

Buying in open auction smuggled goods

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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

Question: Is it permissible to buy in the open auction the smuggled goods and merchandise that the government seizes? And may Allaah reward you.

Answer: 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 until the Day of Resurrection.

Merchandise, goods and other types of wealth which are illegal and seized from their owners by the government, whether the justification for their seizure is agreed by Sharee'ah (Islaamic Law) like achieving the general interest of the nation and preserving its economic and social stability or their seizure is void of any religious approval; the religious caution requires staying away from the participation in the trade of other's [seized] properties whether in the open or the private auctions in order to not fall in consuming people's wealth unjustly; Allaah عزَّ وجلَّ says:

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبُطْلِ

[and do not consume one another's wealth unjustly]¹

The Prophet صَلَّى اللهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ said: "**All of the Muslim is unlawful to another Muslim: his blood, his wealth and his honour**"². And the detailed justification concerning leaving trade in them does not get out of the following three cases:

The first case: that the government seizes the properties of people without any religious reason. So, buying the smuggled goods -in such case- is considered as buying the extorted thing from the extortioner, whether they are two natural persons or two legal entities or one is a natural person and the other is a legal entity.

The second case: the seizure of their properties by the government can be as a worthy punishment based on the jurisprudential opinion that judges permissible the monetary punishment. Indeed, in the cases concerned by monetary punishment there is nothing that allows the ruler to use his authority of punishment to devour people's money. And the most valid opinion concerning monetary punishment forbids it (the seizure) for the violation that

¹ Soorah al-Baqaraah [2:188]

² Reported by Muslim (2564) from the hadeeth of Aboo Hurairah رضي الله عنه.

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it contains regarding the Muslim's monetary right that Allaah عزَّ وجلَّ does not accept, except what the religious texts permit, which can be restricted to three cases: destruction, transformation and to be fined. Nevertheless, what is required in the question does not exist [in the precedent cases].

This being said, even if there is divergence about this matter, leaving buying and general trade in what contains a suspicion of [that which is] unlawful is more cautious for one's faith and frees him of the responsibility, in accordance with what the Prophet صَلَّى اللهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ said: **"He who stays away from the suspicions, protects his religion and his honour and he who falls into the suspicions, falls into that which is unlawful"**³.

The third case: if the owner of these detained and seized wares permits the others to buy them with his own will or he relinquishes them to him, it is permissible for the hadeeth of the Prophet صَلَّى اللهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ: **"The wealth of the Muslim is unlawful unless he gives it willingly"**⁴.

The perfect knowledge belongs to Allaah عزَّ وجلَّ; and our last prayer is all the praises and thanks are to Allaah, the Lord of the Worlds, and prayers of Allaah are to Muhammad and his Family, Companions and Brothers until the Day of Resurrection.

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³ Reported by Al-Bukhaaree (52) and by Muslim (1599), from the hadeeth of An-Nu'maan Ibn Basheer رضي الله عنهما.

⁴ Reported by Ahmad in "Al-Musnad" (20695), by Ad-Daraqutnee in "As-Sunan" (2886) and by Al-Baihaquee in "As-Sunan Al-Kubraa" (11545), from the hadeeth of Aboo Harra Ar-Raqaashee on the authority of his uncle Haneefah Ar-Raqaashee رضي الله عنه. This hadeeth is judged authentic by Al-Albaanee in "Saheeh Al-Jaami" (7662).