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# Al-Kindī's *Bayān al-Sharʿ* as a Source for Sales Practices in Medieval Omani Economy

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## Abstract

The *Bayān al-Sharʿ* encyclopedia, authored by the Omani jurist Muḥammad ibn Ibrāhīm al-Kindī (d. 508 AH / 1115 CE), stands as one of the most comprehensive juridical compilations within the Ibādī intellectual heritage. Far from being a purely doctrinal and legal reference, this monumental work serves as a valuable reflection of Omani social and economic life during the Islamic Middle Ages. A critical reading of its contents reveals an exceptional wealth of material that extends well beyond jurisprudence, offering insights into the classification of sales, their spatial contexts, the agents involved, and the diverse forms of commercial transactions. Such dimensions render the text an indispensable source for reconstructing the economic structures of Oman at a time when it was deeply integrated into the commercial networks of the Indian Ocean and the Arabian-Persian Gulf. This study aims to reconsider *Bayān al-Sharʿ* as a historical source that unveils key aspects of Omani economic and social realities during its period of compilation. By focusing on the contractual formulas of sales and examining their implications, the research seeks to highlight the intersections between legal norms and economic practices, as well as their broader sociocultural significance. Ultimately, al-Kindī's encyclopedia provides a remarkably detailed model of commercial activity in Oman, outlining sales contracts, ethical framework of trade, regulatory norms, and organizational structure. Moreover, it underscores the diversity of sales practices and the circulation of both local and imported goods, thereby testifying to the central role of Oman in the global trade system of the medieval Islamic era.

**Keywords:** *Bayān al-Sharʿ*, economic, jurisprudence, Oman, sales, trade

## Introduction

The importance of Omani legal encyclopedias, spanning different periods, lies not merely in their purely jurisprudential significance, but also in their status as the most authentic sources for writing Oman's history across all its historical and civilizational fields. The book "*Bayan al-Sharʿ*", written by the scholar Muhammad bin Ibrahim Al-Kindi, serves as a prime example for tracing the daily life of the Omani society within its multiple domains, such as agriculture, crafts, and trade during the Islamic medieval era.

In line with the growing use of this type of jurisprudential source in historical writing, this research aims to highlight the significance of the legal opinions (*fatawa*) and jurisprudential issues recorded by the scholar Muhammad Bin Ibrahim Al-Kindi regarding the commercial history of

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Islamic Oman. This is achieved by presenting the samples of issues addressed across several volumes of the said encyclopedia.

The current study sought to achieve a set of objectives, including highlighting the epistemological and methodological importance of the Omani jurisprudential encyclopedia *Bayān al-Shar'*, studying the influence of Ibadi jurisprudence in regulating the financial and commercial transactions in Oman, and exploring the types of sales contracts and commercial transactions in Oman during the Islamic medieval period through this jurisprudential encyclopedia.

Jurisprudential text is not typically presented as a historical discourse, yet it inherently contains precise references to daily practices, patterns of commercial dealings, and market spaces. Hence, the central problematic arises in exploring the boundaries of the relationship between jurisprudence and historical discourse, encapsulated in the following pivotal question: how did Muhammad bin Ibrahim Al-Kindi's encyclopedia with its normative jurisprudential discourse contribute to documenting historical discourse as descriptive discourse in medieval Omani economy?

Based on the selected problematic, the subsidiary research questions emerge as follows: wherein lies the epistemological importance of the jurisprudential encyclopedia *Bayān al-Shar'* in addressing the economic history of medieval Omani society? How did the jurisprudential forms (contracts) reflect the image of the Omani commercial sphere with its components of spatial settings, active elements, and regulatory frameworks?

## 2. Literature Review

Notwithstanding the valuable contributions that academic scholarship has made to our understanding of Ibādī juridical encyclopedias as sources for historical writing, the system of sales contracts and commercial transactions in *Bayān al-Shar'* has yet to receive independent and systematic scholarly attention it merits as a source for the economic history of medieval Islamic Oman.

The most recent contribution is Bouzenita's study on Ibādī maritime law in the Indian Ocean. This study examines rules on transport, trade, and taxation in early Ibādī juridical compilations and concludes that these compilations constitute a foundational document of Islamic international law that no other historical source can substitute for or render dispensable.<sup>1</sup> In a preceding study on the medieval history of Socotra and Cyprus, the same researcher found that Ibādī juridical sources carry considerable significance beyond what conventional historical sources report, encapsulating this finding in her observation that "the Ibādī fiqh literature draws extensively on the case of Socotra in the discussion of what exactly constitutes a breach of treaty, or the *dhimma* covenant [...] *The Kitāb*

<sup>1</sup>Anke Iman Bouzenita, "Ibādī Maritime Law in the Indian Ocean: Transport, Trade and Taxes in the 2nd–3rd/8th–9th Centuries," *Ilahiyat Studies* 16, no. 2 (2025): 167–200, <https://doi.org/10.12730:is.1767102>.

*Al-muḥārabah* of Bashīr ibn Muḥammad ibn Maḥbūb,<sup>2</sup> illustrates this early Ibādī heritage.”<sup>3</sup> In an earlier study on the applied Ibādī fiqh of international relations, drawing on the directives of Imām al-Ṣalt concerning Socotra, she likewise demonstrated that these texts preserve historically documented material unavailable in most conventional historical sources.<sup>4</sup> Across these studies, Bouzenita concluded that Ibādī juridical encyclopedias are not confined to legal rulings alone, but also preserve documentary material with no parallels in classical historical sources.

Yet, for all their methodological significance in establishing the historical value of Ibādī juridical compilations, these studies remain focused on political, international, and maritime dimensions and do not engage with the system of sales and commercial transactions as an autonomous economic structure.

A valuable contribution to the social-historical reading of *Bayān al-Shar'* is offered by *Al-Jahwariyyah*, whose study examined the Omani society in the fourth and fifth centuries AH through the juridical issues mentioned in the text, with particular attention to social stratification, family structures, and women's status.<sup>5</sup> Despite the importance of this work and its shared reliance on the same primary source, it does not devote systematic attention to the economic dimension or contractual formulas of sales.

The present study thus sets out to fill this gap, centering exclusively on the *buyū'* in *Bayān al-Shar'* as an integrated economic structure. In doing so, it offers a new methodological model for the use of Ibādī juridical encyclopedias as sources for economic history of medieval Oman.

### 3. Research Methodology

Given the nature of this research, which is grounded in extracting historical material from a juridical source, historical method was employed to examine the historical context of *Bayān al-Shar'* and its role in conveying a picture of commercial activity and its organizational forms in Islamic Oman. This was complemented by the use of descriptive-analytical method to deconstruct texts

<sup>2</sup>Muhammad Ibn Maḥbūb: He was the Sheikh, the jurist, the hadith master (*al-hujjah*), the historian, and the preserver (*al-hafiz*). Abu 'Abdullah Muhammad ibn Mashhur al-Rahil al-Qurashi al-Makhzumi, the compiler of the sayings of the early predecessors (*Al-salaf*). Historians have differed regarding his exact birth date; however, it is established that he was a prominent figure in the early third century AH. He assumed the leadership of the Ibadi School in Oman during the imamate of al-Salt ibn Malik. For details of his biography, refer to the study: Al-Ḥājj Sulaymān ibn Ibrāhīm Bābā 'Azīz al-Warjlānī, *Al-Imām Muḥammad ibn Maḥbūb al-Ruḥaylī wa Kitāb Abwāb min al-Sunnah Mukhtaṣarah* [Imam Muḥammad ibn Maḥbūb al-Ruḥaylī and His Book Chapters from the Concise Sunnah] (Muscat: Ministry of Heritage and Culture, Sultanate of Oman, 2009), 58–148, <https://ci.nii.ac.jp/ncid/BB1781257>.

<sup>3</sup>Anke Iman Bouzenita, “Transgressing the Terms of Covenant in the Islamic Jurisprudence of International Relations: The Cases of Socotra and Cyprus in Comparison,” *Intellectual Discourse* 28, no. 2 (2020): 459–486, <https://doi.org/10.31436/id.v28i2.1656>.

<sup>4</sup>Anke Iman Bouzenita, “A Reading in the Applied Ibādī Fiqh of International Relations: The Directive of Imām al-Ṣalt (d. 275/888) to His Army Concerning Socotra,” *Ilahiyat Studies* 10, no. 1 (2019): 7–45, <https://doi.org/10.12730/13091719.2019.101.188>.

<sup>5</sup>Aḥlām bint Ḥamūd al-Jahwariyyah, *Al-Mujtama' al-'Umānī fī al-Qarnayn 4–5 AH / 10–11 CE min Khilāl Ba'ḍ Masā'il Bayān al-Shar' li-Muḥammad ibn Ibrāhīm al-Kindī* [Omani Society during the Fourth and Fifth Centuries AH (Tenth and Eleventh Centuries CE): Evidence from Selected Cases in *Bayān al-Shar'* by Muḥammad ibn Ibrāhīm al-Kindī] (Muscat: Omani Society for Writers and Literati / Mu'assasat Mas'ā'il-Nashr wa-l-Tawzī', 2019).

pertaining to the modes of transactions as well as the inductive examination of the civilizational phenomenon through the analysis of its particulars as conveyed by the said juridical text.

#### 4. *Bayān al-Shar'*: Historical Utilization and Methodological Limits

Before discussing the methodological obstacles in researching the encyclopedia *Bayan al-Shar'*,<sup>6</sup> it is essential to provide the introduction of the scholar-jurist. He is Muhammad bin Ibrahim bin Sulaiman bin Muhammad bin Abdullah bin Al-Miqdad Al-Kindi Al-Samdi Al-Nizwi, a scholar of the latter half of the 5<sup>th</sup> century Hijri, who lived into the early 6<sup>th</sup> century Hijri and died in 508 AH/1115 AD. He studied under Sheik Abu Ali al-Hassan bin Ahmad bin Muhammad bin Uthman al-Nizwi.<sup>7</sup>

Many researchers interested in Omani history and its notable figures have provided sufficient biographies of the author, saving us the task.<sup>8</sup> They mentioned that Sheik al-Kindi was among those who diligently sought knowledge, having studied under Sheik Abu al-Hassan bin Ahmad bin Nasr al-Hajari. The Sheik was prolific in knowledge and broad in learning, precise in observation and understanding, and profound in perception. He was among the most prominent scholars of his time and left numerous Omani-authored works and concise treatises on jurisprudence and creed. He also left scattered legal responses (*fatawa*) and a poem "al-'Abiriyah," which describes paradise and what Allah has prepared therein for its inhabitants, spanning 83 verses.<sup>9</sup>

As for the book *Bayan al-Shar'*, it consists of 72 volumes. It was organized and its introduction was written by his cousin Abu Bakr Ahmad Bin Abdullah Al-Kindi (d. 557 ah/1162 ce), the author of the book "al-Musannaf,"<sup>10</sup> since Sheik Al-Kindi passed away before he could arrange it.

The volumes of the book comprise several chapters distributed between the jurisprudence of worship (*Ibadat*) and the jurisprudence of transactions (*Mu'amalat*). It begins with chapters on knowledge, the principles of jurisprudence, rulings, and the sciences of the Quran, the principles of

<sup>6</sup>Muhammad ibn Ibrāhīm al-Kindī, *Bayān al-Shar'* [The Elucidation of Islamic Law], Vol. 19. (Muscat: Ministry of National Heritage and Culture, 1986); Muhammad ibn Ibrāhīm al-Kindī, *Bayān al-Shar'* [The Elucidation of Islamic Law], Vols. 41–42. (Muscat: Ministry of National Heritage and Culture, 1993); Muhammad ibn Ibrāhīm al-Kindī, *Bayān al-Shar'* [The Elucidation of Islamic Law], Vols. 43–44. (Muscat: Ministry of National Heritage and Culture, 1992).

<sup>7</sup>Fahd ibn 'Alī al-Sa'dī, *Mu'jam Shu'arā' al-Ibādīyyah (Qism al-Mashriq) min al-Qarn al-Awwal lil-Hijrah ilā Bidāyat al-Qarn al-Khāmis 'Ashar al-Hijrī* [Dictionary of Ibādī Poets (Eastern Section) from the First Century AH to the Beginning of the Fifteenth Century AH] (Muscat: Maktabat al-Jil al-Wā'id, 2007), 307.

<sup>8</sup>Al-Khulūd bint Hamdān al-Khāṭirīyyah, "Turāth 'Umān al-Baḥrī fī l-Fiqh al-Ibādī min Khilāl Kitāb Bayān al-Shar' li-l-Shaykh al-Qāḍī Muḥammad ibn Ibrāhīm al-Kindī (d. 508 AH / 1115 CE)" [The Maritime Heritage of Oman in Ibādī Jurisprudence through Kitāb Bayān al-Shar' of Shaykh al-Qāḍī Muḥammad ibn Ibrāhīm al-Kindī], in *Scientific Papers of the International Conference on Oman's Maritime Heritage* (Muscat: Center for Omani Studies, Sultan Qaboos University, 2020), 443–463; Nāṣir ibn Sayf al-Sa'dī, "Al-Baḥr min Khilāl Kutub al-Jawābāt wa al-Nawāzil al-Fiqhiyyah al-'Umāniyyah" [The Sea through the Books of Juridical Responsa and Omani Legal Case Literature], in *Scientific Papers of the International Conference on Oman's Maritime Heritage* (Muscat: Center for Omani Studies, Sultan Qaboos University, 2020), 208–223.

<sup>9</sup>Sayf ibn Muḥammad ibn Ḥāmid al-Baṭṭashī, *Ithāf al-A'yān fī Tārīkh Ba'd 'Ulamā' 'Umān* [A Gift to the Notables: A History of Some Omani Scholars], vol. 1, 4th ed. (Muscat: The Special Advisor to His Majesty the Sultan for Religious and Historical Affairs Library, 2004), 1:308.

<sup>10</sup>Abū Bakr Aḥmad ibn 'Abd Allāh al-Kindī, *Al-Muṣannaf fī al-Adyān wa al-Aḥkām* [The Classified Work on Religions and Legal Rulings] (Muscat: Ministry of Endowments and Religious Affairs, 2016).

religion, and the principles of Islamic governance concerning allegiance, dissociation, and judgment, among other issues. It also contains a substantial number of case studies (*Nawazil*) and scholarly inquiries. The book is a treasure trove of benefits and preserves many lost Omani books.

Al-Kindi compiled this precious work, along with a large collection of responses to numerous questions addressed to Omani scholars who preceded him. This work reflects the profound understanding of the objectives (*Maqasid*) of Islamic law held by the scholars of this land, which enabled them to resolve the problems they encountered and find suitable solutions to issues that perplexed people in their acts of worship and transactions. He arranged those responses by topic, in a meticulous order that followed the sequential jurisprudential chapters. Furthermore, the scholar al-Kindi relied on works in jurisprudence, including some now considered lost, by non-Omani scholars from other schools of thought. This indicates his openness, solely for accurately establishing the rulings of Islamic law.<sup>11</sup>

The issues mentioned in the above encyclopedia's chapters on commerce were recorded in their jurisprudential context. Although the jurist-scholar focused on the jurisprudential-legal perspective—his primary domain—the topics constitute valuable historical material that can be utilized to extract data seldom provided by other Omani sources. These case studies present various aspects of commercial transactions. They also address many issues related to the details of daily life in Omani market during the Islamic era, as well as several aspects of the economic affairs of Omani society across a geographical sphere defined by his correspondence with jurists and scholars from other regions. Al-Battashi said, “Even if he—the scholar Al-Kindi—had no other authored works except the book 'bayan al-shar'...” “...it would have sufficed... And it became a reference for the jurists and authors who came after him... And they are all indebted to him, deriving from it and acknowledging its merit...”<sup>12</sup>

Al-Kindi's method in *Bayan al-Shar'* is systematic and classificatory. He arranged issues across jurisprudential chapters, joined theory with practice, drew on authenticated narrations from the Ibadi imams and sheiks, and added discussions reflecting varied interpretations.

Despite this, the methodological problem remains regarding the methods of investing in and employing this type of writing in the field of historical studies. It does indeed constitute a real obstacle for the modern historian, since the content is jurisprudential and not aimed at the purpose of historical documentation. This makes it difficult to separate the boundaries of jurisprudence and history within the case and to verify its authenticity, given the absence of several indicators, including the additions made by scribes and scholars who succeeded one another in later periods comprising additions, comments, and annotations. This requires caution and care when dealing with the original text of the book. However, it is easy to distinguish them through the occurrence of indicative phrases, such as “from the added addition of the work,” “from other than the book,” “from the margin,” and “from the book of the sheikhs.”<sup>13</sup>

The fact that most of these jurisprudential issues are not rooted in time and place is one of the most difficult problems facing the historian when attempting to utilize these legal texts.<sup>14</sup> In addition, there is the difficulty of understanding the complex terms and concepts related to the legal formulation of the principles of jurisprudence, in addition to the vocabulary specific to a local

<sup>11</sup> Al-Sa'dī, Mu'jam Shu'arā' al-Ibādiyyah, 72–87.

<sup>12</sup> Al-Battashī, *Ithāf al-a'yān*, 308.

<sup>13</sup> Al-Jahwariyyah, *Al-Mujtama' al-'Umānī*, 89–91.

<sup>14</sup> Muḥammad Fāṭḥah, *Al-Nawāzil al-Fiḥiyyah wa al-Mujtama': Abḥāth fī Tārīkh al-Gharb al-Islāmī min al-Qarn 6 ilā 9 AH / 12–15 CE* [Juridical Case Literature and Society: Studies in the History of the Islamic West] (Casablanca: Publications of the Faculty of Arts and Humanities, 1999), 20–21.

environment that characterizes the text. This poses a real problem for the historian because of its mediation in conveying the Omani reality,<sup>15</sup> since the establishment of jurisprudential text in a dynamic society is the evidence of the establishment of the jurisprudential mind and its cessation of independent reasoning. The early users of this encyclopedia realized the difficulty of reading the jurisprudence of the issues. They noted the need to be familiar with a set of jurisprudential terms and their meanings in order for their application to be scientific and practical in historical research, as the actual value of its issues does not become clear by a superficial look at the text, except after delving into and researching the folds of the original heritage to decipher its symbols and meanings.<sup>16</sup>

It is no secret to researchers in the field of history that until recently, these sources were considered purely jurisprudential books with little expected benefits. However, they are now classified as latent sources for rewriting Islamic history in general<sup>17</sup> and Omani history<sup>18</sup> in particular, the latter being the subject of this research. The process of publishing and verifying countless numbers of such texts has been a driving force for their utilization.<sup>19</sup>

However, the methodological boundaries do not lead to dropping jurisprudential texts from historical consideration, rather they call for a method of reading that is good at eliciting what is left unsaid and revealing what the folds of the text contain of economic and social implications. Based on this integrative method, a number of structural factors that contributed to shaping and organizing commercial activity in medieval Oman are revealed, which calls for standing up to it in the following section.

<sup>15</sup>Al-Jahwariyyah, *Al-Mujtama' al-'Umānī*, 29–30.

<sup>16</sup>Muhammad Muzayn, "Haṣīlat Istikhdām Kutub al-Nawāzil al-Fiqhiyyah fī al-Kitābah al-Tārīkhiyyah al-Maghribiyyah" [The Yield of Using Books of Juridical Case Literature in Moroccan Historical Writing], in *Abḥāth fī Tārīkh al-Maghrib: Ḥaṣīlah wa Taqyīm* [Research on the History of Morocco: Outcomes and Evaluation] (Rabat: Publications of the Faculty of Arts, 1989), 73–90; Fatima Belhaouari, "Al-Naṣṣ al-Nawāzilī li-l-Gharb al-Islāmī: Adāh li-Tajdīd al-Baḥṭh fī Tārīkh al-Ḥadārah al-Islāmiyyah" [The Nawāzil Texts of the Islamic West: A Tool for Renewing Research in the History of Islamic Civilization], *Oussour* 10, no. 1 (2011): 139–147, <https://asjp.cerist.dz/en/article/95962>; Murtadha Abdul-Razzaq Majeed, "Kutub al-Nawāzil wa al-Aḥkām Maṣḍaran li-Dirāsāt Tārīkh al-Maghrib wa al-Andalus" [The Books of Nawāzil and Rulings as a Source for Studying the History of Morocco and al-Andalus], *Lark Journal* 14, no. 5 (2022): 258, <https://doi.org/10.31185/lark.Vol4.Iss47.2555>.

<sup>17</sup>Sergio Carro Martín and Amalia Zomeño, "Identifying the 'Udūl in Fifteenth-Century Granada," in *Legal Documents as Sources for the History of Muslim Societies: Studies in Honour of Rudolph Peters*, ed. Maaïke van Berkel, Léon Buskens, and Petra M. Sijpesteijn (Leiden: Brill, 2017), 109–128, [https://doi.org/10.1163/9789004343733\\_007](https://doi.org/10.1163/9789004343733_007)

<sup>18</sup>Anke Iman Bouzenita, "The Division of the Seas in International and Islamic Law and the Concept of Ḥarīm al-Baḥr: A Comparative Fiqh Study," *Ilāhiyat Studies* 12, no. 2 (2021): 143–184, <https://doi.org/10.12730/13091719.2021.122.225>.

<sup>19</sup>Abd Allāh Muḥammad al-Kharousi, Muhammad Said Almujaḥed, and Abdulla Al-Hinaei, "Al-Tarjīḥāt al-Fiqhiyyah lil-Imām al-Sālimī fī 'Uqūd al-Mu'āwaḍāt: Dirāsah Fiqhiyyah Muqāranaḥ fī l-Madḥab al-Ibādī" [Jurisprudential Preferences of Imam al-Sālimī in Compensation Contracts: A Comparative Jurisprudential Study in the Ibādī School], *Al-Qanātir International Journal of Islamic Studies* 35, no. 3 (2026): 104–118, <https://doi.org/10.64757/Alqanatir.2025.3402/1119>.

## 5. Regarding the Types of Sales Formulae

### 5.1. The Spaces of Commerce

The sales-related issues presented by Al-Kindi frequently contain references to the locations and spaces of commercial exchange and dealings.<sup>20</sup> The marketplace (*al-suq*) constituted the primary space for buying and selling activities in his time. These were places where various goods and merchandise gathered and commercial transactions and deals were conducted. Business operations, such as measuring, storage, cash sales, purchases, and barter took place there. They also served as centers for craft and professional activities, typically located in the city center, following the pattern of landmarks in the Islamic city.<sup>21</sup>

As it is historically known, the marketplace, besides being the primary intermediary in the processes of production, distribution, and consumption, represents a vital space for investing and circulating capital. Consequently, the *suq* is considered as one of the central components in the economic, social, and religious fabric of the Islamic society. While it serves the function of intermediation between production and consumption, it also transcends this role by being a space where exchange is practiced, rules of interaction are formulated, oversight is exercised, commercial transactions are regulated, and the responsibilities of the actors involved are defined.

In the Omani context, the presence of the market in traditional jurisprudential texts is evident as a reflection of an active and organized local economic structure. Al-Kindi's *Bayān al-Shar'* stands out among these texts, as it contains a collection of regulations to organize market mechanisms and their vital role. Al-Kindi dedicated multiple chapters to market rulings, reflecting its central position in the economic life of Islamic Oman and highlighting the jurisprudential regulatory tools that accompanied local commercial activity.

There are mentions of shops (*dukākīn*), which flourished with the trade of goods and commodities brought from both within and outside Oman, reflecting the mobility of Omani merchants traveling to and from various regions.<sup>22</sup> The Omani ships docked in places such as the Levant (al-Shām), Iraq, the Hijaz, Persia, Yemen, Daybul,<sup>23</sup> India, and China.<sup>24</sup> In this context, Al-Kindi transmitted the response of the scholar Muḥammad ibn Maḥbūb regarding *zakāh*, who stated that "as for all wealth brought by its owners to Oman for trade or otherwise from the lands of Islam, such as Iraq, Persia, Aden, and Daybul..."<sup>25</sup> Residences (*manāzil*) also served as spaces for buying and selling, as indicated by a question suggesting this practice was common in Oman. A question

<sup>20</sup>Al-Kindī, *Bayān al-Shar'*, 43:160; 44:331.

<sup>21</sup>Muḥammad 'Abd al-Sattār 'Uthmān, *Al-Madīnah al-Islāmiyyah* [The Islamic City], 'Ālam al-Ma'rifah Series, no. 126 (Kuwait: National Council for Culture, Arts and Letters, 1988), 103.

<sup>22</sup>Al-Kindī, *Bayān al-Shar'*, 19:307–308.

<sup>23</sup>Dabīl (also known as *Dafīn*) was a major commercial city and historic capital of Armenia, situated north of the ancient Armenian capital of Artashat, on the banks of the Metsamor River, approximately 35 kilometres south of modern Yerevan. For further details, see: Shihāb al-Dīn Abū 'Abd Allāh Yāqūt al-Ḥamawī, *Mu'jam al-Buldān* [Dictionary of Lands], vol. 2 (Beirut: Dār Ṣādir, 1984), 2: 439.

<sup>24</sup>Al-Kindī, *Bayān al-Shar'*, 19:308.

<sup>25</sup>Ibid., 19:305–308.

was posed by Abū al-Hawārī<sup>26</sup> regarding the ruling on merchants whom the Sultan compelled to develop the market and prevented from selling in their residences.<sup>27</sup>

## 5.2. Actors in Sales Transactions

Based on some examples within the issues presented in *Bayān al-Shar'*, various active categories involved in the sales process within Omani trade during the Islamic era have been identified. There is no doubt that the types of merchants in Oman varied according to the amounts of their capital, the social status of their owners, and the methods they employed for investment, whether they were from the elite or the common people, and whether engaged in direct trade or within a framework of brokerage and agency.

Large-scale merchants occupied the foremost position due to the financial wealth they possessed, which grew through multiple resources. Some of them were even from the ruling authority, as indicated by some issues concerning the sales transactions of sultans and their aides.<sup>28</sup> Among them were those who owned a private market or possessed shops (*dukākīn*).<sup>29</sup> Al-Kindi highlights in his *Bayān* that agency (*al-wakālah*), as a juristic mechanism, played a crucial role in regulating buying and selling activities within medieval Omani society. Agents (*al-wukālā'*) served as vital intermediaries between merchants and the markets. He defined agency as a legal proxy in which the agent acts on behalf of the principal within the bounds of the authorization granted to him, bound by the conditions of legal capacity (*al-ahliyyah*) and trustworthiness (*al-amānah*). He indicates that a sale for less than the authorized price is invalid unless ratified by the principal and any excess profit belongs to the principal. Furthermore, the agent is considered a trustee (*amīn*) and is only liable in cases of transgression (*al-ta'addī*) or negligence (*al-taqṣīr*). Al-Kindi explicitly prohibited all forms of fraud or deception that use agency to circumvent prohibitions against usury (*al-ribā*) or excessive uncertainty (*al-gharar*).<sup>30</sup>

Furthermore, many legal cases revealed issues related to agency in buying and selling,<sup>31</sup> shedding light on several matters concerning the role of agents in facilitating certain transactions. It indicates that the agency system was used by Omanis in their daily sales, particularly in cases of travel, maritime trade, and other circumstances.<sup>32</sup>

Alongside these agents, the Omani market also witnessed the activity of auctioneers and brokers (often referred to as *al-nadādah* or criers), reflecting the importance of these vital elements in the commercial process. The author of *Al-Bayān* dedicated the nineteenth chapter of the forty-second volume to "The Sale by Auction and the Auctioneer." As seen in this case, "If a man gives a garment

<sup>26</sup>Abu al-Hawari Muhammad ibn al-Hawari ibn 'Uthman al-Qari was one of the prominent Omani scholars in the second half of the third century AH (Hijri). He grew up in Nizwa and acquired knowledge from a number of sheikhs, most notably Abu al-Mu'thir al-Salt ibn Khamis. He was renowned for his vast knowledge and jurisprudence, to the extent that he was considered the most learned person of his time, especially in rulings about the lawful (halal) and the unlawful (haram). He adopted a stance of neutrality in the case of Musa and Rashid following the deposition of Imam al-Salt ibn Malik in 272 AH, due to the ambiguous nature of the matter. For details of his biography, refer to the book: Abu al-Hawari Muhammad ibn al-Hawari al-Ummami al-Ibadi. Al-Dirayah wa Kubr al-'Inayah wa Muntaha al-Ghayah wa Bulugh al-Kifayah fi Tafsir Khams Mi'ah Ayah, (edited by Muhammad Muhammad Zanati 'Abd al-Rahman, 1991), 1:12–17.

<sup>27</sup>Al-Kindi, *Bayān al-Shar'*, 42/ 261; 44 /258.

<sup>28</sup>Ibid., 42:269.

<sup>29</sup>Ibid., 43:258.

<sup>30</sup>Ibid., 43:326–331–341–358–372.

<sup>31</sup>Ibid., 43:262.

<sup>32</sup>Ibid., 42:266.

to an auctioneer and says to him, 'If it reaches ten dirhams, you have one *daniq*. But if it sells for less, you get nothing.'<sup>33</sup>

Women were not excluded from sales transactions. Some legal opinions indicate that Omani women enjoyed an active role in social and economic life. Records show their participation in commercial transactions and managing their own financial affairs independently. Some of them were known as *al-tawwāfāt* (female vendors who went around selling goods).<sup>34</sup> In a similar case reflecting the presence of Omani women in buying and selling practices, a merchant was asked about some goods he had and where they came from. He replied, "From so-and-so woman."<sup>35</sup> In another case, a woman conducted a transaction to sell a house belonging to her children.<sup>36</sup>

Al-Kindī's legal cases also revealed the presence of foreign merchants. These individuals were provided with conditions that encouraged them to frequent Oman due to the care, protection, and facilities they received. Consequently, they undertook the responsibilities of investments and respected the systems and laws of the country.<sup>37</sup> Among them were Muslims who came from Islamic lands such as Iraq, the Hijaz, and the Levant to sell their goods in Oman.<sup>38</sup>

Alongside these Muslim elements, we find mention of the *Ahl al-Dhimma* (protected non-Muslims), including Jews, Christians, and Zoroastrians. Jews engaged in buying and selling with complete freedom and excelled in brokerage and money changing professions. These references reflect the reality that the actors involved in the commercial sales process in Oman were of diverse origins and faiths.

Al-Kindī also delved into prohibited sales, such as sales involving excessive uncertainty (*bay' al-gharar*—e.g., selling fish still in the water), the sale of debt for debt (*bay' al-dayn bi al-dayn*), and the sale of an unseen object (*bay' ma lam yura*), prohibited due to the elements of uncertainty, risk, or potential usury. He accorded special attention to options (*khiyar*) in sales, detailing the option of the session (*khiyar al-majlis*), the stipulated option (*khiyar al-shart*), and the option for defect (*khiyar al-'ayb*). He explained the effect of each on the binding nature or invalidity of the contract. He examined the causes leading to the invalidity of a transaction, such as lack of consent, usurpation (*ghasb*), or selling what one does not own.

Among the unique aspects highlighted by the author is the sale under compulsion (*bay' al-jababirah*), which is conducted under duress and by a coercive authority; he discussed it from both an ethical and precise jurisprudential perspective. He also addressed rulings related to the sale of endowment (*waqf*) property and touched upon sales like *'araya*, *muzabanah*, and *muhagalah*.<sup>39</sup>

<sup>33</sup>Ibid., 42:226–232.

<sup>34</sup>Ibid., 42:261.

<sup>35</sup>Ibid., 42:242.

<sup>36</sup>Ibid., 44:233.

<sup>37</sup>Miftāḥ 'Alī Muḥammad Farīd, "Mawānī' al-Sāḥil al-'Umānī wa Dawruhā fī Tanshīt Ḥarakāt al-Sil' al-Tijāriyyah" [The Ports of the Omani Coast and Their Role in Stimulating the Movement of Commercial Goods], *Dārat al-Malik 'Abd al-'Azīz* 39, no. 2 (2013): 155–233, <https://search.mandumah.com/Record/493619>.

<sup>38</sup>Al-Kindī, *Bayān al-Shar'*, 44:306.

<sup>39</sup>Al-'Arāyā (pl. of 'Ariyya): Refers to a date palm whose fruit is given to someone to benefit from. The sale of al-'Arāyā occurs when a person buys the fresh dates on a specific palm tree from its owner, in exchange for an estimated equivalent quantity of dried dates — allowing the buyer and his family to eat fresh dates rather than waiting for them to dry. Al-Muzābana: Derived from a root meaning, "to push" or "to shove." It refers to the sale of a known quantity of a commodity for an unknown quantity of the same kind (i.e., exchanging a measured amount for an unmeasured amount of the same genus). Al-Muḥāqala: Derived from a root meaning "to sprout" or "germinate." It refers

among other forms, all presented within a comprehensive treatment that considered both the dimensions of the legal text and the necessities of reality.<sup>40</sup>

Based on the examined issues concerning sales formulae in *Bayān al-Shar'*, it is evident that sales (*bay'*) commonly involved tangible goods (*'ayn*) and were divided into types. Among them was cash sale, known as *al-bay' al-muṭlaq* (the absolute sale), which is the exchange of a tangible good for debt (i.e., money). This was the most widespread type, as it allows a person to exchange using his own money without being subject to constraints imposed by others. Another type is barter sale (*al-Muqāyaḍah* / *al-Mu'āwaḍah*),<sup>41</sup> which is the exchange of one tangible good for another. Then, there is the exchange of currencies, called *ṣarf* (currency exchange). We limit ourselves here to mentioning a sample of these.

Barter sale (*al-bay' bi al-muqāyaḍah*) is considered as one of the oldest forms of financial exchange in Islamic jurisprudence, involving the direct exchange of one commodity for another. It was the foundational form of transaction before the widespread use of currency. Although currency is not a product of the modern era, its circulation was limited in some environments. This type of sale was considered the most prevalent method for exchanging goods among the people of Oman, likely due to the scarcity of circulating currency and the prevalence of agriculture and pastoralism in their way of life. Several issues discussed by Al-Kindi revealed *fatawa* from Omani scholars regarding cash sales in various contexts across the country.<sup>42</sup> However, what is notable regarding the sales formula is the scrutiny applied to ensure that the currency was sound and valid. An example is the issue mentioned by Abu Al-Hawari: a man knows a dirham to be debased; is it permissible for him to buy food with it? He said that it is not permissible for him.<sup>43</sup> This suggests that currency dealings were approached cautiously due to the risk of metal adulteration.

By contrast, barter seems to have been more common in Oman's sales. The author of *Al-Bayān* treated barter sale (*al-bay' bi al-muqāyaḍah*)—exchanging one property for another without monetary metals, as in wheat for barley or dates for dates. It is permissible once the general conditions hold, that is, mutual consent, a clear agreement, precise identification of both items, and immediate exchange (*al-taqābuḍ*) completed in the same session.

Al-Kindi emphasized in this regard that barter sales must be free from excessive uncertainty (*gharar*) and ambiguity (*jahālāh*) and that the two items being sold must be known to both parties. The barter process took place based on the crops and other foodstuffs each party had. Examples included exchanging cotton for food and selling meat for grain, “a *mann*<sup>44</sup> of meat for a *makkūk* of

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to crops that branch out before their stalks thicken. It has also been said to mean cultivated land, such that “leasing land for a share of its produce” amounts to selling grain still in its ear (i.e., the standing field) for wheat.: Muḥammad Rawās Qal'ahjī, *Mu'jam Lughat al-Fuqahā'* [Dictionary of Jurists' Terminology] (Beirut: Dār al-Nafā'is, 1996), 278–378–392–393.

<sup>40</sup>Al-Kindī, *Bayān al-Shar'*, 42:155–361; 43:5–224; 44:233–422.

<sup>41</sup>Ibid., 42:150.

<sup>42</sup>Ibid., 42:265; 43:318.

<sup>43</sup>Ibid., 42:343.

<sup>44</sup>The *mann* was a traditional unit of weight widely used in Ibādī Oman and the central Maghreb, though its value varied by region. In Oman it generally equaled two Baghdadi *rattls* (about 819 grams) and ranked among the most commonly used weights. The term appears frequently in *Bayān al-Shar'*, especially in legal discussions of commercial transactions and commodity exchange. Walther Hinz, *Islamic Weights and Measures and Their Equivalents in the Metric System*, trans. Kamil Al-Asali (Amman: University of Jordan Publications, 1970), 45–53.

grain.”<sup>45</sup> It also occurred that “palm trees were pledged for grain.”<sup>46</sup> He was also asked about the ruling on exchanging dates for dates of another type. He answered that it is permissible, provided there is immediate exchange in the session, basing this on the Prophet's (peace be upon him) hadith: “dates for dates, equal for equal, hand to hand.”<sup>47</sup> In another instance, he discussed exchanging wheat for barley, noting the need to meet the conditions of sale and emphasizing the importance of immediate exchange to avoid usury.

Al-Kindi transmitted the response of the Omani scholar Abu Al-Mu'thir<sup>48</sup> regarding an issue that occurred in Oman. It was presented to him regarding two men who transacted the exchange of a dinar for dirhams, but they did not complete the exchange until several days later and were unaware of the ruling. One was from eastern Oman and the other from western Oman; one was from Hadhramaut and the other from Oman. The value of the dinar was equivalent to that of the dirhams. Each of them took possession [of what they received]. Then, they learned of the invalidity of what they had done and desired repentance. However, neither of them could reach the other except with great hardship and heavy expense. Does repentance suffice for them? “I hope that repentance suffices for them. However, he should purchase from his counterpart the equivalent of what he took and take possession of it for himself. If any surplus remains in his hand, he should send it to his counterpart, and he is liable for it until it reaches him. If they meet after that, each of them should give back what he had taken from the other. And if they forgive each other, and if they die, I do not consider them to have sinned, God willing, if they have repented from what they did as we have described.”<sup>49</sup>

“It is known that deferred payment sale (*Al-nasī'ah*)<sup>50</sup> increases the price; therefore, if the seller is not informed of it and a specific period of deferment is set for him, it is prohibited, constituting a form of usury (*ribā*) and deception (*tadlīs*) against the buyer.”<sup>51</sup> Consequently, the buyer has the right to rescind the sale if he becomes aware of this. This type of sale represents a significant aspect of transactional jurisprudence (*fiqh al-Mu'āmalāt*) in Omani Ibādī jurisprudence, reflecting the jurists' conceptualization of deferred financial contracts, their rulings, and their legal boundaries. Sheik al-Kindi addressed deferred payment sale in his discourse with precise juristic insight that balanced flexibility in transactions with caution against falling into usury and excessive uncertainty (*gharar*). This demonstrated the economic and social awareness of the reality of Oman in his era, while adhering to the texts and objectives of Islamic law (*Sharia*). He did not encourage excessive dealings in deferred sales due to their inherent risk and potential for usury. Instead, he encouraged prompt (cash) sales whenever possible and urged merchants to observe God-consciousness (*taqwā*) in their financial dealings.

<sup>45</sup>The Makuk: a well-known measure among the people of Iraq (plural makākīk or makākī). It holds one and a half sa's, or half a waybah (11), or from half a pound to eight *uqiya*hs (12), equivalent to 5.625 kg (13). It was among the measures widely used in Oman during the period of study for weighing dates and other goods. Hinz, *Islamic Weights and Measures*, 40.

<sup>46</sup>Al-Kindi, *Bayān al-Shar'*, 42:150.

<sup>47</sup>Abū 'Abd Allāh Muḥammad ibn Ismā'īl al-Bukhārī, *Ṣaḥīḥ al-Bukhārī* [The Authentic Collection of al-Bukhārī] (Cairo: Dār al-Ta'wīl, 2012), 3:217.

<sup>48</sup>Al-Kindi, *Bayān al-Shar'*, 43/318.

<sup>49</sup>Ibid., 43:318.

<sup>50</sup>Al-Nasī'ah: the noun is *nasī'ah*, as in *nasaytuhu al-bay'*. One who sells on credit may not buy it back below its cash price unless its attributes have changed, though a purchase by his father or son is allowed. And if he sells something subject to usury (*ribā*) on credit, then before taking possession (*qabd*) buys back from the buyer, with its price, something of the same kind or not sellable on credit, it is impermissible. Ibn Manzur: *Lisan al-Arab*, 1/167.

<sup>51</sup>Ibn 'Abd al-Raḥīm, *Mu'īn al-Hukkām 'alā al-Qaḍāyā wa al-Aḥkām* [The Aid of Judges in Cases and Legal Rulings], ed. Muḥammad ibn Qāsim (Beirut: Dār al-Gharb al-Islāmī, 1989), 113.

Al-Kindī reviewed this type of sale for certain food commodities, such as selling dates or wheat for a known term at a specified price, with the stipulation of delivery at the agreed-upon time. This issue reflects what was mentioned in the response of the scholar Abī Al-Hawārī regarding “a man who gave another man a garment and said, ‘sell this garment for cash.’ The man then sold it on deferred terms (*nasi'ah*), even though the garment was worth ten dirhams in cash. He sold it for twenty dirhams. The owner of the garment came in and was informed that it had been sold on credit and he objected. The seller then said, ‘I will give you its cash price now, whatever its value is, and I will collect the dirhams from the man when the payment is due.’ They agreed on its cash price and he weighed out its price for him. Are these dirhams permissible for him (to take)? According to what you described, yes, it is permissible for him because he is liable for the garment since he contravened his partner’s (or principal’s) instruction.”<sup>52</sup> Practical, real-world examples from commercial life in Oman were examined in the legal opinions (*jawābāt*) of some jurists and scholars who clarified its prohibition, while others permitted it<sup>53</sup> when certain conditions were met.

In addition to those forms, he mentioned *al-salaf* (prepayment/advance sale), which is a common form of sale in commercial transactions. *Al-salaf* manifests as cash for cash, cash for a commodity, or a commodity for a commodity. There are particular benefits for money changers and those dealing in usurious transactions, or it takes the form of either a *salam* sale (advance payment for future delivery) or a *nasi'ah* sale (deferred payment) with documentation, and this is what was commonly practiced. This type of sale helped merchants to exploit farmers and conceal monopolistic practices, especially in the case of foodstuffs. Regarding this issue, Sheik Al-Kindi reported from Abu al-Hawari, who said, “A man owed dirhams as the price of dates, grains, or the like, and he was unable to pay. The creditor said to him, ‘I will give you an advance (*uslufuka*), and you will repay (my debt).’ So, he did, and he repaid him. If it is like this, it is a corrupt (*fasid*) advance. However, if he did not stipulate that he repay him, nor say to him, ‘I advance to you so that you repay me,’ then the advance is valid (*tamm*).”<sup>54</sup> It often involves a loan for a specified term or a deferred loan with installments. Nevertheless, the encyclopedia of Al-Kindi reveals only a fraction of the treasures of juristic knowledge and historical implications it holds for those who delve into its hidden depths.

## 6. Conclusion

To summarise, this sample of commercial legal issues (*masā'il al-buyū'*) in *Bayān al-Shar'* reveals aspects of the Omani society's sociocultural specificity through the contexts in which it appeared, marked by a distinctive legal-jurisprudential framework. Though this type of case (*nawāzil*) often lacks a detailed narrative of the incident itself, it preserves the positions of the scholarly elite (*al-nukhbat al-'ālimah*) on issues in their society, making it an exceptionally suitable resource to study the era's intellectual output and Omani economic life.

The current study demonstrates the multiplicity of sales methods and forms in Oman through the jurisprudential encyclopedia *Bayan al-Shar'* by Muhammad ibn Ibrahim al-Kindi. These included cash sales, bartering, and advance sales (*sadaq/salaf*). Additionally, it revealed other aspects that formed an integrated system of local and global commercial exchange and transaction methods.

Furthermore, the diversity of jurisprudential forms for commercial contracts presented by Muhammad ibn Ibrahim al-Kindi in *Bayan al-Shar'* does not merely reflect theoretical jurisprudential reasoning (*ijtihad*). Rather, it serves as a living testament to the economic vitality experienced by the Omani society during the medieval period. The adoption of contracts such as *salam* (forward manufacture) and *nasi'ah* (deferred payment) indicated the existence of advanced financing models that enabled merchants to meet production and marketing requirements at the time. Meanwhile, sales

<sup>52</sup>Al-Kindi, *Bayān al-Shar'*, 43:265.

<sup>53</sup>Ibid., 42:195.

<sup>54</sup>Ibid., 44:283–284.

contracts such as *araya*, *muzabanah*, and *muhaqalah* highlighted the diversity and flexibility of commercial transaction mechanisms in the markets, illustrating the awareness of Omani jurisprudence regarding people's daily needs and its attempts to find practical solutions to real economic problems.

Moreover, the forms of agency (*wakalah*) and auctions (*muzayadah*) emphasised the role of intermediaries—networks of agents and brokers (*dallalin*)—in stimulating exchange activities and linking commercial centers within and outside Oman. Consequently, it can be argued that *Bayan al-Shar* constitutes a jurisprudential-economic document which provides ready-to-use material to study the marketplace, its commercial systems, and its financing mechanisms in medieval times. This, in addition to uncovering aspects of commercial exchange customs in Oman, dynamically links them to trade routes in the Indian Ocean and the Arabian Gulf during the medieval era.

It appears that commercial activities in Oman, due to its geographical location, led to the emergence of diverse methods to conduct business transactions. These methods included open-ended sales, fixed-price sales, deferred sales, and prepayment sales (*salam*), as well as sales prohibited by Islamic law due to their inherent corruption and the commission of certain forbidden acts. These acts included fraud in weight and measure, usury, hoarding of goods for profit, and sales involving uncertainty.

This diversity of forms clearly reflected that the Omani economy was not isolated, rather integrated into a vast system of transregional trade interactions. Therefore, reading these contracts reveals not only jurisprudence but also offers researchers a window into the market structure, the roles of agents, and the economic mechanisms that contributed to linking Oman to global trade networks in the Middle Ages.

#### Author Contribution

**Fatima Belhaouari:** Formal analysis, original draft, conceptualization, Validation. **Ali bin Saeed Al-Riyami:** Writing – review and editing. **Badr bin Hilal Al-Alawi:** Investigation, resources.

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