

# **CHAPTER EIGHT**

## **ETHICS AND PROFESSION**

Ethics plays a profound role in shaping the values promoted by any profession. Every profession promotes some values based on its nature and scope. In some professions, certain values are given preponderance over others due to their relevance to the profession concerned. Nevertheless, there is some consensus among moralists that there are values that are common to all professions, except that these common values have their own interpretation in respect of the chosen profession. This chapter discusses two types of ethics: legal and business.

### **A. LEGAL ETHICS**

Legal ethics are the principles of conduct that members of the legal profession are expected to observe in the practice of law. These includes judges, lawyers and all those associated with the legal profession, who must act ethically with a sense of accountability or responsibility, which will show their true moral character inside and outside their workplace. However, there is a difference between Islamic legal ethics and secular legal ethics. Islamic legal ethics are related to the principles of conduct that administrators of justice should reflect in their personal and communal activities. The most important thing that makes a Muslim administrator of justice differ from a secularist administrator of justice is God-consciousness. A Muslim administrator of justice has double-sided communication - first with his Creator and second with his

clients, whereas, a secularist administrator of justice has only one-sided communication, that is his communication with his clients only. In order to have a better understanding of these legal ethics, it will be necessary to discuss the following issues:

## 1. Judges

As a noun, *judge* refers to a person authorized to make decisions. A judge is a court officer authorized to decide legal cases. A judge presiding over a case may initiate investigations on related matters, but generally judges do not have the power to conduct investigations for other branches or agencies of government.<sup>1</sup> In other words, it is understood that judges are public officers chosen or elected to preside over (govern or control) and to administer the law in a court of justice. They control the proceedings in a courtroom and decide questions of law or discretion. Also, judges make a decision after examining all the factual evidence presented, or form an opinion after evaluating the facts and applying the law.

### ***Who can be qualified as a judge?***

Islam gives a great importance to justice, which must be implemented according to the commandments of Allah (s.w.t.) and the *Sunnah* of Prophet Muhammad (p.b.u.h.). Those appointed as judges must obey justice as delineated in the *Qur'ān* and *Sunnah*, and avoid implementing justice according to their whims and fancies.

Every sincere Muslim can be a judge. However, to qualify as a judge or as a person who performs the function of a judge, one must not be only a person of deep insight and profound knowledge of the *Shari'ah*, but also Allah-fearing or Allah-consciousness; forthright, honest, sincere and full of integrity.<sup>2</sup> Therefore, a person is not qualified to be a judge in Islam unless he meets the following two requisites:

- a) Being a conscientious person who is self-determined to serve justice and protect the rights of the people.

<sup>1</sup> Free Legal Encyclopedia -James Strom Thurmond to Matter of Fact, <<http://law.jrank.org/pages/7863/Judge.html>> (accessed on September 30, 2009).  
<sup>2</sup> Abdur Rahman I. Doi, *Shari'ah: The Islamic Law*, p. 11.

- b) Being a knowledgeable person who possesses the required legal knowledge and skills for being a judge.

It is very clear that the office of a judge is a heavy and responsible one.<sup>3</sup> Therefore, it is reported that the Prophet (p.b.u.h.) said:

القُضاةُ ثَلَاثَةٌ: قَاضِيَانِ فِي النَّارِ وَقَاضِيَنِ فِي الْجَنَّةِ. رَجُلٌ قَضَى بِغَيْرِ الْحَقِّ فَعِلَمَ ذَاكَ فَذَاكَ فِي النَّارِ، وَقَاضٌ لَا يَعْلَمُ فَأَهْلَكَ حُقُوقَ النَّاسِ فَهُوَ فِي النَّارِ، وَقَاضٌ قَضَى بِالْحَقِّ فَذَلِكَ فِي الْجَنَّةِ۔  
 (الترمذی: كتاب الأحكام).

"Judges are of three categories: two of them will end up in Hellfire and one in Paradise. One who knowingly judges among people with injustice that is in the Hellfire. The second is the judge who is ignorant and judges among people without knowledge; thus, he violates their rights. He will also be in the Hellfire. The third one is one who judges with justice. He will be in Paradise."  
*(Hadīth, al-Tirmidhī)*

The above *hadīth* shows how delicate and responsible the profession of a judge is in Islam. Therefore, a judge's knowledge of the *Qur'ān* and *Shari'ah* must be very deep, and he must judge with justice, failing which he may ruin a person's life in the temporal world and his well-being in the life hereafter. The life in the temporal world is temporary, while the life in the next world is an everlasting one.<sup>4</sup> Thus, it must be very clear that a Muslim who wants to be a judge must have a deep understanding of Islam as well as its application in various aspects of life.

<sup>3</sup> See Ahmed Mohd. Ibrahim and Mahmud Saedon Awang Othman, 'Judges and Lawyers under the *Shari'ah*', in *Islam and Justice*, edited by Aidit Bin Hj. Ghazali, (Kuala Lumpur: Institute of Islamic Understanding Malaysia, 1993), p. 130.

<sup>4</sup> Ibid.

### **The Ethics of a Judge**

A judge, who is qualified to administer the law in the court of justice, must be a good example for himself and others. Being a just judge means that one does not harm and abuse oneself. In other words, a judge should first judge himself justly. He must develop a personality with a moral character to reflect his inner moral values. To judge between two or more people, he should pay attention to the implementation of ethical norms and values, and act with a high morality. According to Islam, a judge must be, first, a good Muslim with the best moral character compared to others. He should promote good and prevent evil through the implementation of justice,<sup>5</sup> and judge others according to the commandments of Allah (s.w.t.), Who is the best Judge of all. Every Muslim is reminded that Allah (s.w.t.) is the best Judge, and on the Day of Judgment Allah (s.w.t.) will judge everyone with justice and truth. Thus, every Muslim judge should bear this in mind, and accordingly develop the ethical attitude to judge people with justice and truth.

i. **To judge with justice:** Islam reminds Muslims in general, and Muslim judges in particular, that they have to judge people with justice only. Allah (s.w.t.) says:

﴿إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤْدُوا الْأَمَانَاتِ إِلَى أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعْظِمُ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا﴾ (النساء: 58).

“Surely Allah commands you to render back trusts to their owners and that when you judge between people you judge with justice; surely Allah admonishes you with what is excellent; surely Allah is all Seeing, all Hearing.” (4:58)<sup>6</sup>

What is required from a judge is to try his best to make decisions that comply with Islamic Law and justice based on the evidence before him. When a judge does his best to

<sup>5</sup> See Abdul Qadir ‘Audah Shaheed, Islamic System of Justice, translated by S.M. Hasnain, Kitab Bhawan, New Delhi, India, 1987.

<sup>6</sup> A. Yusuf Ali, *The Holy Qur'an: Text, Translation and Commentary* (Maryland: Amana Corporation, 1989), Sūrah al-Nisā': 58.

reach a sound and just decision, he will not be sinful or held responsible for erring in his decision. It is reported that the Prophet (p.b.u.h.) said:

عَنْ أَمْرِ بْنِ الْعَاصِ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "إِذَا حَكَمَ الْحَاكِمُ فَاجْتَهَدَ ثُمَّ أَصَابَ فَلَهُ أَجْرٌ وَإِذَا حَكَمَ فَاجْتَهَدَ ثُمَّ أَخْطَأَ فَلَهُ أَجْرٌ" (مسلم: كتاب الأقضية)

'Amr bin al-'Āṣ reported the Prophet (p.b.u.h.) as saying: "When a judge gives a decision, having tried his best to decide correctly and is right, there are two rewards for him; and if he gave a judgment after having tried his best (to arrive at a correct decision) but erred, there is one reward for him."<sup>7</sup>

In another *hadīth* the Prophet (p.b.u.h.) said:

عَنْ أُمِّ سَلَمَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "إِنَّكُمْ تَخْتَصِمُونَ إِلَيَّ وَلَعَلَّ بَعْضَكُمْ أَنْ يَكُونَ الْحَنْدَقَةَ مِنْ بَعْضِ فَاقْضِيَ لَهُ عَلَى نَحْنُ مَا أَسْمَعْتُ مِنْهُ أَفَمَنْ قَطَعْتُ لَهُ مِنْ حَقٍّ أَخِيهِ شَيْئًا فَلَا يَأْخُذُهُ فَإِنَّمَا أَقْطَعُ لَهُ بِهِ قِطْعَةً مِنَ النَّارِ" (مسلم: كتاب الأقضية).

Umm Salamah reported the Prophet (p.b.u.h.) as saying: "You bring to me, for judgment your disputes and some of you may be more eloquent in their plea than others, so I give judgment on their behalf according to what I hear from them. Bear in mind that if I slice off anything for him (in my judgment) from the right of his brother, he should not accept that, for I sliced off for him a portion from the Hell."<sup>8</sup>

This *hadīth* shows that if a person judges between two people based on what he heard from them, he will not be responsible if what they have told him (the judge) is invalid. But the responsibility will be with those who knowingly present fake information to the judge in order to harm their own brother. Thus, everyone has to bear in mind that if a person escapes the punishment in this

<sup>7</sup> Imām Muslim, *Sahīh Muslim*, Kitāb al-Aqdiyyah, Book 18, Hadīth No.: 4261.

<sup>8</sup> Ibid., Hadīth No.: 4247.

temporal life, but he will not be able to escape the punishment in the Day of Judgment. However, a judge should be aware of situations, when people bring to him their disputes and they are more eloquent in their claims than he is, and therefore, he has to show his role as the representative of justice by convincing people to tell the truth.

- ii. **To administer justice without fear and favour:** To be able to deliver justice without fear, a judge should be:
  - Totally independent in his judgments. The fact that judges are paid by the government does not mean that ~~they are~~ like other functionaries who implement the policies of the ruling government. In fact, they are paid from public funds that belong to the whole society. Hence, they are employed by the society for the purpose of implementing justice. If a judge is pressured into doing injustice, he has to resist or otherwise resign. Having to succumb to the act of injustice ordered by higher authorities is not a justification to free a judge from the sin of inflicting injustice upon his subjects. As Allah (s.w.t.) said in the *Qur'ān*:

﴿وَلَا تَرْكُنُوا إِلَى الَّذِينَ ظَلَمُوا فَتَمَسَّكُمُ النَّارُ وَمَا لَكُمْ مِنْ دُونِ اللَّهِ﴾

﴿مِنْ أَوْلِيَاءِ ثُمَّ لَا تُنْصَرُونَ﴾ (هود: 113)

“And do not incline to those who are unjust, or the Fire will seize you, and you have no guardians besides Allah, then you shall not be helped.” (11:113)

Willing to reverse his verdict in light of new evidence that is likely to acquit the accused, or commute the punishment.

Neutral in administering cases of trial. Personal enmity or disagreement with a litigant does not justify making an unjust indictment or decision against him. Personal disputes and disagreements should be settled outside his duties.

﴿وَلَا يَجْرِمَنَّكُمْ شَنَآنُ قَوْمٍ عَلَى أَلَا تَعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ﴾ (المائدة: 8)

“...and let not hatred of any people incite you not to act justly; deal justly, that is nearer to piety, and observe your duty to Allah; surely Allah is aware of what you do.” (5:8)  
 Against of all kinds of bribe camouflaged as gifts. The *Qur’ān* and *Sunnah* say:

وَمَا إِلَّا لِتَأْكُلُوا  
فَرِيقًا مِنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ ﴿١٨٨﴾ (البقرة: 188).

“And do not eat up your property among yourselves by false means, neither seek to gain access thereby to the judges, so that you may eat up a part of the property of others wrongfully.” (2:188)

عَنْ أَبِي هُرَيْرَةَ قَالَ: لَعْنَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الرَّأْسِيُّ وَالْمُرْتَشِيُّ فِي الْحُكْمِ (التَّرمذِيُّ: كِتَابُ الْأَحْكَامِ).

Abū Hurayrah reported that the Prophet (p.b.u.h) cursed the briber and the bribed in making judgments. (*Hadīth al-Tirmidhī*)

Giving fair and equal hearing to all litigants. As the Messenger of Allah (p.b.u.h.) said:

إِذَا جَلَسَ إِلَيْكَ الْخَصْمَانِ فَلَا تَكُلُّ حَتَّى تَسْمَعَ مِنَ الْآخَرِ كَمَا سَمِعْتَ مِنَ الْأَوَّلِ. (مسند أحمد)

“When you sit to judge between two litigants, don’t make a decision until you have heard equally from both sides.” (*Hadīth, Ahmad*)

Against of presiding over cases that involve his close relatives or cases in which he has some personal interest.

iii. **To judge with a stable mind:** A judge must not conclude a judgment when his mind is confused by anything that will prevent sound thinking, like sorrow, grief, hunger, anger, and excessive sleepiness and tiredness. The Prophet (p.b.u.h.) said:

لَا يَحْكُمُ أَحَدٌ بَيْنَ اثْنَيْنِ وَهُوَ غَضِبَانٌ (مسلم: كتاب الأقضية).

“No one should judge between two persons when he is angry.”<sup>9</sup>

<sup>9</sup> Imām Muslim, *Sahīh Muslim*, Kitāb Al-Aqdiyyah, Book 18, Hadīth No.: 4264.

- iv. **A judge must observe patience and be lenient:** He must not misuse his power to hold the defence in contempt of court when they happen to disagree with him in an open court.

## 2. Public Prosecutors

Public prosecutors are government officials who conduct criminal prosecutions on behalf of the state. A prosecutor takes charge of the investigation once a crime has been committed, presents evidence at a hearing before a grand jury, and questions witnesses during the trial. There are certain rules and norms to be followed by the public prosecutors when doing their job.

- They should not suppress any piece of material evidence that affects the fate of the accused. There should be enough cooperation between public prosecutors and the defence in this respect. Prosecutors have to disclose to the defence any information known to them that might exonerate the accused or mitigate the punishment.
- Public prosecutors are prosecuting on behalf of society to protect the rights of its members. The accused is also a member of that society who needs his rights to be protected. There should be a balance between the two sides so that the accused will be convicted only on grounds that are beyond reasonable doubt.
- Public prosecutors should not take part in fabricating accusations or evidence against anyone.
- They should avoid selective prosecution, which might be politically or personally motivated.
- Public prosecutors should not prosecute in cases that involve their close relatives or in cases in which they have some personal interest.
- Public prosecutors should not accept bribes or gifts.

### 3. Lawyers

Lawyers are those people whose profession is to give legal advice and assistance to clients and represent them in court or in other legal matters. They are persons, who through a regular program of study, are learned in legal matters and have been licensed to practice their profession. The reasons that require people to engage lawyers are as follows:

- The lack of awareness and understanding about legal matters, rules and regulations.
- The inability of most people in defending their rights; providing proper arguments; raising questions about the law, proving one's innocence; elucidating the circumstances in a criminal act, and others.

Appointing a lawyer is allowed in Islam:

وَقَالَ رَبُّهُ يٰ مُوسَى إِنِّي أَخَافُ أَنْ يَقْتُلُونِي \* وَأَخِي هَارُونُ  
هُوَ أَفْصَحُ مِنِّي لِسَانًا فَأَرْسَلْنَاهُ مَعِي رَدْعًا يُصَدِّقُنِي إِنِّي أَخَافُ أَنْ  
يَكْذِبُونِي \* قَالَ سَنُشَدُّ عَضْدَكَ بِأَخِيكَ...» (القصص: 33-35)

"He [Mūsā (a.s)] said: O my Lord! I have ~~seen~~ ~~known~~ a man among them, and I fear lest they ~~slay~~ me. And my brother Aaron - He is more eloquent in speech than I: so send him with me as a helper, to confirm (and strengthen) me: for I fear that they may accuse me of falsehood. He [Allah (s.w.t.)] said: 'We will certainly strengthen thy arm through thy brother,...'" (28:33-35)

روى عبد الله بن جعفر: "أن علي بن أبي طالب كان يكره الخصومة فكان إذا كانت له خصومة وكل فيها عقيل بن أبي طالب فلما كبر عقيل وكلني". (البيهقي).

'Abdullāh ibn Ja'far narrated that 'Alī ibn Abī Ṭālib disliked disputes; and therefore, whenever he had a dispute he used to appoint 'Aqīl ibn Abī Ṭālib as lawyer until he became old, then he appointed me as his lawyer". (*Hadīth, al-Bayhaqī*)

Some people, due to their various responsibilities, cannot afford to attend every meeting in court for regular procedures,

therefore, it is convenient for them to appoint lawyers and not to interrupt their work.<sup>10</sup>

### Duties of Lawyers

A legal practitioner has two duties:

- He is employed by clients – individual or group - to serve and represent their interests.
- He is participating in the implementation of law through advice, trial of cases, preparation of legal documents, and negotiation with others for his clients.

The lawyer's chief interest lies in serving his client and in securing justice. He represents his client's interests, ~~but may not engage in tactics that violate the fair administration of justice.~~

### Duties towards clients:

- Fulfilling contracts and keeping promises

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا أَوْفُوا بِالْعُهُودِ﴾ (المائدة: 1)   
“O you who believe! Fulfil your obligations.” (5:1),

﴿وَالَّذِينَ هُمْ لِأَمَانَاتِهِمْ وَعَاهَدُوهُمْ رَاعُونَ﴾ (المؤمنون: 8)

“(True believers are those) who faithfully observe their trusts and their covenants.” (23:8)

- Honesty and sincerity in representing and advising his clients. A lawyer has to defend his clients to the best of his knowledge and abilities.
- Communication between the lawyer and his client should be kept confidential and not be disclosed, as it is a kind of *amānah* (trust), unless the client wishes it to be disclosed. This rule does not apply to those communications that involve planning to commit a crime. Otherwise, the lawyer would be considered an accomplice in the crime. Allah (s.w.t.) says:

<sup>10</sup> Karzīn, Ahmad Ḥasan, *Muḥāmāt Risālah wa Amānah*, (Beirut: Dār Ibn Hazm, 1<sup>st</sup> ed., 1993), pp. 15-16.

﴿وَتَعَاوَنُوا عَلَى الْبِرِّ وَالْتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَىِ الْإِثْمِ وَالْعُدُوانِ﴾

(المائدة: 2)

“And help one another in goodness and piety, and do not help one another in sin and aggression.” (5:2)

- A lawyer has no right to drop or waive any right of his client unless he is ordered by his client to do so.
- A lawyer has no right to make any admission of guilt on behalf of his client unless he is ordered by his client to do so.
- A Muslim lawyer has to be lenient with his clients, and keep a balance between his business interests and the consideration of the situation of the poor, which is a duty of a Muslim towards his fellow Muslims. Thus, he has to be reasonable in charging them affordable legal fees.

### Duties towards Justice

- A Muslim lawyer should not engage himself in any tactic that violates the fair administration of justice.
- It is unlawful for a lawyer to conceal the truth.
- It is unlawful for a lawyer to argue for the innocence of a client when he knows that the client is guilty.

﴿إِنَّا أَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ بَيْنَ النَّاسِ بِمَا أَرَكَ اللَّهُ وَلَا تَكُنْ لِلْخَائِنِينَ خَصِيمًا \* وَاسْتَغْفِرِ اللَّهَ إِنَّ اللَّهَ كَانَ غَفُورًا رَّحِيمًا \* وَلَا تُجَادِلْ عَنِ الَّذِينَ يَخْتَانُونَ أَنفُسَهُمْ إِنَّ اللَّهَ لَا يُحِبُّ مَنْ كَانَ خَوَاتِنًا أَثِيمًا \* يَسْتَخْفُونَ مِنَ النَّاسِ وَلَا يُسْتَخْفُونَ مِنَ اللَّهِ وَهُوَ مَعَهُمْ إِذْ يُبَيِّنُونَ مَا لَا يَرْضَى مِنِ الْقَوْلِ وَكَانَ اللَّهُ بِمَا يَعْمَلُونَ مُحِيطًا \* هَا أَنْتُمْ هُؤُلَاءِ جَادَلْتُمْ عَنْهُمْ فِي الْحَيَاةِ الدُّنْيَا فَمَنْ يُجَادِلُ اللَّهَ عَنْهُمْ يَوْمَ الْقِيَامَةِ أَمْ مَنْ يَكُونُ عَلَيْهِمْ وَكِيلًا﴾

(النساء: 105-109)

“We have sent down to thee the Book in truth, that thou mightest judge between men, as guided by Allah: so be not (used) as an advocate by those who betray their trust; But seek the forgiveness of Allah; for Allah is Oft-forgiving, Most Merciful. Contend not on behalf of such

as betray their own souls; for Allah loveth not one given to perfidy and crime: They may hide (Their crimes) from men, but they cannot hide (Them) from Allah, seeing that He is in their midst when they plot by night, in words that He cannot approve: And Allah Doth compass round all that they do. Ah! These are the sort of men on whose behalf ye may contend in this world; but who will contend with Allah on their behalf on the Day of Judgment, or who will carry their affairs through?" (4:105-109)

## B. BUSINESS ETHICS

Islam encourages mankind to enjoy the bounties offered by Allah (s.w.t.), provided that these bounties are not used in forbidden activities and in an excessive manner. Since wealth is a favour from Allah, it is to be treated properly; it should not be abused, misused, destroyed, wasted, or laid idle. Allah (s.w.t.) says in the *Qur'ān*:

﴿...كُلُوا وَاشْرِبُوا مِنْ رِزْقٍ، اللَّهُ وَلَا تَعْمَلُوا فِي الْأَرْضِ مُفْسِدِينَ﴾  
 (البقرة: 60).

"...Eat and drink of the sustenance provided by Allah, and do no evil or mischief on the (face of the) earth." (2:60)

﴿يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُواتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُّبِينٌ﴾ (البقرة: 168)

"O you people: eat of what is on the earth, lawful and good, and do not follow the footsteps of the Evil one. Verily, he is to you an open enemy." (2:168)

﴿يَا بَنِي آدَمَ خُذُوا زِينَتَكُمْ عِنْدَ كُلِّ مَسْجِدٍ وَكُلُوا وَاشْرِبُوا وَلَا تُسْرِفُوا إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ﴾ (الأعراف: 31)

"O children of Adam! Look to your adornment at every place of worship, and eat and drink and be not extravagant; surely He does not love the extravagant." (7:31)

Wealth is to be regarded as a means, not as an end. It is a means of satisfying needs in a moderate way for a limited term in this world, leading to a more meaningful and lasting life in the Hereafter. In treating wealth as an end in itself, people become materialistic, selfish, ruthless and greedy, and can never be satisfied. The Prophet (p.b.u.h.) said:

"مَنْ كَانَتِ الْآخِرَةُ هَمَّهُ جَعَلَ اللَّهُ غَنَّاهُ فِي قَلْبِهِ وَجَمَعَ لَهُ شَمْلَةً  
وَأَنْتَهُ الدُّنْيَا وَهِيَ رَاغِمَةٌ، وَمَنْ كَانَ الدُّنْيَا هَمَّهُ جَعَلَ اللَّهُ فَقْرَةً  
بَيْنَ عَيْنَيْهِ وَفَرَقَ عَلَيْهِ شَمْلَةً وَلَمْ يَأْتِهِ مِنِ الدُّنْيَا إِلَّا مَا قُدِرَ لَهُ"  
(الترمذى : كتاب صفة القيامة والرقائق والورع)

"Whosoever makes success in the Hereafter his uppermost goal, God will make his heart full of content and unifies his vision and goals. Undoubtedly, he is going to get his portion of substance in this life. And whosoever makes material success his uppermost goal, Allah will make the threat of poverty ever under his eyes. And he is not going to get in this life more than the portion prescribed to him." (*Hadīth, al-Tirmidhī*)

### **Islamic Ethics in Business Transaction**

Islam contains ethical principles, which relate to business activities. In Islam, it is ethics that dominate economics and not the other way around. The most important thing that a Muslim has to do while he searches for his provision is to make sure that the source of income and the target of spending this income is lawful and according to the Islamic ethics and tenets. Every transaction taking place among Muslims, and between Muslims and others, i.e., religious and irreligious people, should be done within the Islamic parameters of *halāl* and *harām*.

### **Making *Halāl* Earnings**

Regarding the acquisition and disposition of wealth, the *Qur'ān* has provided a definite concept of *halāl* (permissible) and *harām* (forbidden) by which all types of acquisition or disposition of wealth are to be adjudged. The principles of *halāl* and *harām* apply as much to the spending of wealth as it does to its acquisition. A lawfully acquired wealth is, to be spent only

on lawful and permissible things. In other words, the spending of wealth is also restricted to *halāl* things and cannot be spent on anything that is forbidden by Islam. A Muslim is required to always invest his capital in an enterprise that is *halāl*, although it might bring less profit as compared to what accrues a *harām* enterprise.

a) **Benefits of *halāl* earnings**

- *Halāl* work and the earnings generated from it are a kind of ‘ibādah, for which a Muslim will be duly rewarded by Allah (s.w.t.).
- Whatever is spent out of *halāl* earnings is considered as *sadaqah* (charity), even that spent on one’s family, and that eaten by birds and animals.
- *Halāl* earnings will be blessed by Allah (s.w.t.).
- *Halāl* earnings will bring to the possessor peace of mind and help him to have a clear conscience.

b) **Evils of *harām* earnings:**

- Punishment on the Day of Judgement.
- Rejection of *du'a'* (supplication). The Prophet (n.b.u.h.) said:

إِنَّمَا الظَّنُونُ بِإِنَّ اللَّهَ طَيِّبٌ وَيُعْتَدُ إِلَّا طَيِّبًا، وَإِنَّ اللَّهَ أَمَرَ الْمُؤْمِنِينَ  
بِمَا أَمَرَ بِهِ الْمَرْسَلِينَ فَقَالَ: {إِنَّمَا أَيُّهَا الرُّسُلُ كُلُّوا مِنَ الطَّيِّبَاتِ  
وَأَعْمَلُوا صَالِحًا إِنِّي بِمَا تَعْمَلُونَ عَلَيْمٌ} وَقَالَ: {إِنَّمَا أَيُّهَا الَّذِينَ آمَنُوا  
كُلُّوا مِنْ طَيِّبَاتِ مَا رَزَقْنَاكُمْ} ثُمَّ ذَكَرَ الرَّجُلُ يُطِيلُ السَّقَرَ أَشْعَثَ  
أَغْبَرَ يَمْدُدُ يَدَيْهِ إِلَى السَّمَاءِ يَا رَبِّ يَا رَبِّ وَمَطْعَمُهُ حَرَامٌ وَمَشْرِبُهُ  
حَرَامٌ وَمَلْبَسُهُ حَرَامٌ وَغَذِيَّ بِالْحَرَامِ فَأَنَّى يُسْتَجَابُ لِذَلِكَ} (مسلم:  
كتاب الزكاة).

"O people, Allah is Good and He therefore, accepts only that which is good. And Allah commanded the believers as He commanded the Messengers by saying: "O Messengers, eat of the good things, and do good deeds; verily I am aware of what you do" (23:51). And He said: "O you who believe, eat of the good things that We gave

you" (2:172) He then made a mention of a person who travels widely, his hair dishevelled and covered with dust. He lifts his hand towards the sky (and thus makes the supplication): "O Lord, O Lord," whereas his diet is unlawful, his drink is unlawful, and his clothes are unlawful and his nourishment is unlawful. How can then his *du'ā'* (supplication) be accepted? (*Hadīth, Muslim*)

Blessings will be lifted from the earning.

Sadaqah from it will not be accepted by Allah (s.w.t.). It is reported that the Prophet (p.b.u.h.) said:

"من جَمَعَ مَالًا حَرَامًا، ثُمَّ تَصَدَّقَ بِهِ لَمْ يَكُنْ لَهُ فِيهِ أَجْرٌ، وَكَانَ

إِثْرَهُ عَلَيْهِ". (*المستدرك على الصحيحين*: كتاب الزكاة)

"If anyone accumulates wealth through *harām* means and then gives charity from it, there is no regard for him and the burden of sin remains." (*al-Hakim and Ibn Hibban*)

"لَا يَكْسِبُ عَبْدٌ مَالًا مِنْ حَرَامٍ فَيَنْفِقَ مِنْهُ فَيُبَارَكَ لَهُ فِيهِ، وَلَا  
يَتَصَدَّقَ بِهِ فَيُقْبَلُ مِنْهُ، وَلَا يَتَرُكُ خَلْفَ ظَهْرِهِ إِلَّا كَانَ زَادَهُ إِلَى  
النَّارِ. إِنَّ اللَّهَ عَزَّ وَجَلَّ لَا يَمْحُو السَّيِّئَةَ بِالسَّيِّئَةِ، وَلَكِنَّ يَمْحُو  
السَّيِّئَةَ بِالْحَسَنَةِ، إِنَّ الْخَبِيثَ لَا يَمْحُو الْخَبِيثَ". (*مسند الإمام أحمد*)

"If a person earns property through *harām* means and then gives charity, it will not be accepted (by Allah); if he spends it there will be no blessing on it; and if he leaves it behind (upon his death) it will be his provision in Hellfire. Indeed, Allah (s.w.t.) does not obliterate one bad deed with another bad deed, but He cancels out a bad deed by a good deed. An unclean thing does not wipe away another unclean thing." (*Hadīth, Musnad Ahmed*)

*Harām* wealth will be a witness against its owner on the Day of Judgement. The Messenger of God (saw) said:

"... وَإِنَّ هَذَا الْمَالَ حَضِيرَةً حَلْوَةً فَنَعْمَ صَاحِبُ الْمُسْلِمِ مَا أَعْطَى  
مِنْهُ الْمُسْكِنُونَ وَالْيَتَامَةُ وَابْنُ السَّبِيلِ (أَوْ كَمَا قَالَ النَّبِيُّ صَلَّى اللَّهُ  
عَلَيْهِ وَسَلَّمَ) وَإِنَّهُ مَنْ يَأْخُذُهُ بِغَيْرِ حَقِّهِ كَائِنُ ذِي يَأْكُلُ وَلَا يَشْبَعُ  
وَيَكُونُ شَهِيدًا عَلَيْهِ يَوْمَ الْقِيَامَةِ" (*البخاري*: كتاب الزكاة).

“... No doubt this wealth is sweet and green. Blessed is the wealth of a Muslim from which he gives to the poor, the orphans and to needy travellers. (Or the Prophet said something similar to it). No doubt, whoever takes it illegally will be like the one who eats but is never satisfied, and his wealth will be a witness against him on the Day of Resurrection.” (*Hadīth, al-Bukhārī*)

- The possessors of *harām* earnings will have always a guilty conscience.

### *Fulfilling Contracts and Promises*

A contract is a legally binding agreement between two or more parties; thus, its terms and conditions should be fulfilled by all parties. Allah (s.w.t.) has commanded Muslims to fulfill the terms and conditions of the contracts they enter into:

(يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَوْفُوا بِالْعَهْدِ) (المائدة: 1)

“O you who believe! Fulfil your contracts and obligations” (5:1)

The same command was given by the Prophet (p.b.u.h.):

الْمُسْلِمُونَ عِنْدَ شُرُوطِهِمْ (البخاري: كتاب الإجارة).

“Muslims are bound by all the conditions they have agreed upon.” (*Hadīth, al-Bukhārī*)

الصُّلُحُ جَائزٌ بَيْنَ الْمُسْلِمِينَ إِلَّا صَلْحًا حَرَمَ حَلَالًا أَوْ أَحْلَ حَرَامًا،

وَالْمُسْلِمُونَ عَلَى شُرُوطِهِمْ إِلَّا شَرْطًا حَرَمَ حَلَالًا أَوْ أَحْلَ حَرَامًا

(الترمذي: كتاب الأحكام).

“Reconciliation between Muslims is lawful unless it makes something *harām* as *halāl* or vice versa. And Muslims are bound by all the conditions they have agreed upon, unless a contract or condition is against the principles of Islam in that it makes something *harām* as *halāl* or vice versa.” (*Hadīth, al-Tirmidhī*)

In order to protect debt contracts from any kind of breach, the *Qur’ān* recommends that these contracts either be documented

in the presence of required witnesses, or take a mortgage as a security for payment of credits. Allah (s.w.t.) says:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَائِنُ مُسْمَى فَاکْتُبُوهُ﴾

(البقرة: 282)

"O you who believe! When you contract a debt for a fixed term, record it in writing" (2:282)

﴿وَإِنْ كُنْتُمْ عَلَى سَفَرٍ وَلَمْ تَجِدُوا كَاتِبًا فَرَهَانَ مَقْبُوضَةً﴾

(البقرة: 283).

"And if you are on a journey and cannot find a scribe, then a pledge in hand shall suffice." (2:283)

Although promises sometimes may not be legally binding, they are morally and religiously binding. The Prophet (p.b.u.h.) said:

“منْ عَلَامَاتِ الْمُنَافِقِ ثَلَاثَةٌ إِذَا حَدَثَ كَذَبَ وَإِذَا وَعَدَ أَخْلَفَ وَإِذَا

أَوْتُمْ خَانَ” وفي رواية: “وَإِنْ صَامَ وَصَلَّى وَزَعَمَ أَنَّهُ مُسْلِمٌ

(مسلم: كتاب الإيمان).

“There are three characteristics of a hypocrite: when he spoke he told a lie, when he made promise he acted treacherously (he did not keep it), and when he was trusted he betrayed.” In another narration: “And ~~even if~~ he observed fast and prayed and asserted that he was a Muslim.” (*Muslim, Muslim*)

### *Upholding Honesty and Truthfulness and Avoiding Deception*

Truth and honesty are the basic requirements of trade and dealing with others. The Prophet (p.b.u.h.) said:

﴿الْبَيْعَانُ بِالْخَيْارِ مَا لَمْ يَتَفَرَّقَا، فَإِنْ صَدَقا وَبَيَّنَا بُورَكَ لَهُمَا فِي

بَيْعِهِمَا وَإِنْ كَذَبَا وَكَتَمَا مُحْقِطْ بَرَكَةُ بَيْعِهِمَا﴾ (مسند أحمد).

“The buyer and seller are free to accept or reject any offer or conditions until they conclude a contract or part from each other. If they have acted with honesty, and have explained the defects of commodities, then Allah will bless them with prosperity. And if ~~they tried to deal~~ dishonestly and tried to hide the defects, then it is likely

that they may get some profit, but the prosperity will vanish from their trade." (*Hadīth, Musnad Ahmed*)

عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَرَّ عَلَى صَبْرَةِ طَعَامٍ فَأَدْخَلَ يَدَهُ فِيهَا فَنَالَتْ أَصَابِغُهُ بَلَّا فَقَالَ: مَا هَذَا يَا صَاحِبَ الطَّعَامِ؟ قَالَ أَصَابِبَتْهُ السَّمَاءُ يَا رَسُولَ اللَّهِ. قَالَ: أَفَلَا جَعَلْتَهُ فَوْقَ الطَّعَامِ كَيْ يَرَاهُ النَّاسُ مَنْ غَشَّ فَلَيْسَ مِنِّي" (مسلم: كتاب الإيمان).

Abu Hurayrah narrated that the Prophet (p.b.u.h.) once passed by a stock of grain. He touched it and felt moisture inside the stock. He asked the seller what it was. The merchant said: "O Prophet of Allah (p.b.u.h.), rain poured upon this stock." The Prophet (p.b.u.h.) remonstrated: "Then why did you not place the wet wheat over the rest of the stock, so people could see it for themselves. Any one practicing deception has no relationship with me." (*Hadīth, Muslim*)

In order to have a good relationship between the seller and the buyer, Islam urges the Muslim sellers to act according to the Islamic ethics related to business transaction.

- a) **Avoidance of selling defective commodities unless the defect is shown to the buyer.** The Prophet (p.b.u.h.) said:

"الْمُسْلِمُ أَخُو الْمُسْلِمِ لَا يَحُلُّ لِمُسْلِمٍ بَاعَ مِنْ أَخِيهِ بَيْعًا فِيهِ عِيبٌ إِلَّا بَيَّنَهُ لَهُ" (ابن ماجه: التجارات).

"A Muslim is a brother of his fellow Muslim. It is not lawful for a Muslim to sell such a commodity that has a defect, unless the defect is shown to the buyer." (*Hadīth, Ibn Mājah*)

- b) **Avoidance of false and misleading advertisement:** One of the most unethical practices in modern business is to deceive customers by launching misleading advertisements and publicity campaigns. The actual products usually do not match the standards and specifications mentioned in the advertising messages. Islam strictly prohibits this deceitful practise.

c) **Giving accurate measurement and weights:** One of the oldest ways of cheating in business is selling commodities with less than the standard weight or measurement. This would include the practice of selling substandard, inferior or adulterated products. The basic motive behind this malpractice is to maximize profits and accumulate material possessions, without any regard for the ethical validity of the means to be adopted for this purpose. Allah (s.w.t.) has warned us against such malpractice in the following verses:

﴿أَوْفُوا الْكِيلَ وَلَا تَكُونُوا مِنَ الْمُخْسِرِينَ \* وَزِنُوا بِالْقِسْطَاسِ  
الْمُسْتَقِيمِ﴾ (الشعراء: 181-182)

“Give full measure, and be not of those who give less (than what is due). And weigh with a true balance”.  
(26:181-182)

﴿وَيْلٌ لِّلْمُطَفَّفِينَ \* الَّذِينَ إِذَا أَكْتَالُوا عَلَى النَّاسِ يَسْتَوْفِفُونَ \* وَإِذَا  
كَالُوهُمْ أَوْ وَزَنُوهُمْ يَخْسِرُونَ﴾ (المطفرون: 1-3).

“Woe to those that deal in fraud. Those who, when they have to receive by measure from men, exact full measure. But when they have to give by measure or weight to men, give less than due.” (83:1-3)

### *Avoiding Greed in Making Profit*

a) **To avoid hoarding essential commodities:** Hoarding is a kind of business exploitation of consumers. The lust for money and the overemphasis on profit maximization lead to hoarding essential commodities during the periods of scarcity and crises, with an intention to sell the commodities at lucrative higher prices. Artificial scarcity of certain products is sometimes deliberately created by businessmen by hoarding large stocks. Islam vehemently condemns hoarding and warns businessmen about the dreadful consequences of this behavior. The Prophet (p.b.u.h.) said:

“مَنْ احْتَكَ حَكْرَةً يُرِيدُ أَنْ يُغْنِي بِهَا عَلَى الْمُسْلِمِينَ فَهُوَ خَاطِئٌ”  
(مسند أحمد).

“One who hoards things for increasing their prices for Muslims is a wrong doer.” (*Hadīth, Musnad Ahmed*)

- b) To uphold balance between competitiveness, on one hand, and cooperation and giving advice to Muslims on the other: Islam urges Muslims to maintain balance in business transaction. They have to compete with one another in what is good without causing any harm to each other. They must not compete with ~~one another in what~~ is evil. In order to uphold balance between competitiveness, Islam urges Muslims to cooperate and to give advice to one another. Allah (s.w.t.) says:

﴿أُولَئِكَ يُسَارِعُونَ فِي الْخَيْرَاتِ وَهُمْ لَهَا سَابِقُونَ﴾ (المؤمنون: 61)  
“It is these who hasten in every good work, and these who are foremost in them.” (23:61)

﴿...وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الإِثْمِ وَالْعُدُوانِ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ﴾ (المائدة: 2)

“Help ye one another in righteousness and piety, but help ye not one another in sin and rancour: fear Allah: for Allah is strict in punishment.” (5:2)

### *Avoiding Violation of the Rights of Others*

- a) To avoid bribery: God has warned us against giving bribes to get privileges, violate the rights of others, and escape due and just punishments.

﴿وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتَدْلُوا بِهَا إِلَى الْحُكَامَ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ﴾ (البقرة: 188)

“And do not eat up your property among yourselves by false means, nor seek to gain access thereby to the judges and rulers, so that you may eat up a part of the property of others wrongfully.” (2:188)

It is reported that the Prophet (p.b.u.h.) said that both those who give and receive bribes are cursed.

عَنْ أَبِي هُرَيْرَةَ قَالَ: لَعْنَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الرَّائِشِيِّ وَالْمُرْتَشِيِّ فِي الْحُكْمِ (الترمذى: كتاب الأحكام).

Abū Hurayrah reported that the Prophet (p.b.u.h.) cursed the briber and the bribed in making judgments. (*Hadīth, al-Tirmidhī*)

- b) **Fair recruitment practices:** In public organizations, employment and promotional decisions are often hampered or influenced by discrimination, nepotism, corruption and bribery. In Islam, an office or a post is regarded as a divine trust, and therefore, it should be offered only to the deserving persons. Responsibility should be given only to the person who is able to shoulder it and who has the capability to do justice to the trust placed in him. The Prophet (p.b.u.h.) said:

"من استعمل رجلاً من عصابة وفي تلك العصابة من هو أرضى الله منه فقد خان الله وخان رسوله وخان المؤمنين." (المستدرك على الصحيحين: كتاب الأحكام)

"Whoever has appointed an administrator, through nepotism when there was another who was more desirable before Allah than that person (one who is more suitable for this position), then he has committed a misappropriation against Allah and His Messenger and all the Muslims."

عَنْ أَبِي هُرَيْرَةَ قَالَ بَيْنَمَا النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي مَجْلِسٍ يُحَدِّثُ الْقَوْمَ جَاءَهُ أَغْرَبَابِيُّ فَقَالَ: مَتَى السَّاعَةُ؟ فَمَضَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يُحَدِّثُ. فَقَالَ بَعْضُ الْقَوْمِ سَمِعَ مَا قَالَ فَكَرِهَ مَا قَالَ، وَقَالَ بَعْضُهُمْ بَلْ لَمْ يَسْمَعْ، حَتَّى إِذَا قَضَى حَدِيثَهُ قَالَ: أَيْنَ أَرَاهُ السَّائِلُ عَنِ السَّاعَةِ؟ قَالَ: هَا أَنَا يَا رَسُولَ اللَّهِ، قَالَ: فَإِذَا صَبَغْتِ الْأَمَانَةَ فَانتَظِرِ السَّاعَةَ. قَالَ: كَيْفَ إِضَاعَتْهَا؟ قَالَ: إِذَا وُسِّدَ الْأَمْرُ إِلَى غَيْرِ أَهْلِهِ فَانْتَظِرِ السَّاعَةَ" (البخاري: كتاب العلم).

Abū Hurayrah reported that while the Prophet (p.b.u.h.) was saying something in a gathering, a Bedouin came

and asked him, "When would the Hour (Doomsday) take place?" Allah's Apostle continued his talk, so some people said that Allah's Apostle had heard the question, but did not like what that Bedouin had asked. Some of them said that Allah's Apostle had not heard it. When the Prophet finished his speech, he said, "Where is the questioner, who enquired about the Hour (Doomsday)?" The Bedouin said, "I am here, O Allah's Apostle." Then the Prophet said, "When honesty is lost, then wait for the Hour (Doomsday)." The Bedouin said, "How will that be lost?" The Prophet said, "When the power or authority comes in the hands of unfit persons, then wait for the Hour (Doomsday)."<sup>11</sup>

c) **Fair treatment of workers:** It is the moral responsibility of the employers to take care of the overall welfare and betterment of their workers. Fair wages, good working conditions, suitable work and brotherly treatment should be provided to the workers.

- Wages and the specifications of the work must be clarified and agreed upon before starting work.
- Wages are to be determined by mutual consent.
- A worker is entitled to a fair and just wage for his work.
- The employee must perform his duties efficiently and honestly and the employer must pay him his full wages. The employer is urged to pay his employees in the proper time. The Prophet (p.b.u.h.) said:

اَنْعِمُوا "الْاجِرَ لِذَوِّهِ تَقَبَّلَ اَنْ يَجِدَ عَرْقَةً" (ابن ماجه: كتاب الأحكام).

"Give the labourer his wage before his sweat is dried." (*Hadīth, Ibn Mājah*)

In another *hadīth* the Prophet (p.b.u.h.) said:

قَالَ اللَّهُ ثَلَاثَةٌ أَنَا خَصْمُهُمْ يَوْمَ الْقِيَامَةِ رَجُلٌ أَعْطَى بَيْ ثُمَّ غَرَرَ، وَرَجُلٌ بَاعَ حُرًّا فَأَكَلَ ثَمَنَهُ، وَرَجُلٌ اسْتَأْجَرَ أَجِيرًا فَاسْتَوْفَى مِنْهُ وَلَمْ يُعْطِ أَجْرَهُ" (*البخاري: كتاب البيوع*).

<sup>11</sup> Imām al-Bukhārī, *Sahīh al-Bukhārī*, Kitāb al-'Ilm, Book 1, Vol. 3, Hadīth: 56.

"Allah says: I will act as plaintiff, on the Day of Judgement, against three types of people. A person who makes a covenant in My Name, but proves treacherous; sells a free person and eats his price; and employs a labourer and takes full work from him but does not pay him for his labour." (*Hadīth, al-Bukhārī*)

### *Avoiding Unlawful Deals*

Islam, while permitting trade, has forbidden usury, and also the mixing of income from usury with other lawful income. Allah (s.w.t.) says:

﴿الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُنَ إِلَّا كَمَا يَتَخَطَّهُ  
الشَّيْطَانُ مِنَ الْمَسِّ ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا وَأَحَلَّ اللَّهُ  
الْبَيْعَ وَهَرَمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةً مِنْ رَبِّهِ فَأَنْتَهَى فَلَمَّا مَا سَلَفَ  
وَأَمْرَهُ إِلَى اللَّهِ وَمَنْ عَادَ فَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ﴾  
(البقرة: 275)

"Those who devour usury will not stand but they will stand like the one whom the Satan with his touch had driven to madness. That is because they said that trade is like usury, but Allah has permitted trade and forbidden usury. Those who after receiving direction from their Lord, desist, shall be pardoned for the past; their case is for Allah (to judge); but those who repeat (the offence) are companions of the Fire; they will abide therein (forever). (2:275).

﴿يَمْحُقُ اللَّهُ الرِّبَا وَيُرْبِّي الصَّدَقَاتِ وَاللَّهُ لَا يُحِبُّ كُلَّ كَفَّارٍ أَثِيمٍ﴾  
(البقرة: 276)

"Allah deprives usury of His blessings, but he blesses almsgiving with increase; for He loves not the ungrateful sinners". (2:276).

﴿يَا أَيُّهَا الَّذِينَ عَامَلُوكُمْ أَنْقُوا اللَّهَ وَذَرُوكُمْ مَا بَقِيَ مِنَ الرِّبَا إِنْ كُنْتُمْ  
مُُنْتَهِينَ. فَإِنْ تَمْ نَهْكُمْ فَأَدْنِوكُمْ بِحَرْبٍ مِنَ اللَّهِ وَرَسُولِهِ وَإِنْ تَبْتَهُمْ  
فَلَكُمْ رُءُوسُ أَمْوَالِكُمْ لَا تَظْلِمُوكُمْ وَلَا تُظْلَمُونَ﴾ (البقرة: 278)  
(البقرة: 279)

"O you who believe! Fear Allah, and give up what remains of your demand for *Ribā* (usury), if you are indeed believers. And if you do not, then be warned of war against you from Allah and His messenger. And if you repent, then you shall have your capital; neither shall you make the debtor suffer loss, nor shall you be made to suffer loss." (2:278-279)

All those business transactions, which involve *ribā* (interest rate/usury) in one form or another, according to Islam, are unlawful and contribute to injustice. In order to avoid dealing in *harām* commodities, all transactions involving any kind of unlawful commodities such as liquor, pork, and the like should be avoided by every Muslim.

### *Leniency*

Every Muslim should be polite, tolerant and lenient in dealing with others. The Prophet (p.b.u.h.) said:

"رَحِمَ اللَّهُ رَجُلًا سَمْحًا إِذَا بَاعَ وَإِذَا اشْتَرَى وَإِذَا افْتَضَى" (البخاري)  
كتاب البيوع).

"May Allah bless the person who behaves leniently while buying, while selling, and while collecting his dues." (*Hadīth, al-Bukhārī*)

The ultimate form of leniency is to allow the debtor who is in difficult circumstances plenty of time to repay his debt, or if it is possible, to grant the mount loaned to him as charity if he is poor or needy.

"وَإِنْ كَانَ ذُو عُسْرَةٍ فَنَظِرْهُ إِلَى مِيسَرَةٍ وَأَنْ تَصَدِّقُوا خَيْرًا لَكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ" (البقرة: 280)

"If the debtor is in a difficulty, grant him time till it is easy for him to repay. And if you remit it by way of charity that is best for you if you only knew (the generous reward for this)." (2:280)

### *Avoiding Taking Unnecessary Oaths*

Muslims are discouraged from making oaths in their daily life. One is permitted to take an oath only when it is necessary. The Prophet (p.b.u.h.) said:

إِيَّاكُمْ وَكَثْرَةُ الْحَلْفِ فِي الْبَيْعِ فَإِنَّهُ يُنْفَقُ ثُمَّ يَمْحَقُ" (مسلم: كتاب المسافة)

"Beware of excessive oath in trade as it brings an immediate benefit followed by a lift of blessing." (*Hadīth, Muslim*)

'Abdullāh ibn Abū Aufa narrated that a man displayed some goods in the market and swore by Allah that he had been offered so much for the goods, something, which was not offered, and he said so to cheat a Muslim. On that occasion, the following verse was revealed:

لَأَنَّ الَّذِينَ يَشْتَدُّونَ بِعَهْدِ اللَّهِ وَلَا يَرْجِعُونَ مَا سَوَّا إِنَّمَا أُولَئِكَ لَا خَلَقَ لَهُمْ فِي الْآخِرَةِ وَلَا يُكَلِّمُهُمُ اللَّهُ وَلَا يَنْظُرُ إِلَيْهِمْ يَوْمَ الْقِيَامَةِ وَلَا يُزَكِّيْهِمْ وَلَهُمْ عَذَابٌ أَلِيمٌ (آل عمران: 77)

"Verily! Those who purchase a small gain at the cost of Allah's covenant and their oaths They shall have no portion in the Hereafter, nor will Allah (deign to) speak to them or look at them on the Day of Judgment, nor will He cleanse them (of sin): they shall have a grievous penalty." (3:77) (*Hadīth, al-Bukhārī*)