

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Jāmi' at-Tirmidhī

CHAPTERS ON TRADE AND
COMMERCE EXPLAINED

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Jāmi‘ at-Tirmidhī

CHAPTERS ON TRADE AND
COMMERCE EXPLAINED

IMAM MUḤAMMAD IBN ‘ĪSĀ AT-TIRMIDHĪ

Commentary by

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For the late Grand Mufti of Pakistan
and elder brother of the author, Shaykh Mufti
Muhammad Rafi^c Usmani, whose services to the
Dār al-‘Ulūm Karachi Seminary transformed it into
a world-renowned Islamic university, where the
author delivered these lectures on *Jāmi‘ at-Tirmidhī*.
—May Allah have mercy on his soul—

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PUBLISHER'S FOREWORD

In the Name of Allah, Most Merciful and Compassionate

All praise is due to Allah. May blessings and peace be on His beloved messenger Muhammad ﷺ his family, his Companions and all those who follow him.

In many Islamic seminaries (Dār al-‘Ulūms) of the Indian subcontinent and in those with roots there, the final year of studies—often referred to as the “*dawrat al-ḥadīth*”—entails studying the famous six canonical books of ḥadīth (*al-ṣiḥāḥ al-sitta* or *al-kutub al-sitta*). The *dawrat al-ḥadīth* is an intensive study of the major ḥadīth collections, in which students study ḥadīth texts with commentary, exploring the most prominent scholastic interpretations of the ḥadīths—in terms of their linguistic, theological, spiritual and juristic implications. All six books are read from cover to cover, after which students receive their certificate of graduation.

The ḥadīth lessons delivered by the teachers are unique and comprehensive, touching on all dimensions of an ḥadīth text: its commentary, jurisprudence, differences between the various *fiqh* schools, narrator criticism and so on. It has been a long-standing tradition of students to record and transcribe the lectures of their teachers, often resulting in their publication. Countless scholarly works have been produced thus far, both in Arabic and Urdu, and proved to be of immense benefit for students, researchers, scholars and teachers alike. These include: (1) *Lāmi‘ al-Darārī* (Arabic commentary of *Ṣaḥīḥ al-Bukhārī*, transcribed from the lectures of Shaykh Rashīd Aḥmad Gangohī by his student, Shaykh Muhammad Yaḥyā Kāndhlawī, and later edited, annotated and published by the latter’s son, Shaykh al-Ḥadīth Muhammad Zakariyyā Kāndhlawī); (2) *Fayḍ al-Bārī* (Arabic commentary of *Ṣaḥīḥ al-Bukhārī*, transcribed from the lectures of Imam Anwar Shāh Kashmīrī by his student, Shaykh Badr ‘Ālam Mirathi); (3) *Faḍl al-Bārī* (Urdu commentary of *Ṣaḥīḥ al-Bukhārī*, transcribed from the lectures of ‘Allāmah Shabbīr Aḥmad ‘Uthmānī); (4) *In‘ām al-Bārī* (Urdu commentary of *Ṣaḥīḥ al-Bukhārī*, transcribed from the lectures of Mufti Muhammad Taqī Usmani); (5) *Al-Hall al-Mufhim* (Arabic commentary of *Ṣaḥīḥ Muslim*, transcribed from the lectures of Shaykh Rashīd Aḥmad Gangohī by Shaykh Muhammad Yaḥyā Kāndhlawī); (6) *Al-Kawkab al-Durriyy* (Arabic commentary of *Jāmi‘ al-Tirmidhī*,

transcribed from the lectures of Shaykh Rashīd Aḥmad Gangohī by Shaykh Muhammad Yaḥyā Kāndhlawī and edited, annotated and published by Shaykh al-Ḥadīth Muhammad Zakariyyā Kāndhlawī); (7) *Al-Arf al-Shadhī* (Arabic commentary of *Jāmi' al-Tirmidhī*, transcribed from the lectures of Imam Anwar Shāh Kashmīrī by his student, Mawlana Muhammad Chirāgh); and (8) *Al-Durr al-Mandūd* (Urdu commentary of *Sunan Abī Dāwūd*, transcribed from the lectures of Shaykh Muhammad ʿĀqil).

The ḥadīth lectures of our respectable Shaykh Mufti Muhammad Taqī Usmani on *Jāmi' al-Tirmidhī* were also transcribed and published in Urdu, entitled *Dars Tirmidhī* and *Taqrīr Tirmidhī*, in five volumes. Over the years, they received the approval of scholars, teachers and students alike. Turath Publishing now has the honour of presenting its readers with a translation of this monumental work. This particular publication comprises the commentary of the chapters on trade and commerce. In addition to a lucid and highly readable translation, the translator has added useful footnotes from Mufti Muhammad Taqī Usmani's other works, making it truly a manual on Islamic finance. We hope and pray that this work proves to be of benefit to Islamic scholars, students and Islamic finance industry experts alike

We would like to thank the honourable Shaykh Mufti Muhammad Taqī Usmani for granting us permission to have his work translated and for his invaluable advice. May Allah reward him and grant him wellbeing. We would also like to thank the translator, our beloved friend and brother, Shaykh Muhammad ibn Adam al-Kawthari, for his painstaking efforts in translating and annotating this work, and his long-standing support for Turath Publishing. May Allah accept his efforts and reward him. Finally, we thank Allah for blessing us with the ability to publish this work, and pray that He enable us to publish the translation of the remaining chapters of *Dars Tirmidhī* and *Taqrīr Tirmidhī*. *Āmīn*.

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PREFACE

BY SHAYKH MUFTI MUHAMMAD TAQI USMANI

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الحمد لله رب العالمين والصلاة والسلام على رسوله الكريم
وعلى آله وأصحابه أجمعين، أما بعد

The book of Imām Abū ‘Īsā al-Tirmidhī, known as “*Jāmi‘ of Tirmidhī*”, is one of the six most famous and generally reliable compilations of Ḥadīth. Its chapters have basically been arranged in the order of books of *fiqh* (Law of Islamic precepts in all walks of life); and it has a special status in the educational system of the traditional Islamic madrasahs of the subcontinent of Pakistan, India and Bangladesh etc. In this system, this book is studied thoroughly, laying special emphasis by its teacher on the juristic issues inferred from the ahadith. For this endeavour, the teacher has to do substantial research on the issues involved with a comparative study of different schools of interpretation.

This humble writer has the honour of teaching this book for more than two decades in Jami’ah Darul Uloom Karachi, Pakistan. My lectures delivered during this educational process were recorded and transcribed by a number of students initially in Urdu and were published widely among the students of Ḥadīth.

The lectures given on the ahadith dealing with commercial transactions were transcribed originally by Mawlana ‘Abdullāh Memon in the name of *Taqrīr-e-Tirmidhī*. It was then revised by Mawlana Abū Bakr Iḥsān, adding valuable contributions to the origin.

This part of my lectures includes many contemporary issues raised by the economic and commercial setup of the world today, and suggests their Islamic solutions on the basis of the Holy Qur’an and Sunnah of the Holy Prophet ﷺ. Due to the importance of these subjects, my brother, Mr Yahya Batha, the director of Turath Publishing, deemed it fit to get it translated for the English readership.

He entrusted this task to my learned brother Mawlana Muhammad ibn Adam (may Allah bless him with His pleasure). The task was not so easy as just to change the sentences of one language to another; it needed firstly to comprehend the intricate subjects involved, and secondly to render them in a way that

may be understandable to the English readership according to their taste and comprehension. It goes to his credit that with the special *tawfiq* of Allah ﷻ, he undertook the job with all that was required for such work. Although I could not have a chance to go through the entire book, it has been my pleasure to study and enjoy reading some difficult subjects, which led me to the confidence that the translation of other parts would be on the same level of comprehension and expression *in shā' Allāh*. Congratulating him and Brother Yahya Bhata on this valuable presentation, I pray to Allah ﷻ for both of them that their service may find approval from Him and appreciation from those who benefit from it.

As for the subject matter of the book, it is based on my humble study and no more than a human effort that is always subject to any improvement or correction from those who have greater knowledge. And Allah knows best.

MUHAMMAD TAQI USMANI

29 Ramazan 1443

May 1, 2022

TRANSLATOR'S INTRODUCTION

With the name of Allah, the All-Merciful, the Very-Merciful. All praise is for Allah, Lord of the worlds. Peace and blessings be upon our master, Muhammad, his family and Companions.

Although I have had the opportunity previously to work on a couple of smaller works, it has been my long-term desire to serve and work on a major publication of my respected and beloved teacher, Shaykh al-Islam Mufti Muhammad Taqi Usmani (may Allah protect him). According to the great scholar of ḥadīth (*muḥaddith*) and other Islamic sciences, Shaykh ʿAbd al-Fattāḥ Abū Ghudda رحمته, it is [generally] better to contribute to an existing work of a predecessor than to author a work independently.¹ There is great benefit and blessing in working on, and contributing to, a book authored by scholars of the past, our elders and teachers—especially, if it is a work of a teacher that one loves and respects immensely.

In view of this, when my dear friend, Yahya Batha (director of Turath Publishing), suggested that I translate our respected Shaykh Mufti Muhammad Taqi Usmani's Urdu commentary and lectures on the ḥadīths of *Jāmi' al-Tirmidhī* (chapters on trade and commerce), I saw it as a means of fulfilling this long-standing ambition.

The honourable Shaykh Mufti Muhammad Taqi Usmani has been engaged in teaching ḥadīth at the world-renowned and prestigious seat of Islamic learning, Jāmi'a Dār al-ʿUlūm Karachi, for the last fifty years or so. He taught *Jāmi' al-Tirmidhī* for approximately thirty years and, thereafter, lectured on *Ṣaḥīḥ al-Bukhārī*, which he continues to do so till today. His lectures on *Jāmi' al-Tirmidhī* (which I had the honour of attending in 1998) were transcribed and compiled by the late Shaykh Mawlana Rashīd Ashraf Sayfī² and published in three volumes,

1 *Al-Raf' wa'l-Takmil*, introduction, p.6.

2 Mawlana Rashīd Ashraf Sayfī passed away to the mercy of Allah in December 2018. He was the nephew of Shaykh Mufti Muhammad Taqi Usmani (may Allah protect him) and an accomplished and much-loved teacher of ḥadīth at Jāmi'ah Dār al-ʿUlūm Karachi. He worked tirelessly in transcribing, compiling and annotating the lectures of his uncle and having them published in the form of *Dars Tirmidhī*, which—in *shā' Allāh*—will serve as a continuous charity (*ṣadaqa jāriyya*) for him. May Allah forgive him, have mercy on his soul and grant him a high abode in the hereafter. *Āmīn*.

entitled *Dars Tirmidhī*. These three volumes cover the earlier chapters—commencing from *ṭahāra* (purification) and *ṣalāt* (prayer), up to the chapters of *nikāh* (marriage) and *ṭalāq* (divorce). Thereafter, another teacher of Jāmi'a Dār al-^Ulūm Karachi, Mawlana 'Abdullāh Memon, transcribed the honourable shaykh's lectures on the subsequent chapters and published them in two volumes, entitled *Taqrīr Tirmidhī*. These two volumes cover chapters on *buyū'* (commercial transactions), *aḥkām* (judgements), *diyya* (blood money), *ḥudūd* (penal law), *ṣayd* (hunting), *uḍḥiya* (ritual sacrifice), *nudhūr* and *aymān* (vows and oaths), *siyar* (military expeditions), *jihād* and its virtues, and *libās* (clothing). Of these, the chapters on trade and commerce are the most detailed and comprehensive, given the importance of the topic and the many contemporary issues raised by the modern economic setup. Later, a graduate of Jāmi'a Dār al-^Ulūm Karachi and an accomplished scholar, Shaykh Abū Bakr Iḥsān, with the assistance of his team of researchers, revised *Taqrīr Tirmidhī* under the guidance of Shaykh Mufti Muhammad Taqī Usmani. The revision comprises detailed references for all the ḥadīths, references for the *fiqh* positions of the various schools and other quotations, and a general improvement of the work. This revised version of *Taqrīr Tirmidhī* was used for this translation.

As for the lectures of the honourable shaykh, Mufti Muhammad Taqī Usmani (may Allah protect him), they are masterpieces of scholarship, precision and clarity. He is an expert in presenting complex subject matters in a simplified, systematic and lucid manner, such that it is easy to follow and understand. Islamic finance is a household topic for the shaykh, having spent his entire life in its study, teaching, promotion and practical implementation. His lectures are not mere customary lessons. Rather, they combine knowledge (*ilm*), profound juristic insight (*tafaqquh*), wisdom and balance (*ḥikma wa i'tidāl*), spirituality (*tazkiya*), understanding of current affairs, and a demonstration of the true understanding of religion—*Al-ḥamdu lillāh*.

Despite such levels of academic excellence and spiritual profundity, his humility led him to write the following in his introduction to *Dars Tirmidhī*:

For the last ten years or so (this was written in 1400AH/1980AD), I have been given the task to teach *Jāmi' al-Tirmidhī* at Jāmi'a Dār al-^Ulūm Karachi. I have always felt that I do not possess the academic (*ilmī*) and spiritual (*amālī*) capabilities required to teach ḥadīth, and in no way worthy of accepting the responsibility of lecturing on ḥadīth. However, given that this teaching post was assigned to me by my seniors, I regarded compliance as a good omen for the future and accepted to deliver this service, which is still ongoing. In the beginning when I commenced the teaching of *Jāmi' al-Tirmidhī*, whilst trembling due to the full realisation of my

incompetence, I never imagined in my wildest dreams that I would agree for my ḥadīth lectures to be compiled and published. The publication of such lectures only befits those who are actually worthy of it; who am I, and what are my lectures that they should be published?

Thereafter, he mentioned the reason behind him agreeing to the publication of his lectures, which was the insistence of students who expressed a desire to have the lectures recorded and preserved, so that they and students of subsequent years may benefit from them easily. (*Dars Tirmidhī* 1/13)

It seems that due to such levels of sincerity and humility—along with academic brilliance—Allah ﷻ placed great blessings (*baraka*) in his published lectures, and they were received with acceptance and approval within academic circles throughout the Urdu speaking world. Those who have had the opportunity to undertake the *dars niẓāmī* program will attest to the value of *Dars Tirmidhī* and *Taqrīr Tirmidhī*. Thousands of students across the Indian subcontinent and beyond have benefited, and continue to benefit, from these publications. In fact, many teachers who currently teach *Jāmiʿ al-Tirmidhī* at various Dār al-ʿUlūms use these works as key resources to prepare for their lessons.

As for this translation, firstly—as mentioned above—it comprises the translation of only the lectures on chapters dealing with trade and commerce (*abwāb al-buyūʿ*). An attempt has been made to simplify the complex and intricate subjects as much as possible. The full Arabic text of each ḥadīth of *Jāmiʿ al-Tirmidhī* is provided, followed by its translation. The ḥadīth numbers are based on their original numbers in Imam Tirmidhī’s compilation. Explanatory words in square brackets, within ḥadīth translations, are from the author and the original Urdu work. All other square-bracketed text, within the commentary, is from the translator—and have been added to clarify the meaning. Imam Tirmidhī’s grading of the ḥadīths has been incorporated and placed directly after the text of each ḥadīth.

In the footnotes, additional commentary and explanatory notes have been added, wherever it was felt necessary, by the translator. These notes have been taken mainly from the honourable shaykh’s other works, such as *Takmilat Fath al-Mulhim*, *Fiqh al-Buyūʿ* and *Fatāwā ʿUthmānī*. In a few instances, they include the translator’s own explanation. All ḥadīth references (which includes cross-referencing all the main ḥadīths of *Jāmiʿ al-Tirmidhī*), as well as references to the various *fiqh* schools (*madhhabs*), have been taken from the revised edition of *Taqrīr Tirmidhī* of Shaykh Abū Bakr Iḥsān and his colleagues. In some footnotes, the term ‘author’ is used, which refers to the lecturer, Shaykh Mufti Muhammad Taqī Usmani.

Finally, it has been an absolute honour and pleasure to be able to translate and work on the very complex chapters pertaining to commercial transactions and the various intricate issues discussed. Much time and effort has been put, over the past few years, in bringing this work to completion. It proved to be one of the most challenging tasks that I have faced, compounded by my academic shortcomings and deficiencies. However, it felt like I was spending a great portion of my day and night in the company of Prophetic ḥadīths and my beloved teacher, Shaykh Mufti Muhammad Taqi Usmani.

Although an attempt has been made to be as accurate as possible, it is, nevertheless, a human endeavour and thus subject to imperfections. As such, if a mistake or inaccuracy is detected, I request the readers to notify me, so that it can be corrected in future editions. I pray Allah ﷻ forgive my shortcomings, accept this humble effort and make it beneficial for the readers—in particular, students of sacred knowledge (*ṭullāb al-ʿilm*). *Āmīn*. I request the readers to keep the honourable shaykh, Mufti Muhammad Taqi Usmani, translator and publisher in their prayers. The last of our prayers is: All praise be to Allah, the Lord of the worlds.

MUHAMMAD IBN ADAM AL-KAWTHARI

Leicester, UK

7 Dhu'l Hijja 1443

7 July 2022