THE ARABIAN SILENT TRADE: PROFIT AND NOBILITY IN THE “MARKETS OF THE ARABS”

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In commercial law, as in other areas, Islamic jurists sought precedent in the practices of the Prophet Muhammad and of those around him. At times, however, when the jurists considered the ways in which commerce must not be conducted, they looked back to jāhiliya, the “age of uncouth ignorance” in Arabia before Islam. And there they identified and described a commerce conducted under restrictions that to us now may appear rather strange. One peculiarity of this jāhili trade, as we find it in texts from the Islamic period, is that it is often conducted in silence or in secret. To understand this, I will look beyond pre-Islamic Arabia for parallels, especially the “silent trade” described over many centuries by historians, travelers and ethnographers throughout much of the Old World. Many of these descriptions of “silent trade” have a mythical character; at any rate, they cannot simply be accepted as literal descriptions of real-life practices. Nonetheless, there are reasons why, in certain contexts, trade may well have been conducted in silence. In the case of pre-Islamic Arabia, a key to understanding the silence and secrecy of the marketplace turns out to be the notion of “profit,” which we know from Avram Udovitch’s indispensable study. Here I will situate this “profit” within a broader argument regarding nobility and political networks throughout the Arabian peninsula just before the rise of Islam.¹

Forms and Methods of Sale in Pre-Islamic Arabia

Arabic prose narratives tell us a certain amount about the markets of Yathrib (Medina) just before and after the arrival of Muḥammad

¹ I wish to thank the Institute for the Humanities at the University of Michigan, where I first encountered the “Markets of the Arabs.” I also wish to thank Robert Haug for his collaboration on this project, including the accompanying map; and David Eisenberg for an illuminating critique of an earlier version.
and Islam. Otherwise, however, information on the forms and methods of sale in pre-Islamic Arabia is scarce. The poets may mention markets here and there, but they have little to say about the techniques of selling. The sixth-century Byzantine historians Procopius and Menander also provide bits of information. The fourth/tenth-century author Abū l-Faraj al-Iṣfahānī mentions pre-Islamic markets fairly often in his monumental Book of Songs (Kitāb al-Aghānī), but gives few details about how business was actually conducted there. On the whole, the harvest is meager.

Most of the information we have on pre-Islamic Arabian markets comes in Islamic juridical works and hadith, which describe old, obsolete forms of “jāhilī sale” and contrast them unfavorably with Islamic law in this area. However, while these recollections are interesting, it is difficult to test them against other evidence. After all, whenever this topic comes up (which is not very often), writers and speakers are likely to refer to these very same foundational texts of Islamic law. And within these juridical and hadith texts, the information on “jāhilī sale” tends to be sparse and vague. What is certain is that these legal texts and hadith condemn the commercial practices of ancient Arabia because of the gharar, the indeterminate or aleatory element, that used to permeate them. Indeed, from this later, Islamic perspective, those jāhilī forms of sale amounted to little more than games of chance or bets.

The Islamic juridical sources identify either two or three forms of “jāhilī sale,” namely sale by touching (mulāmasa); sale by casting (munābadha); and, less often, sale by hurling a stone (al-ramy bi’l-haṣāt). All three forms are said to have been prohibited by the Prophet himself.

5 D. Santillana, Istituzioni di diritto musulmano malichita (Rome: Istituto per l’Oriente, 1926-38), 2:120.
6 Other condemned forms of sale include muḥāqala and mukhādana: see S. al-Afghānī, Aswāq al-ʿArab fi l-jāhilīya waʾl-Islām (Damascus: Dār al-Fikr, 1960):