

THE FIQH OF FOOD

**LESSON 3: THE
MAXIM OF THE
MUSLIM MARKET**





The Maxim of the Muslim Market

- **The “Maxim of the Muslim Market”** قاعدة سوق المسلمين
- The default ruling is that we when we are in doubt, we must ascertain that an animal is mudhakka, but this maxim presents an exception to that rule.
- The Maxim of the Muslim Market refers to the ruling that states that, when in doubt, you can assume that what is sold in the Muslim market has been slaughtered according to Islamic law.





The Maxim of the Muslim Market

- **What is the the basis of this maxim?**
- 1. The conduct of the religious community *سيرة المتشركة*
- Muslims used to purchase meat from the Muslim markets without ascertaining with 100 percent certainty that the animals were slaughtered according to Islamic law.
- This practice occurred during the era of the infallibles and they did not object to it.





The Maxim of the Muslim Market

- 2. If the Maxim of the Muslim Market is invalid, it will result in the disruption of the social order of the Muslim community.
- It will mean that every Muslim will need to slaughter the animal himself or at least witness the slaughter of the animal to be certain that Islamic law was observed.
- Such a stringent approach would lead to chaos and unchecked suspicions between Muslims.





The Maxim of the Muslim Market

- 3. Narrations:
- The authentic narration of Fudhayl, Zurarah, and Muhammad ibn Muslim

محمد بن يعقوب، عن علي بن إبراهيم، عن أبيه عن ابن أبي عمير، عن عمر بن أذينة، عن فضيل، وزرارة، ومحمد بن مسلم، انهم سألوا أبا جعفر (عليه السلام) عن شراء اللحوم من الأسواق، ولا يدري ما صنع القصابون.

Fudhayl, Zurarah, and Muhammad ibn Muslim ask Imam al-Baqir (a) about purchasing meat from the markets when it is not known what the butcher has done.





The Maxim of the Muslim Market

فقال: كل إذا كان ذلك في سوق المسلمين، ولا تسأل عنه.

“Eat if it was in the Muslims’ market, and do not ask about it.”

Source: Wasail al-Shia, v. 24, p. 70





The Maxim of the Muslim Market

- The reliable (muwathaqa) tradition from Ishaq ibn Ammar narrating from "the righteous servant" (Imam al-Kadhim):

عن "إسحاق بن عمار" وقد مر نقله، حيث قال: لا بأس بالصلاة في الفراء اليماني وفيما صنع في أرض الإسلام، قلت: فإن كان فيها غير أهل الإسلام؟ قال: إذا كان الغالب عليها المسلمين فلا بأس





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“There is no problem with praying with a Yemeni leather cloak, or anything else made in the land of Islam. I asked: What if there are non-Muslims there? He, peace be upon him said: If the majority are Muslim, then there is no problem.”

Source: Wasail al-Shia, v. 3, p. 491





The Maxim of the Muslim Market

- The authentic tradition of Al-Bazanti who narrates:

عن أحمد بن محمد بن أبي نصر قال: سألته عن الرجل يأتي السوق فيشتري جبة فراء لا يدري أذكية هي أم غير ذكية، أيصلي فيها؟

“I asked about a man who comes to the market and purchases a leather cloak and does not know if [the animal which it is made from] was slaughtered [Islamically] or not.





The Maxim of the Muslim Market

فقال: نعم، ليس عليكم المسألة، إن أبا جعفر (عليه السلام) كان يقول: إن الخوارج ضيقوا على أنفسهم بجهالتهم، إن الدين أوسع من ذلك.

Yes, you do not have to ask. Abu Ja'far (Imam al-Baqir) used to say: The Khawarij imposed restrictions on themselves through their ignorance, and verily the religion is more accommodating than that."

Source: Wasail al-Shia, v. 4, p. 456





The Maxim of the Muslim Market

- These narrations, in addition to highlighting the maxim of the Muslim market, also rebuke those who unnecessarily investigate and put themselves through undue hardship.





The Muslim Hand

- Sometimes the meat is taken from the Muslim market and other times it is taken from the hand of a Muslim *يد المسلم* , without having to go to the Muslim market.
- The first case as previously mentioned is considered as being Islamically slaughtered. However, is the second case the same?





The Muslim Hand

- The answer is yes, because even though the traditions have mentioned the market of the Muslims, we cannot assume that this specification of the market itself is in it being a particular building with some shops.
- It is because the place where Muslims gather and are present reveals that the hand it was taken from was a Muslim hand.
- Therefore, the sign of Islamic slaughtering is the Muslim possession, and not the market itself.



- Does the Maxim Apply to All Muslims?
 - **Is the ruling for the sign of a Muslim market regarding slaughtering specific to Muslims in the market only if they are Shia?**
 - The answer is no, and thus it includes all of the other sects, and this is based on two points:



○ Does the Maxim Apply to All Muslims?

- 1. The universality of the traditions and them not specifying that the word “Muslim” indicates a particular sect.
- 2. The general nature of the Muslim markets at the time of quoting these traditions was that it encompassed other non-Shia sects as well.

