

The Marketing of Agricultural Produce in an Islamic Agricultural Economy

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Abstract: The main purpose of this paper is to expose the ideal system of Islam with regards to the marketing of agricultural produce. Despite the modern definition of agriculture is wider than in the past, but Islam for its dynamism has provided rooms for any arising issue. Thus, the present study has highlighted the major aspects of marketing of agricultural products and stated the rightful Islamic ruling attached to it. It is hoped that the paper will simplify understanding such terms like perfect market, imperfect market, the pricing methods and the basic principles on which such marketing is built upon.

Key words: Marketing • Agriculture • Agricultural product • Pricing methods • Marketing channel • Promotion • Distribution

INTRODUCTION

It is quietly obvious that the agricultural sector is one of backbones of any local and national economy. For it provides jobs and livelihood for the people and has a great influence in facilitating the means of earning foreign exchange. It helps, indeed, in enhancing the rapid growth to any nation that has adopted good agricultural measures for making general infrastructure and providing for the well-being to the populace. Thus, it properly tends to be true if someone claims that the thriving of the whole national and international economy hinges upon the prosperity in this sector.

With this and much more in mind, Islam offers the agricultural sector a special consideration and impatiently enjoins Muslims to benefit as much as they can from the bounties of Almighty Allah, which He has widely bestowed on the earth. This has clearly appeared in numerous Qur'anic verses from which are the following: "It is He who has spread out the earth for his creatures. Therein is fruit and date palms, with spatters and husked corn and scented herbs. Then which of the favours of your Lord will you deny?" (Q 55:10-13). "Then let man look at his food, how we pair forth water in abundance, then we split the earth into fragments and produce therein corn and grapes and nutritious plants" (Q 80: 24-28).

There are several Prophetic hadiths in which the Prophet (pbuh) commends agricultural production and ordered Muslims to engage in it. He said: "When a

Muslim plants a tree or cultivates a crop, no bird or human being eats from it without its being accounted as a rewardly charity for him" (Sahih Muslim; Vol. 10, p 213). The Prophet (Pbh) also stressed on some special aspect like irrigation and the redemption of land for agricultural purposes. He said: "Whoever brings dead land to life, for him is reward in it and whatever any creature seeking food eats of it, shall be considered as charity from him" (Musnad Ahmad, Vol. 2, Hadith No. 14271).

Conspicuously enough, the meaning of agriculture has nowadays become broader than it had been in the literature of the medieval ages. By the effect of new classifications introduced in the sciences, the content of agriculture has been moved from production and cultivation of crops only, to become an art involving the production of plants and animals for man's consumption, which might be in the form of food, building, ornament and clothing, or in raw materials for use in industries. This evidently consists of the following:

- Crop farming, which includes food crop like maize, wheat, rice, vegetables, etc. and tree crops, known as cash crops like cotton, coffee, cocoa, etc.
- Livestock like cattle, goats, horses, mules, etc.
- Fishing; rearing different species of fish.
- Hunting; i.e. catching wild animals for human consumption.
- Forestry; i.e. cutting down useful trees and processing the logs into timber, woods, ornament flowers, etc.

The Islamic juristic books have dealt extensively each one of the stated types. As for the first two, they have been vividly expounded in the section of food and drink in Jurisprudence books. While the last three were and consequently are fully discussed in the sections dealing with hunting (*Sayd*).

It is clear that a Muslim must always be guided by the Islamic principle of *Halal* and *Haram* in his daily life. This, of course, is the starting point of any business he or she undertakes as a means of livelihood. The Prophet (pbuh) had appreciated the habit of hard work for getting livelihood. He, according to Miqdām's report, said: "No one has earned a better living than the one who has earned it with his own hands" (Bukhari, Vol. 4, Hadith No. 2072). The Agriculture, of course, would be the first to be borne in mind, among the whole means of earning, acquisition and work with the hands. Hence, the marketing of the unlawful products like pigs, marijuana, tobacco and the like, is categorically *Haram*.

It is worth emphasizing here that over any acquired wealth, be it agricultural commodities or other kinds of wealth, the owner has three different basic rights, which together expose his full right of ownership, namely:

- The right of private ownership of the capital. It peculiarly belongs to him alone: no one shares it with him.
- The right to exploit and utilize the wealth in line with the Islamic principles of utilization.
- The last and more paramount among the three is the right of disposal, where the wealth can be offered as a gift, or given as charity or even sold to somebody else.

Under these rights comes the issue of marketing, its nature and problems and upon it our discussion based.

The Scope of the Market and Marketing in the Islamic Perspective: The word 'market' simply means the place or all the market structure for selling and buying. While the word "marketing", known in Islam as '*Bai*', denotes the relationship between the buyer and the seller. In the Islamic perspective, the word quietly expresses the buyer's desire/need towards the product and the ability of the seller to fulfill that desire/need through transferring his products to the buyer in return of another product by barter or in cash and all conducted under the prescriptions of the Sharia. Let us examine one or two among the Islamic definitions and scope of *Bai*'.

Sheikh Afzal-ar-Rahman rightly said: "According to the Muslim jurists, exchange is defined as the transference of one's goods in return for the goods or another by mutual consent"[1]. Similarly, Professor A.J. Doi defined "*Bai*" or "*Sale*" as: "The delivery of a definite object which possesses legal value in exchange for something equivalent in value (called the price)"[2].

It is clear from the two definitions that the market is a means of human mutual interaction and a physical station of the continuance of supply and demand. If it is governed by appropriate rules and regulations, it would definitely keep the socio-economic equilibrium of any nation from collapsing.

In Islam, the market is considered as the very aspect that physically exposes the greatness and benevolence of Allah between His creations. It is a mirror to see Allah's wisdom of creating mankind at different levels with different capacities of earning and wanting. A glance at the periodical fluctuations of the market also ensures that. This can also be boldly observed through the following verses: "It is We who portion out between them their livelihood in the life of this world. And we raise some of them above others in ranks, so that some may command work from other" (Q 80: 24-28). He also says: "O you who believe, eat not up your property among yourselves in vanities; But let there be amongst you traffic and trade by mutual good will" (Q 4: 29). He also said: "Allah has permitted trade and forbidden usury" (Q 2: 275). "O you who believe ! When you deal with each other in transactions involving future obligations in a fixed period of time, reduce them to writing; let a scribe write down faithfully as between the parties... But if it can be a transaction which you carry out on the spot among yourselves there is no blame on you if you reduce it not to writing" (Q: 2: 282).

These verses and a lot of others indicate that the scope of the market, in the Islamic perspective, is be governed by mutual consent and must be regulated by high moral standards to ensure stability, prosperity and complete the physical and spiritual development of both the producer and the consumer.

The foregoing discussion clearly explains into the definition of "marketing". It can simply be defined as: the combination of activities directed as satisfying needs and wants through exchange processes. As a result of that, the ultimate purpose of marketing is to bring about mutual transaction according to the rules and regulations of the Shari'a.

Essentially, these phrases: "combination of activities", "need and wants" and "exchange processes"-

are a typical portrayal of the fact that the term 'marketing' is wider than that of the mere 'selling' of products. Because it involves, in the technical sense, the whole business activity from the production of any commodity to pricing, promotion and distribution up to the end-uses or consumption of the commodity. The combination of these essentials (product, place, price and promotion) is, economically speaking, termed as "marketing mix." We shall later analyze each of them in order to they see how affects the production up to the end-user of agricultural commodities.

The Basic Principles of Marketing Agricultural

Produce: Islam is not a subtle religion; rather it is divinely governed by principles and known for their strong moral restraints. This, undoubtedly, is a good starting point for analyzing the marketing of agricultural produce in the Islamic perspective. Some basic etiquettes that shall be taken and referred to as the general guidelines to both seller and buyer are summarized below:

Good Intention: The first and paramount principle to be noticed is making a good intention. As we know in every walk of life the intention of a Muslim is always required to be in conformity with the ultimate goals (*Maqasid*) of the law-giver, Allah the Almighty. If a Muslim keeps observing Islamic injunctions as perfectly as he has been commanded, he is, consciously or not, performing Ibadah. The Qur'an has been repeatedly saying: "Say, indeed, my prayer, my rites of sacrifice, my living and my dying are for Allah, Lord of the worlds. No partner has He. And this I have been commanded and I am the first among you of the Muslims" (Q 6:162-163). "And they have been commanded no more than this: to worship Allah" (Q 95:5). He also said: "I have only created Jinn and Men that they may serve (worship) me" (Q 51:56).

In the economic sphere, however, all contracts and transactions must be vindicated by truthfulness and honesty; the two very morals that Allah at different times commanded to be fulfilled in any transaction. He says in one of the verses: "O believers, perform you contracts" (Q 5:1).

The straight implication of the verse denounces using any sort of device for achieving evil ends. Being contradictory with the ultimate goals of the Shari'a, it is not permitted to arrange a contract involving any form of usury and fraudulence, or to sell raw materials to the industries or individuals that directly or indirectly may use them to produce intoxicants or any other harmful products.

It must be borne in mind that even though the parties concerned are in agreement with such prohibited transactions, still it must not be accepted, no matter how the strength of their agreement is, for the verdict of Allah is superior and must strictly be followed before considering its outcome lawful. In his valuable book, *al-Muwafaqat*, Imam Al-Shatibi explains this principle extensively and sums up that: "the Shari'a has been set up generally for the public interest, so, the intention of the Mukallaf (matured Muslim) must be in line with the goals prescribed by the law-giver in the Shari'a to safeguard that interest" [3].

The Significance of Custom: The application of the principle of custom, jurisprudentially known as 'Urf' or "Adah", is of paramount importance. 'Urf means the prevailing practice of reasonable people in the society. It is noteworthy that this principle is among the secondary sources of the Shari'a and is considered to regulate the limits and determine the grey area in public matters as long as there is no decisive provision on such matters in the Qur'an and Sunna. The Jurists from almost all the Schools have commended the use of 'Urf and referred to it as authoritative. Imam al-Sarakhsi, a prominent Hanafi jurist, phrased this maxim as: "A verdict justified by custom is like that justified by legal texts", "What is known by 'Urf is like the condition laid down by the nass" and "The usage is decisive when there is no contrary statement in the text"[4].

There have been numerous commercial transactions and economic dealings, which are regulated by the 'Urf'. Good examples from agricultural produce are found in what is known as "share-cropping contract" (*Muzara'ah*) and "Future trading" (*Salam*). It is also applicable in the cases where the producers are not aware of the actual market price; their commodities could be sold by agents or marketing boards and farmers' cooperatives. If it is sold at what is considered customarily the market price, the transaction would be valid, but if it is at a lower price, the producer has the right to accept or reject it. Sheikh Ibn Taimiyyah made a brief explanation concerning such form of transaction, saying: "The traders are not entitled to charge one price from hagglers and a higher one from those who rely upon their word, or those who are ignorant of the market price. A tradition says: 'To exploit the person who confides in you is akin to usury'. This practice is similar to the practice of intercepting the market suppliers" (Ibn Taimiyyah, *Al Fatawa*, Vol. 7 p 52).

Mutual Agreement: The validity of any transaction has wholly rested on mutual consent, which explicitly shows

a definite agreement between the parties concerned. The agreement can be shown through various ways, either verbally, in writing, by any recognized signs, or by any conduct that could unequivocally express the satisfaction of both. In this regard, Allah says: "O you who believe, eat not up your property among yourselves in vanities; but let there be amongst you traffic and trade, by mutual good will" (Q 4: 29). Abu Huraira (R.A) reported that the Messenger of Allah said: "The two (seller and buyer) must not part away except by mutual consent"(Musnadu Ahmad, Vol. 2, p 36).

The Sharia nullifies any transaction performed under coercion, neither the seller should be forced nor the buyer. Despite the essentiality of the principle of mutual agreement, however, there are some exceptions that could invite the State to intervene. Thus, when the activities of the one party or both are harmful to the society by using monopoly policies, thereupon the government can intervene without seeking the agreement of the parties concerned.

The Prohibition of Dubiety and Fraudulence: The Islamic set up of marketing is frowns on any transaction that involves any of the following: I-Dubiousness and the sale of the unknown; ii- Fraudulence or deception and uncertainty of the commodity to be bought or sold; iii- Sale of commodities not in possession.

Each one of the stated items symbolizes a breach of mutual consent between the parties concerned and it may, in turn, entrench cruelty, treacherousness and dishonesty in the society.

To take the first type mentioned, dubiety, which is not, as Ibn Taimiyyah argues, a prescription of the transaction itself, rather, is more the way in which a commodity is sold, or in the quantity and measurement of the product, et.c, like the selling of fruits before they ripen (Ibn Taimiyyah, *Al Fatawa*, Vol 29 p 25). Hence, the correct meaning of dubiety would be any transaction that involves unpredictable ends. We are aware that all dubious transactions are strictly prohibited by the Prophet (pbuh) in a number of hadith.

A cursory look at the texts shows that the Sharia has prescribed three distinctive types of dubiety, which are all prohibited, namely [5]:

- The sale of non-existent things like bargaining animals not yet born or selling fruit before it ripens.
- The sale of things which are difficult to hand over to the buyer like a run-away camel.

- And the sale of an ambiguous property, like to say, I sell to you a book or car without any identification, make or model.

As for fraudulence, it has been defined as hiding the truth or the actuality of the commodity by telling lies and presenting it to the buyer in a suspicious manner. On this evil-doing, Allah warned the entire Muslim Ummah by saying: "O you that believe, betray not the trust of Allah and the Messenger, nor misappropriate knowingly things entrusted to you" (Q 8: 27).

Abu Huraira (R.A) narrated that "the Prophet (pbuh) passed by a heap of wheat. He thrust his hand therein and his fingers touched moisture. He asked, 'O owner of wheat! What is this?' He replied; 'Rain fell on it, O Messenger of Allah!' He enquired: 'Have you not done so over the wheat so that people may see it? Who so acts with deceit is not of me'" (Sahih Muslim, Vol. 2, p 109). In another tradition the Prophet (pbuh) said: "Fraud leads to hell and whoever starts some practice which is not in accord with our ways is condemned"(*Sunan Abu Dawud*, Vol. 3, Hadith No. 3505).

As for the case of selling what is not in possession, it is forbidden, according to the report of Hakim bn Hizam. He said: "I asked the Messenger of Allah, A man comes to me and intends to make a bargain with me, but it is not in my possession. Shall I purchase it from the market?" He said: Don't purchase what is not in your possession" (Sunan Abu Dawud, Vol. 3, Hadith No. 3505).

Agricultural produce, especially foodstuffs, is primarily meant in this Hadith, but many jurists held the meaning of the stated hadith in its generality to cover all sorts of products. Ibn Abbas was among them. He asserted that: "As for that of which the Prophet prohibited, it is food crops till they come in possession". -Then Ibn Abbas remarked: "I don't consider anything, but just like food crops" (Bukhari, Vol. 4. Hadith No. 2135).

Imam Shafi'i, among the great Imams, admired this view and expounded it very much, resting his point of view on Ibn Abbas's fatwa. He further stated that other products are analogous to food crops. The reality of the matter, he argues, is that when I bought something from someone else, I may buy either real assets or what is not possessed. If I purchase the un-possessioned, it would quietly not be considered as asset, so it can be lost and if it happened like that, the responsibility to redeem would be upon the person whom I bought it from. Because I bought it before it comes in my possession and it is not permissible to sell what I did not properly own [6]. Of

course, Imam Shafi'i's view, for its strong basis, is worth recommending.

The Right of Option: Now we come to another excellent principle, which is the right of option. It is clear that Islam, being the only religion that touches every walk of life and has eventually enabled both the buyer and seller to perfectly exercise their legally prescribed freedom of option. The right of option gives the party concerned the opportunity for accepting or repudiating the transaction. It is can be segmented into three types:

- The right of option during the session of the transaction, 'Khiyar al- Majalis'. Each of the two sides has the right to accept the sale or reject it due to some reasons that occurred to him before the transaction is completed. On this point, the Prophet (pbuh) was reported as having said that: "Both the buyer and the seller have the option of cancelling or confirming a bargain unless they separate, or the sale is optional" (Bukhari, Vol. 4, hadith No. 2201).

This hadith has double implications. On one hand, it justifies what we quoted it for. While on the other hand, it brings forth that the sale can be run on the condition of an option; that the buyer may be given a period of time to examine the validity of the commodity under the provision of a guarantee and the final determination rests upon what he chooses in the end.

- The right of option due to detecting a defect in the commodity. Under such right, the wronged side can annul the transaction as long as he doesn't make use of it. But if he did, his right automatically lapses. He also has the second option of accepting the sale in order that he would be given compensation in lieu of the defect hidden from him [7].

In the case of buying goods, goat, cattle or camels for breeding for milk, the producer has been warned not to deceive the buyer by keeping the udder of the product full of milk as a sign of goodness and efficiency. If it is bought in such a condition, the buyer can exercise his right of option to reject or retain the sale according to his wish. The Prophet (pbuh) said: "Who so purchases a goat full of milk, the udder has got an option for three days. If he then returns it, he shall return one sa'a of food-grain with it" (Bukhari, Vol. 4, Hadith No. 2076).

The Prophet stated that one sa'a, which is worth four *mudd*, must be given instead of what has been milked out from each head of cattle.

- It is legally permissible to buy a certain commodity by description, on condition of scrutinizing it and after it has been physically brought to sight can be accepted if it meets the prescription accordingly or rejected if not.

The Prohibition of Riba: The prohibition of Riba is another basic principle. No doubt, Islam strikes vehemently at usury/interest (*Riba*) in any form it can be and clearly condemns all that is akin to it in the severest terms like the following: "Those who devour usury will not stand except as stands by his touch who has been driven to madness. That is because they say, Trade is like usury. But Allah has permitted trade and forbidden usury; those who after receiving direction from the Lord, desist, shall be pardoned; for the past their case is for Allah (to judge); but those who repeat (the offence) are companions of fire; they will abide therein (forever). Allah will deprive usury of all blessing, but will give increase for deeds of charity; for He loves not creatures ungrateful and wicked" (Q 2: 275-276). He also says: "O You who believe! Fear Allah and give up what remains of your demand for usury, if you are indeed believers. If you do it not, take notice of war from Allah and His Messenger, but if you turn back, you shall have capital sums, deal not unjustly and you shall not be dealt with unjustly" (Q 2: 278-279).

The Prophet has expressed his strong resentment against those who indulge in usurious dealings. He plainly, as the narration of Jabir shows, "cursed the devourer of usury, its payer, its scribe and its two witnesses. And He said that they are equal in sins" (Muslim, Vol. 11, p 26).

Riba literally means an excess, increase or addition [8]. And technically, it is classified into two broader kinds, namely Interest in debt (*Riba al Nasi'a*) and Interest in Barter (*Riba al Fadal*).

Riba al Nasi'a is an access charged for a delayed payment of debt. The creditor fixes a certain amount over the debt he gives out, provided the debtor exceeds the returning date. He loans one million in condition, if delayed, for it to be returned to him an excess of, say, ten thousand or so apart from the principal [9].

The Conventional bank-type of Riba, known as *Riba al Qurud* or Interest on Loan, is a typical branch of interest in debt. It is where an excess is already stipulated

from first instance in some percentage and is going to be increasing every day without limits.

But as far as the marketing of agricultural outputs is concerned, the *Riba al-Fadal* is the most useable of the kinds of Riba. And it has been clarified by the Sharia that only two things render the transaction of agricultural produce to be of *Riba al Fadal*. Thus,

- Homogeneity between the units of exchange like wheat for wheat, rice for rice, milk for milk. The sale, therefore, of two loads of barley, in exchange for one load of wheat does not constitute usury, since these products are not homogeneous.
- Inequality in measurement and weight like one kilo or *Sa'* of good quality and well-refined rice in lieu of two kilo or *Sa'* of less refined or lower quality of rice, likewise one gallon of cow's milk for two gallons of goat's [10].

The Prophet (pbuh), according to a narrative of Abu Huraira, had engaged a man as a labourer in his land at Khaiber. He came to him with excellent dates. So he enquired: 'Is every date of Khaiber like this?' 'No by Allah', the man replied, O Prophet! Verily we take one *Sa'* of this for two *Sa'* and two *Sa'* for three'. He said: 'Don't do it, sell the whole for cash and purchase the best dates with cash'. He said: 'In weight also like that' (Bukhari, Vol. 4, Hadith No. 2076).

In actual sense, even dry output will not be sold in exchange with the fresh, for it decreases when it dries up. On this, Zaid Abu Ayyash reported that he asked Sa'ad bn Abi Waqqas: 'Can we sell barley in exchange for salt?' Sa'ad replied: 'Which is the better grain?' He answered:

Barley, He then prohibited him from doing so. Sa'ad said: I heard the Apostle of Allah (pbuh), who asked people how it was to sell by dates in exchange with fresh dates which decrease when they dry up. They said; 'Yes'. He prohibited the transaction"(Muwatta Malik, Vol. 2, p 292).

Four different types of food crops are categorically stated in an explicit legal text that they should not be sold, each one in an inequality of weight of one sort of its brand. The text reads: "Gold for gold, silver for silver, wheat for wheat, barley for barley, date for date, salt for salt and the like for like in hand to hand transaction. Who so gives more or takes more and then the taker and the giver are equal in taking interest therein"(Bukhari, Vol.4, Hadith No. 2128).

It is worth noticing that some scholars opined that the prohibition of Riba al-Fadhal is confined only to the types stated in the Hadith and no other types would be added to them. Among those who concur with such view are Qatada, Tawus, Uthman al-Batti, Ibn Aqil al-Hanbali, Amir al-San'ani and the entire Zahiri School of law [11]. Other scholars uphold the view that extends the injunction to all commodities that are identical or have quite similarity with the stated ones in the text [12].

Imam Abu Yusuf, furthermore, in viewing the text with the principle of custom in sight, sees the changing of time and space as the basic criteria that should be regarded as the standard modality in identifying *Riba al-Fadal*. Hence, according to him, since the commodities can change with the changing of time, space and locality, the nature of this type the Riba follows suit: therefore, it would only be determined by being customarily eatable commodities [13].

The efficient cause behind considering all similar commodities in line with the specified ones is not just because of being consumable only, as some scholars hold, nor for being measurable or weighable alone, as others opined; rather, it is because the stated commodities comprise the two characteristics of being consumable, on one hand and being weighable or measurable, on the other. On this Sa'id bn al-Musayyab said: "There is no interest except in gold and silver or in consumable things sold by weight and measured". The same view has been reported as one of the views adhered by Imam Shafi' and Ahmad bn Hanbal and it was chosen by Ibn Taimiyyah and a host of other later jurists (Ibn Taimiyya, Al Fatawa, Vol. 29, pp 471-474).

Hence, it is clear that Islam has strongly blocked any way that can lead people into Riba. Imam Ibnu Kasir explains the reason why some agricultural transactions have been regarded as lawful in Islam. He said: "The reason why *Mukhabarah*: taking a fixed amount of grain from the harvest of a land given on lease; *muzabanah*: exchanging fruits on a tree for plucked fruits; *Muhaqalah*: exchanging grain that is yet in the aero for grain that has already been harvested; and the like, are prohibited is to cut off the way of Riba. Because, before it dries, no equality between the two could be recognized. As a result of that the jurists say ignorance of similarity is like inequality between the two" [14].

The Function of the State: It is stated in a popular jurisprudential maxim that "Social interest has priority over individual interest". This principle has been the basis

on which the early jurists depended for approving or disapproving certain transactions, which are not apparently mentioned in the available legal texts. It is still the maxim that has been referred to supportive of various activities, especially those related to the public affairs.

Several transactions have been prohibited out right for being the means of circulating wealth in the hands of a few well-off people. Such a thing is sturdily injurious to the society from all aspects- economically, socially and morally. Indeed, individuals -no matter how high in position or dignity - are not permitted to act in a way that could directly or indirectly encroach upon social interest. Rather the interest of both the individual and of the society must be protected and done in harmony in order to achieve mutual cooperation.

The Prophet (pbuh) has firmly instructed this principle as saying: "There should be neither harming nor reciprocating harm"[15]. And Imam al-Shatibi, one of the eminent Maliki jurists, has a vivid and nice explanation on public interest in relation to transactions. He said: "The general injury involved deserves the priority of consideration. The person seeking some advantage by protracted policy, or desirous of warding off some impending loss through it, shall therefore be prohibited from putting that policy into practice, because social interests have priority over individual interests. This Maxim is upheld by the Prophet's prohibition of intercepting market supplies before they reached the marketplace and of the city-dweller acting as broker to the country people. It is also supported by consensus of Muslim opinion upon holding the craftsmen responsible for any damage suffered by the goods entrusted to them by the public for repair or improvement. The companions enlarged the Prophet's mosque by including into it plots of land belonging to others, whether they were willing to allow it or not. This is decisive in favour of social interest as against individual interest, with the necessary condition that it should not involve any loss to the individual- (which is unbearable and irreparable) [6].

In the light of the above mentioned principle, the State should interfere to safeguard the interest of both the public and the individual and ensure that every individual lives up to the standard.

The pivotal role that the State should play is one of the three integrals on which the Islamic economic system is built upon; thus, 1-faith and moral value, 2-principles of organization, 3- and the State.

The responsibilities of the State were described by S.M. Yusuf, one of the Muslim economists. He said: "In

regard to private commerce and industry, it is the duty of the State to have an elaborate and effective system of Hisbah, i.e. on-the-spot checking of weights and measures, the quality of the commodities offered for sale, proper gradation, honesty in dealings and the observance of modesty and courtesy in sales-manship and in the general behavior of the people. Of course, the government has also the responsibility to break all that can cheat like cartels, monopolies, hoarding and the corner-market [16].

This is very good explanation and must be taken into cognizance where the State should put its helping hand to reduce difficulties in the agricultural sector. This could also be done by establishing agencies and boards which would, in one way or the other, ease both the large and small scale producers by supplying to them major inputs at subsidized prices. The areas where government also should come in include proving improved seeds, fertilizer, cattle vaccination, cattle insertion, insecticides, farm chemicals and other important things, which the producer cannot do without. By so doing, the government with its ability to vouchsafe price support to the populace, has the right to decree whatever is possible, according to Islamic injunctions, to eradicate the activities of profiteering, embezzlement, hoarding, avarice and all similar anti-social methods of amassing wealth. If this is implemented or granted for the masses, it would definitely bring peace and stability in the society.

Taken all in all, the above stated maxims, of course, should be used as a doctrinal basis for the marketing of agricultural produce. They definitely serve as good procedural principles regarding any transaction, even though it is not akin to agriculture in particular.

Price and Pricing Decisions: The price is the 'cost of one unit of a commodity'. This means that the amount of money with which a commodity can be bought or sold is an estimation that determines the value of that particular commodity [16].

Impliedly, the meaning of 'Pricing' can also be 'the act of establishing the price of a particular commodity by the seller, with or without the prior consent of the buyer'. Thus, before any step is determined with regards to the pricing decision, there should be some basis that paves the way for the decision. This is what is called "the law of supply and demand". This law is translated as whenever the product is scarce and frequently demanded the price would definitely become high and when it becomes plentiful, its price is low.

Evidently, this law reflects a correlation between the suppliers who provide the commodity, on the one hand and the consumer, on the other, who, in turn, uses the supplied commodity to satisfy his needs. And naturally, the former would gain profit from the purchase, while the latter would have to gain satisfaction in obtaining the product mostly on cash or on barter basis. Therefore, the law of supply and demand, in the end, entails exchanging commodities up to the ultimate consumer.

Several factors can lead people to demand more commodities, like change in taste, or noticing some side effects in certain commodities and many other needs that can add or reduce supply due to the degree of the responsiveness of the consumers. "Elastic" is the term given by economists to any response to a change in price, if the commodity is demanded in a large quantity. If the reverse is the case, the demand is "Inelastic". But, it has to be borne in mind also that there is a natural fluctuation of the market, where the price can rise up or fall down to the law. On this particular issue, Imam Abu Yusuf Said: "There is no limitation for the lower or higher price, for it depends upon unpredictable circumstances. Abundance of the food could not make it cheap nor could scarcity raise its price, it is absolutely destined from Allah. It might be abundant, yet its price can be costly and it might be scarce but cheap" [13].

Generally, after deciding the right price, the agricultural product is to be sold through one of the following pricing methods [17]:

- Private Treaty pricing (*Al-Musawamah*): This is the most common pricing method. The price here is to be decided by bargaining between the buyer and the seller, until they reach the optimum price, where the product can be sold.
- The Cost-plus pricing (*Al-Murabahah*): A producer here looks at the cost structure that involves looking at the production costs (by which he provides labour, seeds, fertilizers, insecticides and fuel, etc.), distribution costs (by which he provides transportation, storage, etc.), the depreciation of machinery, equipment, farmstead and many other things, which he would count for before taking a decision. After that, he estimates the cost of the product per unit and then adds a certain percentage in order to provide a profit margin.

The abovementioned two methods are clearly indicated, as the jurists hold, in the saying of the Prophet

(pbuh) "Leave people alone so that Allah will give them provision from one another" (Muslim, Vol. 16, p 120).

- The break even Method (*Al-Tauliyah*): This is where the producer doesn't aim at making either profit or loss. He only wants to sell the product at the price he bought the earlier or at the very price it cost to produce.
- Competitive Pricing (*Al-Muwada'ah*): This is where the producer, after an estimation of the production costs and other expenses, reduces some percentage from what he estimates and then sells the product at the reduced price.
- Auction (*Al-Muzayadah*): This is the sale to the highest bid. Two buyers or more can make an offer to a product and ask for a bid for it, everyone makes a bid and at last the product shall be sold to the highest bid. The basis of this method is from a hadith reported by Anas that: "The Prophet (pbuh) sold a saddle and a cup and said: 'Who will purchase this saddle and cup?' A man replied, 'I shall take them both for one dirham'. The Prophet said: 'Who will increase over one dirham?' A man offered him two dirham. Then he sold them both to him" (Sunan Abu Dawud, Vol.3, Hadith No. 3453).

It is crucial to note that not only houses and other articles can be sold through this method, but nowadays the prices of some agricultural products are determined by auction, more especially the products that are sold on quality and grade like cotton, cattle, etc.

In view of the law of supply and demand discussed above, the market especially of agricultural produce is free to determine the price that could be easier to the common people to obtain their basic necessities of life at a reasonable price.

Generally, Islam commands sellers and buyer also to exercise kindness, tolerance and compassion in order to gain Allah's mercy. The Prophet (pbuh) has asserted that noble morality as saying: "May Allah have mercy on a man of gentle dealings when he sells, when he purchases and when he gives decisions" (Bukhari, Vol. 4, Hadith No. 2167).

It is, of course, moral failure to decide too high a price above the capacity of the consumer or to hanker frequently after it. For the sake of enjoining good and spreading benevolence in the society (*Ihsan*), an average price should be decided for a commodity, as if the

producer himself demands to be offered the same he could buy it at that price [18].

There are some producers who follow some wrong methods in order to gain excessive profit or to have sole control over the supply of the commodity to enrich themselves at the expense of others. This act is called 'Imperfect Market'. Before we analyze some of its major aspects, we should look at a brief explanation of its opposite that is 'Perfect Market'.

The perfect market, as it can be discerned from Islamic marketing sources, must involve certain conditions, which include [19]:

- Allowing unlimited number of buyers and sellers to enter the market.
- Homogeneity of non-prohibited products.
- Free entry of other producers.
- Perfect mobility of the factors of production.
- Full knowledge of the condition of the market.
- And the market must entirely be regulated by Islamic injunctions of Halal and Haram [20].

If these conditions are complete, the pricing methods discussed above will work perfectly and serious complaints will not be raised. But if one condition or more are breached, the market definitely will never be perfect, so imperfectness arises from there. Thus, it can be by creating artificial scarcity of a commodity, or the buyer may be misled in order not to go a seller charging the lowest price and so on.

There are a lot of wrong pricing methods that form what is known as "Imperfect Market". The following is a brief description of some of them:

- Penetrating Pricing: This is the case in which the producer decides deliberately to set the price lower than necessary in order to attract initial consumers, with the hope that they will become his permanent customers. Such pricing would not be appreciated, especially when those who cut the price lower have no majority over the others. As a result of that, they should be compelled by the State to increase the price to reach the level at which other producers are selling the product as well. A typical example is what happened in reign of 'Umar bn Khattab (R.A). He passed by Hatib bn Abi Balta'a who was selling at a lower price. Umar told him: "Either enhance your rate or leave our market" (Muwatta Malik, Vol.2, p 536).

- Weeding out Competition: This is another unfair method where those having a sufficiently large resourceful base that can enable them to withstand any competition in the market place, decide to cut their prices down in order to drive smaller producers out of the business. Obviously enough, this method is very dangerous to the entire economy and it will instantly break the business of the smaller producers and make large scale producers hanker for more. Such method is categorically prohibited. The Prophet (pbuh) had said: "A Muslim is a brother to any other Muslim, neither subjecting him to any tyranny nor leaving him a prey to harm that happens to befall him" (Muslim, Vol. 10, p 162).

- Monopsony (*Talaqi-al-Jalab*): This means intercepting market suppliers before reaching the marketplace. In his deep desire to acquire money at the expense of others, a monopsonist (one buyer) could meet the bringers outside the town, at the crossroads or somewhere else, when they arrive near the station and purchase all or a large volume of the commodities. Such practice has been strongly prohibited in several hadiths. It is reported that: "Don't intercept corn merchants ahead. Who so meets him ahead and then purchases from him, when its owner comes to market, (he) has got an option" (Muslim, Vol. 10, p 164).

Abdullahi bn Umar is reported as saying: "We used to go out to welcome those people who brought grain from outside and purchase it from them. The Prophet forbids us not to buy until it was brought in the market" (Vol. 4, p 429, No. 2240) [3]. The Prophet had 'issued these instructions with regard to the purchase of grain, which was essential commodity and was required by all, the rich as well as the poor, in order that it should be sold in the open market. It was also to prevent the capitalists buying the entire stock of grain before it came into the market thereby thus, by becoming its sole supplier, thus enabling them to control the price'.

We must note that under normal circumstances of the law of supply and demand, when the market is perfect, the rise and fall of prices is not a matter of much consideration and there is no need to call upon the state to intervene in order to decree a price control. Situations like that had happened during the time of the Prophet (pbuh) and he did not decree anything. Anas bn Malik reports that:

“The correct price became dear at the time of the Prophet (pbuh). They asked: ‘O Messenger of Allah! Fix a rate (price) for us’. He replied: ‘Verily, Allah is one who controls price, who withholds, who gives lavishly and who provides and I hope that I should meet him while there will be none among you who will have a claim against me for any injustice with regard to blood or property’”(Sunan Abu Dawud, Vol 2, Haqdith No. 16433).

It is interesting to note that Imam Shafi'i opined that this hadith has strongly blocked any way that leads to price controls. No product's price should be fixed by the State and it has no right totally to intervene in the people's right; to sell or not is their own business [21]. But the other scholars, especially of the Maliki and Hanbali Schools of Law are of the opinion that what had happened in the stated hadith should not be taken as a “general rule”, rather it should be related to the law of “specific incidence” (*Waqi'at al-'ain*), i.e. an exceptional incidence that should be referred to when the scarcity naturally prevails. But when the case is not like that, more especially in the case of artificial imperfectness, like penetrating pricing and monopsony, etc., here the state should intervene to stabilize the situation by guaranteeing a standard price for the betterment of both the seller and the buyer.

The State can arrange supplies to ease things for the people. 'Umar bn Khattab did the same to relieve the distress caused by the soaring price of food in Medina; he brought in supplies from Egypt and Syria and the price went down the natural way'[16].

- Hoarding (*Al Ihtikar*): Is one of the prohibited price policies in Islam for its harmfulness on the entire society and as such it is definitely detrimental to other producers.

To begin with the term, ‘hoarding’ means “to withhold cereals or other articles of use in order to raise their prices artificially”[1]. This habit is emphatically condemned in both the Qur'an and Sunna. Allah announces a grievous chastisement for hoarders. He says: “And there are those who hoard gold and silver and spend it not in Allah's way announce unto them a more grievous penalty”(Q: 9: 43).

The practice of hoarding is also strictly forbidden by the Prophet (pbuh) as he said: “One who hoards with a view to making things dearer for Muslims is a wrongdoer and Allah would not give him any protection”(Mustadrak Hakim, Vol.2, p 134). He also said in a more clear

expression: “He who accumulates stocks of grain during shortages of it, is a great sinner” (Muslim, Vol. 11, p 43).

It should be noted that the term ‘sinner’, is not to be taken lightly [22]. It has the same empathic Allah has applied to some of the great tyrants in history, for example: “Assuredly Pharaoh and Haman and their hosts were sinners” (Q 28:8).

Essentially, the term ‘hoarding’ must be understood in a wide and general sense and not in a narrow one as some of the jurists hold, that is, to confine its meaning within the scope of hoarding of cereals and the like. Imam Ahmad bn Hanbal was asked about hoarding (*Hukrah*). He replied: “It is confined to all that people use as food” [23]. But according to the view of other scholars, the term must be taken in a wider sense. Imam Abu Yusuf from the Hanafi School and some Maliki jurists supported this view, holding that everything, withholding of which is harmful to people, comes within the meaning of hoarding, even if it be gold, silver or cloth [24].

Sheikh Subki, one noble Shifi'ate scholars, has taken the scope of hoarding in its widest meaning. And he said that: “If hoarding occurs in a state of drought and it happened that some of the commodities like honey, cooking, oil, sesame-oil and the like are hoarded to the extent that it caused harm to the society, that should be declared as hoarding, which is categorically unlawful. But if it doesn't cause any harm, the hoarding of cereals at any time is still undesirable”[25].

There are two basic conditions [26], however, which should be borne in mind before declaring storing a commodity as hoarding. First, if the commodity is bought from producers with the intention of manipulating and creating artificial scarcity and not bringing it to the market. A number of eminent scholars view this condition essential, among them were Imam Abu Hanifa, Malik, Al-Auza'i and Abu Yusuf. And the same was reported from Umar bn Khattab. He was reported to have said: “Nobody should hoard grain in our market. People who have more money than they need should not buy corn that comes to our country for stoking and selling at higher rates. Persons who endure the trouble to bring grain to us in winter and summer shall be the guests of 'Umar.' If God wills, they sell or if God wills they may stock them” (Muwatta Malik, Vol. 2, p 298).

The second condition is to fix the maximum price for the hoarded products at the expense of the society. This condition is also essential and has two dimensions. One is hoarding when the products are abundant and people

are not in serious demand of the commodity. Two is hoarding during hardship; people are suffering from a severe shortage of food or that commodity in particular.

Some scholars are of the opinion that there is no much harm in such hoarding provided the commodity is plenty and cheap when hoarded. And the product must have been hoarded with the intention to provide it plentifully when people turn in desperate need to it. Lastly, it must also be made available at an average price. This, as Sheikh al-Subki viewed and remarked: "Is not mischief, rather it is desirable" [25]. And Imam Ibn Hazm has categorically emphasized reserving products with this intention, saying that [27]: "The hoarder, during the availability of the commodity, is not a sinner, but a well-doer, because if commodities are rapidly sold out, the supply itself will increase. But when the commodities become dull and they don't get buyers they will definitely stop supplying. So, Muslims consequently will be badly affected. Allah has said: 'Help one another unto righteousness and pious duty. Help not one another unto sin and transgression' " (Q 5:2).

It is worth noting that the State will play a vital role in rescuing people from the oppression of hoarders and monopolists. This could be done through enacting laws to compel hoarders to bring hoarded commodities to the market and sell them at an average price. Anyone found breaching such law and order must be punished by heavy penalties in accordance with the provided law of *Ta'adhir*.

Weights and Measure: Islam has taken great care to prevent the occurrence of defects and fraudulent behavior in marketing. The seller should not cheat the buyer, nor the buyer too. A number of verses and hadiths have called upon the attention of producers to set their commodities in a well measurable manner.

Establishing and using an excellent measure and a just balance are strongly recommended. This was included among the ten obligations described in surah Al-An'am, in which Allah said: "And use a full measure and a just balance. We will not impose a task on any soul beyond its ability" (Q 6:152). He also said: "And give full measure when you measure and weight with the straight balance; this will be better and best in the final determination" (Q 17: 35).

This rule was one of the pillars on which all the Prophets had preached to their people. The Qur'an proclaimed that: "We verily sent our messengers with clear proofs and revealed with them the scripture and the

balance, that mankind may abide by justice" (Q 57:25). "It is Allah who has sent down the Book in truth and the Balance" (Q 42:17). Prophet Shu'aib was among the prophets those who made rigorous preaching on this matter. He said to his people: "Clear proof indeed has come to you from your Lord, so give full measure and just weight and withhold not from the people the things that are their due. And do no mischief on the earth after it has been set in order" (Q 7: 85). "Give just measure and be not defrauders. And weight with an equal balance. And do not diminish people's good nor do evil on the earth, acting corruptly" (Q 26: 181-183).

According to Imam Mujahid bn Jabr: "The 'Balance' here is quite an indication to the scale, which people use in their transactions". While most of the scholars hold it to mean establishing justice. Both interpretations, as Ibn Taimiyya remarked, are in conformity with the golden mean of the Shari'a [28].

The Prophet (pbuh), in accordance with such directives of the Qur'an, has spoken strongly against such fraudulent practices. Ibn Abbas said to the owners of measurement and weight: You have been certainly entrusted with two affairs about which the former nations before you were destroyed" (*Sunan al Tirmidhi*, Vol. 3, Hadith No. 1217). Miqdam bn Ma'di also reported that: "The Prophet told them to weigh their weight for there was blessing for them in it" (Bukhari, Vol. 3, Hadith No. 3443). Uthman bn Affan also reported that: "The Prophet told him always to weigh and measure anything he bought or sold" (Bukhari, Vol. 4, p 451).

Based on the rule of custom, the State has the right to fix up, in the general use, a standard measurement, for which commodities will be measured and weighed in selling or buying.

One mordious, (*Mudd*), used at the time of the Prophet (pbuh), is now equivalent to 510 grams. And four *mudds* make one *sa'*. The *sa'* itself is equivalent to 2040 grams [29]. Despite the fact that Muslims are urged to make some advancement in order to meet the need and eventuality of their time, nevertheless, using such *mudd* and *sa'* is recommended, more especially with regards to agricultural produce being subject to Zakkat and expiation (*Kaffarah*), but is not compulsory.

Apart from *mudd* and *sa'*, there is no fixed measurement to be used, unless what the State has recommended for her people. This includes all that is to be used in wrapping and packaging the commodities. It can be sacks, plastic bags, bales and various things that may be used to measure or weigh the products.

The State should strictly supervise markets to ensure that proper measurements are used accordingly. In the early days of Islam, Caliph Uthman and Aliyu bn Abi Talib were most particular about it. It was reported that during the regime of Ali bn Abi Talib, he used to go round the market of Kufah with a whip, to ensure using the proper weights and measures and ascertain justice [30].

Future Trading (Payment in Advance): This kind of trading is also called *Salam* or *Salaf* accordingly. Technically, it means a contract of sale, causing an immediate payment of the price, admitting a delay of the delivery of the commodities. In short, it is called an advance payment for future commodities.

Such a transaction is validated by consensus of the Jurists [9], for it had been in use during the time of the Prophet (pbuh) and he justified it with the introduction of certain changes and putting some conditions. Ibn Abbas reported that: "When the Prophet (pbuh) came to Madina, they were paying one and two years in advance for fruits, but he then said: those who pay for anything in advance must do so for a specified measure and weight, with the fixing of a specified time" (Bukhari, Vol. 4, Hadith No. 2110).

The hadith is clear about the permissibility of such transactions if certain specifications are adequately provided. It includes the period of delivery, species, quality, volume and other peculiarities, which must have been determined properly from the start.

At this point, a farmer or a dealer could make a contract of one or more commodities, which he will later bring to the buyer after some months, or two to three years. Of this permission, the vegetable shops, restaurants, industries and all those who are in need of certain agricultural products can purchase in advance for certain commodities and receive them in due time. *Salam*, of course, is not meant to certify manipulation or to make one of the buyers a sole buyer at the expense of others; rather it is a sort of financial assistance to the producer, enabling him to prepare the product for the buyer.

At the case of seasonal produce, if the seller couldn't deliver the commodities until its time is over, a multitude of scholars have agreed that the buyer has the choice either to collect his money immediately or to leave it till another season (Ibn Taimiyya, Al Fatawa, Vol. 29, pp: 505, 518-519).

Similarly, if the seller died while the time of delivery is not come yet, the producer receives his money from the

assets left by the deceased and the commodity will be fully brought to the inheritors.

In fact, the *Salam* is full of controversial and delicate cases, which are expounded at length in jurisprudential books; here space does not permit to give a complete exposition. But, generally, apart from the hadith mentioned above, the *Salam* is jurisprudentially linked with the principle of custom, which governs and regulates majority of its cases [31].

Promotion: Before distributing any agricultural product, a producer might have to introduce his product to the consumers and give information about its form, value and quality and expose most of its general attracting features. This activity is known as 'Promotion'. Despite the different kinds of promotional approaches/activities, the most important among them is 'Advertising', which we tackle below.

Advertisement is of two distinguishable types, one is called 'Informative advertising'. This simply includes communicating information about the product; its availability and accessibility and other necessary information. This is to be done, according to the Islamic precepts, without encroaching upon the integrity of the other producers, even if they, at their own side, are exaggerating the utility of their products.

The second type is called 'Persuasive Advertising'. It is where the producer exaggerates the information about the utility, duration and other features of his product, as superior and having more useful features than the others. The reason for doing so is to impress buyers to buy more and maybe rule out other producers from the market. This, indeed, though it would give the producer advantage of accumulating a higher price, still it is prohibited. Tarnishing others' image is forbidden in the Prophet's saying: "Verily! Your blood, property and honor are sacred to one another" (Bukhari, Vol. 4, Hadith No. 2148). The prohibition is, of course, due to the involvement of false practices and filthy descriptions of other products. Such an advertisement is disregarded even in non-Islamic marketing-systems for being a false advertising policy [32].

Among such mischievous policies is where some producers engage in falsely swearing frequently in order to make their product acceptable. But Islam totally discourages making sales by false swearing. Abu Huraira (R.A) reported that the Prophet (pbuh) had said: "The swearing (by the seller) may persuade the buyer to purchase the goods, but that will be

deprived of Allah's blessing" (Bukhari, vol. 4, Hadith No. 2175).

Exaggerating, in whatever form it occurs, is wrongdoing, for it's a kind of fraud, which the Prophet said "Leads to hell." So, the producer would be careful not to perform such deceitful policies [19].

Abdullah bn Abu Aufa reported that: "A man brought some goods for sale in the market and took an oath that he was getting so much price for it though he was not getting the price. He said this merely to trap someone to buy his goods, on this occasion the following verse of the Holy Qur'an was revealed: "Those who take a small price for the covenant of God and their own oaths-they have no portion in the Hereafter" (Q 3:76). This is because the false swearing "is probably done to deceive people and because it reduces respect for the name of Allah" [22].

It is surely known that economists condemn competitive (persuasive) advertising, partly because of the wasteful employment of the factors of production and advertising when they might have been used in some other form of production and partly because this kind of advertising only increases the cost of production.

Therefore, a Muslim producer is discouraged to engage in wrong advertisement. He should have to live according to the Shari'a and consequently must show how mutually he cooperates with his co-producers. The Prophet (pbuh) was reported to have said: "A Muslim is a brother to another Muslim, neither subjecting to any tyranny nor leaving him a prey to harm that happens to befall him" (Sunan Abu Dawud, Hadith No. 3443).

To sum up, Islam encourages producers to advertise their products and make it known to the public via the general media like the TV, radio, newspapers, internet, posters, bill boards, etc. It can also be promoted through any farming press, sales literature, agricultural shows and trade fairs. Abu Huraira reports the Prophet said that: "Both the buyer and the seller are at liberty to cancel the transaction until they depart from one another. If they act honestly and truthfully their transaction will bring them good. If they cancel and tell lies the good of the contract is thereupon destroyed" (Bukhari, Vol. 1, Hadith No. 67).

The Distribution of Agricultural Products: Distribution is among the essential functions of the marketing mix; it is sometimes called 'Place'. It is simply defined as the moving of finished products from the end of a production line to customers. This encompasses the following as the 'Distribution Channel':

- **Assembling:** Means collecting the product in large amounts to attract the attention of buyers.
- **Grading:** It means arranging the product according to its different qualities, each one of the grades suggest a different price. Cattle, for example, are sold according to the categories such as: 1- Prime, 2- Choice, 3-Goodness, 4-its Standard and so on. Wheat is sold according to grades or numbers, e.g. grade 1, 2 or no. 3. And this can be applied in selling dates and cotton, etc.
- **Processing:** is putting the row of agricultural produce in another form and not the original for various purposes, including preservation, the requirements of quality control and keeping its mechanical and chemical consistence. Most products are processed before consumption. For example, maize is pounded or milled before use for human food or livestock feed. It is obvious that the processed product costs more than the raw one.
- **Packaging:** Some products require to be packed for easier handling, like eggs. And some require being compact, like cotton, by processing them into bales. Packaging also helps to protect the produce from damage like potatoes, which could be packed in sacks or in transparent plastic bags, etc. Packaging, in general, helps even in proving more storage spaces and helps in reducing transportation costs and undoubtedly keeps the produce neat.
- **Warehousing:** Is the storage of commodities, for example, bins, grain and silos, all can be put in a refrigerator or any drying container. It may be necessary to have either by the producer himself or by a marketing body, in order to overcome the problem of seasonal perishable products which are, naturally, in constant demand throughout the year. Providing protective chemical for safety of the product is also necessary. In general, the ability of good storage may enable the producer to maintain the quality of his product at a steady pace throughout.
- **Transportation:** It means getting the commodities to the marketplace until it reaches the final consumer. Several forms of transportation facilities with special devices are needed for a number of purposes, more especially for the bulk handling of products.

These services, indeed, are very important and Islam has no objection to any means that facilitates better life to the people. Distribution, indeed, makes possible safe

arrival of the product to their destination with little damage and also helps in the reduction of levies for heavier loadings. And it is clear that through careful handling of the commodities, the producer can safely move his commodity from the production line up to its last consumers without even touching them by his own hand.

The Marketing Channel: The simplest marketing channel is where the buyers go directly to the producers and purchase their wish. Such agricultural products, which could be bought directly without the need of an agent include fruits, vegetables, eggs and the like. In a long run channel, the produce only reaches final the consumer through middleman. A middleman, in the production cycle, is the one who stands between two main points, the buyer and the seller.

There are, however, different types of middlemen taking care of different types of trade and commodities. Since we are more concerned with agricultural produce, we should confine our discussion to the two main channels, namely, the 'retailer' and the 'wholesaler'.

As for the retailer, his main function is to sell to the final consumer smaller quantities of the commodity. He also sells the commodity required in any prescribed form and brings it to both the place and in the quantity desired. By doing this, the retailer usually receives his quota and commissions either from the producer directly or from the wholesaler, who is sometimes called 'factor'. This brings us to the function of factor.

The factor or wholesaler, in his turn, is the one who stands in the place of the primary producer. He agrees to take over some of the rights and responsibility of the product's owner. Hence, the factor is to act on behalf of the real owner and to be paid on the commission rate for his intervention.

The commission rate is the amount to be paid to the factor or broker, depending on the value of the transaction he makes. Such commission is allowed in Islam provided it runs on agreed conditions and mutual consent between the parties. Lack of these conditions would break its validity.

The factors are prohibited to observe anything that can cheat the producer like stopping one's commodities out of the market if he is not in good terms with them. This is haram, for they have no right of ownership; the very basis upon which the rights of abolishing or completing the contract are established. Instead, they can advise the producer by calling their

attention to the rules and regulations governing the market.

Apart from this, most of the middlemen have the habit of buying the commodities which are meant to be distributed instantly and hoard them until hardship time. This wrongdoing stands for double offences. One is manipulating the trusted commodity to be sold to the populace and two, hoarding what people are in earnest demand for.

As for manipulation, it was matter of consensus among the Jurists that any contract which involves manipulation is invalid, or "*Batil*", to use Ibn al-Mundhir's word [41]. Likewise hoarding, its unlawfulness also is very obvious in Islam.

In a number of hadiths, the Prophet (Pbuh) urged Muslims not to undertake such ill practices in their agencies. Ibn Abbas (R.A) reported that the Prophet (pbuh) said: "No townsman should sell (as an agent) for the villager". Ibn Abbas was asked by his disciple Ta'us: What did this mean? He replied: 'It means that no one should become his commission agent'(Bukhari, Vol. 4, Hadith No. 2089).

The hadith clearly encourages diminishing the power and number of middlemen. Though it is not a clear-cut prohibition for establishing such agencies. The role of middlemen in marketing the commodities is still very important. In the conventional marketing system, the following are some of the prominent functions of middlemen:

- Breaking of bulk: carrying a large quantity and selling it in small quantities to retailers.
- Advertisement of products to encourage many sales.
- Cost reduction: Elimination of middlemen merely means that either the producer or the retailer must take over their functions, which financially will cost a lot.
- The middleman sometimes advises both the retailer and the producer.

But their functions can still be justified, from Islamic point of view, from three reasons:

One, he could give advice to both the seller and the retailer, without taking anything or desire to be given. Talha bn Ubaidullah acted as a consultant to one of the sellers, who, from his part, wished Talha to be his broker. But Talha told him that the Prophet (pbuh) has prohibited the townsman to sell for the outsider'. Then he withdrew his attention. And Talha told him that: he should go to the

market if he got a buyer, he could then ask Talha for appropriate advice ! (Sunan Abu Dawud, Vol. 4, Hadith No. 4895).

This was viewed by Imam al-Bukhari, Ibn Hazm and a host of other jurists. They rightly opined that the invalidity of such interference is confined to one who undertakes it for the sake of his own profit only, but when it turns to the case of advice, he could be sincerely advised. The Prophet (pbuh) was reported to have said: 'The essence of religion is sincerity'. Asked sincerity to whom? He replied: To Allah and his Book, His Prophets, the sincerity of Muslims and its rulers". And he said: 'Leave people alone, so that Allah will give them provision from one another. If somebody seeks your advice, advise him"(Muslim, 14, p 164).

Two, the function of a middleman could be seen clearly in '*Mudaraba*', which is an arrangement in which an investor or a group of investors entrusts capital to an agent or manager, who is to trade with it and then return to the investor the principal amount together with the agreed share of the profit. The agent receives the remaining share of the profit as a reward for his labour.

Being an investor (*Mudarib*), the producer himself or even the retailer can make an arrangement with an agent to sell or to buy for them in accordance with the *Mudaraba* regulations. And he should receive a share from the profits, according to the arrangement they made. This view was chosen by Imam Ahmad, Ishaq bn Rahuyah and others [33].

Imam Bukhari stated in his Sahih that: "Ibn Sirin, Ata, Ibrahim al Nakha'i and Hassan al Basari saw nothing wrong with commission charged by the brokers". Ibn Abbas said: "There is no harm if one person says to another, Sell this robe and if you sell it for more than such and such price the excess is yours". Ibn Sirin said: 'there is nothing wrong if one commands another to sell it for this price and the profit, or the profit will be shared between you and me'. The Prophet (pbuh) said: 'Muslims must abide by their terms" (Bukhari, vol.4, Hadith No. 2110).

It would be clear from the foregoing quotations that middlemen are allowed to open an independent company for mutual contracts. But no agency is allowed to pick up a specific percentage from the producers' money without any consideration of their loss or profits.

Three producers, according to the Imam Abu Saur and the view was later emphasized by Imam Abubakar bn Mundhir, can engage agents like any ordinary workman,

for the sake of buying and selling, on the basis that they should be remunerated wages for daily or monthly or whatsoever agreement they mutually concluded. For this reason, the middleman is to take a fixed wage in spite of the loss or profit of his master [33].

These are the only means through which the middlemen can perform their activities in conformity with the Islamic injunctions, otherwise they will act in vain.

CONCLUSION

The article highlights a number of significant issues. The introductory part deals with the importance of the agricultural sector and the Islamic point of view on the right of ownership. While the main body tackles the definition of marketing through which the basic principles governing the marketing of agricultural produce in Islam are boldly discussed. The other part of the article examines acutely the functions of 'marketing mix', abbreviated as 4Ps; which are Product, Place, Price and Promotion. Different types of pricing approved in Islam are among the issues discussed. Likewise, the distribution of the products and marketing channels which the product passes through up to the ultimate consumer are all summarily treated. Of course, the importance of weight and measurement in agricultural products is very important. It, undoubtedly, needs a strong regulation for assuring justice and for the benefit of the people. For this reason, it is considerably touched upon. Conclusively, it would good for the producer to adopt new techniques that can help his farm/industry grow immensely from small scale something to larger, as the Muslim is encouraged to achieve his goal of earning halal and disseminate goodness to other beings.

REFERENCES

1. Afzal-Ur-Rahman, M.A., 1980. Economic Doctrines of Islam, Lahore: Islamic Publications Limited, II, pp: 41.
2. Doi, A.I., 1984. Sharia: The Islamic Law, London: Ta Ha Publishers, pp: 358.
3. Shatibi, I.M., and al Muwafaq, (ed. Sheikh Darraz), Beirut: Dar al Ma'rifah, 2(230): 349-350.
4. Faruqi, M.Y., 1995. Development of Usul Al Fiqh: An Early Historical Perspective, India: Adam Publishers and Distributors, pp: 113.
5. Ibn al Arabi, M.A., 1984. Ahkam al Qur'an, Beirut: Dar Al Fikr, 4: 261.

6. Shafi'i, M.I., and Al Ummu, Beirut: Dar al Ma'rifah, 3: 16-17, 31.
7. Al Dar Deer, A.M., and al Sharh al Kabir ala Mukhtasar al Khalil, Beirut: Dar Al Fikr, 3: 108.
8. Ibn al Mandhoor, M.M., 1956. Lisan al Arab, Beirut: Dar Al Sadir, 14: 304.
9. Malik bn Anas, 1349. Muwatta, Egypt: Matba'at Mustapha Albaby, 2(536), 2: 297.
10. Al Baji, S.K., 1334. H. Al Muntaqa, Egypt: Matba'at Al Sa'adah, 5: 4.
11. Shaukani, M.A. and Al Sail Al Jarrar, Beirut: Dar Kutoob al 'ilmiyyah, 3: 65-68.
12. Ibn Rushd, M.M. and Bidayat al Mujtahid, Beirut: Dar Al Fikr, pp: 97-99.
13. Ibn 'Abideen, M.A.U., 1386. H. Al Hashiyah Radd al Muhtar, Egypt: Matba'at Mustapha Albaby, 5: 256-257.
14. Ibn Kathir, 1986. Al Tafsir, Beirut: Dar al Fikr, 1: 328.
15. Baihaqi, A.H., 1344. H. Al Sunan Al Kubra, Hydar Abad: Da'irat Al Ma'arif, 6: 69-70.
16. Yusuf, S.M., 1977. Economic Justice In Islam, Lahore: Sh. Muhammad Ashraf, pp: 96(73): 44.
17. Al Dusuqi, and Al Hashiya Ala Sharh al Kabeer, Egypt: Dar Ihya' Kutoob al 'Arabiyyah, 3: 159.
18. Al Gazali, and Ihya'u 'Ulum al Deen, Beirut: Dar al Ma'rifah, 2: 79.
19. Siddiqi, M.N., 1979. The Economic Enterprise in Islam, Lahore: Islamic Publications LTD, pp: 75-114; 115-138; 133.
20. Sabhani, Abduljabbar, H.'A., 2005. As'ar Wa Takhsis al Mawad Fi al Islam, Emirate: Dar al Buhooth, pp: 371-427.
21. Al Ansari, and Hashiyat al Jamal ala al Minhaj, Beirut: Dar al Fikr, 3: 93.
22. Qardawi, 1989. The Lawful and the Prohibited In Islam, Nigeria: Al Tauhid Publishing Company, 257: 263.
23. Abu Dawud, and Al Masa'il (ed. Muhammad Rashid Rida), Beirut: Maktabat Muhammad Ameen Damaj, pp: 191.
24. Al Mausuli, 2005. Al Ikhtiyar Li Ta'lil al Mukhtar, Beirut: Dar Kutoob al 'Ilmiyyah, 4: 127.
25. Shaukani, and Nail al Autar, Beirut: Dar al Fikr, 5: 222.
26. Ibn Qudamah, 1997. Al Mugni, Riyadh: Dar Alam Al Kutoob, 4: 221.
27. Ibn Hazm, and Al Muhalla (ed. by Al Bindary), Beirut: Dar Fikr, 9: 64, 7: 401-427.
28. Ibn Taimiyyah, and Al Tibyan Fi Nuzul al Qur'an (ed. Muhammad Rashid Rida), Beirut: Dar Al Fikr, 1: 176.
29. Al Maqridhi, 2007. Al Auzan Wa Akyal al Shar'iyya, (ed. by Sultan bn Hulaiyil), Beirut: Dar al Basha'ir al Islamiyyah, pp: 76-77.
30. Hussain, S.A.Q., 1976. Arab administration, India: Idarah-I Adabiyat-I Delli, pp: 88.
31. Al San'ani, M.I., 1926. Subul al Salam, Egypt: al Matba't al Muniriyyah, 3: 66.
32. Ahmad, K., 1980. Studies in Islamic Economics, England: Islamic Foundation, pp: 207.
33. Ibn Mundhir, M.I., 1986. al Isharaf, Beirut: Dar Al Arabiyya, 2: 241.