

## A Permissible Way To Sell Things Just By Sharing Pictures

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What do the Islamic scholars say regarding the following: a shopkeeper sells mobile covers with designs. He has given us an offer as follows: sell my product by uploading the pictures on your social media accounts: WhatsApp, Facebook and Instagram. When you give a price to your costumer, also include your profit margin in it." He furthers says, "once the deal is struck with a costumer, forward his address to me. I will deliver the product to the costumer. And after keeping my amount, I will also send your profit margin to you. Is taking profit in this manner is permissible for us? And if this is not permissible, please guide us to a permissible way?

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الجواب بعون الملك الوهاب اللهم هداية الحق والصواب

Selling and purchasing and earning profit in the above-mentioned manner is Impermissible and haram.

The detailed answer is as follows: One of the fundamental conditions for a sale to be valid is that the seller must own the product being sold. If this condition is not met, the sale will be considered "Batil," meaning it will be void from the outset. Another essential condition is that if the product being sold is movable, the purchaser must take possession of it before selling it to another person. Selling a movable object to someone before acquiring possession of it renders the sale Fasid (invalid). Therefore, selling and purchasing in the manner described above is not permissible.

An alternative to the aforementioned impermissible method:  
A permissible method would be as follows: if the shopkeeper has the mobile covers in his possession, you make the deal with him in the following manner. “Instead of firstly buying from you and then selling to others, I will sell your product as a commission agent and will charge a certain percentage as a commission fee.” Please note that the commission must not surpass the Ujrat-e-Mithl i.e. the remuneration practiced in the market. So in this case, you act as an agent who posts the pictures of mobile covers on his own social media accounts and sells them on behalf of the shopkeeper. Now it will be permissible for you to receive agreed-upon commission against every article from the shopkeeper.

As far selling things not in the ownership of the seller is concerned, the beloved prophet ﷺ has stated:

“لاتبع ماليس عندك”

Translation: Do not sell that which you do not own.

(Sunnan Al-Nisae, Vol 7, Page 289, Halab)

The beloved prophet ﷺ has said regarding the prohibition of selling something before acquiring its possession:

“من ابتاع طعاما فلا يبيعه حتى يقبضه، قال ابن عباس: وأحسب كل شىء بمنزلة الطعام”

Translation: if one buys grain, he should not sell it before acquiring its possession. Hazrat Ibn-e-Abbas رضى الله تعالى عنه says, “I believe everything is like grain (in this regard)”

(Sahih Al-Muslim, Vol 3, Page 1160, Halab)

It is mentioned in the book Badaiyus Sanay:

“شرط انعقاد البيع للبائع ان يكون مملو كاللبيع عند البيع فان لم يكن لا ينعقد”

Translation: it is a condition for a sale to be effective that the

seller owns the product at the time of sale and if he does not have its ownership, sale will not occur.

(Badaiyus Sanay, Vol 5, Page 147, Beirut)

It is mentioned in the book Badaiyus Sanay:

“ومنها القبض فى بيع المشتري المتقول فلا يصح بيعه قبل القبض”

Translation: acquiring the possession of a moveable object before selling it other is also one of the conditions of the sale. Therefore, selling it before acquiring its possession will invalidate the sale.

(Badaiyus Sanay, Vol 5, Page 180, Beirut)

It is mentioned in the book Al-Ishbah Wannazair:

“بعه لى بكذا، ولك كذا فباع، فله اجر المثل”

Translation: when one asks an individual (broker) to sell an item for him and (in return) he will pay an amount as Ujrat (fee), the broker deserves Ujrat Mithl (i.e. remuneration in market practice).

The book “Sharah Hamavi” while explaining the abovementioned text of the book Al-Ishbah Wannazair says:

“اى ولا يتجاوز به ما سمي”

Translation: The Ujrat-e-Mithl should not surpass the agreed upon Ujrat

(Sharah Hamavi Ala Al-Ishbah Wannazair, Vol 3, Page 131, Beirut)

The commission fee will be the liability of the seller as It has been mentioned in the book Durrul Mukhtar:

“واما الدلال فان باع العين بنفسه باذن ربها فاجرتة على البائع”

Translation: when a broker sells an item with the permission of its owner, his commission becomes due upon the buyer.

(Durrul Mukhtar ma Raddul Muhtar, Vol 04, Page 560, Beirut)

Sayyidi Ala Hazrat Imam-e-Ahle-Sunnat Molana Sha Imam

Ahmed Raza Khan ,رحمة الله تعالى عليه in Fatawa Razaviyya, mentions the ruling regarding the remuneration of an agent who has made an agreement with the seller:

”اگر بائع کی طرف سے محنت و کوشش و دوا دوش میں اپنا زمانہ صرف کیا تو صرف اجر مثل کا مستحق ہوگا، یعنی ایسے کام اتنی سعی پر جو مزدوری ہوتی ہے اس سے زائد نہ پائے گا اگرچہ بائع سے قرارداد کتنے ہی زیادہ کا ہو، اور اگر قرارداد اجر مثل سے کم کا ہو تو کم ہی دلائیں گے کہ سقوط زیادت پر خود راضی ہو چکا۔“

Translation: if a broker makes effort and runs to and fro on behalf of the seller, he will deserve only ujrat-e-Mithl i.e. he will not receive more than what is for this sort of effort though the seller has initially agreed upon much more than that. And if they initially agreed upon less than ujrat-e-mithl, he will receive only the agreed upon amount as he himself has agreed upon lessening it.

(Fatawa Razaviyya, Vol 19, Page 453, Raza Foundation Lahore)

It is in Bahar e Shariat:

”دلال کی اجرت یعنی دلالی بائع کے ذمہ ہے جب کہ اُس نے سامان مالک کی اجازت سے بیع کیا ہو۔“

Translation: The commission fee of a broker is a liability of the seller provided he has sold with his permission.

(Bahar e Shariat, Vol 02, Page 639, Maktaba Tul Madinah)

والله اعلم عزوجل ورسوله اعلم صلى الله تعالى عليه وآله وسلم

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