

An affair of partnership

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allaah, the Most Merciful, the Bestower of Mercy

The question: concerns selling, and it is as follows: Two men, the first is (A), the second is (B). The first (A) rented a grocery store, and asked the second (B) to be his partner financially and physically. Allaah (*Mighty and Majestic is He*) wanted that the second (B) asks to break off the partnership because he found another project. Anyway, the first (A) agreed, but the second (B) suggested to the first (A) to accept another partner instead of him. The first (A) agreed, provided that the third (C) takes one week to think about it.

After that the week went by, the third (C) agreed to work with him as a partner and with half of the money. The problem is that after a period of time, the first (A) asked the third (C) to leave the grocery store and break off the partnership owing to several reasons; among them, the low-income of the store.

The question is: who is worthy to keep the store, (A) or (C), and why?

The second part of the question is that: indeed, the two men (A) and (C) have broken off their partnership. The first (A) kept the store on the pretext that he was the first who rented the store and worked in it for a period of time before the third (C) came. Then, what do you advise the one who breaks off his relations with his brother [in Islam] (I mean by this, that he does not greet him and does not smile at him).

Deliver us a fatwa with arguments –May Allaah reward you and protect you-. We would appreciate also –May Allaah protect you- to have a written answer.

Shaykh Aboo `Abd-al-Mu`iz `Alee Farkous al-Qoobee (*May Allaah the Most High preserve him*): All praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon whom Allaah sent as a mercy to the Worlds, upon his Family, his Companions and his Brothers till the Day of Resurrection.

Partnership is a contract which is permissible [by the Sharee'ah] and not obligatory. It may be invalidated at any time. For that reason, it is not obligatory to determine its duration. However, if it is determined, Muslims should respect the conditions they set; as long as the partnership does not carry what contradicts the contract's aims, as it is justified by the first (A), when he said that the income of the store was low.

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Therefore, after the nullification of the contract, the two contracting parties shall take back the former status they had before taking out the partnership contract. In this case, it is the first (A) who was the owner of the grocery store before the third (C) came and be his partner. So, it is the first who has the priority.

Besides, if the third (C) continues to work in the store, he will get his wage as any other employee. Moreover, it is the store's owner who assumes every profit or loss; for the employee is just a salaried-man, and this latter does not guarantee unless he transgresses.

Consequently, if this brother is convinced by this fact, it will be prohibited that he turns away from his brother, rejects stubbornly the clear truth and gets angry in order to take unjustly vengeance for himself. Thus, he treats his brother [in Islam] in a brutal manner, breaks off his relations with him and turns away from him for a worldly affair. Actually, such acts are bad manners and denote an altered heart; whereas the Sharee'ah does not permit that a Muslim breaks off his relations with his brother [in Islam] for more than three days during which he should free himself from feelings of arrogance, anger and enmity, according to the hadeeth in which the Prophet (*peace and blessings of Allaah be upon him*) said: **"It is not lawful to a Muslim to desert his Muslim brother for more than three nights. (It is unlawful for them that) when they meet, one of them turns his face away from the other, and the other turns his face away from the former. But, the better of the two is he who greets the other first"**¹.

Furthermore, we have to know that the end of he who persists in enmity, turns away from his brother [in Islam] and breaks off his relations with him, is to be deprived of Allaah's mercy and forgiveness. Muslim reported in his "Saheeh" on the authority of Aboo Hurayrah (*May Allaah be pleased with him*): **"The gates of Paradise are opened on Monday and Thursday, on which every servant (of Allaah) who does not associate anything with Allaah is forgiven, except one in whose heart there is rancour against his brother. It would be said (in connection with them): postpone (the pardon of) both of them until they are reconciled, postpone (the pardon of) both of them until they are reconciled, postpone (the pardon of) both of them until they are reconciled"**². The worldly life is, indeed, so despised by Allaah and the Muslim to lead him to such an end.

The perfect knowledge belongs to Allaah (*Mighty and Majestic is He*). Our last prayer is all praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon our Prophet, his Family, his Companions and Brothers till the Day of Resurrection.

¹ Reported by Al-Bukhaaree, chapter of "Asking for permission", concerning greeting those whom you know and those whom you do not know (hadeeth 6237) and by Muslim, chapter of "Virtue, keeping good relations with one's kith and kin, and good manners" (hadeeth 6697) on the authority of Aboo Ayoob (*May Allaah be pleased with him*).

² Reported by Muslim, chapter of "Virtue, keeping good relations with one's kith and kin, and good manners" (hadeeth 6709), by Aboo Daawood, chapter of "Good manners", concerning who breaks off his relations with his Muslim brother (hadeeth 4918), by At-Tirmidhee, chapter of "Virtue, keeping good relations with one's kith and kin", concerning what is reported about (brothers) who break off their relations (hadeeth 2155) and by Al-Bukhaaree, in "Al-Adab Al-Mufrad", concerning hostile feelings, on the authority of Aboo Hurayrah (*May Allaah be pleased with him*).