or fish in the water or fetus in womb. It is reported on the authority of the Messenger of Allāh (Allāh be pleased with him) that the Messenger of Allāh (peace and blessings of Allāh be upon him) forbade the transaction called *habal al-istisna* whereby a man bought a she-camel which was the off-spring of a she-camel and which was in its mother's womb. (Bukhāri)

*al-Uryan*: It is unlawful to get a thing for a nominal advance on the condition that if the bargain is struck, the advance will be adjusted. If the bargain is cancelled, the seller will not return the advance.

*al-Hasat*: While making bargain the purchaser tells the seller that when he will throw a pebble on the ground, the sale contract will be confirmed. The seller should tell the purchaser that a thing on which the pebble will be thrown, will be sold to him. This hit-or-miss type of sale contract leads to injustice and is expressly forbidden. It is reported on the authority of Abū Huraira (Allāh be pleased with him) that the Messenger of Allāh (peace and blessings of Allāh be upon him) forbade a transaction determined by the throw of stones and the type which involves some uncertainty. (Muslim)

*al-Bai'*: Sometimes an uninterested third party uses the price of a commodity in the hands of an intending buyer so as to dupe him. This practice is expressly forbidden because it aims at gaining the bargain. Sometimes one seller points

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Vol. II

Muzābanah 47

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(g) Sale Muzabanah (بيع مزابنه) : In this type of sale, the fruit, while on the tree, was estimated and sold in exchange for dry dates or grapes ; or simply sale of fresh fruit for dry fruit. This type of sale was also forbidden by the Holy Prophet for it was based on conjecture and could ruin one of the parties if the estimate proved to be wrong.

*Jabir* reported that "the Holy Prophet had forbidden sale of fruits before ripening."<sup>1</sup>

*Anas* is reported to have said that "the Holy Prophet had forbidden sale of fruit before ripening. Some one asked how to know it was ripe? The Holy Prophet replied that when it became red, and added that if that fruit was destroyed by God, then in exchange for what someone among you would take the wealth of his brother."<sup>1</sup>

*Abdullah Ibn Umar* said that "the Holy Prophet prohibited sale of fruit before ripening."

In all these transactions of *Muzabanah*, speculation or conjecture was the basis of sale and one party gained at the expense of the other. There was always a probability of wrong to one party, therefore it was forbidden by the Holy Prophet. Besides, such bargains were not free from disputes and quarrels which could lead to many economic as well as social evils.