

**Role of the Muhtasib in Protecting Consumers in the Islamic West
Through al-Saqati's Book Adab al-Hisbah: Flour and Bread as a Model**

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Abstract

This study investigates the role of the institution of hisbah in protecting consumers in the Islamic West from fraud by flour and bread workers through the book Adab al-Hisbah by its author, the jurist Abu Abd Allah Muhammad al-Saqati al-Malaqi, who practised the profession of muhtasib in al-Andalus. Al-Saqati revealed and clarified many types of fraud committed by these workers and described methods for detecting the deception and fraud of mill owners in flour and bakers in the making of bread and bread sellers. In addition, he disclosed the tools used to detect fraud and the penalties imposed on them when the charge of fraud was proven. To achieve the objectives established for the study, several methods were followed, including descriptive, historical and analytical methods. The study concluded that the institution of hisbah was one of the principal functions in the state, owing to its concern with the affairs of society and its commitment to organising economic affairs and preserving social relations.

Keywords: muhtasib; bread; flour; types of fraud; the Islamic West

1. Introduction

The political authority in the Islamic West attached great importance to the office of the muhtasib, just as it did to the judiciary, the office of grievances and the other administrative offices that were concerned with organising economic affairs and preserving social relations among members of society. The office of the muhtasib combined legal supervision with sovereign coercive authority, depending on the status of its holder and on the implementation of recognised rights. Whoever assumed supervision of hisbah had to be a jurist in religion, steadfast in truth, pure in character, high-minded, known for justice, patient and forbearing, perceptive and understanding, and knowledgeable of the details of matters and of the policies of the public. He was not provoked by greed, affected by leniency, or deterred by the blame of any critic in matters concerning God, and he had to possess a dignity that prevented insolence towards him and inspired fear in the offender before him. The areas of the muhtasib's office were numerous and specialised in several fields, among which were protecting the buyer and consumer from the greed of merchants, combating them, exposing their fraud and deception, and confronting them through various methods of deterrence.

The problem of the study lies in posing the following question: What role did the muhtasib perform in protecting consumers in the Islamic West from the fraud of flour and bread workers through al-Saqati's book *Adab al-Hisbah*?

Several subsidiary questions fall within this problem, which we formulate as follows: Who was al-Saqati? What were the most prominent types of fraud revealed by al-Saqati among flour and bread workers? What methods and techniques did the muhtasib follow in detecting the fraud and deception of mill owners, bakery owners and bread sellers? What were the tools used by the muhtasib to detect the unethical practices and behaviors adopted by flour and bread workers? What instructions did the muhtasib impose on bakery owners and bread sellers and require them to implement them to preserve consumer health and safety?

2. A Brief Biography of al-Saqati

Abu Abd Allah Muhammad ibn Abi Muhammad al-Saqati al-Malaqi al-Andalusi was one of the scholars and jurists of the sixth century AH, corresponding to the twelfth century CE. He came from the coastal city of Malaga, and his name was associated with the profession of hisbah in al-Andalus. He was known for frequent travel and movement among countries and regions. He says of himself, "Because of the frequency with which I accompanied journeys and travelled through lands and regions during the days of my travels, the prime of my youth and my strength" (al-Saqati, n.d., p. 1).

Through frequent travel and movement, the jurist Abu Abd Allah Muhammad al-Saqati was able to mix with trustworthy travelling merchants, accompany them and engage with reliable travelers. He thereby acquired considerable experience and expertise in the field of hisbah and in exposing corrupt sellers and artisans in the markets and the types of fraud and deception they used against buyers. We read the following: "It became established in the truth of my

knowledge, from the reports of corrupt sellers and artisans in the markets, their fraud in measure and weight, their cheating, their use of tricks against people in their dealings, and their deception of them in their interactions and associations” (al-Saqati, n.d., p. 1).

Abu Abd Allah Muhammad ibn Abi Muhammad al-Saqati transmitted to us his expertise and experience in a work that he called *Adab al-Hisbah*. He divided it into eight chapters to facilitate study and make it easy for its users to understand. He began with preliminaries on hisbah and the role of the muhtasib in the first chapter, while the second chapter dealt with measurers and measures. The third chapter sheds light on scales, measures, weighers and measurers. In the fourth chapter, we read about flour and bread workers and their sellers. The fifth chapter addresses the slaughterers of camels, sellers of meat and fish, and types of cooked foods before moving to perfumers and pharmacists in the sixth chapter. Sellers of slaves and servants were included in the seventh chapter, and he concluded his work with the eighth chapter, which included artisans and their crafts.

In this study, we address the fourth chapter, titled “Flour and Bread Workers and Their Sellers”, and how the muhtasib dealt with them to expose their fraud, combat and punish them, protect consumers' health and thereby preserve the safety of society.

3. Types of Fraud

Among the most prominent deviant behaviors confronted by the men of hisbah in the Islamic West, and to which al-Saqati referred in his work, were numerous forms of fraud. These included fraud in flour among its sellers in shops, among bakery owners in the making of bread and among mill owners in grinding different kinds of grain. Below, we shed light on the methods of fraud followed by the use of flour by sellers and on their deception of buyers.

3.1. Mixing Good Flour with Fine Flour

For the sake of quick profit, sellers of flour deliberately spoiled good flour by mixing it with fine flour and then sold it as flour of the good type at the price set by the muhtasib. We read the following: “They mix the good with the fine and sell the whole at the price of the good that the muhtasib has prescribed for them” (al-Saqati, n.d., p. 20).

The sellers of flour did not stop there; rather, they were inventive in deceiving buyers. While selling the mixed flour, they would scoop it from the middle without the buyer noticing. In this regard, al-Saqati stated, “Then, he scoops for him from the middle and gives it to him while he is unaware of what lies beneath the surface” (al-Saqati, n.d., p. 20). Al-Saqati indicated that they “called this al-maghfar” (al-Saqati, n.d., p. 20).

It seems that the millers, namely, the owners of mills who ground grains such as wheat, barley and grain into flour or semolina, became involved in such unethical practices and behaviors by mixing inferior flour with good flour and then placing some of the good flour on top of this mixture to conceal their action. Al-Saqati observed their conduct and explicitly stated, “Among them are the millers, whose fraud is that they mix the bad with the good in order to take from the good and put in the bad, thereby concealing their action” (al-Saqati, n.d., p. 21).

3.2. Mixing Good Flour with Fine Bran Resembling Semolina

In his work, al-Saqati revealed another type of fraud and deception followed by these sellers to gain more money, as they dared to mix good flour with fine bran resembling semolina. We read the following: “Among them are those who mix into it fine bran, with what it contains of fine matter resembling semolina and other forms of deception” (al-Saqati, n.d., pp. 20-21).

With respect to the fine bran resembling semolina that they mixed with the good flour, al-Saqati investigated the place where it was sold and pursued these deceivers until he found its location, which was called al-Saqif. These sellers bought from it the barrani flour, as he called it, and mixed it with good flour in the amount of one quarter for the purpose of quick profit. In this regard, al-Saqati wrote, “Then, he goes to al-Saqif, where the barrani flour is sold, buys from it one quarter and places it in the whole” (al-Saqati, n.d., p. 21).

The greed of the sellers reached the point where they would pretend before buyers and swear falsely by God that they had just bought this flour for such-and-such a sum, which they set according to their own desire. Al-Saqati confirmed this by saying, “When the buyer stops by him and asks him how he sells the flour, he says to him, ‘By God, I have just bought it at such-and-such a price’, and he sells the whole at that price; the buyer believes that he has done him a favour by giving it to him at the price for which he bought it” (al-Saqati, n.d., p. 21).

On the testimony of a reliable witness, al-Saqati disclosed the unethical conduct of some millers, who deliberately mixed several types of flour and added them to darmak flour, namely, good-quality flour. The text reads, “I looked inside the mill and found that the miller had taken part of the darmak flour, removed it to one side, put in its place madhoon flour, and placed the flour after he had sifted it and placed in the bran the sifted sweepings of the mill” (al-Saqati, n.d., p. 21).

3.3. Mixing Flour with White Soil

The owners of mills went too far in committing fraud in flour, as one of the mills of Malaga deliberately added white soil to it under the pretext that it helped the dough to ferment. This caused al-Saqati to marvel at such conduct and insist on speaking about this phenomenon. We read the following: “In the mills of Malaga, there is a wonder that must be spoken of, namely, a cave in which there is white soil that is dug out and mixed with flour. The people of that community claim that it improves the fermentation of the flour with which it is mixed” (al-Saqati, n.d., p. 22).

3.4. Fraud in Sifting Flour and Foodstuff by Sifters

It appears that there was another type of fraud in flour, manifested in the failure of sifters to purify flour and foodstuff. These sifters were responsible for filtering and purifying foodstuff and flour from whatever had become mixed with it. Al-Saqati confirmed that they did not observe standards of cleanliness and purity in the work they performed, whether in foodstuff or flour, and that they were as keen on weight as the millers were. He stated the following: “Among them are the sifters, whose fraud is that they do not fully purify the foodstuff of what is in it, nor

the flour of its bran; in this respect they have, together with the millers, a concern with weight” (al-Saqati, n.d., p. 21).

3.5. Fraud in Wheat by Millers

A reading of al-Saqati's *Adab al-Hisbah* informs us that millers practiced fraud in wheat. This was on the testimony of a reliable witness, who told al-Saqati that one night he saw the miller water the wheat and raise it for grinding after it had fallen until night. He wrote the following: “I saw him on another night when he had taken sacks of wheat, opened them, requested water and watered the wheat with it. He had taken from it an amount of wheat equivalent to the water and kept it for himself. The wheat increased in softness and looseness, and he left it until night entered and raised it for grinding” (al-Saqati, n.d., p. 21).

It seems that this conduct caused the flour to change and its colour to become spoiled, to the extent that the millstone affected it. We read the following: “Because of the looseness that had occurred in it, the mill continued to clog on it time after time, and the flour changed and its colour was spoiled... and, with much recutting, stone fell into the flour, together with what emerged from the toothed surface of the stone during rotation” (al-Saqati, n.d., pp. 21-22).

As for the coastal regions, al-Saqati observed that the millers were inventive in adulterating the flour sent to bakery owners, as they put bones, sea shells and marine debris, white soil and cheap *kahdhan* in place of wheat. In this regard, he wrote: “They also cheat by taking from the wheat and putting in its place whatever they can of bones, sea shells and marine debris in coastal towns, white soil and cheap *kahdhan*” (al-Saqati, n.d., p. 22).

Al-Saqati continued his discussion of the deception of some mill owners and informed us of their disgraceful conduct, stating: “They also cheat by taking from the *darmak* whatever they wish and replacing it with white *shantiya* sifted after grinding, and this is scarcely noticed” (al-Saqati, n.d., p. 22).

3.6. Theft of Flour by Mill Owners

In addition to grinding wheat, grain, barley and other grains, millers practised the theft of flour and defrauded its owners by various methods. Al-Saqati narrates many of the tricks used by these people, including distracting the owner of the wheat by any means so that he would not notice the theft of his wheat. He depicted this scene as follows: “...and he began to grind the wheat and occupied him until he had taken some of the wheat from him, left it in the mill and gone out to the waterwheel...” (al-Saqati, n.d., p. 22).

Among the other tricks used by mill owners was manipulating the scales and stealing a quantity of flour. He referred to this as follows: “I remained until the grinding was completed with the break of dawn, and the flour was weighed; it was short of the initial weight by half of one quarter” (al-Saqati, n.d., p. 24).

Al-Saqati became aware of this and insisted that the mill owner return the difference. When his resolve was firm, the miller revealed the trick he had performed, namely, that they would make two pits beneath the mill. During the milling of the wheat, small quantities of flour

would fall into the two pits prepared beneath the mill. We read the following: "...and the reliable witness uncovered two pits filled with it; he took it and weighed it, and it was the half-quarter that was missing" (al-Saqati, n.d., p. 24).

3.7. Fraud by Bakers and Bread Sellers

Al-Saqati mentions many methods of fraud and deception followed by bakery owners in making bread. They deliberately spoiled flour and mixed it with certain other types of flour. We read the following: "Among them are bread workers and sellers; their corrupt members cheat by mixing al-madhoon into al-darmak, red flour into al-madhoon, barley with fine bran, and al-shantiya with white clay" (al-Saqati, n.d., p. 26). Bakers also deliberately manipulated the weight of bread. Al-Saqati stated: "They deliberately make it deficient" (al-Saqati, n.d., p. 26).

Among the tricks followed by bakers when they were exposed by the muhtasib was to attach the accusation to the workers who worked under them. Al-Saqati referred to this by saying, "The master argues against the muhtasib, when he holds him to account for deception or deficiency, by saying: I am only a merchant and the workers do what they wish, so hold them responsible for their action" (al-Saqati, n.d., p. 26).

It seems that the waqqaf, who was entrusted with the task of preparing and heating the oven for baking bread, also became involved in deception and fraud. Such people would fail to give the oven its due heat and to regulate its air, so the bread would be poorly made. In this regard, al-Saqati stated, "The waqqaf cheats in baking the bread by reducing the firewood in it during heating so that the bottom of the oven is not heated and its air is not regulated; he leaves the bread in it, its water dries out and its weight decreases" (al-Saqati, n.d., p. 28).

4. Methods and Techniques Used by the Muhtasib to Detect Fraud and Deception

Through his long experience in the profession of hisbah, al-Saqati revealed some of the methods and techniques used by the muhtasib in the Islamic West to detect fraud and deception among flour and bread workers and their failure to observe standards of cleanliness and consumer health. He informed us of a number of procedures followed by the practitioners of hisbah to expose the tricks of these people, which we mention in the following points.

4.1. Mill Owners

In his work *Adab al-Hisbah*, al-Saqati confirmed the many tricks and deceptions followed by mill owners and their fraud in flour for the sake of quick profit at the expense of consumer health and safety. To identify them, the muhtasib followed several methods and techniques, which al-Saqati mentioned among a set of procedures he undertook. He pointed to the following:

4.1.1

Compared with darmak flour, the leavening substance does not allow breads whose flour is made from white shantiya to rise properly. The text reads, "When the bread made from it is tested, it does not rise in the leavening as sound darmak does" (al-Saqati, n.d., p. 22).

4.1.2.

In Malaga, those in charge of hisbah resorted to blocking the cave from which white soil was brought to prevent these deceivers from adding it to flour and misleading the consumer. In this regard, he stated, “Those who supervise hisbah in Malaga prohibit it; they build up the mouth of the cave at one time and fill it in at another” (al-Saqati, n.d., p. 22).

4.2. Owners of Bakeries

To distinguish poorly made bread from well-made bread, some muhtasibs have resorted to several tests. Al-Saqati informed us of one of them as follows: “Some muhtasibs used to test this by inserting an iron needle with a wool thread, passing it through the loaf from the bottom to the surface. If its crumbs came out on the wool thread, the bread was broken because it had been insufficiently kneaded; if nothing came out on the thread and it was good, then that was the good quality desired” (al-Saqati, n.d., p. 28).

5. Tools Used to Detect Fraud and Deception

Muhtasib used many tools to detect fraud and deception in flour and bread making. Among these tools, al-Saqati revealed the sieve, which the muhtasib used to determine whether flour or bread was of good or inferior quality.

During a surprise visit at an unknown time, the muhtasib would inspect bakery owners to determine the extent to which they observed consumer safety standards while holding his sieve. Al-Saqati depicted this by saying, “The muhtasib's practice with these categories is to continue investigation and inspection at an unknown time and to keep with him a sieve that has been agreed upon when determining the baking standard and the price workers, resembling flour sieves, with which he tests them for fear that they might abandon what had been agreed upon and work with another” (al-Saqati, n.d., p. 30).

It appears that there were other tools used by the muhtasib to detect fraud and deception in bread making while he maintained constant and continuous surveillance over these people. Al-Saqati mentioned this as follows: “Like, a rod, scales, weights, calibrated measures and a dawrdum for testing” (al-Saqati, n.d., p. 30).

In addition, some muhtasibs used an iron needle with a wool thread to determine whether the bread dough was good or otherwise. We read the following: “He inserts the iron needle with a wool thread, passing it through the loaf from the bottom to the surface. If its crumbs come out on the wool thread, the bread is broken because of insufficient kneading; if nothing comes out on the thread and it is good, then that is the good quality desired” (al-Saqati, n.d., p. 28).

6. Muhtasib's Instructions to Bakery Owners and Bread Sellers

6.1. Owners of Bakeries

Al-Saqati imposed strict measures on bread workers and bakery owners that had to be observed and complied with, including “washing their kneading troughs every day” (al-Saqati, n.d., p. 30), because the lack of cleanliness of the kneading troughs led to the spoilage of the dough and therefore of the bread and, in most cases, caused poisoning and abdominal pain for the consumer.

In addition, he obliged them to “wash their clothes and straighten them at night” (al-Saqati, n.d., p. 30), out of concern for their cleanliness and the possibility of sleeping in them. Fearing that the workers would not be clean immediately after waking from sleep, he specified work times for them and referred to this as follows: “And preventing them from working before dawn, because at that time little precaution is possible owing to having just risen from sleep” (al-Saqati, n.d., p. 30).

Because of the sensitivity of the bread-making profession, which requires cleanliness of the workplace, care for the workers and cleanliness of their bodies, al-Saqati required them to bathe frequently. We read the following: “He urges them to wash at most times and to wash their heads, especially in summer” (al-Saqati, n.d., p. 30). This is because in summer, sweat and unpleasant odours that come from the body increase, and this consequently causes loss of the dough and bread.

Al-Saqati did not stop there; rather, he was careful to compel the workers to wash “their water vessels” (al-Saqati, n.d., p. 30) to avoid the transmission of germs among them, which would result in contamination of the dough and spoilage of the bread, making it unfit for human consumption.

6.2. Bread Sellers

It seems that al-Saqati imposed on bread sellers a practice according to which “they should carry scales with them to test the bread by weight when it reaches them; if they find it of proper weight they sell it, and if it is deficient they leave it to the one who made it” (al-Saqati, n.d., p. 30).

This practice followed by bread sellers indicates the extent to which the muhtasib stood over them, monitored them and imposed his authority on the sellers. Whoever violated his order, sold deficient bread and was found to have done so deserved punishment. In this regard, al-Saqati wrote, “Whoever sells it and is found to have done so has exposed himself to the sale of stolen property; proof has been established against him and he deserves punishment” (al-Saqati, n.d., pp. 30-31).

Al-Saqati indicated that some muhtasibs ordered the bread seller, if the loaf was unsuitable and had a burn mark or crookedness, to cut it into two halves so that the buyer could see it and recognise it. We read the following: “Some muhtasibs used to order the bread seller to divide every loaf that bore a trace of burning or crookedness from the side of scorching so that it would only be sold in halves” (al-Saqati, n.d., p. 31).

7. Conclusion

The political authorities in the Islamic West were keen to combat fraud, swindling and deception in the markets. They therefore established the institution of hisbah, which is one of the Islamic systems approved by Islam because of its concern with the affairs of society and its commitment to organising economic affairs and preserving social relations, to deal firmly with all those among mill owners, bakery owners and bread sellers who were tempted to tamper with

the food of the society of the Islamic West. Al-Saqati revealed this and lifted the veil from many unacceptable behaviors committed by these people.

Moreover, we find that he adopted many methods and techniques to distinguish the bad from the good, to pursue those responsible and to punish them for it. He also established laws and instructions for these people so that they would comply with them, abide by them and take them into account, to preserve consumer health and thus control the market.

References

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