

276680 - He agrees to do jobs such as writing, translating and designing, then he hires someone else to do them

the question

Selling that which one does not own comes under the heading of unlawful transactions, and this includes everything, not just products – is this correct? There are ways whereby a person can avoid an item that he does not own, but the problem is that services are not like tangible items and products that I can buy and then resell, because for example in design services, each person wants a specific design; the same applies to writing, everyone wants a particular topic. The same may be said about programming and development... So it is not possible to know what each customer wants until he requests the service and explains what he wants. I want to offer services on the Internet, including: writing, translation, design, programming, website development, and so on. Some of them will take me some time, and I am not highly skilled in others, so I found someone who can do some of these services for less than I would charge. Can I offer these services to customers, even though I am not skilled in some of them, then when the customer asks for a service, I in turn will ask the person who offers it for a lower price than me? Does there have to be a prior agreement between me and this person? Important note: with regard to these websites that we will work on and offer these services, payment is not made to the service provider until the customer submits his request and an agreement is reached on it. I hope that you will give a detailed answer on this matter, so that I may understand it clearly. May Allah bless you and increase you in knowledge.

Detailed answer

There is a difference between a person selling what he does not possess of goods and items, and making a contract to do some work, which may be hiring or requesting manufacture. In the latter two cases it is permissible for a person to agree to carry out a particular task, then to make an agreement with someone who will do it for less pay, so that he may take the difference, unless that agreement is for the first worker to undertake the work himself, or he was chosen

deliberately, because of some particular distinction that he has that the one who hired him wants from that worker himself, such as one who hires a well-known calligrapher or designer.

It says in *Kashshaaf al-Qinaa'* (3/566): If the hired worker agrees to do some work in return for payment, such as sewing a garment and the like, there is nothing wrong with him giving the work to someone else for less than the fee he charged. End quote.

Shaykh Ibn 'Uthaymeen (may Allah have mercy on him) said: If a person is hired to do a task, such as if it is said to him: We want you to clean this house every day, and you will have one hundred riyals a month, then he in turn hires someone to clean the house every day, according to the same agreement, but for fifty riyals, that is permissible.

This is how people operate nowadays. You will find a government, for example, agreeing with a company to clean the mosques, each mosque for such and such per month, then this company brings workers who do what they have agreed to, for less than a quarter of what the company agreed to with the government.

But if there is a reason why the one who hired a specific person wants that person to do the job himself, this is not permissible. For example, if you hire someone to copy out *Zaad al-Mustaqni'* [a book of Hanbali fiqh] for you, and you know that this man's handwriting is good, and that he makes few mistakes, then he hires someone else whose handwriting is beautiful, and he will write it for less than you hired the first man, then the scholars say: This is not permissible, because what matters in the case of copying is not only the beauty of the handwriting; rather it is the beauty of the handwriting plus punctuation, diacritical marks, vowels and so on. How many people there are whose handwriting is the most beautiful of handwriting, but they lack precision; they write the verse "ghayr il-maghdoobi 'alayhim wa la'd-daalleen (ot of those who have evoked [Your] anger or of those who are astray)" [al-Faatihah 1:7] incorrectly. Many students have beautiful handwriting, but when it comes to precision they have no knowledge of the rules of the language; many other people have bad handwriting, and no one can read it except one who is used to it, but when it comes to the rules of writing, they excel. Whatever the case, what matters is that when a person is hired for a specific reason (such as a skill that only he possesses), it is not permissible to let someone else take his place.

End quote from ash-Sharh al-Mumti‘ (10/39).

A similar distinction is made between selling a particular item that a person does not possess, and selling an item that meets a specific description, which is what is known as bay‘ as-salam [salam transaction; payment in advance]. This is an exception from the prohibition on selling what one does not possess. Please see the answer to question no. [184816](#).

But your question has to do with hiring. It is permissible for you to offer to write, translate, design and so on, and to make an agreement on specific fees and work, then to hire someone to do that work, unless the customer wants you to do the work yourself.

And Allah knows best.