

Glossary

amana (also: *amanah*, *amanat*): trust

aql: human reason

arbutun, *urbun*: a premium paid by the buyer in order to obtain the right to decide at a later moment whether to buy or not; down payment

ayatollah: honorific title for an outstanding legal scholar in the Twelver sect of Shiism; lit., Sign of God

bai al-dayn: trading in debt

bai bithamin ajil: credit sale

bai inah, *bai-al-einah*: repurchase by the seller, buyback agreement

bai muajjal: credit sale (shortened form of *bai bithamin ajil*)

bai salam: pre-paid purchase

caliph: successor of Muhammad as ruler of the Islamic world

dar al-ahd: the abode of treaty, countries that have a treaty with Muslim countries

dar al-harb: the territory of war

dar al-Islam: the territory or abode of Islam, where Islamic law prevails

dar al-sulh: abode of alliance

darura: necessity

faqih, pl. *fuqaha*: *fiqh* scholar

fard: obligatory duties

fatwa, pl. *fatawa*: legal opinion, that is, an authoritative, but not binding, ruling on a point of Islamic law issued by a qualified scholar (*mufti*) or group of scholars

fiqh: the science of Islamic law, consisting of interpretation of the *sharia*

fiqh muamalat = *fiqh* of social relations

gharar: uncertainty, risk, ambiguity

hadith, pl. *ahadith*: tradition, that is, record of actions and sayings of the Prophet, collectively known as *Hadith*; also used in a wider sense as the actions and sayings of the Prophet and his Companions

hajj: pilgrimage to Mecca, which Muslims must do at least once in their life if they possibly can

- halal*: lawful, or permitted according to the *sharia*
haram: forbidden by the *sharia*
hiba: gift
hifz al-mal: protection of wealth
hijra: emigration, that is, the migration of Muhammad and his Companions from Mecca to Medina in 622, which marks the start of the Muslim era
hiyal, sing. *hila*: legal stratagems, legal fictions
hudud Allah: boundaries established by Allah
- ibadat*: worship, duties of worship
ifta: issuance of fatwa
ijara: leasing
ijara wa iqtina: lease purchase, lease to own
ijma: the consensus of the scholars
ijtihad: independent reasoning by a qualified jurist (mujtahid) deriving new legal rules
illah: reason for something
imam: leader of the Friday mosque services, in Sunni Islam a title also used for the founders of the law schools; in Shia Islam a successor of Muhammad as leader of the Muslim community
Islam: lit., submission (to the will of Allah)
istihsan: juristic preference
istislah: taking account of the public interest (*maslaha*)
istisna: a contract of manufacture with progressive financing, commissioned manufacturing
- jahiliyyah*: time of ignorance, prior to the coming of Islam, pre-Islamic Arabian society; the modern world in the eyes of fundamentalists¹
ja'iz: ethically or morally deemed indifferent by the *sharia*
ju'alah: service charge; a contract in which one party offers specified remuneration to another in return for the completion of a specific piece of work
- kafalah*: guarantee, suretyship
kafir, pl. *kuffar*: unbeliever
khilafiya: unresolved or subject to different opinions
- madhhab*, pl. *madhahib*: law school
madrassa: school or college of Islamic studies
makruh: undesirable, advisable not to do
mandub: desirable, advisable to do
manfaa: proceeds, usufruct
maqasid al-sharia: objectives of the *sharia*
maslaha: benefit, public interest

- maulana*: honorific title for religious Muslim scholars in South Asia
maysir: gambling
muamalat: social relations
mudaraba: silent partnership, sleeping partnership
mudaraba muqayyada: restricted *mudaraba* (investment account)
mudaraba mutlaqa: unrestricted *mudaraba* (investment account)
mudarib: agent-manager
mufti: a lawyer who is authorized to issue a fatwa, jurisconsult
muqarada: *mudaraba*, applied to bonds
murabaha: cost-plus or markup financing
musaqat: *musharaka*-like contract in orchard keeping
musawama: a variant of *murabaha* where no reference is made to the price paid or the cost incurred by the seller, lit., bargaining
musharaka: partnership
musharaka mutanaqisah: diminishing partnership
muzara: *mudaraba*-like contract in farming
- qabala*: tax farming
qard: loan of fungible property
qard hasan: beneficence loan, interest-free loan
qimar: gambling, including stock market speculation
qirad: *mudaraba*, q.v.
qiyas: deduction from analogy
Quran: lit., recitation; the Holy Book of Islam, revealed to Muhammad by the archangel Jibril, or Gabriel, between 610 and Muhammad's death in 632
- rabb al-mal*: the financier or sleeping partner in a *mudaraba* partnership
ray: personal interpretation
retakaful: *takaful* reinsurance
riba: increase, excess
riba al-fadl: *riba* by way of excess in simultaneous exchange
riba al-jahiliyya: pre-Islamic *riba*
riba al-nasia: *riba* by way of deferment
- sadaqa*, pl. *sadaqat*: voluntary alms giving
sakk: certificate of entitlement
salaf: 'predecessors' or 'ancestors', the title given to the Companions of the Prophet and to pious Muslims of the first three generations of Islam
salat: prayer, required five times daily
sawm: observation of the fast of the month of Ramadan
shahada: profession of faith
Shaik al-Islam: highest-ranking official mufti in a country
sharia: Islamic law or, wider, the total corpus of Muslim law and belief; lit.,

the way

Shia: Party, that is, Party of Ali, the fourth Caliph, cousin and son-in-law of Muhammad

sukuk: certificate of investment, 'Islamic bond'

sunna: the whole of the *ahadith*; in full: *sunnat al-nabi*, or habit of the Prophet; sayings and practices of the Prophet

sura: chapter from the *Quran*

ta'awun: mutual assistance

tabarru: voluntary contribution

tahawwut: hedging

takaful: cooperative or mutual insurance; lit., mutual support among the members of a society or group of people

takfir: the act of declaring a Muslim an unbeliever, that is, an apostate

tawarruq: lit., monetization (that is, of the traded commodity); purchase of a good on deferred payment followed by a sale for cash to a third party (can be done by a bank on behalf of the clients)

tawarruq munazzam: *tawarruq* through the intermediary of a bank

tawheed, *tahwid*: the oneness of God

'uhda: an exchange of a cash payment for temporary custodianship and use of property

ulama, *ulema*; sing. *alim*: religious scholars

umma: the community of the believers

urbun, *arbun*: a premium paid by the buyer in order to obtain the right to decide at a later moment whether to buy or not

urf: custom

usul al-fiqh: the 'roots' or sources of Islamic law: *Quran*, *sunna*, *ijma* and *qiyas*

wa'd: (unilateral) promise that is attached to a contract

wadia: safe custody

wakala: agency contract

wakil: agent (pure agent, not a *mudarib* who shares in the profits)

waqf, pl. *awqaf*: charitable trust

zahir: literal meaning (of the *Quran* and the *sunna*)

zakat: charity tax, required alms giving

NOTE

1. Actually, it seems that *jahiliyyah* means 'time of wildness' or 'intrepidity' rather than 'time of ignorance' (see Fyzee 2005, p. 6).

