

[بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ]

In the Name of Allāh, the Most Beneficent, the Most Merciful

12. The Chapters On Business Transactions

(المعجم ١٢) أَبْوَابُ التَّجَارَاتِ (التحفة ١٠)

Comments:

Linguistically *Bai'* means 'exchanging a commodity for another commodity'. The term *Bai'* is identified thus: 'It is to exchange property with mutual agreement.'

A transaction relating to sales and business has the following four principle factors:

- 1: The Seller: It is essential that the seller owns the commodity, understands the matter in hand and he/she is sane.
- 2: The Buyer: It is essential for the buyer too that he/she has the ability to make and exercise a deal.
- 3: The Commodity: The commodity being sold should be permissible and the commodity taken as price should also be permissible.
- 4: Words of Striking a Deal: Acceptance and liability, for example: a person says 'I sell this in exchange for such and such price,' and the buyer should say 'I buy it.'

Chapter 1. Encouragement To Earn A Living

2137. It was narrated from 'Āishah that the Messenger of Allāh ﷺ said: 'The best (most pure) food a man consumes is that which he has earned himself, and his child (and his child's wealth) is part of his earnings.' (Sahih)

(المعجم ١) - بَابُ الْحَثِّ عَلَى الْمَكَاسِبِ (التحفة ١)

٢١٣٧ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، وَعَلِيُّ بْنُ مُحَمَّدٍ، وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ بْنِ حَبِيبٍ قَالُوا: حَدَّثَنَا أَبُو مُعَاوِيَةَ: حَدَّثَنَا الْأَعْمَشُ عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ أَطْيَبَ مَا أَكَلَ الرَّجُلُ مِنْ كَسْبِهِ. وَإِنَّ وَلَدَهُ مِنْ كَسْبِهِ».

تخريج: [صحيح] أخرجه النسائي: ٢٤١/٧، البيهقي، باب الحث على الكسب، ح: ٤٤٥٦، ٤٤٥٧ من حديث الأعمش به، وصححه ابن حبان (موارد)، ح: ١٠٩٢، ١٠٩٣، وله شواهد كثيرة انظر، ح: ٢٢٩٠، ٢٢٩٢.

Comments:

- a. Livelihood earned with hard work is lawful earning, provided it was earned according to Islamic law. This hard work can be physical, technical, professional, handicraft, intellectual and academic.
- b. Parents are allowed to take from their children's wealth, as needed, however they should not disregard their children's lawful and reasonable needs and facilities.

2138. It was narrated from Miqdâm bin Ma'dikarib (Az-Zubaidi) that the Messenger of Allâh ﷺ said: "No man earns anything better than that which he earns with his own hands, and what a man spends on himself, his wife, his child and his servant, then it is charity." (*Hasan*)

٢١٣٨ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عِيَّاشٍ، عَنْ بَجِيرِ بْنِ سَعْدٍ، عَنْ خَالِدِ بْنِ مَعْدَانَ، عَنْ الْمُقْدَامِ بْنِ مَعْيَكِرِبَ [الرُّبَيْدِيِّ]، عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «مَا كَسَبَ الرَّجُلُ كَسْبًا أَطْيَبَ مِنْ عَمَلٍ يَدِهِ. وَمَا أَنْفَقَ الرَّجُلُ عَلَى نَفْسِهِ وَأَهْلِهِ وَوَلَدِهِ وَخَادِمِهِ، فَهُوَ صَدَقَةٌ».

تخريج: [حسن] أخرجه أحمد: ١٣٢/٤ من حديث إسماعيل به نحو المعنى، وتابعه بقية ثنا بجير به (المسند للإمام أحمد، أيضًا)، وحسنه البوصيري، وأصله في صحيح البخاري، ح: ٢٠٧٢. وغيره، وله شاهد.

Comments:

- a. The best earning is earned by hard work.
- b. To avoid spending on one's wife and children is miserliness and stinginess which is condemnable. But to keep fulfilling unreasonable legal and illegal needs of the family is also extravagance and squandering, which are both disliked.

2139. It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ said: "The trustworthy, honest Muslim merchant will be with the martyrs on the Day of Resurrection." (*Da'if*)

٢١٣٩ - حَدَّثَنَا أَحْمَدُ بْنُ سَيَّانٍ: حَدَّثَنَا كَثِيرُ بْنُ هِشَامٍ: حَدَّثَنَا كَثُومُ بْنُ جَوْشَنِ الْقُسَيْرِيُّ عَنْ أَيُّوبَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «التَّاجِرُ الْأَمِينُ الصَّدُوقُ الْمُسْلِمُ، مَعَ الشُّهَدَاءِ يَوْمَ الْقِيَامَةِ».

تخريج: [ضعيف] أخرجه الحاكم: ٦/٢ من حديث كثير به، وقال البوصيري: هذا إسناد فيه كثوم بن جوشن وهو ضعيف، وله شاهد ضعيف عند الترمذي، ح: ١٢٠٩. وغيره، وحسنه الترمذي، وفيه علل منها عن عنة الحسن وغيره.

Comments:

This is narrated in *Jâmi' At-Tirmidhi* by Abu Sa'eed. Imâm Tirmidhi declared this *Hadith* as *Hasan* (Good). (*Jâmi' At-Tirmidhi, Hadith: 1209*)

2140. It was narrated from Abu Hurairah that the Prophet ﷺ said: "The one who strives to support the widow and the poor is like a *Mujāhid* who fights in the cause of Allāh, and like one who stands in the night (in voluntary prayer) and fasts by day." (*Sahih*)

٢١٤٠ - حَدَّثَنَا يَعْقُوبُ بْنُ حُمَيْدٍ بْنُ كَاسِبٍ: حَدَّثَنَا عَبْدُ الْعَزِيزِ الدَّرَاوَرْدِيُّ، عَنْ ثَوْرِ بْنِ زَيْدٍ الدَّيْلِيِّ، عَنْ أَبِي الْغَيْثِ مَوْلَى ابْنِ مُطِيعٍ، عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ ﷺ قَالَ: «السَّاعِي عَلَى الْأَرْمَلَةِ وَالْمَسْكِينِ كَالْمُجَاهِدِ فِي سَبِيلِ اللَّهِ، وَكَالَّذِي يَقُومُ اللَّيْلَ وَيَصُومُ النَّهَارَ».

تخريج: أخرجه البخاري، التفقات، باب فضل النفقة على الأهل ... الخ، ح: ٥٣٥٣، ومسلم، الزهد، باب فضل الإحسان إلى الأرملة والمساكين واليتيم، ح: ٢٩٨٢ من حديث ثور به.

Comments:

The best source of looking after a widow is to arrange her marriage, thus her honor will be protected as well, and also it will be a permanent arrangement for her and her children to be looked after, and to have a good upbringing. However, if her marriage seems impossible for some reason, then it is an obligation upon the Muslims to fulfill her and her children's lawful and reasonable needs in order to make them useful, responsible and positive members of the society.

2141. It was narrated from Mu'adh bin 'Abdullāh bin Khubaib, from his father, that his paternal uncle said: "We were sitting in a gathering, and the Prophet ﷺ came with traces of water on his head. One of us said to him: 'We see that you are of good cheer today.' He said: 'Yes, praise is to Allāh.' Then he spoke to the people about being rich. He said: 'There is nothing wrong with being rich for one who has piety, but good health, for one who has piety is better than riches, and being of good cheer is a blessing.'" (*Sahih*)

٢١٤١ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا خَالِدُ بْنُ مَخْلَدٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ سُلَيْمَانَ عَنْ مُعَاذِ بْنِ عَبْدِ اللَّهِ بْنِ خُبَيْبٍ، عَنْ أَبِيهِ، عَنْ عَمِّهِ قَالَ: كُنَّا فِي مَجْلِسٍ. فَجَاءَ النَّبِيُّ ﷺ وَعَلَى رَأْسِهِ أَكْثَرُ مَاءٍ. فَقَالَ لَهُ بَعْضُنَا: تَرَاكَ الْيَوْمَ طَيِّبَ النَّفْسِ. فَقَالَ: «أَجَلُ. وَالْحَمْدُ لِلَّهِ» ثُمَّ أَفَاضَ الْقَوْمُ فِي ذِكْرِ الْغَنَى. فَقَالَ: «لَا بَأْسَ بِالْغَنَى لِمَنِ اتَّقَى. وَالصَّحَّةُ لِمَنِ اتَّقَى خَيْرٌ مِنَ الْغَنَى. وَطَيِّبُ النَّفْسِ مِنَ النَّعِيمِ».

تخريج: [إسناده صحيح] أخرجه أحمد: ٥/ ٣٧٢، ٣٨١ من حديث عبد الله بن سليمان به، وصححه الحاكم: ٣/ ٢، والذهبي، والبوصيري.

Comments:

- a. A righteous person having fear of Allāh ﷻ earns his livelihood through lawful ways, and spends it in good causes, and in fulfilling lawful and reasonable needs, thus he earns reward in earning and in spending. The wealth is a great favor for such a person.
- b. A bad person does not distinguish between lawful and unlawful in earning a livelihood. He spends with pride, to show off, and he uses wealth for an unreasonable lavish lifestyle. Thus the gain of this wealth becomes a source of sin for him, and the spending of it multiplies his sins even more. The wealth is a test and a cause of destruction for such a person. May Allāh keep us safe! Amen.
- c. Health is a greater favor than wealth. Being in a state of good health, despite being less fortunate in respect to wealth, certainly allows more good deeds to be performed.

Chapter 2. Moderation In Seeking To Earn A Living

2142. It was narrated from Abu Humaid As-Sá'idi that the Messenger of Allāh ﷺ said: "Be moderate in seeking worldly things, for everyone will be facilitated for which he was created." (*Sahih*)

(المعجم ٢) - بَابُ الْإِقْتَصَادِ فِي طَلَبِ الْمَعِيشَةِ (التحفة ٢)

٢١٤٢ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ عُمَارَةَ بْنِ غَزِيَّةَ، عَنْ رِبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ عَبْدِ الْمَلِكِ بْنِ سَعِيدٍ الْأَنْصَارِيِّ، عَنْ أَبِي حُمَيْدٍ السَّاعِدِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَجْمِلُوا فِي طَلَبِ الدُّنْيَا فَإِنَّ كُلَّ مُبْسِرٍ لِمَا خُلِقَ لَهُ».

تخريج: [صحيح] أخرجه ابن أبي عاصم في السنة، ح: ٤١٨ عن هشام بن عمار به، أخرجه البيهقي وغيره من حديث سليمان بن بلال عن ربيعة به، وصححه الحاكم على شرط الشيخين: ٢/ ٣، ووافقه الذهبي، وهو على شرط مسلم فقط، والله أعلم.

Comments:

'Be moderate in seeking worldly things' means to strive for earning lawful and one should not engage oneself fully in the earning that his/her attention for the Hereafter is driven away. It means to adopt a moderate manner of earning the worldly gain.

2143. It was narrated from Anas bin Mâlik that the Messenger of Allāh ﷺ said: 'The one who has the most concerns is the believer who is concerned about both his worldly affairs and his Hereafter.'" (*Da'if*)

٢١٤٣ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ بَهْرَامٍ: حَدَّثَنَا الْحَسَنُ بْنُ مُحَمَّدٍ بْنِ عَثْمَانَ، زَوْجُ بَنْتِ الشَّعْبِيِّ: حَدَّثَنَا سُفْيَانُ بْنُ الْأَعْمَشِ، عَنْ يَزِيدَ الرَّقَّاشِيِّ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: قَالَ

Abu 'Abdullah said: "This *Hadith* is *Gharib*' Ismâ'il, alone, has narrated it."

رَسُولُ اللَّهِ ﷺ: «أَعْظَمُ النَّاسِ هَمًّا، الْمُؤْمِنُ الَّذِي يَهْمُ بِأَمْرِ دُنْيَاهُ وَأَمْرِ آخِرَتِهِ».

قَالَ أَبُو عَبْدِ اللَّهِ: هَذَا حَدِيثٌ غَرِيبٌ. تَقَرَّدَ بِهِ إِسْمَاعِيلُ.

تخريج: [إسناده ضعيف] أخرجه ابن أبي الدنيا في الهم والحزن من حديث إسماعيل به، وانظر، ح: ١٠٨٠ لعلته، وفيه علل أخرى.

2144. It was narrated from Jâbir bin 'Abdullâh that the Messenger of Allâh ﷺ said: "O people, fear Allâh and be moderate in seeking a living, for no soul will die until it has received all its provision, even if it is slow in coming. So fear Allâh and be moderate in seeking provision; take that which is permissible and leave that which is forbidden." (*Sahih*)

٢١٤٤ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُصَفَّى الْحِمْصِيُّ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَيُّهَا النَّاسُ اتَّقُوا اللَّهَ وَأَجْمِلُوا فِي الطَّلَبِ. فَإِنَّ نَفْسًا لَنْ تَمُوتَ حَتَّى تَسْتَوْفِيَ رِزْقَهَا، وَإِنْ أَبْطَأَ عَنْهَا. فَاتَّقُوا اللَّهَ وَأَجْمِلُوا فِي الطَّلَبِ. خُذُوا مَا حَلَّ، وَدَعُوا مَا حَرَّمَ».

تخريج: [صحيح] أخرجه ابن أبي عاصم في السنة، ح: ٤٢٠ من حديث الوليد به، وتابعه محمد بن بكر (المستدرک: ٤/٢) وغيره، وله شاهد حسن عند ابن حبان (موارد)، ح: ١٠٨٤، ١٠٨٥ وغيره، وصححه الحاكم، والذهبي.

Comments:

- A person caring for a lawful earning is never deprived of livelihood.
- Putting trust in Allâh, unlawful livelihood must be avoided.
- As the term of worldly life is appointed, which will not be increased or decreased; likewise livelihood is also fixed and specified. But the human earns reward or chastisement for its right or wrong strife.

Chapter 3. Fearing Allâh In Business

(المعجم ٣) - بَابُ التَّوَقُّفِ فِي التَّجَارَةِ
(التحفة ٣)

2145. It was narrated that Qais bin Abu Gharazah said: "At the time of the Messenger of Allâh ﷺ we used to be called brokers, but the Messenger of Allâh ﷺ passed by us and called by a name that

٢١٤٥ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ شَقِيقٍ، عَنْ قَيْسِ بْنِ أَبِي عَزْرَةَ قَالَ: كُنَّا نُسَمَّى، فِي عَهْدِ رَسُولِ اللَّهِ ﷺ، السَّمَايِرَةَ. فَمَرَّ بَنَا

was better than that. He said: 'O merchants, selling involves (false) oaths and idle talk, so mix some charity with it.'" (Sahih)

رَسُولُ اللَّهِ ﷺ فَسَمَانًا بِأَسْمِهِ هُوَ أَحْسَنُ مِنْهُ. فَقَالَ: «يَا مَعْشَرَ التُّجَّارِ إِنَّ الْبَيْعَ يَحْضُرُهُ الْحَلْفُ وَاللَّغْوُ. فَشَوِّبُوهُ بِالصَّدَقَةِ».

تخریج: [صحیح] أخرجه أبو داود، البيوع، باب في التجارة يخالطها الحلف واللغو، ح: ٣٣٢٦ من حديث أبي معاوية به، وصححه الترمذي، ح: ١٢٠٨، وابن الجارود، ح: ٥٥٧، والحاكم، ٥/٢، والذهبي * الأعمش صرح بالسماح (مشكل الآثار للطحاوي: ١٣/٣، ١٤)، وتابعه جماعة.

Comments:

This *Hadith* expresses the permissibility of a broker and commissioning agent, whereas the *Ahādith* (2175-2177) are contrary to it. These *Ahādith* can be reconciled thus; that helping a brother, out of sincerity without taking commission, in buying and selling the commodity is better, but receiving a salary or commission for it is disliked. Ibn Sirin, 'Atā, Ibrāhīm and Hasan, may Allāh have mercy on them, see no harm in the salary of an agent. Ibn Abbās ؓ said: "There is no harm in saying, 'sell this clothe, and whatever is gained over such and such price is yours'." Ibn Sirin said: "Sell this commodity for such and such, whatever the profit will be is yours. Or the profit will be divided between you and me." There is no harm in it." The Prophet ﷺ said: "The Muslims are bound to their conditions." (Sahih Al-Bukhārī: The Book of Hiring (37) Chapter: 14 The wages of a broker)

2146. It was narrated from Ismā'il bin 'Ubaid bin Rifā'ah, from his father, that his grandfather Rifā'ah said: "We went out with the Messenger of Allāh ﷺ, and the people were trading early in the morning. He called them: 'O merchants!' and when they looked up and craned their necks, he said: 'The merchants will be raised on the Day of Resurrection as immoral people, apart from those who fear Allāh and act righteously and speak the truth (i.e. those who are honest).'" (Hasan)

٢١٤٦ - حَدَّثَنَا يَعْقُوبُ بْنُ حُمَيْدٍ بْنُ كَاسِبٍ: حَدَّثَنَا يَحْيَى بْنُ سُلَيْمٍ الطَّائِفِيُّ، عَنْ عَبْدِ اللَّهِ بْنِ عُثْمَانَ بْنِ خُثَيْمٍ، عَنْ إِسْمَاعِيلَ بْنِ عُبَيْدِ بْنِ رِفَاعَةَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ رِفَاعَةَ قَالَ: خَرَجْنَا مَعَ رَسُولِ اللَّهِ ﷺ فَإِذَا النَّاسُ يَتَبَايَعُونَ بُكْرَةً. فَتَادَاهُمْ: «يَا مَعْشَرَ التُّجَّارِ» فَلَمَّا رَأَوْا أَبْصَارَهُمْ، وَمَدُّوا أَعْنَاقَهُمْ. قَالَ: «إِنَّ التُّجَّارَ يُعْتَوْنَ يَوْمَ الْقِيَامَةِ فُجَّارًا. إِلَّا مَنْ اتَّقَى اللَّهَ وَبَرَّ وَصَدَّقَ».

تخریج: [إسناده حسن] أخرجه الترمذي، البيوع، باب ما جاء في التجار وتسمية النبي ﷺ إياهم، ح: ١٢١٠ من حديث ابن خثيم به، وقال: هذا حديث حسن صحيح، وصححه ابن

حبان(موارد)، ح: ١٠٩٥، والحاكم: ٦/٢، والذهبي.

Chapter 4. If A Man Finds A Way Of Earning A Living, Let Him Stick With It

(المعجم ٤) - بَابُ: إِذَا قُسِمَ لِلرَّجُلِ رِزْقٌ مِنْ وَجْهِ فَلْيَلْزِمَهُ (التحفة ٤)

2147. It was narrated from Anas bin Mâlik that the Messenger of Allâh ﷺ said: 'Whoever achieves at something, let him stick with it.' (Da'if)

٢١٤٧ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا قُرُوءَةُ أَبُو يُونُسَ، عَنْ هِلَالِ بْنِ جُبَيْرٍ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَصَابَ مِنْ شَيْءٍ، فَلْيَلْزِمَهُ».

تخريج: [إسناده ضعيف] أخرجه البخاري في التاريخ الكبير: ٢٠٦/٨ من حديث محمد بن عبدالله الأنصاري به، وقال البوصيري: هذا إسناد ضعيف * هلال مستور، وشك ابن حبان في سماعه من أنس (تقريب)، وفيه علة أخرى.

2148. It was narrated that Nâfi' said: I used to send trade goods to Shâm and Egypt, then I prepared to send trade goods to 'Irâq. I went to 'Âishah, the Mother of the Believers, and said to her: "O Mother of the Believers! I used to send trade goods to Shâm and I am preparing to send trade goods to 'Irâq." She said: "Do not do that. What is wrong with the way you have been doing it? I heard the Messenger of Allâh ﷺ say: 'If Allâh causes provision to come to one of you through a certain means, he should not leave it unless it changes or deteriorates.'" (Da'if)

٢١٤٨ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى: حَدَّثَنَا أَبُو عَاصِمٍ: أَخْبَرَنِي أَبِي، عَنْ الزُّبَيْرِ بْنِ عُصَيْدٍ، عَنْ نَافِعٍ قَالَ: كُنْتُ أَجْهَرُ إِلَى الشَّامِ وَإِلَى مِصْرَ. فَجَهِزْتُ إِلَى الْعِرَاقِ. فَأَتَيْتُ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ فَقُلْتُ لَهَا: يَا أُمَّ الْمُؤْمِنِينَ كُنْتُ أَجْهَرُ إِلَى الشَّامِ. فَجَهِزْتُ إِلَى الْعِرَاقِ. فَقَالَتْ: لَا تَفْعَلْ. مَا لَكَ وَلِمَنْتَجِرَكَ؟ فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِذَا سَبَبَ اللَّهُ لِأَحَدِكُمْ رِزْقًا مِنْ وَجْهِ، فَلَا يَدْعُهُ حَتَّى يَتَغَيَّرَ لَهُ، أَوْ يَنْتَكِرَ لَهُ».

تخريج: [إسناده ضعيف] أخرجه أحمد: ٢٤٦/٦ عن أبي عاصم به ببعض الاختلاف * والزبير بن عبيد مجهول كما في التقريب وغيره.

Chapter 5. Occupations

(المعجم ٥) - بَابُ الصَّنَاعَاتِ (التحفة ٥)

2149. It was narrated from Abu Hurairah that the Messenger of Allāh ﷺ said: "Allāh has not sent any Prophet but he was a shepherd." His Companions said to him: "Even you, O Messenger of Allāh?" He said: "Even me. I used to tend the sheep of the people of Makkah for a few *Qirâts*." (*Sahih*)

(One of the narrators) Suwaïd said: "Meaning one *Qirât* for every sheep."

٢١٤٩ - حَدَّثَنَا سُؤَيْدُ بْنُ سَعِيدٍ: حَدَّثَنَا عَمْرُو بْنُ يَحْيَى بْنُ سَعِيدٍ الْقُرَشِيُّ، عَنْ جَدِّهِ، سَعِيدِ بْنِ أَبِي أَحِيحَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا بَعَثَ اللَّهُ نَبِيًّا إِلَّا رَاعِي غَنَمٍ» قَالَ لَهُ أَصْحَابُهُ: وَأَنْتَ يَا رَسُولَ اللَّهِ! قَالَ: «وَأَنَا. كُنْتُ أَرْعَاهَا لِأَهْلِ مَكَّةَ بِالْقَرَارِيطِ».

قَالَ سُؤَيْدٌ: يَعْني كُلُّ شَاةٍ بِقَرَارِيطٍ.

تخريج: أخرجه البخاري، الإجازة، باب رعي الغنم على قراريط، ح: ٢٢٦٢ من حديث

عمر بن يحيى به.

Comments:

- Physical work and labor is a lawful profession, provided a worker works honestly and he is not given work to do which is religiously unlawful.
- Work should not be started until the labor and salary is determined.
- Tending to goats and sheep was a profession of the Prophet ﷺ.
- Qirât* is a type of currency, which is a twentieth or twenty-fourth of a Dinār. (See: *An-Nihâyah* of Ibn Athir, root word *Qirât*).

2150. It was narrated from Abu Hurairah that the Messenger of Allāh ﷺ said: "Zakariyyâ was a carpenter." (*Sahih*)

٢١٥٠ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى: حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْخُزَاعِيُّ، وَالْحَجَّاجُ، وَالْهَيْثَمُ بْنُ جَمِيلٍ قَالُوا: حَدَّثَنَا حَمَادٌ عَنْ ثَابِتٍ، عَنْ أَبِي رَافِعٍ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «كَانَ زَكَرِيَّا نَجَّارًا».

تخريج: أخرجه مسلم، الفضائل، باب: من فضائل زكرياء عليه السلام، ح: ٢٣٧٩ من

حديث حماد بن سلمة به.

Comments:

- Carpentry and woodworking is a good profession, through which a believer can earn lawful livelihood with his hands. Prophet Nuh (Noah) also built a wooden ark with Allāh's command. (*Surah Hud* 11: 37-38).
- No profession should be disregarded. Disregard is that a person chooses

unlawful means to earn a livelihood or he/she adopts a profession which is unlawful according to *Shari'ah*.

2151. It was narrated from 'Āishah that the Messenger of Allāh ﷺ said: "The image-makers will be punished on the Day of Resurrection and will be told: 'Give life to that which you have created.'" (*Sahih*)

٢١٥١ - حَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: حَدَّثَنَا اللَّيْثُ بْنُ سَعْدٍ عَنْ نَافِعٍ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّ أَصْحَابَ الصُّوَرِ يُعَذَّبُونَ يَوْمَ الْقِيَامَةِ. يُقَالُ لَهُمْ: أَحْيُوا مَا خَلَقْتُمْ».

تخريج: أخرجه البخاري، التوحيد، باب قول الله تعالى: ﴿وَاللَّهُ خَلَقَكُمْ وَمَا تَعْمَلُونَ...﴾ إلخ، ح: ٧٥٥٧ من حديث الليث بن سعد به.

Comments:

- Drawing pictures of living animals is prohibited, regardless if it is drawn on paper, a wall or a piece of cloth, or a statue made of clay, stone, porcelain or plastic etc.
- The commandment of blowing life will be given to the artists just for the sake of making them ashamed, and to make clear the gravity of their crime, thus this commandment will in fact be a form of chastisement.

2152. It was narrated from Abu Hurairah that the Messenger of Allāh ﷺ said: "The most dishonest of people are the dyers and the goldsmiths."^[1] (*Da'if*)

٢١٥٢ - حَدَّثَنَا عَمْرُو بْنُ رَافِعٍ: حَدَّثَنَا عُمَرُ ابْنُ هَارُونَ، عَنْ هَمَامٍ، عَنْ فَرْقَدِ السَّبْخِيِّ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ الشَّخِيرِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَكْذَبُ النَّاسِ الصَّبَّاغُونَ وَالصَّوَّاعُونَ».

تخريج: [إسناده ضعيف] أخرجه أبو داود الطيالسي، ح: ٢٥٧٤ عن همام به، وانظر، ح: ١٧٨١ لعله.

Chapter 6. Hoarding And Importing

(المعجم ٦) - بَابُ الْحُكْرَةِ وَالْجَلْبِ
(التحفة ٦)

2153. It was narrated from 'Umar bin Khattāb that the Messenger of Allāh ﷺ said: "The importer is

٢١٥٣ - حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ الْجَهْضَمِيُّ: حَدَّثَنَا أَبُو أَحْمَدَ: حَدَّثَنَا إِسْرَائِيلُ عَنْ عَلِيٍّ

^[1] These two occupations are characterized as dishonest because they often tell people that their goods will be ready at a certain time then break that promise. The words translated as 'dyers and goldsmiths' may also refer to those who tell lies and invent fabrications. See explanation by Sindi.

blessed with provision and the hoarder is cursed." (*Da'if*)

ابن سالم بن ثوبان، عَنْ عَلِيِّ بْنِ زَيْدِ بْنِ جُدْعَانَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ عُمَرَ ابْنِ الْخَطَّابِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْجَالِبُ مَرْزُوقٌ وَالْمُحْتَكِرُ مَلْعُونٌ».

تخريج: [إسناده ضعيف] أخرجه الدارمي: ٢٤٩/٢، ح: ٢٥٤٧ من حديث إسرائيل به، وضعفه البوصيري، والعسقلاني في التلخيص الحبير: ١٣/٣، وانظر، ح: ١١٦ لعلته * وعلي بن سالم ضعيف (تقريب).

2154. It was narrated from Ma'mar bin 'Abdullâh bin Nadlah that the Messenger of Allâh ﷺ said: "No one hoards but a sinner." (*Sahih*)

٢١٥٤ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ مَعْمَرِ بْنِ عَبْدِ اللَّهِ بْنِ نَضَلَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَحْتَكِرُ إِلَّا خَاطِيٌّ».

تخريج: [صحيح] أخرجه الترمذي. البيوع، باب ما جاء في الاحتكار، ح: ١٢٦٧ من حديث يزيد بن هارون به، وقال: حسن صحيح، أخرجه مسلم، ح: ١٦٠٥ من طرق عن سعيد بن المسيب به.

Comments:

"Hoarding up" is when people are in more need of something, the trader holds back the stock in order to let the price increase, out of greed and selfishness. Such a person has a desire in his heart that the public get trapped in difficulty and he/she will take advantage of that to accumulate wealth. This type of desires does not suit a Muslim's dignity.

2155. It was narrated that 'Umar bin Khattâb said: "I heard the Messenger of Allâh ﷺ say: 'Whoever hoards food (and keeps it from) the Muslims, Allâh will afflict him with leprosy and bankruptcy.'" (*Hasan*)

٢١٥٥ - حَدَّثَنَا يَحْيَى بْنُ حَكِيمٍ: حَدَّثَنَا أَبُو بَكْرِ الْحَقَيْي: حَدَّثَنَا الْهَيْثَمُ بْنُ رَافِعٍ: حَدَّثَنَا أَبُو يَحْيَى الْمَكِّي، عَنْ فَرْوَجَ مَوْلَى عُثْمَانَ ابْنِ عَفَّانَ، عَنْ عُمَرَ بْنِ الْخَطَّابِ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ اخْتَكَرَ عَلَى الْمُسْلِمِينَ طَعَامًا ضَرَبَهُ اللَّهُ بِالْجُدَامِ وَالْإِفْلَاسِ».

تخريج: [إسناده حسن] أخرجه أحمد: ٢١/١ من حديث الهيثم به مطولاً، وصححه البوصيري، وقال المنذري في الترغيب والترهيب: ٥٨٣/٢ هذا إسناد جيد متصل ورواته ثقات،

وقال الحافظ في الفتح: ٣٤٨/٤ وإسناده حسن .

Chapter 7. The Wages Of The *Râqî*^[1]

(المعجم ٧) - بَابُ أَجْرِ الرَّاقِي

(التحفة ٧)

2156. It was narrated that Abu Sa'eed Al-Khudri said: "The Messenger of Allâh ﷺ sent us, thirty horsemen, on a military campaign. We camped near some people and asked them for hospitality but they refused. Then their leader was stung by a scorpion, and they said: 'Is there anyone among you who can recite *Ruqyah* for a scorpion sting?' I said: 'Yes, I can, but I will not recite *Ruqyah* for him until you give us some sheep.' They said: 'We will give you thirty sheep.' So we accepted them, and I recited *Al-Hamd* (i.e. *Al-Fâtiḥah*) over him seven times. Then he recovered, and I took the sheep. Then some doubts occurred within ourselves. Then we said: 'Let us not hasten (to make a decision concerning the sheep) until we come to the Prophet ﷺ.' So when we came back: 'I told him what I had done. He said: 'How did you know that it is a *Ruqyah*? Divide them up and give me a share as well.'" (*Sahih*)

٢١٥٦ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ: حَدَّثَنَا أَبُو مُعَاوِيَةَ: حَدَّثَنَا الْأَعْمَشُ عَنْ جَعْفَرِ بْنِ إِبْرَاهِيمَ، عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: بَعَثَنَا رَسُولُ اللَّهِ ﷺ ثَلَاثِينَ رَاكِبًا فِي سَرِيَّةٍ. فَتَزَلْنَا بِقَوْمٍ. فَسَأَلْنَاهُمْ أَنْ يَقْرَؤُوا. فَأَبَوْا. فَلَدَغَ سَيْدُهُمْ فَأَتُونَا فَقَالُوا: أَفِيكُمْ أَحَدٌ يَرْقِي مِنَ الْعُقْرَبِ؟ فَقُلْتُ: نَعَمْ. أَنَا. وَلَكِنْ لَا أَزْقِيهِ حَتَّى تُعْطُونَا غَنَمًا. قَالُوا: فَإِنَّا نُعْطِيكُمْ ثَلَاثِينَ شَاةً. فَقَبِلْنَاهَا. فَقَرَأْتُ عَلَيْهِ الْحَمْدَ [الفاتحة] سَبْعَ مَرَّاتٍ. فَبَرِيءَ وَقَبِضْتُ الْغَنَمَ. فَعَرَضَ فِي أَنْفُسِنَا مِنْهَا شَيْءٌ. فَقُلْنَا: لَا تَعَجَلُوا حَتَّى نَأْتِيَ النَّبِيَّ ﷺ. فَلَمَّا قَدِمْنَا ذَكَرْتُ لَهُ الَّذِي صَنَعْتُ. فَقَالَ: «أَوْمًا عَلِمْتَ أَنَّهَا رُقْيَةٌ؟ اقْتَسِمُوهَا وَاضْرِبُوا لِي مَعَكُمْ سَهْمًا».

تخریج: (الف) [صحیح] أخرجه الترمذي، الطب، باب ما جاء في أخذ الأجر على التعويذ، ح: ٢٠٦٣ من حديث أبي معاوية به، وقال: هذا حديث حسن، وانظر الحديث الآتي.

^[1] The one who administers *Ruqyah* (recitation of Qur'anic Verses as a means of curing disease).

Other chains with similar wording.

حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا هُشَيْمٌ: حَدَّثَنَا أَبُو يَشِيرٍ عَنِ ابْنِ أَبِي الْمُتَوَكِّلِ، عَنْ أَبِي الْمُتَوَكِّلِ، عَنْ أَبِي سَعِيدٍ، عَنِ النَّبِيِّ ﷺ بِنَحْوِهِ؛ ح: وَحَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي يَشِيرٍ، عَنِ ابْنِ الْمُتَوَكِّلِ، عَنْ أَبِي سَعِيدٍ، عَنِ النَّبِيِّ ﷺ بِنَحْوِهِ.
قَالَ أَبُو عَبْدِ اللَّهِ: وَالصَّوَابُ هُوَ أَبُو الْمُتَوَكِّلِ.

تخريج: (ب) أخرجه البخاري، الإجازة، باب ما يعطي في الرقية على أحياء العرب بفتحة الكتاب، ح: ٢٢٧٦ من حديث أبي بشر به، وهو الأرجح من السند السابق، ومسلم، السلام، باب جواز أخذ الأجرة على الرقية بالقرآن والأذكار، ح: ٢٢٠١ من حديث هشيم به.

Comments:

- Ruqyah* (incantation) is to read Qur'anic Verses or supplications narrated from the Prophet ﷺ, and then to blow over a patient in order to seek cure through its blessing with the permission of Allāh ﷻ. It is called *Damm* in Urdu.
- Companions of the Prophet ﷺ would avoid a doubtful livelihood, which is requisition of Allāh's fear (*Taqwa*).
- If there is a doubt concerning an issue, it should be clarified from a religious scholar who is known to follow the *Sunnah*.
- Allāh's Messenger ﷺ asked that his share be reserved in order to satisfy his noble Companions ﷺ, and to terminate their uncertainty.

Chapter 8. Wages For Teaching Qur'ân

(المعجم ٨) - بَابُ الْأَجْرِ عَلَى تَعْلِيمِ الْقُرْآنِ (التحفة ٨)

2157. It was narrated that 'Ubādah bin Sâmit said: "I taught people from *Ahlus-Suffah*^[1] the Qur'ân and how to write, and one of them gave me a bow. I said: 'It

٢١٥٧ - حَدَّثَنَا عَلِيُّ بْنُ مُحَمَّدٍ، وَ مُحَمَّدُ ابْنُ إِسْمَاعِيلَ. قَالَا: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا مُغِيرَةُ بْنُ زَيَْادٍ الْمُؤَصِّلِيُّ، عَنْ عُبَادَةَ بْنِ

[1] "They were the poor among the *Muhâjirin*, and those who did not have a house to live in. So they would stay in a shady place in the mosque in Al-Madinah, where they resided." (*An-Nihâyah*). *Suff* means ledge, or molding.

is not money, and I can shoot (with it) for the sake of Allāh.' I asked the Messenger of Allāh ﷺ about it and he said: 'If it would please you to have a necklace of fire placed around your neck, then accept it.'" (Hasan)

نُسِيٍّ، عَنِ الْأَسْوَدِ بْنِ تَعْلَبَةَ، عَنْ عُبَادَةَ بْنِ الصَّامِتِ قَالَ: عَلَّمْتُ نَاسًا مِنْ أَهْلِ الصُّفَّةِ الْقُرْآنَ وَالْكِتَابَةَ. فَأَهْدَى إِلَيَّ رَجُلٌ مِنْهُمْ قَوْسًا. فَقُلْتُ: لَيْسَتْ بِمَالٍ. وَأُرْمِي [عَنْهَا] فِي سَبِيلِ اللَّهِ. فَسَأَلْتُ رَسُولَ اللَّهِ ﷺ عَنْهَا. فَقَالَ: «إِنْ سَرَكَ أَنْ تَطُوقَ بِهَا طَوْقًا مِنْ نَارٍ فَأَقْبُلْهَا».

تخريج: [إسناده حسن] أخرجه أبو داود، البيهقي، باب: في كسب المعلم، ح: ٣٤١٦ من حديث وكيع به، وصححه الحاكم: ٤١/٢، ٤٢، ورجاله موثقون عند الجمهور.

2158. It was narrated that Ubayy bin Ka'b said: "I taught a man the Qur'an, and he gave me a bow. I mentioned that to the Messenger of Allāh ﷺ and he said: 'If you accept it you will be accepting a bow of fire.' So I returned it." (Da'if)

٢١٥٨ - حَدَّثَنَا سَهْلُ بْنُ أَبِي سَهْلٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ ثَوْرِ بْنِ بَرِيدٍ: حَدَّثَنَا خَالِدُ بْنُ مَعْدَانَ: حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ سَلَمٍ، عَنْ عَطِيَّةِ الْكَلَاعِيِّ، عَنْ أَبِي بِنِ كَعْبٍ قَالَ: عَلَّمْتُ رَجُلًا الْقُرْآنَ. فَأَهْدَى إِلَيَّ قَوْسًا. فَذَكَرْتُ ذَلِكَ لِرَسُولِ اللَّهِ ﷺ. فَقَالَ: «إِنْ أَخَذْتَهَا أَخَذْتَ قَوْسًا مِنْ نَارٍ» فَرَدَدْتُهَا.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ١٢٥/٦، ١٢٦ من حديث يحيى بن سعيد به، وعلة بالانقطاع * عطية عن أبي مرسل كما في جامع التحصيل وغيره، وفيه علة أخرى.

Comments:

- According to the majority of the scholars, accepting a salary for teaching the Noble Qur'an is allowed. The proof of it is that the Prophet ﷺ appointed the teaching of Qur'an as a dowry in the marriage of a Companion, who did not have anything to pay as dowry.
- It was narrated from Ibn Abbās ؓ that the Prophet ﷺ said: "The most rightful thing for which a wage is charged is the Book of Allāh." (Sahih Al-Bukhâri: 2276). The title of Imam Bukhârî's chapter clarifies that he is making it clear that if taking a wage for Ruqyah (incantation) is correct then why not for teaching the Noble Qur'an, which requires even more hard work, so according to him, taking wages for teaching the Qur'an should definitely be permissible. (This is a one sided view; there is a more balanced view of other scholars mentioned in Awnul-Mabud, and Usmani)

**Chapter 9. Prohibition Of
The Price Of A Dog, The
Payment (Given) to A
Prostitute, The Payment
Made To A Soothsayer And
Studding A Stallion^[1]**

(المعجم ٩) - بَابُ التَّهْيِ عَنْ ثَمَنِ
الْكَلْبِ وَمَهْرِ الْبَغِيِّ وَحُلْوَانِ الْكَاهِنِ
وَعَسَبِ الْفَحْلِ (التحفة ٩)

2159. It was narrated from Abu Mas'ud that the Prophet ﷺ forbade the price of a dog, the payment (given to a prostitute) and the payment made to a soothsayer. (*Sahih*)

٢١٥٩ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ، وَ مُحَمَّدٌ
ابْنُ الصَّبَّاحِ، قَالَا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ،
عَنِ الزُّهْرِيِّ، عَنْ أَبِي بَكْرٍ بْنِ عَبْدِ الرَّحْمَنِ،
عَنْ أَبِي مَسْعُودٍ أَنَّ النَّبِيَّ ﷺ نَهَى عَنْ ثَمَنِ
الْكَلْبِ وَمَهْرِ الْبَغِيِّ وَحُلْوَانِ الْكَاهِنِ.

تخريج: أخرجه البخاري، الطلاق، باب مهر البغي والنكاح الفاسد، ح: ٥٣٤٦، ومسلم، المساقاة، باب تحريم ثمن الكلب وحلوان الكاهن ومهر البغي والنهي عن بيع السنور، ح: ١٥٦٧ من حديث سفیان به.

Comments:

- The trade of prohibited things is also prohibited.
- A *Kāhin* is a person who foretells about future events and claims to tell about the Unseen; fortune-tellers, palmists, astrologers, those making amulets and charms, those who open the book of omens, those who use parrots to choose a card of fortune, and other fortune card readers, all come under the term *Kāhin*.
- Some people (in the time of Ignorance) used to make their female slaves work as prostitutes and took it a source of income. Adultery (sexual relations out of marriage) is prohibited in Islam; whether this performed by paying money or in the name of love and friendship by mutual consent.
- Some people allowed trading in hunting dogs because of the permissibility of keeping them at home. According to this view, the trade in dogs, other than those for hunting is forbidden, because keeping them is impermissible. However, trade in any type of dogs should be avoided as precautionary measures and must not be practiced. Allāh ﷻ knows best!

2160. It was narrated that Abu Hurairah said: "The Messenger of Allāh ﷺ forbade the price of a dog and studding a stallion." (*Sahih*)

٢١٦٠ - حَدَّثَنَا عَلِيُّ بْنُ مُحَمَّدٍ، وَ مُحَمَّدٌ
ابْنُ طَرِيفٍ. قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ قُصَيْبٍ:
حَدَّثَنَا الْأَعْمَشُ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي

^[1] This refers to when the owner of a stallion rents it out to others to impregnate mares, and it applies to camels as well as horses. See explanation by Sindi.

هُرَيْرَةَ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ ثَمَنِ الْكَلْبِ وَعَسْبِ الْفَحْلِ.

تخريج: [صحيح] أخرجه الترمذي، البيهقي، باب ما جاء في كراهية ثمن الكلب والسنور، ح: ١٢٧٩ من حديث محمد بن فضيل به معلقاً، وعلمه أبو حاتم الرازي في علمه، ح: ٢٨٣٤ من جهة السند * وأما المتن فصحيح ثابت من طرق أخرى، انظر الحديث السابق وسنن النسائي: ٧/٣١٠، ٣١١ وغيرهما.

Comments:

Cows, buffalos and goats etc., are taken to male counterparts for breeding purposes and the owner of the male animal (i.e., stallion) charges something for the female animal to mate with his male animal; these charges are incorrect. It should be for the sake of Allāh. But if the owner of a female animal offers something with his own goodwill, then it is allowed to be taken. (See *Jāmi' At-Tirmidhi*: 1274)

2161. It was narrated from Abu Az-Zubair that Jābir said: "The Messenger of Allāh ﷺ forbade the price of a cat." (*Sahih*)

٢١٦١ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا الْوَلِيدُ [بْنُ مَسْلَمَةَ]: أَتَبْنَا ابْنَ لَهَيْعَةَ، عَنْ أَبِي الزُّبَيْرِ عَنْ جَابِرٍ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ ثَمَنِ السَّنَوْرِ.

تخريج: [صحيح] أخرجه النسائي: ٧/١٩٠، ١٩١، الصيد، الرخصة في ثمن كلب الصيد، ح: ٤٣٠٠، والبيهقي: ٦/٦ من طريقين عن حماد بن سلمة عن أبي الزبير به مطولاً، وعلمه النسائي، وانظر، ح: ٣٩٥ لعلته المدمرة ولكن أخرج مسلم، ح: ١٥٦٩ من طريق آخر عن أبي الزبير قال: سألت جابراً عن ثمن الكلب والسنور؟ فقال: زجر النبي ﷺ عن ذلك، وبه صح الحديث.

Comments:

A cat is not as benefiting as a dog so its trade is unlawful, and the scholars who hold the view that the selling and buying of any dogs is forbidden also hold the view that the trade of cats is forbidden.

Chapter 10. Earnings Of A Cupper

(المعجم ١٠) - بَابُ كَسْبِ الْحَجَّامِ

(التحفة ١٠)

2162. It was narrated from Ibn 'Abbās that the Prophet ﷺ was treated with cupping and he gave him (the cupper) his wages. (*Sahih*)

Ibn Abu 'Umar was alone in

٢١٦٢ - حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَمَرَ الْعَدَنِيُّ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنْ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، عَنْ ابْنِ عَبَّاسٍ أَنَّ النَّبِيَّ ﷺ اخْتَجَمَ وَأَعْطَاهُ أَجْرَهُ.

narrating it. That was said by Ibn Mâjah.^[1]

تَرَدَّ بِهِ ابْنُ أَبِي عُمَرَ وَحَدَّثَهُ. قَالَ ابْنُ مَاجَه.

تخریج: أخرجه البخاري، الإجارة، باب خراج الحمام، ح: ٢٢٧٨ وغيره، ومسلم، السلام، باب لكل داء دواء واستحباب التداوي، ح: ١٢٠٢ بعد، ح: ٢٢٠٨ من حديث ابن طاوس به.

Comments:

a. The Companion who cupped the Prophet ﷺ was Abu Taibah (Sahih Al-Bukhari: 2102). His name was Nâfi'. (Al-Akmâl fee Asmâ Al-Rijâl by the compiler of Mishkâtul-Masâbih). He was a slave of the Banu Bayâdah tribe. The Messenger of Allâh ﷺ gave him a decent wage and he ﷺ did him a further favor by telling his masters to decrease his Kharâj. Kharâj is a fixed amount of his earnings that he is required to give to his masters. (Sahih Bukhârî aforementioned reference)

b. Cupping and being cupped is lawful and therefore its earning is lawful too.

2163. It was narrated that 'Ali said: "The Messenger of Allâh ﷺ was treated with cupping and he told me to give the cupper his wages." (Sahih)

٢١٦٣ - حَدَّثَنَا عُمَرُو بْنُ عَلِيٍّ أَبُو حَفْصٍ الصَّيْرَفِيُّ: حَدَّثَنَا أَبُو دَاوُدَ؛ ح: وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبَادَةَ الْوَاسِطِيُّ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ. قَالَا: حَدَّثَنَا وَزْقَاءُ، عَنْ عَبْدِ الْأَعْلَى، عَنْ أَبِي جَمِيلَةَ، عَنْ عَلِيٍّ، قَالَ: اخْتَجَمَ رَسُولُ اللَّهِ ﷺ وَأَمَرَنِي فَأَعْطَيْتُ الْحَجَّامَ أَجْرَهُ.

تخریج: [صحیح] أخرجه عبدالله بن أحمد في زوائد المسند: ١٣٤/١ عن عمرو بن علي به، وهو في مسند أبي داود الطيالسي، ح: ١٥٣، وانظر، ح: ١٥٥٤ لعلته، وفيه علة أخرى، وضعفه البوصيري، وله طريق آخر عند ابن أبي شيبة: ٢٦٧/٦ عن أبي جميلة به، والحديث الآتي شاهد له.

2164. It was narrated from Anas bin Mâlik that the Prophet ﷺ was treated with cupping and gave the cupper his wages. (Sahih)

٢١٦٤ - حَدَّثَنَا عَبْدُ الْحَمِيدُ بْنُ يَسَارٍ الْوَاسِطِيُّ: حَدَّثَنَا خَالِدُ بْنُ عَبْدِ اللَّهِ، عَنْ يُونُسَ، عَنِ ابْنِ سِيرِينَ، عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّ النَّبِيَّ ﷺ اخْتَجَمَ وَأَعْطَى الْحَجَّامَ أَجْرَهُ.

^[1] That is, Muhammad bin Abu 'Umar Al-'Adani, from whom Ibn Mâjah heard the narration.

heard Jābir bin 'Abdullāh say: "In the Year of the Conquest, while he was in Makkah, the Messenger of Allāh ﷺ said: 'Allāh and His Messenger have forbidden the sale of wines, meat of dead animals, pigs and idols.' It was said to him: 'O Messenger of Allāh, what do you think of the fat of dead animals, for it is used to caulk ships, it is daubed on animal skins and people use it to light their lamps?' He said: 'No, it is unlawful.' Then the Messenger of Allāh ﷺ said: 'May Allāh curse the Jews, for Allāh forbade them the fat (of animals) but they rendered it, (i.e. melted it) sold it and consumed its price.'" (*Sahih*)

تخريج: أخرجه البخاري، المغازي، باب: (٥٢)، ح: ٤٢٩٦، ومسلم، المساقاة، باب: تحريم بيع الخمر والميتة والخنزير والأصنام، ح: ١٥٨١ من حديث الليث به.

Comments:

- As alcohol, dead animals and swine are forbidden to eat; similarly other use of these is also prohibited.
- Selling the prohibited things is unlawful as well as their revenue.
- Earning through false tricks and excuses does not make unlawful earning lawful; rather it makes the sin more evil and grave. (As many Muslims, particularly in the West, try to justify unlawful business of alcohol and intoxicants with silly excuses).

2168. It was narrated that Abu Umamah said: "The Messenger of Allāh ﷺ forbade selling or buying singing girls, and their wages, and consuming their price." (*Da'if*)

أَبَانَا اللَّيْثُ بْنُ سَعْدٍ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ أَنَّهُ قَالَ: قَالَ عَطَاءُ بْنُ أَبِي رَبَاحٍ: سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ، عَامَ الْفَتْحِ وَهُوَ بِمَكَّةَ: «إِنَّ اللَّهَ وَرَسُولَهُ حَرَّمَ بَيْعَ الْخَمْرِ وَالْمَيْتَةِ وَالْخَنَزِيرِ وَالْأَصْنَامِ» فَقِيلَ لَهُ، عِنْدَ ذَلِكَ: يَا رَسُولَ اللَّهِ! أَرَأَيْتَ سُحُومَ الْمَيْتَةِ، فَإِنَّهُ يُذْهَنُ بِهَا الشُّقْنُ، وَيُذْهَنُ بِهَا الْجُلُودُ، وَيَسْتَصْبَحُ بِهَا النَّاسُ؟ قَالَ: «لَا. هُنَّ حَرَامٌ». ثُمَّ قَالَ رَسُولُ اللَّهِ ﷺ: «فَاتَّلَ اللَّهُ الْيَهُودَ. إِنَّ اللَّهَ حَرَّمَ عَلَيْهِمُ السُّحُومَ فَاجْمَلُوهُ، ثُمَّ بَاعُوهُ فَأَكَلُوا ثَمَنَهُ».

٢١٦٨ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ بْنُ يَحْيَى ابْنُ سَعِيدٍ الْقَطَّانُ: حَدَّثَنَا هَاشِمُ بْنُ الْقَاسِمِ: حَدَّثَنَا أَبُو جَعْفَرٍ الرَّازِيُّ، عَنْ عَاصِمٍ، عَنْ أَبِي الْمُهَلَّبِ، عَنْ عُبَيْدِ اللَّهِ الْإِفْرِيقِيِّ، عَنْ أَبِي أُمَامَةَ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ بَيْعِ الْمُغَنِّيَاتِ وَعَنْ شِرَائِهِنَّ وَعَنْ كُسْبِهِنَّ وَعَنْ أَكْلِ أَثْمَانِهِنَّ.

تخريج: [إسناده ضعيف معضل] أخرجه الترمذي، البيوع، باب ما جاء في كراهية بيع

المغنيات، ح: ١٢٨٢ بإسناد صحيح عن عبيد الله بن زحر الإفريقي عن علي بن يزيد عن القاسم عن أبي أمامة به بلفظ آخر، وهو المحفوظ، وانظر، ح: ٢٢٨ لعلته، وله شواهد ضعيفة عند الطبراني وغيره.

Comments:

- Some Arabs disliked music and singing even in the pre-Islamic period. So the ladies of the respected families used to avoid it, but the female slaves would sing to entertain their masters or their friends, and they would also make musical presentations to gain prizes.
- Singing and musical presentations are conducted in the name of art and profession, and are taken a source of income. It is unlawful from a religious perspective. Playing indecent roles in movies and the profession of modeling is also relevant to this prohibited category.

Chapter 12. What Was Narrated Concerning The Prohibition Of *Munâbadhah* And *Mulâmasah*

2169. It was narrated that Abu Hurairah said: "The Messenger of Allâh ﷺ forbade two kinds of transactions: *Mulâmasah* and *Munâbadhah*. (*Sahih*)

2170. It was narrated from Abu Sa'eed Al-Khudri that the Messenger of Allâh ﷺ forbade *Mulâmasah* and *Munâbadhah*. (*Sahih*)

Sahl added: "Sufyân said: '*Mulâmasah* means when a man touches something with his hand without seeing it, and *Munâbadhah* means when he says: "Toss me what you have, and I will toss you what I have."

(المعجم ١٢) - بَابُ مَا جَاءَ فِي النَّهْيِ
عَنِ الْمُنَابَذَةِ وَالْمَلَامَسَةِ (التحفة ١٢)

٢١٦٩ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ وَ أَبُو أَسَامَةَ، عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ خُبَيْبِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ حَفْصِ بْنِ غَاصِمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ بَيْعَتَيْنِ: عَنِ الْمَلَامَسَةِ وَالْمُنَابَذَةِ.

تخريج: [صحيح] تقدم، ح: ١٢٤٨.

٢١٧٠ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَ سَهْلُ بْنُ أَبِي سَهْلٍ قَالَا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ عَطَاءِ بْنِ يَزِيدَ اللَّيْثِيِّ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنِ الْمَلَامَسَةِ وَالْمُنَابَذَةِ.

زَادَ سَهْلٌ: قَالَ سُفْيَانُ: الْمَلَامَسَةُ أَنْ يَلْمَسَ الرَّجُلُ يَدَهُ الشَّيْءَ وَلَا يَرَاهُ. وَالْمُنَابَذَةُ أَنْ يَقُولَ: أَلْقِ إِلَيَّ مَا مَعَكَ، وَأَلْقِي إِلَيْكَ مَا مَعِي.

تخریج: أخرجه البخاري، الاستئذان، باب الجلوس كيفما تيسر، ح: ٦٢٨٤ من حديث سفیان به مطولاً.

Comments:

- The buyer has every right to check and try the commodity prior to purchase, in order to know the quality, be it good or bad, and to see if it has any defects or not; and the consumer will decide accordingly, if he should purchase it for such and such a reasonable price.
- The transaction that affects this statutory right of the purchaser is an unlawful transaction and illegal.
- Lottery and these types of other prize drawing schemes, which have an uncertainty in the outcome, are all unlawful.

Chapter 13. "A Man Is Not To Undersell The Sale Of His Brother, Nor Is He To Try To Out-Haggle His Brother."

(المعجم ١٣) - بَابُ: لَا يَبِيعُ الرَّجُلُ عَلَى بَيْعِ أَخِيهِ وَلَا يَسُومُ عَلَى سَوْمِهِ
(التحفة ١٣)

2171. It was narrated from Ibn 'Umar that the Messenger of Allāh ﷺ said: "Let one of you not undersell another."^[1] (*Sahih*)

٢١٧١ - حَدَّثَنَا سُؤَيْدُ بْنُ سَعِيدٍ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يَبِيعُ بَعْضُكُمْ عَلَى بَيْعِ بَعْضٍ».

تخریج: أخرجه البخاري، البيوع، باب: لا يبيع على بيع أخيه ولا يسوم على سوم أخيه حتى يأذن له أو يترك، ح: ٢١٣٩، ومسلم، البيوع، باب تحريم بيع الرجل على بيع أخيه ... إلخ، ح: ١٤١٢ من حديث مالك به، وهو في الموطأ (يحيى): ٦٨٣/٢.

Comments:

Requesting to cancel an already done deal is forbidden. It could be that a seller urges a buyer to return an item bought from another seller, so that he can then sell his own item to the buyer for a lesser price. Or a buyer urges a seller to cancel a deal that he has with another buyer for an item, so that he can purchase it, and is willing to pay a higher price than the former buyer. Both tricks are forbidden because such things cause quarrel and mischief.

2172. It was narrated from Abu Hurairah that the Prophet ﷺ said: "A man is not to undersell his brother, nor is he to try to out-haggle his brother." (*Sahih*)

٢١٧٢ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَبِيعُ

^[1] Meaning: "Do not urge someone to cancel a sale already agreed upon so as to sell him your own goods."

الرَّجُلُ عَلَى بَيْعِ أَخِيهِ، وَلَا يَسُومُ عَلَى سَوْمِ أَخِيهِ».

تخريج: [صحيح] تقدم، ح: ١٨٦٧ بيعه.

Chapter 14. What Was Narrated Concerning The Prohibition Of *Najsh*^[1]

(المعجم ١٤) - بَابُ مَا جَاءَ فِي النَّهْيِ عَنِ النَّجْشِ (التحفة ١٤)

2173. It was narrated from Ibn 'Umar that the Prophet ﷺ forbade the *Najsh*. (*Sahih*)

٢١٧٣ - قَرَأْتُ عَلَى مُضَعَبِ بْنِ عَبْدِ اللَّهِ الزُّهْرِيِّ، عَنْ مَالِكٍ؛ ح: وَحَدَّثَنَا أَبُو حُدَّافَةَ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ أَنَّ النَّبِيَّ ﷺ نَهَى عَنِ النَّجْشِ.

تخريج: أخرجه البخاري، البيهقي، باب النجش، ومن قال: لا يجوز ذلك البيع، ح: ٢١٤٢، ومسلم، البيهقي، باب تحريم بيع الرجل على بيع أخيه وسومه على سومه وتحريم النجش وتحريم التصرية، ح: ١٥١٦ من حديث مالك به، وهو في الموطأ (يحي): ٦٨٤/٢.

Comments:

- Najsh* is that a person does not intend to buy the goods, but he offers a bid merely to incite another needy buyer into paying a higher price.
- It is forbidden because it is cheating and is a loss for the buyer.
- Selling goods through bidding and auction is lawful.

2174. It was narrated from Abu Hurairah that the Prophet ﷺ said: "Do not practice *Najsh*." (*Sahih*)

٢١٧٤ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ وَ سَهْلُ بْنُ أَبِي سَهْلٍ. قَالَ: حَدَّثَنَا سُفْيَانُ بْنُ الزُّهْرِيِّ، عَنْ سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: «لَا تَنَاجَشُوا».

تخريج: [صحيح] انظر، ح: ٢١٧٢.

Chapter 15. Prohibition Of A City-Dweller Selling On Behalf Of A Bedouin

(المعجم ١٥) - بَابُ النَّهْيِ أَنْ يَبِيعَ حَاضِرٌ لِبَادٍ (التحفة ١٥)

2175. It was narrated from Abu Hurairah that the Messenger of

٢١٧٥ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ

^[1] When a person praises merchandise in a manner intended to inflate the value, or he offers a high price for it in order to encourage a customer to outbid him for it.

Allâh ﷺ said: "A city-dweller should not sell for a Bedouin."
(*Sahih*)

الْمُسَيِّب، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يَبِيعُ حَاضِرٌ لِبَادٍ».

تخريج: انظر الحديث السابق، وأخرجه مسلم، البيهقي، باب تحريم بيع الحاضر للبادي، ح: ١٥٢٠ عن أبي بكر بن أبي شيبة به.

2176. It was narrated from Jâbir bin 'Abdullâh that the Prophet ﷺ said: "A city-dweller should not sell for a Bedouin. Leave people to (engage in trade) and Allâh will grant them provision through one another." (*Sahih*)

٢١٧٦ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا يَبِيعُ حَاضِرٌ لِبَادٍ. دَعُوا النَّاسَ يَرْزُقُوا اللَّهَ بَعْضُهُمْ مِنْ بَعْضٍ».

تخريج: [صحيح] أخرجه مسلم، البيهقي، باب تحريم بيع الحاضر للبادي، ح: ١٥٢٢ من حديث سفیان به.

2177. Ibn Tâwus narrated from his father that Ibn 'Abbâs said: "The Messenger of Allâh ﷺ forbade a city-dweller to sell for a Bedouin." (*Sahih*)

٢١٧٧ - حَدَّثَنَا الْعَبَّاسُ بْنُ عَبْدِ الْعَظِيمِ الْعَنْبَرِيُّ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَنْبَأَنَا مَعْمَرٌ، عَنْ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، عَنْ ابْنِ عَبَّاسٍ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ أَنْ يَبِيعَ حَاضِرٌ لِبَادٍ.

I (Tâwus) said to Ibn 'Abbâs: "What is meant by the words: 'A city-dweller selling for a Bedouin?' He said: "He should not be a broker for him."

قُلْتُ لِبْنِ عَبَّاسٍ: مَا قَوْلُهُ حَاضِرٌ لِبَادٍ؟ قَالَ: لَا يَكُونُ لَهُ سِمَسَارًا.

تخريج: أخرجه البخاري، البيهقي، باب: هل يبيع حاضر لباد بغير أجر؟، ح: ٢١٥٨ وغيره من حديث عبدالرزاق به، ومسلم، البيهقي، الباب السابق، ح: ١٥٢١ من حديث معمر به.

Comments:

See the comments of *Hadith* 2145.

Chapter 16. Prohibition Of Meeting Traders On The Way

(المعجم ١٦) - بَابُ النَّهْيِ عَنْ تَلَقِّي الْجَلْبِ (التحفة ١٦)

2178. It was narrated from Abu Hurairah that the Prophet ﷺ said: "Do not meet the traders on the way, and whoever meets any of them and buys from him, the

٢١٧٨ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَ عَلِيُّ بْنُ مُحَمَّدٍ. قَالَا: حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ هِشَامِ بْنِ حَسَّانٍ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: «لَا تَلْقُوا

vendor has the choice of annulling the transaction when he comes to the marketplace.” (Sahih)

الْأَخْلَابِ. فَمَنْ تَلَقَّى مِنْهُ شَيْئًا فَاشْتَرَى، فَصَاحِبُهُ بِالْخِيَارِ، إِذَا أَتَى السُّوقَ.”

تخريج: أخرجه مسلم، البيهقي، باب تحريم تلقي الجلب، ح: ١٥١٩ من حديث هشام بن حسان الفردوسي به باختلاف يسير.

Comments:

- The caravans with goods coming to town do not know the condition of the market. Townsman go out of the town to meet the caravans and buy the goods from the owner at a cheap price. It is forbidden.
- The logic behind its prohibition is that if the owner from the caravan would come to the market and discover a higher market value for his goods, he would feel regret for his loss. Another logic of its prohibition is that the owner of the goods would sell his items at the going rate as he is willing to offload the goods, whereas a townsman may have the intention of hoarding the goods to drive up the market value, and then sell them at an inflated price; this would create a loss to the public.

2179. It was narrated that Ibn ‘Umar said: “The Messenger of Allāh ﷺ forbade meeting traders on the way.” (Sahih)

٢١٧٩ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ بْنُ سُلَيْمَانَ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ تَلَقِّي الْجَلْبِ.

تخريج: أخرجه مسلم، البيهقي، الباب السابق، ح: ١٥١٧ من حديث عبيد الله به مطولاً بألفاظ مختلفة، والمعنى واحد.

2180. It was narrated that ‘Abdullāh bin Mas‘ud said: “The Messenger of Allāh ﷺ forbade meeting the owners of goods (away from the market).” (Sahih)

٢١٨٠ - حَدَّثَنَا يَحْيَى بْنُ حَكِيمٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ وَحَمَّادُ بْنُ مَسْعَدَةَ، عَنْ سُلَيْمَانَ التَّيْمِيِّ، ح: وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ بْنِ حَبِيبٍ بْنِ الشَّهِيدِ: حَدَّثَنَا مُعْتَمِرُ ابْنِ سُلَيْمَانَ قَالَ: سَمِعْتُ أَبِي. قَالَ: حَدَّثَنَا أَبُو عُثْمَانَ التَّهْدِيُّ، عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ تَلَقِّي الْبُيُوعِ.

تخريج: أخرجه البخاري، البيهقي، باب النهي للبايع أن لا يحفل بالإبل والبقر ... إلخ، ح: ٢١٤٩ من حديث معتمر وغيره، ومسلم، البيهقي، باب تحريم تلقي الجلب، ح: ١٥١٨ من حديث سليمان التيمي به.

Chapter 17. The Two Parties To A Transaction Have The Choice (Of Annulling It) So Long As They Have Not Yet Parted

2181. It was narrated from 'Abdullāh bin 'Umar that the Messenger of Allāh said: "When two men enter into a transaction, each of them has the choice (of annulling it) so long as they have not yet parted and are still together, or one of them has given the option or choice to the other. Once he has accepted the terms of the other, then the transaction is binding. If they part after concluding the transaction and neither of them has rescinded the transaction, then the transaction is binding." (*Sahih*)

(المعجم ١٧) - بَابُ الْبَيْعَانِ بِالْخِيَارِ مَا لَمْ يَفْتَرَقَا (التحفة ١٧)

٢١٨١ - حَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ الْمِصْرِيُّ: أَتَانَا اللَّيْثُ بْنُ سَعْدٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «إِذَا تَبَاعَعَ الرَّجُلَانِ فَكُلُّ وَاحِدٍ مِنْهُمَا بِالْخِيَارِ مَا لَمْ يَفْتَرَقَا وَكَانَا جَمِيعًا. أَوْ يُخَيِّرَ أَحَدُهُمَا الْآخَرَ. فَإِنْ خَيَّرَ أَحَدُهُمَا الْآخَرَ فَبَيَاعًا عَلَى ذَلِكَ، فَقَدْ وَجَبَ الْبَيْعُ. وَإِنْ تَفَرَّقَا بَعْدَ أَنْ تَبَاعَيَا، وَلَمْ يَتْرُكْ وَاحِدٌ مِنْهُمَا الْبَيْعَ، فَقَدْ وَجَبَ الْبَيْعُ».

تخریج: أخرجه البخاري، البيوع، باب: إذا خير أحدهما صاحبه بعد البيع فقد وجب البيع، ح: ٢١١٢، ومسلم، البيوع، باب ثبوت خيار المجلس للمتبايعين، ح: ١٥٣١ من حديث الليث به.

Comments:

- As the deal is done and the goods are received once the price has been paid, the transaction is complete. But it is possible that the buyer, later on, feels that the purchase should not have been made at the previously agreed price, and he now wants to return the goods; or the seller realises that he should not have sold the goods, and he now wants them back. In this condition it is better for both parties to cancel the deal and exchange the goods and payment.
- There is a great reward for accepting the refund of the sold goods. (See *Hadith*: 2199).
- The right to return the goods or to cancel the deal is standing whilst the seller and the buyer are together in the same transactional meeting, (or one of them gives a choice to the other to cancel the deal until a certain period).

2182. It was narrated from Abu Barzah Al-Aslami that the Messenger of Allāh ﷺ said: "The

٢١٨٢ - حَدَّثَنَا أَحْمَدُ بْنُ عَبْدَةَ وَ أَحْمَدُ بْنُ الْمُقْدَامِ. قَالَا: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ

two parties to a transaction have the choice (of annulling it) so long as they have not yet parted." (Sahih)

جَبِيلُ بْنُ مَرْثَةَ، عَنْ أَبِي الْوُضَيْيِّ، عَنْ أَبِي بَرَّةَ الْأَسْلَمِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْبَيْعَانِ بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا».

تخريج: [إسناده صحيح] أخرجه أبو داود، البيهقي، باب: في خيار المتبايعين، ح: ٣٤٥٧ من حديث حماد به، وصححه ابن الجارود، ح: ٦١٩.

2183. It was narrated from Samurah that the Messenger of Allāh ﷺ said: "The two parties to a transaction have the choice (of annulling it) so long as they have not yet parted." (Hasan)

٢١٨٣ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى وَ إِسْحَاقُ ابْنُ مَنْصُورٍ. قَالَا: حَدَّثَنَا عَبْدُ الصَّمَدِ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، عَنْ سَمُرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْبَيْعَانِ بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا».

تخريج: [إسناده حسن] أخرجه النسائي: ٢٥١/٧، ح: ٤٤٨٦، ٤٤٨٧ من حديث قتادة به * الحسن عن سمرة كتاب قاله النسائي (عون المعبود: ١٩/٢ وغيره) وبهز بن أسد ويحيى القطان وغيرهم وذلك لا يقتضي الانقطاع (تهذيب التهذيب: ٢٣٤/٢، جامع التحصيل، ص: ١٦٥) لأن الرواية من كتاب إما إجارة وإما مئولة وكلاهما صحيح، وللتفصيل انظر نيل المقصود في التعليق على سنن أبي داود، ح: ٣٥٤ يسر الله لنا طبعه.

Chapter 18. A Transaction With The Option To Cancel

(المعجم ١٨) - بَابُ بَيْعِ الْخِيَارِ (التحفة ١٨)

2184. It was narrated that Jâbir bin 'Abdullâh said: "The Messenger of Allāh ﷺ bought a load of fodder from a Bedouin man. When the transaction was concluded, the Messenger of Allāh ﷺ said: 'Choose (either to go ahead or to cancel the transaction).' The Bedouin said: 'May Allāh grant you a long life of good transaction!'" (Da'if)

٢١٨٤ - حَدَّثَنَا حَرْمَلَةُ بْنُ يَحْيَى وَ أَحْمَدُ ابْنُ عِيْسَى الْمُسَرِّيَانِ. قَالَا: حَدَّثَنَا عَبْدُ اللَّهِ ابْنُ وَهْبٍ: أَخْبَرَنِي ابْنُ جُرَيْجٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: اشْتَرَى رَسُولُ اللَّهِ ﷺ مِنْ رَجُلٍ مِنَ الْأَعْرَابِ حِمْلَ خَبْطٍ. فَلَمَّا وَجَبَ الْبَيْعُ قَالَ رَسُولُ اللَّهِ ﷺ: «اخْتَرْ» فَقَالَ الْأَعْرَابِيُّ: عَمَرَكَ اللَّهُ بَيْعًا.

تخريج: [إسناده ضعيف] أخرجه الترمذي، البيهقي، باب: ما جاء في خيار المتبايعين، ح: ١٢٤٩ من حديث عبد الله بن وهب به، وقال: هذا حديث حسن غريب، وصححه الحاكم: ٢/٤٩ على شرط مسلم، ووافقه الذهبي، وقال الدارقطني: ٢١/٣ كلهم ثقات * ابن جريج صرح بالسماع، وانظر، ح: ٣٩٥ لعلته، وللحديث شواهد مرسلة عند البيهقي وغيره.

Comments:

- Selling and buying a heap or a bundle of something without it being measured or weighed is allowed; because the estimate of the weight and quantity can be determined by observation.
- As the buyer has a statutory right to cancel the deal in the same transactional meeting, likewise the seller has the same right too.
- Advising for one's benefit is part of a Muslim's sincerity, particularly when a person does not know about the matter.

2185. It was narrated from Dâwud bin Sâlih Al-Madani that his father said: I heard Abu Sa'eed Al-Khudri say: "The Messenger of Allâh ﷺ said: 'Transactions may only be done by mutual consent.'" (*Sahih*)

٢١٨٥ - حَدَّثَنَا الْعَبَّاسُ بْنُ الْوَلِيدِ الدَّمَشَقِيُّ: حَدَّثَنَا مَرْوَانَ بْنُ مُحَمَّدٍ: حَدَّثَنَا عَبْدُ الْعَزِيزِ ابْنُ مُحَمَّدٍ، عَنْ دَاوُدَ بْنِ صَالِحِ الْمَدَنِيِّ، عَنْ أَبِيهِ قَالَ: سَمِعْتُ أَبَا سَعِيدٍ الْخُدْرِيَّ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّمَا الْبَيْعُ عَنْ تَرَاضٍ».

تخریج: [إسناده صحيح] أخرجه البيهقي: ١٧/٦ من حديث عبدالعزيز الدراوردي به مطولاً وصححه ابن حبان (موارد)، ح: ١١٠٦، والبوصيري.

Comments:

If the seller or the buyer is forced into a transaction, but does not agree with it in his heart, then this transaction may be annulled.

Chapter 19. Parties To A Transaction Who Differ With One Another

2186. It was narrated from Qâsim bin 'Abdur-Rahmân from his father that 'Abdullâh bin Mas'ud sold one of the slaves from the state^[1] to Ash'ath bin Qais, and they differed concerning the price. Ibn Mas'ud said: "I sold him to you for twenty thousand," but Ash'ath bin Qais said: "I bought him from you for ten thousand." 'Abdullâh said: "If you want, I will tell you a *Hadith* which I heard from the Messenger of Allâh ﷺ." He said:

(المعجم ١٩) - بَابُ الْبَيْعَانِ يَخْتَلِفَانِ
(التحفة ١٩)

٢١٨٦ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ وَ مُحَمَّدُ ابْنُ الصَّبَّاحِ. قَالَا: حَدَّثَنَا هُشَيْمٌ: أَتْبَانَا ابْنُ أَبِي لَيْلَى، عَنِ الْقَاسِمِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ أَنَّ عَبْدَ اللَّهِ بْنَ مَسْعُودٍ بَاعَ مِنَ الْأَشْعَثِ ابْنَ قَيْسٍ رَقِيقًا مِنْ رَقِيقِ الْإِمَارَةِ. فَاتَّخَلَفَا فِي الثَّمَنِ. فَقَالَ ابْنُ مَسْعُودٍ: بِعْتِكَ بِعِشْرِينَ أَلْفًا. وَقَالَ الْأَشْعَثُ بْنُ قَيْسٍ: إِنَّمَا اشْتَرَيْتَ مِنْكَ بِعَشْرَةِ آلَافٍ. فَقَالَ عَبْدُ اللَّهِ: إِنْ شِئْتَ حَدَّثْتُكَ بِحَدِيثٍ سَمِعْتُهُ مِنْ رَسُولِ اللَّهِ ﷺ.

^[1] *Imârah*. In the narration recorded by Abu Dâwud (no. 3512) it is 'from the *Khums* (one-fifth of the spoils of war).'

"Tell me it." He said: "I heard the Messenger of Allāh ﷺ say: 'If two parties to a transaction differ, and they have no proof, and the sale item remains (unredeemed), then what the seller says is valid. Or they may cancel the transaction.'" He said: "I want to cancel the transaction." And he cancelled it. (Hasan)

فَقَالَ: هَاتِهِ. قَالَ: فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِذَا اختلفَ الْبَيْعَانِ، وَلَيْسَ بَيْنَهُمَا بَيِّنَةٌ، وَالْبَيْعُ قَائِمٌ بَعَيْنِهِ، فَالْقَوْلُ مَا قَالَ الْبَائِعُ. أَوْ يَتَرَادَانِ الْبَيْعُ» قَالَ: فَإِنِّي أَرَى أَنْ أَرُدَّ الْبَيْعَ. فَرَدَّهُ.

تخريج: [حسن] أخرجه أبو داود، البيهقي، باب: إذا اختلف البيعان والمبيع قائم، ح: ٣٥١٢ من حديث هشيم به * محمد بن أبي ليلى لم ينفرد به تقدم، ح: ٨٥٤، تابعه عمر بن قيس الماصر (قط: ٢٢٠/٣ وغيره)، وصححه ابن الجارود، ح: ٦٢٤ وغيره.

Comments:

- Selling and buying for (interest free) credit is allowed. The dispute mentioned in the *Hadith* occurs when the commodity is received in advance, and the price is meant to be paid later.
- The matter regarding the dispute should be settled depending on the witnesses if available.
- If there is no witness, and it is possible to return the purchased commodity, either the seller's claim is to be accepted, or the deal is to be cancelled, and the commodity will be returned; both solutions are lawful.

Chapter 20. The Prohibition Of Selling What Is Not With You, And From Profiting On What You Do Not Possess

(المعجم ٢٠) - بَابُ النَّهْيِ عَنْ بَيْعِ مَا لَيْسَ عِنْدَكَ، وَعَنْ رِبْحِ مَا لَمْ يُضْمَنْ (النسخة ٢٠)

2187. It was narrated that Hakim bin Hizām said: "I said: 'O Messenger of Allāh, a man is asking me to sell him something that I do not possess. Shall I sell it to him?' He said: 'Do not sell what is not with you.'" (Hasan)

٢١٨٧ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي بَشِيرٍ. قَالَ: سَمِعْتُ يُوسُفَ بْنَ مَاهَكَ يُحَدِّثُ عَنْ حَكِيمِ بْنِ حَزَامٍ قَالَ: قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! الرَّجُلُ يَسْأَلُنِي الْبَيْعَ وَلَيْسَ عِنْدِي. أَفَأَبِيعُهُ؟ قَالَ: «لَا تَبِعْ مَا لَيْسَ عِنْدَكَ».

تخريج: [إسناده حسن] أخرجه أبو داود، البيهقي، باب: في الرجل يبيع ما ليس عنده، ح: ٣٥٠٣ من حديث أبي بشر به، وحسنه الترمذي، ح: ٢٢٣٢، وصححه ابن حزم، وله طرق كثيرة عند ابن الجارود، ح: ٦٠٢ وغيره، فالحديث صحيح.

Comments:

- The explanation of the prohibited form is if the seller does not have the

commodity but he receives a fixed price in advance, and promises that when he will have the commodity available he will give it to the buyer. It is unknown if he will have that commodity, and even if he does, the buyer may not like it; or perhaps the commodity is of a low quality compared to the price the buyer has paid in advance. It will cause a dispute and argument between the two parties, so this form of transaction is unlawful.

- b. The purchase of an unspecified thing is also included in the aforementioned unlawful trade; for example: a person says, before throwing a net into the river; "Whatever number of fish get trapped in the net, I shall sell them to you for such and such a price." Despite the fact that it is unknown whether there will be many or few fish in the net, or if they will be small or large. Therefore, the deal can only be made once the fish are out of water. The uncertainty of the deal makes it unlawful. (See: *Ahâdith*: 2194-2195)
- c. If the type, quantity and quality of the commodity is determined, and the time of delivery is appointed, then to pay a price in advance and to collect the commodity later at the appointed time is permissible. It is called *Salam* or *Salaf* (absolute interest free credit). (See *Ahâdith*: 2280-2282)

2188. It was narrated from 'Amr bin Shu'aib, from his father, that his grandfather said: "The Messenger of Allâh ﷺ said: 'It is not permissible to sell something that is not with you, nor to profit from what you do not possess.'" (Sahih)

٢١٨٨ - حَدَّثَنَا أَزْهَرُ بْنُ مَرْوَانَ. قَالَ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ؛ ح: وَحَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَلِيٍّ. قَالَ: حَدَّثَنَا أَبِي، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَحِلُّ بَيْعُ مَا لَيْسَ عِنْدَكَ، وَلَا رِبْحُ مَا لَمْ يُضْمَنْ».

تخريج: [إسناده صحيح] أخرجه أبو داود، البيهقي، ح: ٣٥٠٤ من حديث أبيوب به، وصححه الترمذي، ح: ١٢٣٤، وابن الجارود، والحاكم، والذهبي.

Comments:

- a. A buyer is allowed to sell the purchased items to someone else, only after taking it in his control. Selling it before taking the control of it is not allowed.
- b. Control of things varies depending on the type of merchandise; as the control of transferable goods is to collect them. For example: to transfer the wheat away from the seller. As for the control of a purchase that cannot be transferred like a house; its control will be that the owner of the house moves out along with his things, and the buyer is allowed to move in to reside.

2189. It was narrated from 'Atâ' that 'Attâb bin Asid said that

٢١٨٩ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا

when the Messenger of Allāh ﷺ sent him to Makkah, he forbade him from profiting off of what he did not possess. (*Da'if*)

مُحَمَّدُ بْنُ الْمُضَلِّ، عَنْ لَيْثٍ، عَنْ عَطَاءٍ، عَنْ عَتَّابِ بْنِ أُسَيْدٍ قَالَ: لَمَّا بَعَثَهُ رَسُولُ اللَّهِ ﷺ إِلَى مَكَّةَ، نَهَاهُ عَنْ شَيْءٍ مَا لَمْ يَصْصُنْ.

تخريج: [إسناده ضعيف] وضعفه البوصيري، وقال: وعطاء هو ابن أبي رباح لم يدرك عتابة، انظر، ح: ٢٠٨ لعلته الأخرى.

Chapter 21. If Two Authorized Persons Make A Sale, Then The First Transaction Is The One That Is Valid

(المعجم ٢١) - بَابُ: إِذَا بَاعَ الْمُجْزِرَانِ فَهُوَ لِلأَوَّلِ (التحفة ٢١)

2190. It was narrated from 'Uqbah bin 'Āmir or Samurah bin Jundab that the Messenger of Allāh ﷺ said: "Any man who sells to two men, it is for the one who was first."^[1] (*Hasan*)

٢١٩٠ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنْ عُثْمَةَ بْنِ عَامِرٍ أَوْ سَمُرَةَ بْنِ جُنْدَبٍ، عَنِ النَّبِيِّ ﷺ قَالَ: «أَيُّمَا رَجُلٍ بَاعَ بَيْعًا مِنْ رَجُلَيْنِ فَهُوَ لِلأَوَّلِ مِنْهُمَا».

تخريج: [حسن] أخرجه أبو داود، النكاح، ح: ٢٠٨٨ من حديث قتادة به، وحسنه الترمذي، ح: ١١١٠، وصححه ابن الجارود، وله شواهد، راجع سنن النسائي، ح: ٤٦٨٦ وغيره.

2191. It was narrated from Samurah that the Messenger of Allāh ﷺ said: "If two (separate) authorized persons make a sale (of the same thing), then the first transaction is the one that is valid." (*Hasan*)

٢١٩١ - حَدَّثَنَا الْحُسَيْنُ بْنُ أَبِي السَّرِيِّ الْعُسْقَلَانِيُّ وَ مُحَمَّدٌ بْنُ إِسْمَاعِيلَ. قَالَ: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا سَعِيدٌ بْنُ بَشِيرٍ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ عَنْ سَمُرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا بَاعَ الْمُجْزِرَانِ فَهُوَ لِلأَوَّلِ».

تخريج: [حسن] انظر الحديث السابق.

Comments:

The example of a transaction made by two persons is that an item belongs to two partners. Each of the two sold it to different people without telling the other. Or the agent sold it, and the owner also sold the same thing to

^[1] "What was sold, or, for the first of the two purchasers." (Sindi) This is how they explain it, although it has a slightly different meaning than the following *Hadith*, and the chapter heading.

someone without informing the agent; in this case whoever made the deal first, his deal will be correct and the other's deal will be annulled. Allāh knows best!

Chapter 22 Prohibition On Earnest Money^[1]

(المعجم ٢٢) - بَابُ بَيْعِ الْعُرْبَانِ

(التحفة ٢٢)

2192. It was narrated from 'Amr bin Shu'aib, from his father, from his grandfather that the Prophet ﷺ forbade the deal involving earnest money. (Hasan)

٢١٩٢ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ. قَالَ: بَلَغَنِي عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ النَّبِيَّ ﷺ نَهَى عَنْ بَيْعِ الْعُرْبَانِ.

تخريج: [حسن] أخرجه أبو داود، البيهقي، باب: في العربان، ح: ٣٥٠٢ من حديث مالك به، وهو في الموطأ: ٦٠٩/٢، رواه مالك عن الثقة عنده (ابن لهيعة كما في رواية ابن وهب) * وابن لهيعة صرح بالسماع، وتابعه الحارث بن عبد الرحمن بن أبي ذباب عند البيهقي وغيره، وإسناده حسن.

2193. It was narrated from 'Amr bin Shu'aib, from his father, from his grandfather that the Prophet ﷺ forbade the deal involving earnest money. (Hasan)

٢١٩٣ - حَدَّثَنَا الْفَضْلُ بْنُ يَعْقُوبَ الرُّخَامِيُّ: حَدَّثَنَا حَبِيبُ بْنُ أَبِي حَبِيبٍ، أَبُو مُحَمَّدٍ، كَاتِبُ مَالِكِ بْنِ أَنَسٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَامِرٍ الْأَسْلَمِيُّ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ النَّبِيَّ ﷺ نَهَى عَنْ بَيْعِ الْعُرْبَانِ.

Abu 'Abdullāh said: Earnest-money refers to when a man buys an animal for one hundred Dinār, then he gives the seller two Dinār in advance and says: "If I do not buy the animal, then the two Dinār are yours."

قَالَ أَبُو عَبْدِ اللَّهِ: الْعُرْبَانُ أَنْ يَشْتَرِيَ الرَّجُلُ دَابَّةً بِمِائَةِ دِينَارٍ، فَيُعْطِيهِ دِينَارَيْنِ عُرْبُونًا. فَيَقُولُ: إِنْ لَمْ أَشْتَرِ الدَّابَّةَ، فَالْذَيْنَارَانِ لَكَ.

And it was said that it refers, and Allāh knows best, to when a man buys something, and gives the seller a Dirham or less or more, and says: "If I take it (all well and good), and if I do not, then the Dirham is yours."

وَقِيلَ: يَعْني، وَاللَّهُ أَعْلَمُ: أَنْ يَشْتَرِيَ الرَّجُلُ الشَّيْءَ. فَيُدْفَعُ إِلَى الْبَائِعِ دِرْهَمًا أَوْ أَقَلَّ أَوْ أَكْثَرَ. وَيَقُولُ: إِنْ أَخَذْتَهُ، وَإِلَّا

^[1] Earnest money: A kind of down payment which is counted towards the cost of the goods if the transaction is completed, and which is kept by the seller if the transaction is cancelled. This is commonly referred to as a non-refundable 'deposit' or 'down payment'.

فَالذَّرَهُمْ لَكَ.

Comments:

تخريج: [حسن] والحديث السابق شاهد له.

'Amir San'âni said in *Subulus-Salâm Sharh Bulughul-Marâm*: "The jurists are at variance regarding the permissibility of this transaction. Imam Mâlik and Shâ'fi'i declared it illegal due to the *Hadith* prohibiting it. They declared it illegal due to another reason as well; because it involves an unreasonable condition, it is cheating as well. It also involves a trick to consume others' wealth through unlawful means." This opinion seems to be correct; because the seller does not give anything or any benefit to the buyer in exchange for the deposit he receives from the buyer; and taking one's property without exchange is impermissible. Besides this, accepting the sold item back is rewarding. (See *Hadith*: 2199). The condition of deposit is made lest the purchaser return the bought merchandise. It is an act which keeps one away from doing a good deed, which cannot be appreciated.

Chapter 23. Prohibition Of Hasâh And Gharar Transactions^[1]

(المعجم ٢٣) - بَابُ النَّهْيِ عَنْ بَيْعِ
الْحَصَاةِ وَعَنْ بَيْعِ الْغَرَرِ (التحفة ٢٣)

2194. It was narrated that Abu Hurairah said: "The Messenger of Allâh ﷺ forbade *Gharar* transactions and *Hasâh* transactions." (*Sahih*)

٢١٩٤ - حَدَّثَنَا مُحَرَّرُ بْنُ سَلَمَةَ الْعَدَنِيُّ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ، عَنْ عَبْدِ اللَّهِ، عَنْ أَبِي الزَّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ بَيْعِ الْغَرَرِ وَعَنْ بَيْعِ الْحَصَاةِ.

تخريج: أخرجه مسلم، البيهقي، باب بطلان بيع الحصاة والبيع الذي فيه غرر، ح: ١٥١٣ من حديث عبيد الله بن عمر به.

2195. It was narrated that Ibn 'Abbâs said: "The Messenger of Allâh ﷺ forbade *Gharar* transactions." (*Sahih*)

٢١٩٥ - حَدَّثَنَا أَبُو كُرَيْبٍ وَابْنُ عَبَّاسٍ عَنْ عَبْدِ الْعَظِيمِ الْعَمَرِيِّ. قَالَ: حَدَّثَنَا الْأَسْوَدُ بْنُ عَامِرٍ: حَدَّثَنَا أَيُّوبُ بْنُ عُبَيْدَةَ، عَنْ يَحْيَى بْنِ

^[1] *Hasâh*: A transaction involving throwing pebbles, which may be understood in three ways: (i) the seller throws pebbles onto the goods and gives the buyer whatever the pebbles land on; (ii) the seller sells land then tells the purchaser that he will get the land as far as a pebble thrown by the seller reaches; (iii) the seller tells the purchaser that he has the option to change his mind until he (the seller) throws a pebble, at which point the transaction becomes binding.

Gharar: Selling goods which appear sound but contain some hidden fault, or concerning which something is unclear.

أَبِي كَثِيرٍ، عَنْ عَطَاءٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ:
نَهَى رَسُولُ اللَّهِ ﷺ عَنْ تَبِيعِ الْغَرَرِ.

تخریج: [صحیح] أخرجه الدارقطني: ١٥/٣ من حديث الأسود بن عامر، شاذان به، ضعفه البوصيري لضعف أيوب بن عتبة، والحديث السابق شاهد له.

Comments:

- All forms of transactions in which the quantity of the commodity being sold and bought cannot be estimated, are the transactions which involve uncertainty and cheating. For example: the sale of fish in water, or the sale of an unborn baby animal which is still in the female's womb. The transaction of uncertainty and cheating also includes the things which are impossible to handover to the buyer, like the sale of a lost animal.
- The deal of transaction done by throwing a pebble is a type of lottery, which was in vogue during the pre-Islamic period. For example: The seller would ask the customer to throw a pebble; and then whichever item amongst many got hit by the pebble would be sold for one hundred pounds; whilst those items varied in quantity, quality, value and price. Many modern forms of lottery are practised these days; as some companies introduce prize drawing schemes to increase the sale of their product. These all are under the rule of 'Transaction done by throwing a pebble'.

Chapter 24. Prohibition Of Buying What Is In The Wombs And Udders Of Cattle,^[1] And Whatever A Diver Is Going To Bring Up

2196. It was narrated that Abu Sa'eed Al-Khudri said: "The Messenger of Allāh ﷺ forbade selling what is in the wombs of cattle until they give birth, and selling what is in their udders unless it is measured out, and selling a slave who has fled, and selling spoils of war until it has been distributed, and selling *Sadaqah* until it has been received, and what a diver is going to bring up." (Hasan)

(المعجم ٢٤) - بَابُ التَّهْنِي عَنْ شِرَاءِ مَا
فِي بُطُونِ الْأَنْعَامِ وَضُرُوعِهَا وَضُرِّيَةِ
الْعَائِصِ (التحفة ٢٤)

٢١٩٦ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا
حَاتِمُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا جَهْضَمُ بْنُ عَبْدِ
اللَّهِ الْيَمَانِيُّ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ الْبَاهِلِيِّ،
عَنْ مُحَمَّدِ بْنِ زَيْدِ الْعُبَيْدِيِّ، عَنْ شَهْرِ بْنِ
حَوْشَبٍ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: نَهَى
رَسُولُ اللَّهِ ﷺ عَنْ شِرَاءِ مَا فِي بُطُونِ الْأَنْعَامِ
حَتَّى تَفْضَعَ، وَعَمَّا فِي ضُرُوعِهَا. إِلَّا بِكَئِلٍ.
وَعَنْ شِرَاءِ الْعَبْدِ وَهُوَ آتٍ، وَعَنْ شِرَاءِ
الْمَغَانِمِ حَتَّى تُقَسَمَ، وَعَنْ شِرَاءِ الصَّدَقَاتِ

[1] The *An'ām* are domesticated grazing animals including camels as well as cows and sheep.

حَتَّى تُقْبَضَ، وَعَنْ ضَرِيَّةِ الْغَائِصِ.

تخریج: [حسن] أخرجه الترمذي، السير، باب في كراهية بيع المغنم حتى تقسم، ح: ١٥٦٣ من حديث حاتم به، وقال: غريب، محمد بن إبراهيم الباهلي مجهول (تقريب) وفي شيخه نظر، وللحديث شواهد كثيرة عند ابن أبي شيبة: ٤٣٥/١٣ وغيره.

Comments:

This *Hadith* is Weak; but the issue mentioned in it is authentic because the forms of sale mentioned in it are all transactions of uncertainty and cheating. However if milk is bought after measuring it, then it does not involve cheating, so it is a lawful sale.

2197. It was narrated from Ibn 'Umar that the Prophet ﷺ forbade selling *Hablul-Habalah*. (*Sahih*)

٢١٩٧ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا سُفْيَانُ، عَنْ أَيُّوبَ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عُمَرَ أَنَّ النَّبِيَّ ﷺ نَهَى عَنْ بَيْعِ حَبْلِ الْحَبَلَةِ.

تخریج: [صحيح] أخرجه النسائي: ٢٩٣/٧، البيهقي، . بيع حبل الحبل، ح: ٤٦٢٧ من حديث سفیان به، وله شواهد عند البخاري وغيره.

Comments:

- Hablul-Habalah* is to sell and buy a baby of an animal before its birth, which is illegal; because it involves uncertainty and cheating. It is unknown whether the baby will be male or female, physically fit or defective.
- Payment of a loan should have a clear appointed time. Then if the debtor could not pay back at the appointed time, and asked for more time, or the deadline is not set at all; and then the debtor pays back according to the flexible ability; granting this type of flexibility to the debtor is a highly virtuous deed.

Chapter 25. Auctions

(المعجم ٢٥) - بَابُ بَيْعِ الْمَرْأَاةِ

(التحفة ٢٥)

2198. It was narrated from Anas bin Málík that a man from among the *Ansár* came to the Prophet ﷺ and begged from him. He said, "Do you have anything in your house?" He said: "Yes, a blanket, part of which we cover ourselves with and part we spread beneath us, and a bowl from which we drink water." He said: "Give them to me." So he brought them to him, and the Messenger of

٢١٩٨ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ: حَدَّثَنَا الْأَخْضَرُ بْنُ عَمَّارٍ: حَدَّثَنَا أَبُو بَكْرِ الْحَتَّيْ، عَنْ أَنَسِ ابْنِ مَالِكٍ أَنَّ رَجُلًا مِنَ الْأَنْصَارِ جَاءَ إِلَى النَّبِيِّ ﷺ يَسْأَلُهُ. فَقَالَ: «لَكَ فِي بَيْتِكَ شَيْءٌ؟» قَالَ: بَلَى. جِلْسٌ نَلْسُ بَعْضُهُ وَنَيْسُطُ بَعْضُهُ. وَقَدَحٌ نَشْرَبُ فِيهِ الْمَاءَ. قَالَ:

Allâh ﷺ took them in his hand and said, "Who will buy these two things?" A man said: "I will buy them for one Dirham." He said: "Who will offer more than a Dirham?" two or three times. A man said: "I will buy them for two Dirham." So he gave them to him and took the two Dirham, which he gave to the *Ansâri* and said: "Buy food with one of them and give it to your family, and buy an axe with the other and bring it to me." So he did that, and the Messenger of Allâh ﷺ took it and fixed a handle to it, and said: "Go and gather firewood, and I do not want to see you for fifteen days." So he went and gathered firewood and sold it, then he came back, and he had earned ten Dirham. (The Prophet ﷺ) said: "Buy food with some of it and clothes with some." Then he said: "This is better for you than coming with begging (appearing) as a spot on your face on the Day of Resurrection. Begging is only appropriate for one who is extremely poor or who is in severe debt, or one who must pay painful blood money."^[1] (*Hasan*)

«الَّتَيْنِي بِهِمَا» قَالَ، فَأَتَاهُ بِهِمَا. فَأَخَذَهُمَا رَسُولُ اللَّهِ ﷺ بِيَدِهِ. ثُمَّ قَالَ: «مَنْ يَشْتَرِي هَذَيْنِ؟» فَقَالَ رَجُلٌ: أَنَا أَخَذُهُمَا بِدِرْهَمٍ. قَالَ: «مَنْ يَزِيدُ عَلَى دِرْهَمٍ؟» مَرَّتَيْنِ أَوْ ثَلَاثًا. قَالَ رَجُلٌ: أَنَا أَخَذُهُمَا بِدِرْهَمَيْنِ. فَأَعْطَاهُمَا إِيَّاهُ وَأَخَذَ الدَّرَاهِمَيْنِ، فَأَعْطَاهُمَا الْإِنْسَارِيَّ، وَقَالَ: «اشْتَرِ بِأَحَدِهِمَا طَعَامًا فَأَنْبِذْهُ إِلَى أَهْلِكَ. وَاشْتَرِ بِالْآخَرِ قِدْوَمًا، فَأَتْنِي بِهِ» فَفَعَلَ. فَأَخَذَهُ رَسُولُ اللَّهِ ﷺ. فَشَدَّ فِيهِ عُودًا بِبِيَدِهِ وَقَالَ: «اذهَبْ فَاحْتَطِبْ وَلَا أَرَاكَ خَمْسَةَ عَشَرَ يَوْمًا» فَجَعَلَ يَحْتَطِبُ وَيَبِيعُ. فَجَاءَ وَقَدْ أَصَابَ عَشْرَةَ دَرَاهِمٍ. فَقَالَ: «اشْتَرِ بِبَعْضِهَا طَعَامًا وَبِبَعْضِهَا ثَوْبًا». ثُمَّ قَالَ: «هَذَا خَيْرٌ لَكَ مِنْ أَنْ تَجِيءَ وَالْمَسْأَلَةُ نُكْتَةً فِي وَجْهِكَ يَوْمَ الْقِيَامَةِ. إِنَّ الْمَسْأَلَةَ لَا تَضْلُحُ إِلَّا لِلَّذِي فَقِرَ مُدْفِعٍ، أَوْ لِلَّذِي غُرِمَ مُقْطِعٍ، أَوْ دَمٍ مُوجِعٍ».

تخريج: [إسناده حسن] أخرجه أبو داود، الزكاة، باب ما تجوز فيه المسألة، ح: ١٦٤١ من حديث عيسى بن يونس به، وحسنه الترمذي، ح: ١٢١٨.

^[1] 'Painful blood money' i.e., if the blood money is not paid, the killer will be executed and his family will suffer his loss.

Comments:

A calamity stricken person is allowed to make an appeal of financial support but taking beggary as a profession is unlawful. The Messenger of Allāh ﷺ said: "Begging is only allowed for three type of people: a person who took a loan (to set right someone else's matters and the loan was more than his financial capability) is allowed to make an appeal until he gets the required amount of money and then he should stop; the second person allowed to make financial appeal is the one who is afflicted by a calamity and all his property got ruined. He is allowed to do so until he finds means to fulfill the needs of his daily life. The third person having this is the one who is suffering from starvation; three wise and reliable individuals from among his people should certify the case that so-and-so is really suffering from starvation. (*Sahih Muslim: 1044*)

Chapter 26. Letting Someone Off

2199. It was narrated from Abu Hurairah that the Messenger of Allāh ﷺ said: "Whoever agrees with a Muslim to cancel a transaction, Allāh will forgive his sins on the Day of Resurrection." (*Da'if*)

(المعجم ٢٦) - بَابُ الْإِقَالَةِ (التحفة ٢٦)

٢١٩٩ - حَدَّثَنَا زَيَْادُ بْنُ يَحْيَى أَبُو الْخَطَّابِ: حَدَّثَنَا مَالِكُ بْنُ سَعْتِيرٍ: حَدَّثَنَا الْأَعْمَشُ عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَقَالَ مُسْلِمًا أَقَالَهُ اللَّهُ عَثْرَةَ يَوْمِ الْقِيَامَةِ».

تخريج: [إسناده ضعيف] أخرجه أبو داود، البيهقي، باب: في فضل الإقالة، ح: ٣٤٦٠ من حديث الأعمش به، وصححه ابن حبان، والحاكم، والذهبي، وابن حزم وابن دقيق العيد، علته عننة الأعمش تقدم، ح: ١٧٨، وله شواهد ضعيفة.

Comments:

- If one is given a choice at the time of making the deal to annul the sale; for example: a person says to the other that you are allowed to cancel the deal within such and such time, then the person given the choice may use this right to cancel the sale within the fixed time.
- But if the condition of choice does not exist, and the buyer wants to return the bought commodity; or the seller wants it back for the exchange of the same price, then either of the two parties should accept the request of the other, and should exchange the commodity and price. It is a deed of great reward. It will be seen as a moral duty but not a legal responsibility.

Chapter 27. Whoever Does Not Like To Fix Prices

2200. It was narrated that Anas bin Mâlik said: "Prices rose

(المعجم ٢٧) - بَابُ مَنْ كَرِهَ أَنْ يُسَعَّرَ

(التحفة ٢٧)

٢٢٠٠ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا

during the time of the Messenger of Allāh ﷺ, and they said: 'O Messenger of Allāh, prices have risen, so fix the prices for us.' He said: 'Indeed Allāh is the *Musa'ir*,^[1] the *Qābid*, (Restrainer) the *Bāsit*,^[2] the *Rāzzāq* (Provider). And I am hopeful that I meet my Lord and none of you are seeking (recompense from) me for an injustice involving blood or wealth.'" (*Sahih*)

حَجَّاجٌ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ، عَنْ قَتَادَةَ وَحُمَيْدٍ وَثَابِتٍ عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: غَلَا السَّعْرُ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ. فَقَالُوا: يَا رَسُولَ اللَّهِ قَدْ غَلَا السَّعْرُ، فَسَعِّرْ لَنَا. فَقَالَ: «إِنَّ اللَّهَ هُوَ الْمُسَعِّرُ الْقَابِضُ الْبَاسِطُ الرَّازِقُ. إِنِّي لَأَرْجُو أَنْ أَلْقَى رَبِّي وَلَيْسَ أَحَدٌ يَطْلُبُنِي بِمَظْلَمَةٍ فِي دَمٍ وَلَا مَالٍ».

تخریج: [إسناده صحيح] أخرجه أبو داود، البيهقي، باب: في التسعير، ح: ٣٤٥١ من حديث حماد به، وصححه الترمذي، ح: ١٣١٤، وابن حبان (التلخيص الحبير)، وأورده الضياء المقدسي في الأحاديث المختارة.

2201. It was narrated that Abu Sa'eed said: "Prices rose at the time of the Messenger of Allāh ﷺ, and they said: 'Why do you not fix the food prices, O Messenger of Allāh?' He said: 'I hope that when I leave you, no one among you will be demanding restitution for a wrong that I have done to him.'" (*Sahih*)

٢٢٠١ - حَدَّثَنَا مُحَمَّدُ بْنُ زَيَْادٍ: حَدَّثَنَا عَبْدُ الْأَعْلَى: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ، عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدٍ قَالَ: غَلَا السَّعْرُ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ. فَقَالُوا: لَوْ قَوْمْتَ، يَا رَسُولَ اللَّهِ قَالَ: «إِنِّي لَأَرْجُو أَنْ أَفَارِقَكُمْ وَلَا يَطْلُبُنِي أَحَدٌ مِنْكُمْ بِمَظْلَمَةٍ ظَلَمْتُهُ».

تخریج: [صحيح] أخرجه أحمد: ٨٥/٣، والخطيب في تاريخه: ٤٥١/٩ من طريقين عن الجريري عن أبي نضرة به نحوه، والحديث السابق شاهد له.

Comments:

- The affairs of trade should operate according to the economic law of demand and consumption, and import and export, which is better for the economy of the country; and the government should avoid interfering in it.
- If the traders do not take care of the needs of the public, due to the greed of excessive profit, then the government can get rid of the artificial inflation and shortage by providing the food stuff from the official stores for cheaper rates.

^[1] "In *An-Nihāyah* he said: 'It is that He is the One who makes things inexpensive and expensive, He can not be opposed by anyone. So because of that it is not allowed to fix prices.'" (*Tuhfatul-Ahwadhi*)

^[2] "Meaning: He restricts sustenance and other than that from whom He wills, regarding what He wills, and how He wills, and He makes it unrestricted." (*Tuhfatul-Ahwadhi*)

Chapter 28. Being Lenient During Transactions

2202. 'Uthmân bin 'Affân narrated that the Messenger of Allâh ﷺ said: "Allâh will admit to Paradise a man who was lenient when he sold and when he bought." (*Sahih*)

(المعجم ٢٨) - بَابُ السَّمَاخَةِ فِي الْبَيْعِ
(التحفة ٢٨)

٢٢٠٢ - حَدَّثَنَا مُحَمَّدُ بْنُ أَبَانَ الْبَلْخِيُّ أَبُو بَكْرٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَلِيٍّ، عَنْ يُونُسَ ابْنِ عُبَيْدٍ، عَنْ عَطَاءِ بْنِ فَرُوحٍ قَالَ: قَالَ عُثْمَانُ بْنُ عَفَّانَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَدْخَلَ اللَّهُ الْجَنَّةَ رَجُلًا كَانَ سَهْلًا، بَائِعًا وَمُسْتَرِيًّا».

تخريج: [صحيح] أخرجه النسائي: ٣١٨/٧، ٣١٩، البيوع، حسن المعاملة والرفق في المطالبة، ح: ٤٧٠٠ من حديث إسماعيل بن علي به * عطاء بن فروخ لم يلق عثمان رضي الله عنه، قاله ابن المديني، والحديث الآتي شاهد له.

2203. It was narrated from Jâbir bin 'Abdullâh that the Messenger of Allâh ﷺ said: "May Allâh have mercy on a person who is lenient when he sells, lenient when he buys, and lenient when he asks for payment." (*Sahih*)

٢٢٠٣ - حَدَّثَنَا عَمْرُو بْنُ عُثْمَانَ بْنِ سَعِيدٍ ابْنِ كَثِيرٍ بْنِ دِينَارٍ الْحُمْصِيُّ: حَدَّثَنَا أَبِي: حَدَّثَنَا أَبُو غَسَّانَ مُحَمَّدُ بْنُ مُطَرِّفٍ، عَنْ مُحَمَّدِ بْنِ الْمُثَنِّكِيرِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «رَحِمَ اللَّهُ عَبْدًا سَمَحًا إِذَا بَاعَ. سَمَحًا إِذَا اشْتَرَى. سَمَحًا إِذَا اقْتَضَى».

تخريج: أخرجه البخاري، البيوع، باب السهولة والسماحة في الشراء والبيع، ومن طلب حقا فيطلبه في عفاف، ح: ٢٠٧٦ من حديث أبي غسان به.

Comments:

- Easiness and flexibility in sale is to give appropriate concession in price, and to give respite to the debtor; and if a buyer asks for an unreasonable concession, then the seller should excuse himself instead of making an argument. If a buyer wants to return the bought commodity, it should be taken back.
- Easiness in buying is that the buyer should not ask for an unreasonable reduction in price; and if there is a minor defect in the commodity, it should be overlooked. The price should be paid immediately according to the best ability. If seller misbehaves and shows harshness in sale, the buyer should not pay with the same token.

Chapter 29. Hagglng

2204. It was narrated that Qailah Umm Bani Anmâr said: "I came to the Messenger of Allâh ﷺ during one of his 'Umrah at Marwah and said: 'O Messenger of Allâh, I am a woman who buys and sells. When I want to buy something, I state a price less than I want to pay, then I raise it gradually until it reaches the price I want to pay. And when I want to sell something, I state a price more than I want, then I lower it until it reaches the price I want.' The Messenger of Allâh ﷺ said: 'Do not do that, O Qailah. When you want to buy something, state the price you want, whether it is given or not. And when you want to sell something, state the price you want, whether it is given or not.'" (Da'if)

تخریج: [إسناده ضعيف] أخرجه الطبراني في الكبير: ١٣/٢٥ من حديث يعلى به، وهو لـ ابن عبد الله بن عثمان بن خثيم مرسلًا، وقال البوصيري: منقطع.

2205. It was narrated that Jâbir bin 'Abdullâh said: "I was with the Prophet ﷺ on a military campaign, and he said to me: 'Will you sell this camel of yours for a Dinâr?' I said: 'O Messenger of Allâh, it is yours when I get to Al-Madinah.' He said: 'Then sell it for two Dinâr, may Allâh forgive you.' And he kept increasing the price for me, saying: 'May Allâh forgive you,' each time, until the

(المعجم ٢٩) - بَابُ السَّوْمِ (التحفة ٢٩)

٢٢٠٤ - حَدَّثَنَا يَعْقُوبُ بْنُ حُمَيْدٍ بْنُ كَاسِبٍ: حَدَّثَنَا يَعْلَى بْنُ شَيْبٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُثْمَانَ بْنِ خُثَيْمٍ، عَنْ قَيْلَةَ أُمِّ بَنِي أَنْمَارٍ قَالَتْ: أَتَيْتُ رَسُولَ اللَّهِ ﷺ فِي بَعْضِ عُمْرِهِ عِنْدَ الْمَرْوَةِ. فَقُلْتُ: يَا رَسُولَ اللَّهِ! إِنِّي امْرَأَةٌ أَبِيعُ وَأَشْتَرِي. فَإِذَا أَرَدْتُ أَنْ أَبْتَاعَ الشَّيْءَ سَمْتُ بِهِ أَقْلَ مِمَّا أُرِيدُ. ثُمَّ زِدْتُ، ثُمَّ زِدْتُ حَتَّى أَبْلُغَ الَّذِي أُرِيدُ. وَإِذَا أَرَدْتُ أَنْ أَبِيعَ الشَّيْءَ سَمْتُ بِهِ أَكْثَرَ مِنَ الَّذِي أُرِيدُ. ثُمَّ وَضَعْتُ حَتَّى أَبْلُغَ الَّذِي أُرِيدُ. فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَفْعَلِي يَا قَيْلَةُ إِذَا أَرَدْتَ أَنْ تَبْتَاعِي شَيْئًا فَاسْتَامِي بِهِ الَّذِي تُرِيدِينَ. أُعْطِيتِ أَوْ مُنِعَتْ». فَقَالَ: «إِذَا أَرَدْتَ أَنْ تَبِيعِي شَيْئًا فَاسْتَامِي بِهِ الَّذِي تُرِيدِينَ. أُعْطِيتِ أَوْ مُنِعَتْ».

٢٢٠٥ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ الْجُرَيْرِيِّ، عَنْ أَبِي نَضْرَةَ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: كُنْتُ مَعَ النَّبِيِّ ﷺ فِي غَزْوَةٍ. فَقَالَ لِي: «أَتَبِيعُ نَاسِحَكَ هَذَا بِدِينَارٍ، وَاللَّهِ يَغْفِرُ لَكَ؟» قُلْتُ: يَا رَسُولَ اللَّهِ! هُوَ نَاصِحُكَ إِذَا أَتَيْتُ الْمَدِينَةَ. قَالَ: «فَتَبِيعُهُ بِدِينَارَيْنِ، وَاللَّهِ يَغْفِرُ لَكَ». قَالَ: فَمَا زَالَ يَزِيدُنِي دِينَارًا دِينَارًا

amount reached twenty Dinâr. When I came to Al-Madinah, I took hold of the camel's head and brought it to the Prophet ﷺ and he said: 'O Bilâl, give him twenty Dinâr from the spoils of war.' And he said: 'Take your camel away and go to your people with it.'” (*Sahih*)

وَيَقُولُ، مَكَانَ كُلِّ دِينَارٍ: «وَاللَّهِ يَغْفِرُ لَكَ» حَتَّى بَلَغَ عَشْرِينَ دِينَارًا. فَلَمَّا أَتَيْتُ الْمَدِينَةَ أَحَذْتُ بِرَأْسِ النَّاضِحِ فَأَتَيْتُ بِهِ النَّبِيَّ ﷺ فَقَالَ: «يَا بِلَالُ أَعْطِهِ مِنَ الْغَنِيمَةِ عَشْرِينَ دِينَارًا»، وَقَالَ: «انْطَلِقْ بِنَاضِحِكَ فَادْهَبْ بِهِ إِلَى أَهْلِكَ».

تخريج: أخرجه مسلم، المساقاة، باب بيع البعير واستثناء ركوبه، ح: ١١٢/٧١٥ من حديث الجريري به مختصرًا، وعلقه البخاري، ح: ٢٧١٨.

Comments:

- To receive the price first and then to give the commodity to the buyer, is lawful; even though at that time the commodity is with the seller. But in this situation the mutual consent of seller and buyer is necessary.
- When doing a favor for a person in any sort of deal, it should be done in such a way that it looks like a normal business deal, and the person receiving the favor does not feel ashamed, as this is a matter of great courage, highness, generosity and dignity.

2206. It was narrated that 'Ali said: "The Messenger of Allâh ﷺ forbade haggling before sunrise, and (he forbade) slaughtering animals that yield milk." (*Da'if*)

٢٢٠٦ - حَدَّثَنَا عَلِيُّ بْنُ مُحَمَّدٍ، وَ سَهْلُ بْنُ أَبِي سَهْلٍ. قَالَ: حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُوسَى: أَنَّ بَنَاءَ الرَّبِيعِ بْنَ حَبِيبٍ، عَنْ نَوْفَلِ بْنِ عَبْدِ الْمَلِكِ، عَنْ أَبِيهِ، عَنْ عَلِيٍّ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ السَّوْمِ قَبْلَ طُلُوعِ الشَّمْسِ. وَعَنْ ذَنُوحِ ذَوَاتِ الدَّرِّ.

تخريج: [إسناده ضعيف] أخرجه ابن عدي في الكامل: ٩٩٥/٣ (ترجمة الربيع بن حبيب) من حديث عبيد الله بن موسى به، وقال: هذه الأحاديث ... ليست بالمحفوظة * نوفل مستور (تقريب)، والحديث ضعفه البوصيري.

Comments:

The purpose of slaughtering is for the use of the meat, and this purpose can be achieved by slaughtering an animal that does not give milk. Therefore, it is inappropriate to be deprived from the favor of milk.

Chapter 30. What Was Narrated About It Being Disliked To Swear Oaths When Buying And Selling

2207. It was narrated from Abu Hurairah that the Messenger of Allāh ﷺ said: "There are three to whom Allāh will not speak on the Day of Resurrection, nor will He look at them or purify them, and theirs will be a painful torment: A man who has surplus water in the desert but refuses to give any to a wayfarer; a man who sells a product to a man after 'Asr and swears by Allāh that he bought it for such and such amount, and he believes him, when that is not the case; and a man who swears allegiance to a ruler, and only does so for worldly gains, so if he gives him some of (these worldly benefits) he fulfills his oath of allegiance, and if he is not given anything, he does not uphold his oath of allegiance." (Sahih)

تخريج: أخرجه مسلم، الإيمان، باب بيان غلط تحريم إسبال الإزار والمن بالعطية وتنفيق السلعة بالحلف ... الخ، ح: ١٠٨ عن أبي بكر بن أبي شيبة وغيره به.

Comments:

- 'Neither speaking to nor looking at' means the talk of mercy and the look of kindness; otherwise Allāh will judge every action, good and bad; and nothing can be hidden before Him.
- 'Not to purify' means not to forgive sins.
- Giving water to the thirsty is a deed of great reward. Particularly, giving drinking water to the people at a place where it is not available easily is a source of high reward.
- A water spring in the desert is a grace of Allāh ﷻ. Occupying that spring water illegally and not letting the needy drink from it is mean spirited.
- Bearing false oath is a sin. Swearing a false oath after 'Asr prayer is an even worse sin; and such a grave sin is committed just for the assumed benefit of

(المعجم ٣٠) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ
الْإِيمَانِ فِي الشَّرَاءِ وَالْبَيْعِ (التحفة ٣٠)

٢٢٠٧ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، وَ
عَلِيُّ بْنُ مُحَمَّدٍ، وَ أَحْمَدُ بْنُ سِتَانٍ. قَالُوا:
حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ أَبِي
صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ
ﷺ: «ثَلَاثَةٌ لَا يُكَلِّمُهُمُ اللَّهُ عَزَّ وَجَلَّ يَوْمَ
الْقِيَامَةِ، وَلَا يَنْظُرُ إِلَيْهِمْ، وَلَا يُزَكِّيهِمْ، وَلَهُمْ
عَذَابٌ أَلِيمٌ: رَجُلٌ عَلَى فَضْلِ مَاءٍ بِالْفَلَاةِ
يَمْنَعُهُ ابْنُ السَّبِيلِ. وَرَجُلٌ بَايَعَ رَجُلًا سَلْعَةً
بَعْدَ الْعَصْرِ فَحَلَفَ بِاللَّهِ لَا أَخْذَهَا بِكَذَا وَكَذَا.
فَصَدَّقَهُ، وَهُوَ عَلَى غَيْرِ ذَلِكَ. وَرَجُلٌ بَايَعَ
إِمَامًا، لَا يَبَايِعُهُ إِلَّا لِدُنْيَا. فَإِنْ أَعْطَاهُ مِنْهَا
وَفَى لَهُ، وَإِنْ لَمْ يُعْطِهِ مِنْهَا لَمْ يَفِ لَهُ».

a small amount of money!!! Because there is no certainty that the customer will definitely buy something with the impression of his false oath. A false oath for this type of objective is an extremely indecent act; therefore, its punishment is severe too.

2208. It was narrated from Abu Dharr that the Prophet ﷺ said: "There are three to whom Allāh will not speak on the Day of Resurrection, nor will He look at them or purify them, and theirs will be a painful torment." I said: "Who are they, O Messenger of Allāh? For they are indeed losers." He said: "The one who lets his garment hang beneath his ankles, the one who reminds another of what he has given him, and the one who sells his product by means of false oaths." (*Sahih*)

٢٢٠٨ - حَدَّثَنَا عَلِيُّ بْنُ مُحَمَّدٍ وَ مُحَمَّدٌ بْنُ إِسْمَاعِيلَ. قَالَ: حَدَّثَنَا وَكِيعٌ عَنْ الْمُسْعُودِيِّ، عَنْ عَلِيِّ بْنِ مُدْرِكٍ، عَنْ خُرَشَةَ ابْنِ الْحُرِّ، عَنْ أَبِي ذَرٍّ، عَنِ النَّبِيِّ ﷺ؛ ح: وَحَدَّثَنَا مُحَمَّدٌ بْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدٌ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ عَلِيِّ بْنِ مُدْرِكٍ، عَنْ أَبِي زُرْعَةَ بْنِ عَمْرٍو بْنِ جَرِيرٍ، عَنْ خُرَشَةَ بْنِ الْحُرِّ، عَنْ أَبِي ذَرٍّ، عَنِ النَّبِيِّ ﷺ قَالَ: «ثَلَاثَةٌ لَا يَكَلِّمُهُمُ اللَّهُ يَوْمَ الْقِيَامَةِ وَلَا يَنْظُرُ إِلَيْهِمْ وَلَا يُزَكِّيهِمْ وَلَهُمْ عَذَابٌ أَلِيمٌ» فَقُلْتُ: مَنْ هُمْ؟ يَا رَسُولَ اللَّهِ! فَقَدْ خَابُوا وَخَسِرُوا. قَالَ: «الْمُسْبِلُ إِزَارَهُ، وَالْمَتَّانُ عَطَاءَهُ، وَالْمُتَّقِفُ سِلْعَتَهُ بِالْخَلْفِ الْكَاذِبِ».

تخريج: أخرجه مسلم، الإيمان، الباب السابق، ح: ١٠٦ من حديث علي بن مذكّر به.

Comments:

- It is forbidden for a man to lower his garment, trousers and pants below the ankles. A man must have the garment, trousers and pants above the ankles, which will leave the ankles uncovered. Declaring an act, that deserves such a severe punishment, to be merely disliked is incorrect.
- Swearing a false oath in the Name of Allāh is contrary to the regard of Allāh's Blessed Name, and disregarding Allāh's Name is a major sin.

2209. It was narrated from Abu Qatādah that the Messenger of Allāh ﷺ said: "Beware of swearing oaths when selling, for it may help you to make a sale but it destroys the blessing." (*Sahih*)

٢٢٠٩ - حَدَّثَنَا يَحْيَى بْنُ خَلْفٍ: حَدَّثَنَا عَبْدُ الْأَعْلَى؛ ح: وَحَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عِيَّاشٍ. قَالَ: حَدَّثَنَا مُحَمَّدٌ بْنُ إِسْحَاقَ، عَنْ مَعْبِدِ بْنِ كَعْبِ بْنِ مَالِكٍ، عَنْ أَبِي قَتَادَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِيَّاكُمْ وَالْخَلْفَ فِي الْبَيْعِ. فَإِنَّهُ يَنْفَقُ ثُمَّ يَمَحُوقُ».

تخريج: [صحيح] أخرجه أحمد: ٢٩٧/٥، ٢٩٨ من حديث ابن إسحاق به، وصرح بالسماع، وله طريق آخر عند مسلم، ح: ١٦٠٧ وغيره عن معبد بن كعب به.

Comments:

It is best that oaths be used rarely. It is not a good habit to keep swearing unnecessarily to sell goods.

Chapter 31. What Was Narrated Concerning One Who Sells A Pollinated Palm Tree Or A Slave Who Has Wealth

2210. It was narrated from Ibn 'Umar that the Messenger of Allāh ﷺ said: "Whoever buys a palm tree that has been pollinated, its fruits belong to the seller, unless the purchaser stipulated a condition." (*Sahih*)

Another chain from Ibn 'Umar, from the Prophet ﷺ, with similar wording.

(المعجم ٣١) - بَابُ مَا جَاءَ فِيْمَنْ بَاعَ نَخْلًا مُؤَبَّرًا أَوْ عَبْدًا لَهُ مَالٌ (التحفة ٣١)

٢٢١٠ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ. قَالَ: حَدَّثَنِي نَافِعٌ عَنِ ابْنِ عُمَرَ أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ اشْتَرَى نَخْلًا قَدْ أُبْرِتَ فَتَمَرَّتْهَا لِلْبَّائِعِ. إِلَّا أَنْ يَشْتَرِطَ الْمُشْتَاعُ».

حَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَنَّ بَنَاتِ اللَّيْثِ بْنِ سَعْدٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، عَنِ النَّبِيِّ ﷺ، بِنَحْوِهِ.

تخريج: أخرجه البخاري، باب من باع نخلاً قد أبرت أو أرضاً مزروعةً بإجارة، ح: ٢٢٠٤، ومسلم، البيوع، باب من باع نخلاً عليها تمر، ح: ١٥٤٣ من حديث مالك به، وأخرجه البخاري، ح: ٢٢٠٦ من حديث الليث به، ومسلم، ح: ١٥٤٣ عن ابن رمح وغيره.

Comments:

- Male and female flowers of date trees grow on separate trees; if wind, flies and insects are the only means for the transfer of pollination of male and female flowers, then the yield of fruits gets reduced. Therefore the flowers of the male tree are taken and spread over the female tree and thus the trees bear more fruits. It is called artificial pollination.
- Artificial pollination is hard work, and the quantity of the produce depends on it. So if a tree is sold after artificial pollination is done, the hard work of the seller will go vain, therefore, it should be made clear at the time of transaction whether it is only the tree that is being sold or its fruit as well. If it is not cleared beforehand, then only the tree will be sold, and its fruit will legally belong to the seller. However, in the following years if a buyer does artificial pollination he will be the owner of the fruit as well.

2211. It was narrated from Sâlim bin 'Abdullâh bin 'Umar, from

٢٢١١ - حَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَنَّ بَنَاتِ اللَّيْثِ

Ibn 'Umar, that the Messenger of Allāh ﷺ said: "Whoever sells a palm tree that has been pollinated, its fruits belong to the seller, unless the purchaser stipulated a condition. And whoever buys a slave who has wealth, his wealth belongs to the seller, unless the purchaser stipulated a condition." (*Sahih*)

ابْنُ سَعْدٍ: ح. وَحَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا سَفْيَانُ بْنُ عُيَيْنَةَ، جَمِيعًا عَنْ ابْنِ شِهَابٍ الزُّهْرِيِّ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ بْنِ عَمْرٍو، عَنْ ابْنِ عَمْرٍو أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ بَاعَ نَخْلًا قَدْ أُبْرِثَ فَتَمَرَّتْهَا لِلَّذِي بَاعَهَا. إِلَّا أَنْ يَشْتَرِطَ الْمُتَبَاعُ. وَمَنْ ابْتَعَ عَبْدًا وَلَهُ مَالٌ، فَمَالُهُ لِلَّذِي بَاعَهُ. إِلَّا أَنْ يَشْتَرِطَ الْمُتَبَاعُ».

تخريج: أخرجه البخاري، المساقاة، باب الرجل يكون له ممر أو شرب في حائط أو في نخل، ح: ٢٣٧٩، ومسلم، البيوع، باب من باع نخلاً عليها تمر، ح: ٨٠/١٥٤٣ من حديث الليث به، أخرجه مسلم من حديث سفیان بن عيينة به مختصراً.

Comments:

- A slave sometimes needs wealth to fulfill his duties and the master gives him a reasonable amount of money to spend; or the master may be pleased with the service of his slave and give him some jewelry to wear for encouragement. In such cases, this wealth still belongs to the master, and it will not go with the slave if he is sold.
- If a buyer makes it clear that he is buying the slave along with the wealth; or trees along with the fruits; it is then apparent that the price will increase accordingly. In this case, according to the condition, the wealth or fruit will belong to the buyer.

2212. It was narrated from Nâfi' from Ibn 'Umar that the Prophet ﷺ said: "Whoever sells a palm tree and sells a slave." Mentioning both of them together.^[1]

٢٢١٢ - حَدَّثَنَا مُحَمَّدُ بْنُ الْوَلِيدِ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ عَيْدِ رَبِّهِ بْنِ سَعِيدٍ، عَنْ نَافِعٍ، عَنْ ابْنِ عَمْرٍو، عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «مَنْ بَاعَ نَخْلًا وَبَاعَ عَبْدًا جَمَعَهُمَا [جَمِيعًا]».

^[1] This narration is reported by Shu'bah, from 'Abd Rabbihi bin Sa'eed, from Nâfi'. In *Al-Kubra* (the Book of Freeing Slaves: Mention of a slave being freed while he has wealth) by Nasâ'i, after narrating it, Shu'bah said: "I narrated to him ('Abd Rabbihi) the narration of Ayyub, from Nâfi', that he narrated it to me with 'palm tree' from the Prophet ﷺ, and 'slave' from 'Umar. So 'Abd Rabbihi said: 'I do not know of the two of them together except from the Prophet ﷺ.' Then, another time he narrated it from the Prophet ﷺ, without any rebuke about it." So in this narration of Ibn Mâjah, from Shu'bah, from 'Abd Rabbihi, the statement: "Both of them together" is from the explanation of Shu'bah, and Allâh knows best.

تخريج: [إسناده صحيح] أخرجه أحمد: ٧٨/٢ عن محمد بن جعفر به، وهو في السنن الكبرى للنسائي، ح: ٤٩٨٢، أطول منه.

2213. It was narrated that 'Ubādah bin Sâmit said: "The Messenger of Allâh ﷺ ruled that the fruit of a palm tree belongs to the one who pollinated it, and that the wealth of a slave belongs to the one who sold him, unless the purchaser stipulated a condition." (*Da'if*)

٢٢١٣ - حَدَّثَنَا عَبْدُ رَبِّهِ بْنِ خَالِدٍ التَّمِيمِيُّ أَبُو الْمُعَلَّسِ: حَدَّثَنَا الْفَضِيلُ بْنُ سَلِيمَانَ، عَنْ مُوسَى بْنِ عُقْبَةَ: حَدَّثَنِي إِسْحَاقُ بْنُ يَحْيَى بْنِ الْوَلِيدِ، عَنْ عُبَادَةَ بْنِ الصَّامِتِ قَالَ: قَضَى رَسُولُ اللَّهِ ﷺ بِشَمْرِ النَّخْلِ لِمَنْ أَبْرَاهَا. إِلَّا أَنْ يَشْتَرِطَ الْمُبْتَاعُ. وَأَنْ مَالَ الْمَمْلُوكِ لِمَنْ بَاعَهُ، إِلَّا أَنْ يَشْتَرِطَ الْمُبْتَاعُ.

تخريج: [إسناده ضعيف] أخرجه عبدالله بن أحمد في زوائد المسند: ٣٢٦/٥، ٣٢٧ من حديث الفضيل به مطولاً * إسحاق أرسل عن عبادة وهو مجهول الحال (تقريب).

Chapter 32. Prohibition Of Selling Fruits Before They Have Ripened

2214. It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ said: "Do not sell fruits until they have ripened." And he forbade (both) the seller and the purchaser (to engage in such a transaction). (*Sahih*)

(المعجم ٣٢) - بَابُ النَّهْيِ عَنْ بَيْعِ الثَّمَارِ قَبْلَ أَنْ يَبْدُوَ صَلَاحُهَا
(التحفة ٣٢)

٢٢١٤ - حَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَنْبَأَنَا اللَّيْثُ ابْنُ سَعْدٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «لَا تَبِيعُوا الثَّمَرَةَ حَتَّى يَبْدُوَ صَلَاحُهَا». نَهَى الْبَائِعَ وَالْمُشْتَرِيَ.

تخريج: [إسناده صحيح] أخرجه النسائي: ٢٦٢/٧، البيهقي، ح: ٤٥٢٣ من حديث الليث به، وله طرق عند البخاري ومسلم وغيرهما عن نافع عن ابن عمر به نحو المعنى.

Comments:

- Selling and buying the fruit which is still on the trees is allowed.
- When trees get flowers, it looks as if the fruit will be enormous but lots of flowers just fall down. A lot of small fruit in its early age of growth falls down because of winds; and then sometimes it goes to waste because of unexpected rain. The fruit which is safe after all of these misfortunes is the real fruit that benefits the buyer. Therefore, the fruit of an orchard should be sold after passing these stages and a clear estimate is made regarding the quantity of fruit that is expected. This is interpreted in the *Hadith* by 'until they have ripened' as 'until the fruits are clearly in good condition'.

2215. It was narrated from Abu Hurairah that the Messenger of Allāh ﷺ said: "Do not sell fruits until they have ripened." (Sahih)

٢٢١٥ - حَدَّثَنَا أَحْمَدُ بْنُ عِيسَى الْمُضَرِّي: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ، عَنْ يُونُسَ بْنِ يَزِيدَ، عَنِ ابْنِ شِهَابٍ: حَدَّثَنِي سَعِيدُ بْنُ الْمُسَيَّبِ وَ أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَبِيعُوا الثَّمَرَ حَتَّى يَبْدُوَ صَلَاحُهُ».

تخریج: أخرجه مسلم، البيوع، باب تحريم بيع الرطب بالتمر إلا في العرايا، ح: ١٥٣٨ من حديث ابن وهب به.

2216. It was narrated from Jābir that the Prophet ﷺ forbade selling fruits until they have ripened. (Sahih)

٢٢١٦ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا سُفْيَانُ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، عَنْ جَابِرِ أَنَّ النَّبِيَّ ﷺ نَهَى عَنْ بَيْعِ الثَّمَرِ حَتَّى يَبْدُوَ صَلَاحُهُ.

تخریج: أخرجه البخاري، البيوع، باب بيع الثمر على رؤوس النخل بالذهب أو الفضة، ح: ٢١٨٩ من حديث ابن جريج به مطولاً.

2217. It was narrated from Anas bin Mālik that the Messenger of Allāh ﷺ forbade selling fruits until they have changed the color, and selling grapes until they have turned black, and selling grains until they have hardened. (Da'if)

٢٢١٧ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا حَجَّاجٌ: حَدَّثَنَا حَمَّادٌ عَنْ حُمَيْدٍ، عَنْ أَنَسِ ابْنِ مَالِكٍ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ بَيْعِ الثَّمَرَةِ حَتَّى تَزْهَوْ. وَعَنْ بَيْعِ الْعِنَبِ حَتَّى يَسْوَدَ، وَعَنْ بَيْعِ الْحَبِّ حَتَّى يَسْتَدَّ.

تخریج: [إسناده ضعيف] أخرجه أبو داود، البيوع، باب: في بيع الثمار قبل أن يبدو صلاحها، ح: ٣٣٧١ من حديث حماد بن سلمة به، وحسنه الترمذي، ح: ١٢٢٨، وصححه ابن حبان، والحاكم على شرط مسلم، ووافقه الذهبي * لم أجد تصريح سماع حميد الطويل تقدم، ح: ٨٦٦، فالسند معلل.

Comments:

- Different crops, grains and fruits have different ways to be judged before they are sold.
- The raw fruit of an orchard is green and later its real color begins to appear gradually. At this time, the danger of waste is little, and to sell them is safe and lawful. The real objective of changing the color is to let them grow big enough until they are out of climatic danger.

Chapter 33. Selling Fruits For Many Years Ahead^[1] And Crop Failure

2218. It was narrated from Jābir bin 'Abdullāh that the Messenger of Allāh ﷺ forbade selling for many years ahead. (*Sahih*)

(المعجم ٣٣) - بَابُ بَيْعِ الثَّمَارِ سِنِينَ
وَالْجَائِحَةِ (التحفة ٣٣)

٢٢١٨ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ وَ مُحَمَّدٌ بْنُ الصَّبَّاحِ. قَالَا: حَدَّثَنَا سُفْيَانُ عَنْ حُمَيْدِ الْأَعْرَجِ، عَنْ سُلَيْمَانَ بْنِ عَتِيقٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ بَيْعِ السِّنِينَ.

تخريج: أخرجه مسلم، المساقاة، باب وضع الجوائح، ح: ١٧/١٥٥٤ من حديث سفیان بن عیینة به بلفظ: أن النبي ﷺ أمر بوضع الجوائح، والمعنى واحد.

Comments:

- 'Selling for many years ahead' is, for example: to sell the fruits due for the next two or three years and to receive a price in advance; this is prohibited.
- The logic of its prohibition is that the situation of the produce in the following years is unknown; as well as whether there will be produce or not. It is also possible that the fruit will go to waste after the appearance and the buyer's money is then wasted as well. From this prospect, it is a sale of uncertainty and cheating.
- See *Ahādith* 2194-2197 for detailed information about the sale which involves uncertainty and cheating.

2219. It was narrated from Jābir bin 'Abdullāh that the Messenger of Allāh ﷺ said: "Whoever sells fruits then the crop fails, should not take any of his brother's money. Why would any of you take the money of his Muslim brother?" (*Sahih*)

٢٢١٩ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا يَحْيَى بْنُ حَمْرَةَ: حَدَّثَنَا نَوْزٌ بْنُ يَزِيدَ، عَنْ ابْنِ جُرَيْجٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ بَاعَ ثَمَرًا فَأَصَابَتْهُ جَائِحَةٌ، فَلَا يَأْخُذُ مِنْ مَالِ أَخِيهِ شَيْئًا. عَلَامَ يَأْخُذُ أَحَدُكُمْ مَالَ أَخِيهِ الْمُسْلِمِ؟».

تخريج: أخرجه مسلم، المساقاة، باب وضع الجوائح، ح: ١٤/١٥٥٤ من حديث ابن جريج به بالفاظ مختلفة والمعنى واحد.

Comments:

The money is exchanged for merchandise; when the fruit of the orchard was sold it was not able to be used, which means the buyer did not collect

^[1] Meaning, to take money in advance against the next two or three years of produce, prior to the existence of the produce. See explanation by Sindi.

it. It was merely a promise of giving fruit to the buyer; and as the fruit went to waste and the buyer did not get anything, but has paid the price in advance, or has promised to pay; thus he would pay the price and would not receive anything in exchange; therefore this type of sale is unlawful.

Chapter 34. Allowing More When Weighing Goods For Sale

(المعجم ٣٤) - بَابُ الرَّجْحَانِ فِي
الْوَزْنِ (التحفة ٣٤)

2220. It was narrated that Suwaïd bin Qais said: "Makhrafah Al-'Abdi and I brought linens from Hajar.^[1] The Messenger of Allâh ﷺ came to us to bargain with us with some trousers. There was someone with me who weighed (the goods) in exchange for a wage. So the Prophet ﷺ said to the one weighing: 'Weigh and add more.' " (*Sahih*)

٢٢٢٠ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، وَ
عَلِيُّ بْنُ مُحَمَّدٍ، وَ مُحَمَّدٌ بْنُ إِسْمَاعِيلَ.
قَالُوا: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا سُفْيَانٌ عَنْ سِمَاكٍ
ابْنِ حَرْبٍ، عَنْ سُؤَيْدِ بْنِ قَيْسٍ قَالَ: جَلَيْتُ
أَنَا وَمَخْرَفَةُ الْعَبْدِيِّ بَرًّا مِنْ هَجَرَ. فَجَاءَنَا
رَسُولُ اللَّهِ ﷺ. فَسَاوَمَنَا سَرَاوِيلَ. وَعِنْدَنَا
وَزَانٌ يَزِنُ بِالْأَجْرِ. فَقَالَ لَهُ النَّبِيُّ ﷺ: «يَا
وَزَانُ زِنْ وَأَرْجِحْ».

تخریج: [صحیح] أخرجه أبو داود، البيهقي، باب: في الرجحان في الوزن والوزن بالأجر،
ح: ٣٣٣٦ من حديث سفیان الثوري به، وصححه الترمذي، ح: ١٣٠٥، وابن حبان (موارد)،
ح: ١٤٤٤، وابن الجارود * سفیان تابعه قيس بن الربيع، والحديث الآتي شاهد له.

Comments:

- The business of cloths is religiously lawful.
- Business of import and export is permissible.
- Shakwâr* (a loose Punjabi style trouser) is a good and decent dress.
- Taking a wage for weighing and measuring is allowed, as well as taking a wage for any work that involves physical labor.
- To keep the measuring part of a scale a little lower is good manners. But giving short measure in weight and measurement is dishonesty; and it is a major sin.

2221. It was narrated that Simâk bin Harb said: "I heard Mâlik, Abu Safwân bin 'Umairah, say: 'I bought a pair of trousers from the Messenger of Allâh ﷺ before the

٢٢٢١ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ، وَ مُحَمَّدٌ
ابْنُ الْوَلِيدِ. قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ:
حَدَّثَنَا شُعْبَةُ عَنْ سِمَاكِ بْنِ حَرْبٍ. قَالَ:

^[1] There are many places with this name, one of which is a village close to Al-Madinah.

Hijrah, and he weighed it for me and allowed more.'” (Sahih)

سَمِعْتُ مَالِكًا، أَبَا صَفْوَانَ بْنَ عُمَيْرَةَ قَالَ: بَعَثَ مِنْ رَسُولِ اللَّهِ ﷺ رَجُلًا سَرَاوِيلَ قَبْلَ الْهَجْرَةِ. فَوَزَنَ لِي، فَأَرْجَحَ لِي.

تخریج: [إسناده صحيح] أخرجه أبو داود، البيهقي، الباب السابق، ح: ۳۳۳۷ من حديث شعبة به، وصححه الحاكم: ۳۱، ۳۰/۲، على شرط مسلم، ووافقه الذهبي.

Comments:

The translation of *Sarâwil*: Loose Punjabi trouser, pyjama and pants is correct. Its name may vary depending upon various locations, designs and styles.

2222. It was narrated from Jâbir bin ‘Abdullâh that the Messenger of Allâh ﷺ said: “When you weigh, allow more.” (Sahih)

۲۲۲۲ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى: حَدَّثَنَا عَبْدُ الصَّمَدِ: حَدَّثَنَا شُعْبَةُ عَنْ مُحَارِبِ بْنِ دِثَارٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا وَزَنْتُمْ فَأَرْجَحُوا».

تخریج: [إسناده صحيح] أخرجه الضياء في المختارة (كما في كثر العمال، ح: ۹۴۴۲)، وقال البوصيري: هذا إسناده صحيح على شرط البخاري .

Chapter 35. Being Cautious With Regard To Weights And Measures

(المعجم ۳۵) - بَابُ التَّوَقِّي فِي الْكَيْلِ وَالْوَزْنِ (التحفة ۳۵)

2223. It was narrated that Ibn ‘Abbâs said: “When the Prophet ﷺ came to Al-Madinah, they were the worst people in weights and measures. Then Allâh, Glorious is He, revealed: “Woe to the *Mutaffifun* (those who give less in measure and weight)”,^[1] and they were fair in weights and measures after that. (Hasan)

۲۲۲۳ - حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ بَشِيرٍ بْنُ الْحَكَمِ، وَ مُحَمَّدُ بْنُ عَقِيلٍ بْنُ حُوَيْلِدٍ. قَالَا: حَدَّثَنَا عَلِيُّ بْنُ الْحُسَيْنِ بْنِ وَاقِدٍ: حَدَّثَنِي أَبِي: حَدَّثَنِي يَزِيدُ النَّحْوِيُّ أَنَّ عِكْرِمَةَ حَدَّثَهُ عَنِ ابْنِ عَبَّاسٍ قَالَ: لَمَّا قَدِمَ النَّبِيُّ ﷺ الْمَدِينَةَ كَانُوا مِنْ أَخْبَثِ النَّاسِ كَيْلًا. فَأَنْزَلَ اللَّهُ سُورَتَهُ ﴿وَبِلِّ الْمُطَفِّفِينَ﴾ [المطففين: ۱] فَأَحْسَنُوا الْكَيْلَ بَعْدَ ذَلِكَ.

تخریج: [إسناده حسن] أخرجه النسائي في الكبرى، التفسير، سورة المطففين، ح: ۱۱۵۹۰

^[1] *Al-Mutaffifin* 83:1.

عن محمد بن عقيل به، وصححه ابن حبان (موارد)، ح: ١٧٧٠، والحاكم: ٣٣/٢، والذهبي، وحسنه البوصيري.

Chapter 36. Prohibition Of Cheating

(المعجم ٣٦) - بَابُ النَّهْيِ عَنِ الْغَشِّ (التحفة ٣٦)

2224. It was narrated that Abu Hurairah said: "The Messenger of Allāh ﷺ passed by a man who was selling food. He put his hand in it and saw that there was something wrong with it. The Messenger of Allāh ﷺ said, 'He is not one of us who cheats.'"
(*Sahih*)

٢٢٢٤ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا شُعْبَانُ عَنِ الْعَلَاءِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: مَرَّ رَسُولُ اللَّهِ ﷺ بِرَجُلٍ يَبِيعُ طَعَامًا. فَأَدْخَلَ يَدَهُ فِيهِ. فَإِذَا هُوَ مَغْشُوشٌ. فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَيْسَ مِنَّا مَنْ غَشَّ».

تخريج: [إسناده صحيح] أخرجه أبو داود، البيهق، باب النهي عن الغش، ح: ٣٤٥٢ من حديث سفيان بن عيينة به، وصححه الحاكم: ٩، ٨/٢، على شرط مسلم، ووافقه الذهبي، أخرجه مسلم، ح: ١٠٢ وغيره عن إسماعيل بن جعفر عن العلاء به نحو المعنى.

Comments:

- The cheating involved in the grains was that some of the grains became wet because of rain. The seller put the dry grains at the top and thus the wet grains got covered beneath. (*Sahih Muslim: 101*)
- There are many forms of cheating, all of which are unlawful. For example: Trying to prove a lie as a truth with plausible conversation, presenting falsehood in the way of truth, not to disclose a defect in the goods, adulterating low quality products with that of fine quality; and then to sell it for the price of the finer quality.
- Using illegal means in exams like copying; or the examiner gives more marks to the student than what he/she deserves, are also a form of deception and cheating. It deprives the rightful people from their true right.

2225. It was narrated that Abu Hamrâ' said: "I saw the Messenger of Allāh ﷺ pass by a man having food in a vessel. He put his hand in it and said: 'Perhaps you are cheating. Whoever cheats us is not one of us.'"
(*Da'if*)

٢٢٢٥ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا أَبُو نُعَيْمٍ: حَدَّثَنَا يُونُسُ بْنُ أَبِي إِسْحَاقَ، عَنْ [أَبِي] دَاوُدَ، عَنْ أَبِي الْحُمَرَاءِ قَالَ: رَأَيْتُ رَسُولَ اللَّهِ ﷺ مَرَّ بِجَنَابِ رَجُلٍ عِنْدَهُ طَعَامٌ فِي وِعَاءٍ. فَأَدْخَلَ يَدَهُ فِيهِ. فَقَالَ: «لَعَلَّكَ غَشَّشْتَ. مَنْ غَشَّشَا فَلَيْسَ مِنَّا».

تخريج: [إسناده ضعيف جداً] أخرجه الدؤلابي في الكنى: ٢٥/١، أبونعيم الأصبهاني (كما في تهذيب الكمال، ق/٣/١٦٠٠) من حديث أبي نعيم الفضل بن دكين به * وأبو داود هو الأعمى كما في فتح الباب في الكنى والألقاب (لابن منده، ص: ٢٨٠) وغيره، وانظر، ح: ١٤٨٥ للجرح فيه.

Chapter 37. The Prohibition Of Selling Food Before Taking Possession Of It

2226. It was narrated from Ibn 'Umar that the Prophet ﷺ said: "Whoever buys food, let him not sell it until he has taken full possession of it." (*Sahih*)

(المعجم ٣٧) - بَابُ النَّهْيِ عَنْ بَيْعِ الطَّعَامِ قَبْلَ مَا لَمْ يُقْبَضْ (النحفة ٣٧)

٢٢٢٦ - حَدَّثَنَا سُؤَيْدُ بْنُ سَعِيدٍ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ ابْتَاعَ طَعَامًا، فَلَا يَبِعُهُ حَتَّى يَسْتَوْفِيَهُ».

تخريج: أخرجه البخاري، البيوع، باب الكيل على البائع والمعطي، ح: ٢١٣٦، ٢١٢٦، ومسلم، البيوع، باب بطلان بيع المبيع قبل القبض، ح: ١٥٢٦ من حديث مالك به وهو في الموطأ (يحيى: ٦٤٠/٢).

2227. It was narrated that Ibn 'Abbās said: "The Messenger of Allāh ﷺ said: 'Whoever buys food, let him not sell it until he has taken full possession of it.'" (*Sahih*)

In his narration, (one of the narrators) Abu 'Awānah said: "Ibn 'Abbās said: 'I think everything is like food.'"

٢٢٢٧ - حَدَّثَنَا عُمَرَانُ بْنُ مُوسَى اللَّيْثِيُّ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ، ح: وَحَدَّثَنَا بِشْرُ بْنُ مُعَاذٍ الصَّرِيْرُ: حَدَّثَنَا أَبُو عَوَانَةَ وَحَمَّادُ بْنُ زَيْدٍ. قَالَا: حَدَّثَنَا عَمْرُو بْنُ دِينَارٍ عَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ ابْتَاعَ طَعَامًا فَلَا يَبِعُهُ حَتَّى يَسْتَوْفِيَهُ».

قَالَ أَبُو عَوَانَةَ، فِي حَدِيثِهِ: قَالَ ابْنُ عَبَّاسٍ: وَأَحْسِبُ كُلَّ شَيْءٍ مِثْلَ الطَّعَامِ.

تخريج: أخرجه البخاري، البيوع، باب بيع الطعام قبل أن يقبض ويبيع ما ليس عندك، ح: ٢١٣٥، ومسلم، البيوع، باب بطلان بيع المبيع قبل القبض، ح: ١٥٢٥ من حديث عمرو بن دينار به بالفاظ متقاربة.

2228. It was narrated that Jābir said: "The Messenger of Allāh ﷺ forbade selling food bought by measure until two Sā' have been measured - the Sā' of the seller

٢٢٢٨ - حَدَّثَنَا عَلِيُّ بْنُ مُحَمَّدٍ: حَدَّثَنَا وَكِيعٌ عَنِ ابْنِ أَبِي لَيْلَى، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ بَيْعِ الطَّعَامِ

and the *Sâ'* of the buyer."^[1]
(*Da'if*)

حَتَّى يَجْرِيَ فِيهِ الصَّاعَانِ. صَاعُ الْبَائِعِ وَصَاعُ الْمُشْتَرِي.

تخريج: [إسناده ضعيف] أخرجه الدارقطني: ٨/٣ من حديث محمد بن أبي لبلبى به، وانظر، ح: ٨٥٤ لعلته، وله شاهد عند البيهقي: ٣١٦/٥ من حديث أبي هريرة رضي الله عنه * فيه هشام بن حسان تقدم، ح: ١٦٧٦، ولم أجد تصريح سماعه، وباقي السند صحيح، وهو حسن بالشواهد.

Comments:

- Selling and buying without looking at the goods is a trade of such people who do not need the goods for themselves; and they make a profit without hard work. Thus the goods reach the consumers with expensive rates; and the real producers (like farmers) get a very low price.
- Measuring by two measures, means that it should be measured or weighed after the purchase, and then it should be handed over to the new buyer after measuring it again. The goods which are to be weighed should be weighed; and the goods which are to be counted should be counted before collection and they should be counted again before being handing over to the customer, so that no one is deceived at any point.

Chapter 38. Chapter Sales Involving Risk (Due To Its Amount Being Unknown)

(المعجم ٣٨) - بَابُ بَيْعِ الْمُجَازَفَةِ
(التحفة ٣٨)

2229. It was narrated that Ibn 'Umar said: "We used to buy food from troops of riders (i.e., the caravans) without knowing the amount, but the Messenger of Allāh ﷺ forbade us to sell it until it had been delivered to us."
(*Sahih*)

٢٢٢٩ - حَدَّثَنَا سَهْلُ بْنُ أَبِي سَهْلٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: كُنَّا نَشْتَرِي الطَّعَامَ مِنَ الرُّكَّابِ جِزَافًا. فَتَهَاتَا رَسُولُ اللَّهِ ﷺ أَنْ نَبِيعَهُ حَتَّى نَنْقُلَهُ مِنْ مَكَانِهِ.

تخريج: أخرجه مسلم، البيوع، باب بطلان بيع المبيع قبل القبض، ح: ٣٤/١٥٢٦ من حديث عبدالله بن نمير به.

Comments:

- It is known from this *Hadith* that buying grains with an estimate, without measuring or weighing, is correct but measuring and weighing is better to avoid any uncertainty.
- After making the deal, the goods should be taken to one's control and transferred from there; and thereafter should be sold.

^[1] When someone purchases food that was measured for him, he can not sell it until he has measured it again for his customer. See no. 2230.

2230. It was narrated that 'Uthmân bin 'Affân said: "I used to sell dates in the marketplace, and I would say: 'This was such and such an amount (when I bought it).' I would give the purchaser a specific amount of dates according to the way it had been measured for me, and take my profit. Then I began to have some doubts about that, so I asked the Messenger of Allâh ﷺ, and he said: 'When you name the amount, measure it in front of the purchaser.'" (*Hasan*)

٢٢٣٠ - حَدَّثَنَا عَلِيُّ بْنُ مَيْمُونٍ الرَّقِّيُّ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يَزِيدَ عَنْ ابْنِ لَهِيْعَةَ، عَنْ مُوسَى بْنِ وَرْدَانَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ عُمَانَ بْنِ عَفَّانَ قَالَ: كُنْتُ أَبِيعُ التَّمْرَ فِي السُّوقِ. فَأَقُولُ: كُلْتُ فِي وَسْقِي هَذَا كَذَا. فَأَدْفَعُ أَوْسَاقَ التَّمْرِ بِكَيلِهِ وَأَخْذُ شِفْطِي. فَدَخَلَنِي مِنْ ذَلِكَ شَيْءٌ. فَسَأَلْتُ رَسُولَ اللَّهِ ﷺ فَقَالَ: «إِذَا سَمَيْتَ الْكَيلَ فَكَيْلُهُ».

تخريج: [إسناده حسن] أخرجه أحمد: ٦٢/١ عن يحيى بن إسحاق ثنا ابن لهيعة ثنا موسى ابن وردان به * ويحيى من قدماء أصحاب ابن لهيعة كما في التهذيب: ٣٦١/٢ حفص بن هاشم وتابعه ابن المبارك وغيره عن ابن لهيعة به، وله شاهد عند مسلم من حديث ابن عمر رضي الله عنهما به.

Comments:

- The commodity bought as a measure should be measured again at the time of sale in order to avoid doubt and uncertainty and so that the customer will be satisfied.
- If there is doubt in any issue of lawfulness or unlawfulness, it should be clarified by a scholar.

Chapter 39. The Blessing That Is Hoped For When Measuring Food

2231. It was narrated that 'Abdullâh bin Busr Al-Mâzini said: "I heard the Messenger of Allâh ﷺ say: 'Measure your food, may you be blessed therein.'" (*Sahih*)

(المعجم ٣٩) - بَابُ مَا يُرْجَى فِي كَيْلِ الطَّعَامِ مِنَ الْبَرَكَاتِ (التحفة ٣٩)

٢٢٣١ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عِيَّاشٍ: حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ الْيَحْصِييُّ عَنْ عَبْدِ اللَّهِ بْنِ بُسْرِ الْمَازِنِيِّ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «كَيْلُوا طَعَامَكُمْ يَبَارِكْ لَكُمْ فِيهِ».

تخريج: أخرجه البخاري في التاريخ الكبير: ١٥١/١ من حديث إسماعيل (وغيره) به، وإسناده حسن، وله شواهد عند البخاري (في صحيحه، ح: ٢١٢٨) وغيره، انظر الحديث الآتي.

2232. It was narrated from Abu Ayyub that the Prophet ﷺ said: "Measure your food, may you be blessed therein." (*Sahih*)

٢٢٣٢ - حَدَّثَنَا عَمْرُو بْنُ عُثْمَانَ بْنِ سَعِيدٍ ابْنِ كَثِيرٍ بْنُ دِينَارٍ الْجُمَيْصِيُّ: حَدَّثَنَا بَقِيَّةُ بْنُ الْوَلِيدِ عَنْ بَحِيرِ بْنِ سَعْدٍ، عَنْ خَالِدِ بْنِ مَعْدَانَ، عَنِ الْمُقَدَّامِ بْنِ مَعْدِيكَرْبَ، عَنْ أَبِي أَيُّوبَ، عَنِ النَّبِيِّ ﷺ قَالَ: «كَيْلُوا طَعَامَكُمْ يَبَارِكْ لَكُمْ فِيهِ».

تخريج: [صحيح] أخرجه أحمد: ٤١٤/٥ من حديث بقية، حدثني بحير بن سعد به، أخرجه البخاري، ح: ٢١٢٨ من حديث ثور عن خالد بن معدان عن المقدم بن معدي كرب به، ولم يذكر أباً أيوب، رضي الله عنهما.

Chapter 40. Marketplaces And Entering Them

(المعجم ٤٠) - بَابُ الْأَسْوَاقِ وَدُخُولِهَا (التحفة ٤٠)

2233. It was narrated that Abu Usaid said that the Messenger of Allāh ﷺ went to the market of Nabit,^[1] and looked at it, and said: "This is not a market for you." Then we went to another market and looked at it, and said: "This is not a market for you." Then he came back to this market and walked around in it, then he said: "This is your market. It will always be your market and no duty will be levied on it." (*Da'if*)

٢٢٣٣ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ الْمُثَنِّرِ الْجَزَامِيُّ: حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ بْنِ سَعِيدٍ: حَدَّثَنِي صَفْوَانُ بْنُ سُلَيْمٍ: حَدَّثَنِي مُحَمَّدٌ وَعَلِيٌّ. [ابننا] الْحَسَنُ بْنُ أَبِي الْحَسَنِ الْبَرَادُ أَنَّ الزُّبَيْرَ بْنَ الْمُثَنِّرِ بْنِ أَبِي أُسَيْدٍ [السَّاعِدِيَّ]: حَدَّثَهُمَا أَنَّ أَبَاهُ الْمُثَنِّرَ حَدَّثَهُ عَنْ أَبِي أُسَيْدٍ أَنَّ أَبَا أُسَيْدٍ حَدَّثَهُ أَنَّ رَسُولَ اللَّهِ ﷺ ذَهَبَ إِلَى سُوقِ الشَّيْطِ. فَتَنَظَّرَ إِلَيْهِ، فَقَالَ: «لَيْسَ هَذَا لَكُمْ بِسُوقٍ» ثُمَّ ذَهَبَ إِلَى سُوقٍ. فَتَنَظَّرَ إِلَيْهِ فَقَالَ: «لَيْسَ هَذَا لَكُمْ بِسُوقٍ» ثُمَّ رَجَعَ إِلَى هَذَا السُّوقِ فَطَافَ فِيهِ ثُمَّ قَالَ: «هَذَا سُوقُكُمْ. فَلَا يَنْتَقِصَنَّ وَلَا يُضْرَبَنَّ عَلَيْهِ خَرَجٌ».

تخريج: [إسناده ضعيف] أخرجه ابن أبي عاصم في الأحاد والمثنائي: ٤٥٤/٣، ح: ١٩٠٨ عن إبراهيم بن المنذر به، وقال البوصيري: هذا إسناده ضعيف * إسحاق لين الحديث، والزبير بن المنذر بن أبي أسيد مستور (تقريب).

[1] Meaning, the market where the Nabateans sell.

2234. It was narrated that Salmân said: "I heard the Messenger of Allâh ﷺ saying: 'Whoever goes to the Morning prayer first thing in the morning, he goes out with the banner of faith, but whoever goes out to the marketplace first thing in the morning, he goes out under the banner of *Iblis* (Satan).'" (*Da'if*)

٢٢٣٤ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ الْمُسْتَمِرِّ الْعُرُقِيُّ: حَدَّثَنَا أَبِي: حَدَّثَنَا عُيَيْسُ بْنُ مَيْمُونٍ: حَدَّثَنَا عَوْنُ الْعَقِيلِيِّ، عَنْ أَبِي عُمَانَ التَّهْدِي، عَنْ سَلْمَانَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ غَدَا إِلَى صَلَاةِ الصُّبْحِ، غَدَا بِرَايَةِ الْإِيمَانِ. وَمَنْ غَدَا إِلَى السُّوقِ، غَدَا بِرَايَةِ إِبْلِيسَ».

تخريج: [إسناده ضعيف جداً] أخرجه الطبراني في الكبير: ٢٥٥/٦، ح: ٦١٤٦ من حديث عيسى بنه، وقال البوصيري في عيسى: هو متفق على تضعيفه، وقال الهيثمي: هو ضعيف متروك.

2235. It was narrated from Sâlim bin 'Abdullâh bin 'Umar, from his father, that his grandfather told that the Messenger of Allâh ﷺ said: "Whoever says, when he enters the marketplace: *'Lâ ilâha illallâh wahdahu lâ sharika lahu, lahul-mulk wa lahu-l-hamdu, yuhyi wa yumitu, wa Huwa hayyun la yamutu, bi yadihil-khairu kulluhu, wa Huwa 'ala kulli shay'in Qadir* (None has the right to be worshiped but Allâh alone, with no partner, to Him belongs all sovereignty and to Him is the praise, He gives life and gives death, and He is Ever-Living and does not die; in His Hand is all goodness and He is Able to do all things), Allâh will record for him one million good deeds, and will erase from him one million bad deeds, and will build for him a house in Paradise." (*Da'if*)

٢٢٣٥ - حَدَّثَنَا بَشْرُ بْنُ مُعَاذٍ الضَّرِيرُ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ، عَنْ عَمْرِو بْنِ دِينَارٍ، مَوْلَى آلِ الرَّبِيعِ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ بْنِ عَمْرٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ قَالَ حِينَ يَدْخُلُ السُّوقَ: لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ. لَهُ الْمُلْكُ وَلَهُ الْحَمْدُ يُحْيِي وَيُمِيتُ، وَهُوَ حَيٌّ لَا يَمُوتُ. بِيَدِهِ الْخَيْرُ كُلُّهُ وَهُوَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ - كَتَبَ اللَّهُ لَهُ أَلْفَ أَلْفِ حَسَنَةٍ، وَمَحَا عَنْهُ أَلْفَ أَلْفِ سَيِّئَةٍ. وَبَنَى لَهُ بَيْتًا فِي الْجَنَّةِ».

تخريج: [إسناده ضعيف] أخرجه الترمذي، الدعوات، باب ما يقول إذا دخل السوق، ح: ٣٤٢٩ من حديث حماد بنه * وعمره ضعيف كما في التقريب، وله طريق آخر عند الترمذي،

ح: ٣٤٢٨، وفيه أزهر بن سنان وهو ضعيف (تقريب)، وللحديث شواهد ضعيفة عند الحاكم: ١/٥٣٨، ٥٣٩، وابن السني وغيرهما.

Comments:

- Going to the market for lawful needs is allowed.
- Remembering Allāh at a place where the atmosphere is unmindful of Allāh is a matter of enormous reward.
- A good deed performed according to the Sunnah, which apparently looks small, has a high status before Allāh ﷻ.
- Only those words and supplications should be chanted and remembered which are authentically reported from the Prophet ﷺ; self made and self introduced remembrances must be avoided.

Chapter 41. The Blessing That Is Hoped For When Starting One's Day Early

(المعجم ٤١) - بَابُ مَا يُرْجَى مِنَ
الْبَرَكَةِ فِي الْبُكُورِ (التحفة ٤١)

2236. It was narrated from Sakhr Al-Ghâmidî that the Messenger of Allāh ﷺ said: "O Allāh, bless my nation in their early mornings (i.e., what they do early in the morning)." (*Hasan*)

He said: "When he sent out a raiding party or an army, he would send them at the beginning of the day."

He said:^[1] "Sakhr was a man engaged in trade, and he used to send his goods out at the beginning of the day, and his wealth grew and increased."

٢٢٣٦ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا هُشَيْمٌ عَنْ يَعْلَى بْنِ عَطَاءٍ، عَنْ عُمَارَةَ بْنِ حَدِيدٍ، عَنْ صَخْرِ الْغَامِدِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «اللَّهُمَّ بَارِكْ لَأُمَّتِي فِي بُكُورِهَا».

قَالَ: وَكَانَ إِذَا بَعَثَ سَرِيَّةً أَوْ جَيْشًا، بَعَثَهُمْ فِي أَوَّلِ النَّهَارِ.

قَالَ: وَكَانَ صَخْرٌ رَجُلًا تَاجِرًا. فَكَانَ يَبْعُثُ تِجَارَتَهُ فِي أَوَّلِ النَّهَارِ فَأَنْزَلَتْ وَكَثُرَ مَالُهُ.

تخريج: [إسناده حسن] أخرجه سعيد بن منصور في سننه، ح: ٢٣٨٢ عن هشيم به، ومن طريقه أخرجه أبو داود، ح: ٢٦٠٦، وصححه ابن خزيمة، وابن حبان.

Comments:

- Morning time is a blessed time; therefore it should be spent in good work. It should not get wasted in negligence and sleep.
- Opening a shop early in the morning is a source of blessing for the shopkeeper.

^[1] It is likely that the speaker here is 'Umârah bin Hadid who narrated it from Sakhr in this narration, as well as with Abu Dâwud, Tirmidhi, Ahmad and others.

2237. It was narrated from Abu Hurairah that the Messenger of Allāh ﷺ said: "O Allāh, bless my nation early in the morning of Thursday." (Sahih)

٢٢٣٧ - حَدَّثَنَا أَبُو مَرْوَانَ مُحَمَّدُ بْنُ عُثْمَانَ الْعُثْمَانِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ مَيْمُونٍ الْمَدَنِيُّ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي الزُّنَادِ، عَنْ أَبِيهِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «اللَّهُمَّ بَارِكْ لَأُمَّتِي فِي بُكُورِهَا يَوْمَ الْخَمِيسِ».

تخریج: [إسناده ضعيف] أخرجه الحافظ المزي في تهذيب الكمال، ق: ١٢٨٠/٣ من حديث أبي مروان به، وقال البوصيري: هذا إسناد ضعيف * محمد بن ميمون لم أجده من وثقه، وقال صاحب التهذيب في حديثه: منكر .

2238. It was narrated from Ibn 'Umar that the Prophet ﷺ said: "O Allāh, bless my nation in their early mornings." (Sahih)

٢٢٣٨ - حَدَّثَنَا يَعْقُوبُ بْنُ حُمَيْدٍ بْنُ كَاسِبٍ: حَدَّثَنَا إِسْحَاقُ بْنُ جَعْفَرٍ بْنُ مُحَمَّدٍ ابْنِ عَلِيٍّ بْنِ الْحُسَيْنِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرِ الْجَدْعَانِيِّ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ أَنَّ النَّبِيَّ ﷺ قَالَ: «اللَّهُمَّ بَارِكْ لَأُمَّتِي فِي بُكُورِهَا».

تخریج: [صحيح] أخرجه الخطيب في موضح أوهام الجمع والتفريق: ٣١٨/١ من حديث يعقوب بن حميد ثنا إسحاق بن جعفر عن محمد بن عبد الرحمن بن أبي بكر يعني عن عبيد الله بن عمر عن نافع به، وهو الصواب، وكذا أخرجه الطبراني في الصغير وغيره عن إسماعيل بن أبي أويس عن محمد بن عبد الرحمن الجدعاني به * الجدعاني وأبوه ضعيفان كما في التهذيب وغيره، وانظر، ح: ٢٢٣٦.

Chapter 42. Selling The Musarrāh^[1]

(المعجم ٤٢) - بَابُ بَيْعِ الْمُسَرَّرَةِ (التحفة ٤٢)

2239. It was narrated from Abu Hurairah that the Prophet ﷺ said: "Whoever buys a Musarrāh, he has the choice (of annulling the deal) for three days. If he returns

٢٢٣٩ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، وَ عَلِيُّ بْنُ مُحَمَّدٍ. قَالَا: حَدَّثَنَا أَبُو أَسَامَةَ عَنْ هِشَامِ بْنِ حَسَّانٍ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ

^[1] A Musarrāh is a sheep or she-camel that is not milked for one or two days, to increase the amount of milk in its udder, so that it can then be sold for a higher price. This kind of deception and cheating is forbidden in Islam.

it, then he must also give a *Sâ'* of dates, not *Samrâ'*." Meaning wheat. (*Sahih*)

أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ ابْتَاغَ مُصْرَاةً، فَهُوَ بِالْخِيَارِ ثَلَاثَةَ أَيَّامٍ. فَإِنْ رَدَّهَا، رَدَّ مَعَهَا صَاعًا مِنْ تَمْرٍ، لَا سَمْرَاءَ» يَعْنِي الْجِنَّةَ.

تخریج: أخرجه مسلم، البيوع، باب حكم بيع المصرة، ح: ۲۶، ۲۵/۱۵۲۴ من طريقين عن

محمد بن سيرين به.

Comments:

- When people want to sell a milch animal (like: a cow, buffalo, goat or sheep etc.), they stop milking it two or three days in advance; due to which the udders become quite full with milk. Looking at the big udders, the buyer thinks that this cow, buffalo, goat or camel will give a good amount of milk; thus he buys it and pays a good price. It is a kind of deception, and deceiving someone is unlawful.
- Three days deadline is fixed to cancel this transaction. Because the first day's milking does not disclose the secret of cheating; as for the second day, the buyer may think that the milk was less probably because of the change of atmosphere, or because of less or more fodder; but if the milk is less on the third day as well, then it means the milk was definitely stopped by the seller from being milked, and this is how the deception was committed.
- Paying a *Sâ'* of dates to the owner at the time of returning the animal is ordered on moral ground; because if the owner feels anger due to the cancellation of transaction, it may soothe the anger to some limit. It is not the price of the milk used for three days. If the buyer benefits from milk, he feeds the animal and looked after its necessary needs as well.

2240. 'Abdullâh bin 'Umar said: "The Messenger of Allâh ﷺ said: 'Whoever buys a *Muhaffalah*,^[1] he has the choice (of annulling the deal) for three days. If he returns it, then he must also give wheat equal to twice the amount of its milk, or equal to the amount of its milk.'" (*Da'if*)

۲۲۴۰ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنُ أَبِي السَّوَارِبِ: حَدَّثَنَا عَبْدُ الْوَاحِدِ بْنُ زِيَادٍ: حَدَّثَنَا صَدَقَةُ بْنُ سَعِيدٍ الْحَقَنِيُّ: حَدَّثَنَا جُمَيْعُ ابْنُ عُمَيْرٍ التَّيْمِيُّ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «يَا أَيُّهَا النَّاسُ مَنْ بَاعَ مُحَفَّلَةً فَهُوَ بِالْخِيَارِ ثَلَاثَةَ أَيَّامٍ. فَإِنْ رَدَّهَا، رَدَّ مَعَهَا مِثْلِي لَبَنَهَا أَوْ قَالَ مِثْلَ لَبَنَهَا قَمْحًا».

تخریج: [إسناده ضعيف] أخرجه أبو داود، البيوع، باب من اشترى مصراة فكرهها،

^[1] Meaning: *Musarrâh*. (Sindi)

ح: ٣٤٤٦ من حديث عبد الواحد به * صدقة وجميع ضعيفان ضعفهما الجمهور، راجع التهذيب وغيره.

2241. It was narrated that 'Abdullâh bin Mas'ud said: "I bear witness that the true and truly inspired one Abul-Qâsim ﷺ told us: 'Selling a *Muhaffalah* is *Khilâbah*, and *Khilâbah* is not lawful for the Muslim.'" (Ibn Mâjah said: "Meaning: 'Deception.'") (*Da'if*)

٢٢٤١ - حَدَّثَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا الْمُسْعُودِيُّ عَنْ جَابِرٍ، عَنْ أَبِي الصُّحَى، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ أَنَّهُ قَالَ: أَشْهَدُ عَلَى الصَّادِقِ الْمُسَدِّقِ أَبِي الْقَاسِمِ ﷺ أَنَّهُ حَدَّثَنَا، قَالَ: «بَيْعُ الْمُحَفَّلَاتِ خِلَابَةٌ. وَلَا تَحِلُّ الْخِلَابَةُ لِمُسْلِمٍ». [قَالَ ابْنُ مَاجَةٍ: يَعْنِي الْخَدِيعَةَ]

تخريج: [إسناده ضعيف جداً] أخرجه أحمد: ٤٣٣/١ عن وكيع به.

Chapter 43. A Slave's Earnings Belong To His Guarantor^[1]

(المعجم ٤٣) - بَابُ الْخَرَجِ بِالضَّمَانِ (التحفة ٤٣)

2242. It was narrated from 'Āishah that the Messenger of Allāh ﷺ ruled that what a slave earns belongs to his guarantor. (*Hasan*)

٢٢٤٢ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَعَلِيُّ بْنُ مُحَمَّدٍ. قَالَا: حَدَّثَنَا وَكِيعٌ عَنْ ابْنِ أَبِي ذَنْبٍ عَنْ مُحَمَّدِ بْنِ حُفَافٍ بْنِ إِمَاءَ بْنِ رَحْضَةَ الْغِفَارِيِّ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَضَى أَنَّ خَرَجَ الْعَبْدِ بِضْمَانِهِ.

تخريج: [إسناده حسن] أخرجه أبو داود، البيهقي، باب: فيمن اشترى عبداً فاستعمله ثم جده به عبداً، ح: ٣٥٠٨، ٣٥٠٩ من حديث ابن أبي ذئب به، وصححه الترمذي، ح: ١٢٨٥، وابن الجارود، ح: ٦٢٧، وابن حبان، ح: ١١٢٥ وغيرهم.

2243. It was narrated from 'Āishah that a man bought a slave and put him to work, then he found some defect in him, so he returned him. He (the seller) said: "O Messenger of Allāh, he put my slave to work." The Messenger of

٢٢٤٣ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا مُسْلِمٌ بْنُ خَالِدٍ الزُّرَّاجِيُّ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أَنَّ رَجُلًا اشْتَرَى عَبْدًا فَاسْتَعْلَهُ. ثُمَّ وَجَدَ بِهِ عَيْبًا فَرَدَّهُ. فَقَالَ:

^[1] i.e., his master who put him to work at the time he earned that income.

Allāh ﷺ said: "A slave's earnings belong to his guarantor." (*Da'if*)

يَا رَسُولَ اللَّهِ إِنَّهُ قَدْ اسْتَعْلَى غُلَامِي. فَقَالَ رَسُولُ اللَّهِ ﷺ: «الْخَرَجُ بِالضَّمَانِ».

تخريج: [إسناده ضعيف] أخرجه أبو داود، البيهقي، الباب السابق، ح: ٣٥١٠ من حديث مسلم الزنجي به، وصححه ابن الجارود، ح: ٦٢٦، وابن حبان (موارد)، ح: ١١٢٦، والحاكم: ٢/١٥، والذهبي، وأعله الذهبي.

Comments:

- If something is bought which brings in income, and then it is returned, the buyer will not give anything in return to the seller along with the commodity for the number of days he kept it and benefited from it. Only the milking animal is exempt from this rule; a *Sā'* of dates will be given in return along with the animal.
- If the animal dies while in the charge of the buyer; or anything else goes to waste or is destroyed, then the buyer will bear this loss. If the buyer gets an income from it, he deserves it. The buyer will not return the income earned from that item when returning it to the seller.

Chapter 44. Contractual Obligation Regarding A Slave

(المعجم ٤٤) - بَابُ عَهْدَةِ الرَّقِيقِ

(التحفة ٤٤)

2244. It was narrated from Samurah bin Jundab that the Messenger of Allāh ﷺ said: "The contractual obligation regarding a slave lasts for three days."^[1] (*Da'if*)

٢٢٤٤ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، إِنَّ شَاءَ اللَّهِ، عَنْ سُمُرَةَ ابْنِ جُنْدُبٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «عَهْدَةُ الرَّقِيقِ ثَلَاثَةُ أَيَّامٍ».

تخريج: [إسناده ضعيف] أخرجه الطبراني في الكبير: ٢١٠/٧، ح: ٦٨٧٤ من حديث محمد بن عبدالله بن نمير (وغيره) به، وانظر، ح: ٤٢٩، ١٧٥، لعلته، وله شاهد ضعيف، انظر الحديث الآتي.

2245. It was narrated from 'Uqbah bin 'Amir that the Messenger of Allāh ﷺ said: "There is no contractual obligation after four (days)." (*Da'if*)

٢٢٤٥ - حَدَّثَنَا عَمْرُو بْنُ رَافِعٍ: حَدَّثَنَا هُثَيْمٌ عَنْ يُونُسَ بْنِ عُبَيْدٍ، عَنْ الْحَسَنِ، عَنْ عُقْبَةَ بْنِ عَامِرٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا عَهْدَةَ بَعْدَ أَرْبَعٍ».

تخريج: [إسناده ضعيف] أخرجه أبو داود، البيهقي، باب في عهدة الرقيق، ح: ٣٥٠٦،

[1] Meaning, the seller is responsible for any defect found in the slave during that time.

٣٥٠٧ من حديث الحسن به، وقال المنذري: هذا منقطع، فإن الحسن لم يصح له سماع من عقبة.

Comments:

The meaning of the *Hadith* is when one buys a slave and then later finds a defect in him. If the buyer comes across the defect within three days and he wants to return him, then he may do so. He is not allowed to do so after three days. But this *Hadith* is Weak. It is a moral and religious duty of every seller to disclose, very clearly, the defect in whatever he sells.

Chapter 45. One Who Sells Defective Goods Should Point Out The Defect

2246. It was narrated that 'Uqbah bin 'Âmir said: "I heard the Messenger of Allâh ﷺ say: 'The Muslim is the brother of another Muslim, and it is not permissible for a Muslim to sell his brother goods in which there is a defect, without pointing that out to him.'" (*Sahih*)

(المعجم ٤٥) - بَابُ مَنْ بَاعَ عَيْبًا
فَلْيُبَيِّنْهُ (التحفة ٤٥)

٢٢٤٦ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ: حَدَّثَنَا أَبِي: سَمِعْتُ يَحْيَى ابْنَ أُيُوبَ يُحَدِّثُ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ شُمَّاسَةَ، عَنْ عُقْبَةَ بْنِ عَامِرٍ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «الْمُسْلِمُ أَخُو الْمُسْلِمِ. وَلَا يَجِلُّ لِلْمُسْلِمِ بَاعُ مَنْ أَخِيهِ بَيْعًا، فِيهِ عَيْبٌ، إِلَّا بَيَّنَّهُ لَهُ».

تخريج: أخرجه مسلم، النكاح، باب تحريم الخطبة على خطبة أخيه حتى يأذن أو يترك، ح: ١٤١٤ من حديث يزيد بن أبي حبيب به مطولاً بالفاظ مختلفة، والمعنى واحد.

Comments:

- Every Muslim should be a well-wisher of other Muslims.
- Any defect and shortcoming in the commodity on sale should be disclosed; because it may be that the defect does not have any bearing for the objective for which the buyer requires.
- The price of a fine quality item should not be set upon one of lower quality.
- Disclosing a defect of any commodity is honesty, and honesty is an important quality of a Muslim.

2247. It was narrated that Wâthilah bin Asqa' said: "I heard the Messenger of Allâh ﷺ say: 'Whoever sells defective goods without pointing it out, he will remain subject to the wrath of Allâh, and the angels will continue to curse him.'" (*Da'if*)

٢٢٤٧ - حَدَّثَنَا عَبْدُ الْوَهَّابِ بْنُ الصَّحَّاحِ: حَدَّثَنَا بَقِيَّةُ بْنُ الْوَلِيدِ، عَنْ مُعَاوِيَةَ بْنِ يَحْيَى، عَنْ مَكْحُولٍ وَ سُلَيْمَانَ بْنِ مُوسَى، عَنْ وَائِلَةَ بْنِ الْأَسْقَعِ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ بَاعَ عَيْبًا لَمْ يَبَيِّنْهُ، لَمْ يَزَلْ فِي مَقْتِ اللَّهِ، وَلَمْ تَزَلِ الْمَلَائِكَةُ تَلْعَنُهُ».

تخريج: [إسناده ضعيف] أخرجه الطبراني في الكبير: ٢٢/٥٤، ٥٥، ح: ١٢٩ من حديث عبد الوهاب به باختلاف السند، وتابعه موسى بن أيوب عنده، ح: ١٥٧ باختلاف السند، بقية عنن، وعبد الوهاب بن الضحاك متروك، وفيه علة أخرى.

Chapter 46. Prohibition Of Separating Captives

(المعجم ٤٦) - بَابُ النَّهْيِ عَنِ التَّفْرِيقِ بَيْنَ السَّبْيِ (التحفة ٤٦)

2248. It was narrated that 'Abdullâh bin Mas'ud said: "When captives were brought to him, the Prophet ﷺ would give the members of one family together (to one person), not wanting to separate them." (*Da'if*)

٢٢٤٨ - حَدَّثَنَا عَلِيُّ بْنُ مُحَمَّدٍ وَ مُحَمَّدٌ بْنُ إِسْمَاعِيلَ. قَالَا: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا سُفْيَانُ عَنْ جَابِرٍ عَنِ الْقَاسِمِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ قَالَ: كَانَ النَّبِيُّ ﷺ، إِذَا أَتَى بِالسَّبْيِ، أَغْطَى أَهْلَ الْبَيْتِ جَمِيعًا. كَرَاهِيَةً أَنْ يُفَرَّقَ بَيْنَهُمْ.

تخريج: [إسناده ضعيف جدًا] أخرجه ابن أبي شيبة: ١٩٢/٧، ح: ٢٨٥٦ عن وكيع به، وانظر، ح: ٣٥٦ لعلته.

2249. It was narrated that 'Ali said: "The Messenger of Allâh ﷺ gave me two slaves who were brothers, and I sold one of them. He said: 'What happened with the two slaves?' I said: 'I sold one of them.' He said: 'Take him back.'" (*Da'if*)

٢٢٤٩ - حَدَّثَنَا مُحَمَّدٌ بْنُ يَحْيَى: حَدَّثَنَا عَفَّانُ عَنْ حَمَّادٍ: أَنَّكَ الْحَجَّاجُ عَنِ الْحَكَمِ، عَنْ مَيْمُونِ بْنِ أَبِي شَيْبٍ، عَنْ عَلِيٍّ قَالَ: وَهَبَ لِي رَسُولُ اللَّهِ ﷺ غُلَامَيْنِ أَخَوَيْنِ. فَبِعْتُ أَحَدَهُمَا. فَقَالَ: «مَا فَعَلَ الْغُلَامَانِ؟» قُلْتُ: بَعْتُ أَحَدَهُمَا. قَالَ: «رُدَّهُ».

تخريج: [إسناده ضعيف] أخرجه أحمد: ١٠٢/١ عن عفان وغيره، والترمذي، ح: ١٢٨٤ عن ابن مهدي، كلهم عن حماد بن سلمة به، وقال الترمذي: حسن غريب، أخرجه أبو داود، ح: ٢٦٩٦ من طريق آخر عن الحكم به بلفظ مختلف، وقال: ميمون لم يدرك عليًا، وللحديث شواهد ضعيفة عند البيهقي: ١٢٧/٩ وغيره، وصححه الحاكم.

2250. It was narrated that Abu Musa said: "The Messenger of Allâh ﷺ cursed the one who separates a mother and her child, or a brother from his brother." (*Da'if*)

٢٢٥٠ - حَدَّثَنَا مُحَمَّدٌ بْنُ عَمْرِو بْنِ الْهَيَّاجِ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُوسَى: أَنَّكَ إِبْرَاهِيمُ بْنُ إِسْمَاعِيلَ عَنْ طَلْحَةَ بْنِ عِمْرَانَ، عَنْ أَبِي بُرْكَدَةَ، عَنْ أَبِي مُوسَى قَالَ: لَعَنَ رَسُولُ اللَّهِ ﷺ مَنْ فَرَّقَ بَيْنَ الْوَالِدَةِ وَوَلَدِهَا. وَبَيْنَ الْأَخِ

وَبَيْنَ أَخِيهِ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ١٢٨/٩ من حديث عبيد الله بن موسى به، وقال: إبراهيم بن إسماعيل بن مجمع هذا لا يحتج به، وانظر، ح: ١٠٦٩، والسند ضعفه البوصيري.

Chapter 47. Buying Slaves

(المعجم ٤٧) - بَابُ شَرَاءِ الرَّقِيقِ

(التحفة ٤٧)

2251. It was narrated that 'Abdul-Majid bin Wahb said: "Addâ' bin Khâlid bin Hawdhah said to me: 'Shall I not read to you a letter that the Messenger of Allâh ﷺ wrote to me?' I said: 'Yes.' So he took out a letter. In it was: 'This is what 'Addâ' bin Khâlid bin Hawdhah bought [from] Muhammad the Messenger of Allâh ﷺ. He bought from him a slave' - or - 'a female slave, having no ailments, nor being a runaway, nor having any malicious behavior. Sold by a Muslim to a Muslim.'" (Hasan)

٢٢٥١ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبَادُ بْنُ لَيْثٍ، صَاحِبُ الْكَرَائِسِيِّ: حَدَّثَنَا عَبْدُ الْمَجِيدِ بْنُ وَهْبٍ قَالَ: قَالَ لِي الْعَدَاءُ بْنُ خَالِدِ بْنِ هُوْدَةَ: أَلَا تَقْرَأُكَ كِتَابًا كَتَبَهُ لِي رَسُولُ اللَّهِ ﷺ؟ قَالَ: قُلْتُ: بَلَى. فَأَخْرَجَ لِي كِتَابًا. فَإِذَا فِيهِ: «هَذَا مَا اشْتَرَى الْعَدَاءُ بْنُ خَالِدِ بْنِ هُوْدَةَ [مِنْ] مُحَمَّدٍ رَسُولِ اللَّهِ ﷺ. اشْتَرَى مِنْهُ عَبْدًا أَوْ أَمَةً. لَا دَاءَ وَلَا غَائِلَةَ وَلَا خَبِيَّةَ. بَيْعَ الْمُسْلِمِ لِلْمُسْلِمِ».

تخريج: [حسن] أخرجه الترمذي، البيهقي، باب ما جاء في كتابة الشروط، ح: ١٢١٦ عن محمد بن بشار به، وقال: حسن غريب، وعلقه البخاري قبل، ح: ٢٠٧٩ بصيغة التمریض، وصححه ابن الجارود، ح: ١٠٢٨، المنتقى، وحسنه الحافظ في الفتح: ٣٥٠/١٢ * عباد بن ليث مختلف فيه، وتابعه المنهال بن بحر عند الحافظ في تعليق التعليق: ٢١٩/٣ وغيره.

Comments:

- A document should be composed when selling and buying something precious.
- 'Bought a male or a female slave', i.e., the document has the word written 'male slave' or 'female slave'; this doubt is from 'Abbâd bin Laith, who is a teacher of Imam Ibn Mâjah's teacher.
- The word *Ghâ'ilah* is explained through various meanings: i.e. she does not have a habit of running away, stealing or committing adultery or any other bad habit; this word also means she is not stolen property; and the third meaning is that the seller is not hiding any defect in the slave.

2252. It was narrated from 'Amr bin Shu'aib from his father that his grandfather told that the Messenger of Allāh ﷺ said: "When anyone of you buys a slave woman let him say: 'Allāhumma inni as'aluka khairahā wa khaira mā jabaltahā 'alaihi, wa a'udhu bika min sharriha wa sharri mā jabaltahā 'alaihi (O Allāh, I ask You for the goodness within her and the goodness that You have made her inclined towards, and I seek refuge with You from the evil within her and the evil that You have made her inclined towards).' And he should pray for blessing. And if anyone of you buys a camel then he should take hold of its hump and pray for blessing and say similar words." (Hasan)

Chapter 48. Bartering And Excesses Not Permitted In Hand-To-Hand Exchange

2253. It was narrated that Mālik bin Aws bin Hadathān Nasri said: "I heard 'Umar bin Al-Khattāb say: 'The Messenger of Allāh ﷺ said: "Exchanging gold for gold is usury, unless it is done on the spot. (Exchanging) wheat for wheat is usury, unless it is done on the spot. (Exchanging) barley for barley is usury unless it is done on the spot. (Exchanging) dates for dates is usury, unless it is done on the spot." (Sahih)

٢٢٥٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ سَعِيدٍ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ ابْنِ عَجَلَانَ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا اشْتَرَى أَحَدُكُمْ الْجَارِيَةَ فَلْيَقُلْ: اللَّهُمَّ إِنِّي أَسْأَلُكَ خَيْرَهَا وَخَيْرَ مَا جَبَلْتَهَا عَلَيْهِ. وَأَعُوذُ بِكَ مِنْ شَرِّهَا وَشَرِّ مَا جَبَلْتَهَا عَلَيْهِ. وَلْيَدْعُ بِالْبَرَكَةِ. وَإِذَا اشْتَرَى أَحَدُكُمْ بَعِيرًا فَلْيَأْخُذْ بِذِرْوَةِ سَنَامِهِ وَلْيَدْعُ بِالْبَرَكَةِ وَلْيَقُلْ مِثْلَ ذَلِكَ».

تخريج: [حسن] تقدم، ح: ١٩١٨ .

(المعجم ٤٨) - بَابُ الصَّرْفِ وَمَا لَا يَجُوزُ مُتَفَاضِلًا يَدًا بِيَدٍ (التحفة ٤٨)

٢٢٥٣ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، وَ عَلِيُّ بْنُ مُحَمَّدٍ، وَ هِشَامُ بْنُ عَمَّارٍ، وَ نَصْرُ بْنُ عَلِيٍّ، وَ مُحَمَّدُ بْنُ الصَّبَّاحِ. قَالُوا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ مَالِكِ بْنِ أَوْسٍ بْنِ الْحَدَثَانِ النَّصْرِيِّ قَالَ: سَمِعْتُ عَمَرَ بْنَ الْخَطَّابِ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «الذَّهَبُ بِالذَّهَبِ رِبًا إِلَّا هَاءَ وَهَاءَ. وَالْبُرُّ بِالْبُرِّ رِبًا إِلَّا هَاءَ وَهَاءَ. وَالشَّعِيرُ بِالشَّعِيرِ رِبًا إِلَّا هَاءَ وَهَاءَ. وَالتَّمْرُ بِالتَّمْرِ رِبًا

إِلَّا هَاءَ وَهَاءَ».

تخريج: أخرجه البخاري، البيهقي، باب ما يذكر في بيع الطعام والحكرة، ح: ٢١٣٤، ومسلم، المساقاة، باب الصرف وبيع الذهب بالورق نقدًا، ح: ١٥٨٦ من حديث سفيان (وغيره).

Comments:

- If the category of foodstuff is the same but the kinds are different, then it is lawful to exchange them for each other with two conditions; A): The quantity from both sides should be equal, for example: a *Sâ'* of a certain type of dates may be exchanged for a *Sâ'* of another kind of dates. But taking or giving two *Sâ'* of dates in exchange for one *Sâ'* of dates is unlawful. B) To exchange foodstuff with immediate payment that both parties exchange things in the same meeting.
- Gold and silver have the same rule. Gold for gold should be exchanged with the payment on the spot, and equal weight.
- But if the class is different, then it is allowed to decrease and increase the weight and quantity; for example: Barley in exchange for wheat, or silver for gold, the equality of quantity is not necessary in this form. But the exchange should be made with immediate payment from both sides.
- If a person owns a low quality wheat and he wants to buy a better quality; the lawful method to do so is that he should sell his wheat for cash and then should buy the required wheat with money.

2254. Muslim bin Yasâr and 'Abdullâh bin 'Ubaid said: "Ubâdah bin Sâmit and Mu'âwiyah happened to meet, either in a church or in a synagogue. 'Ubâdah bin Sâmit narrated to them and said: 'The Messenger of Allâh ﷺ forbade us from selling silver for silver, gold for gold, wheat for wheat, barley for barley, and dates for dates.'" - one of them said: "And salt for salt," but the other did not say it. - "And he commanded us to sell wheat for barley, or barley for wheat, hand-to-hand, however we wished." (*Sahih*)

٢٢٥٤ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ؛ ح: وَحَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ ابْنُ خَدَّاشٍ: حَدَّثَنَا إِسْمَاعِيلُ ابْنُ عُثَيْبٍ قَالَ: حَدَّثَنَا سَلَمَةُ بْنُ عَلْقَمَةَ التَّمِيمِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ سِيرِينَ أَنَّ مُسْلِمَ بْنَ بَسَارٍ وَ عَبْدِ اللَّهِ بْنَ عُثَيْبٍ حَدَّثَاهُ قَالَا: جَمَعَ الْمَنْزِلُ بَيْنَ عِبَادَةِ بْنِ الصَّامِتِ وَمُعَاوِيَةَ. إِمَّا فِي كَنْسَةِ وَإِمَّا فِي بَيْعَةٍ. فَحَدَّثَهُمْ عِبَادَةُ بْنُ الصَّامِتِ فَقَالَ: نَهَانَا رَسُولُ اللَّهِ ﷺ عَنْ بَيْعِ الْوَرَقِ بِالْوَرَقِ، وَالذَّهَبِ بِالذَّهَبِ، وَالْبُرِّ بِالْبُرِّ، وَالشَّعِيرِ بِالشَّعِيرِ، وَالتَّمْرِ بِالتَّمْرِ، قَالَ أَحَدُهُمَا: وَالْمِلْحَ بِالْمِلْحِ. وَلَمْ يَقُلْهُ الْآخَرُ

وَأَمَرَنَا أَنْ نَبِيعَ الْبُرَّ بِالشَّعِيرِ، وَالشَّعِيرَ بِالْبُرِّ
يَدًا بِيَدٍ، كَيْفَ شِئْنَا.

تخریج: [إسناده صحيح] أخرجه النسائي: ٢٧٤، ٢٧٥، البيهقي، . يبيع البر بالبر،
ح: ٤٥٦٤، ٤٥٦٥ من حديث يزيد وإسماعيل به، وللحديث طريق آخر عند مسلم وغيره.

Comments:

According to some scholars this rule applies only to the following things: Gold, silver, wheat, barley, dates and salt. In the opinion of other scholars the same rule applies to all other things also, which are not mentioned in the *Hadith*; that it is impermissible to exchange good quality things for lower quality or vice versa, or with an amount that is less or more.

2255. It was narrated from Abu Hurairah that the Prophet ﷺ said: '(Sell) silver for silver, gold for gold, barley for barley, wheat for wheat, like for like.' (*Sahih*)

٢٢٥٥ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا
يَعْلَى بْنُ عُبَيْدٍ: حَدَّثَنَا فُضَيْلُ بْنُ غَزْوَانَ عَنْ
ابْنِ أَبِي نَعْمٍ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ
قَالَ: «الْفِضَّةُ بِالْفِضَّةِ وَالذَّهَبُ بِالذَّهَبِ
وَالشَّعِيرُ بِالشَّعِيرِ وَالْحِنْطَةُ بِالْحِنْطَةِ، مِثْلًا
بِمِثْلٍ».

تخریج: أخرجه مسلم، المساقاة، باب الصرف وبيع الذهب بالورق نقدًا، ح: ٨٤/١٥٨٨ من
حديث فضيل به.

2256. It was narrated that Abu Sa'eed said: "The Prophet ﷺ used to give us dates from the collection (mixed)^[1] dates, and we would exchange them for dates that were better, and we add to the price.^[2] The Messenger of Allāh ﷺ said: 'It is not right to give one *Sā'* of dates for two *Sā'*, nor one Dirham for two Dirham. A Dirham for a Dirham and a Dinār for a Dinār is allowed; the only difference

٢٢٥٦ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ
سُلَيْمَانَ، عَنْ مُحَمَّدِ بْنِ عَمْرٍو، عَنْ أَبِي
سَلَمَةَ، عَنْ أَبِي سَعِيدٍ قَالَ: كَانَ النَّبِيُّ ﷺ
يُرْزُقُنَا تَمْرًا مِنْ تَمْرِ الْجَمْعِ. فَتَسْتَبْدِلُ بِهِ تَمْرًا
هُوَ أَطْيَبُ مِنْهُ وَنَزِيدُ فِي السَّعْرِ. فَقَالَ رَسُولُ
اللَّهِ ﷺ: «لَا يَصْلُحُ صَاعُ تَمْرٍ بِصَاعَيْنِ، وَلَا
دِرْهَمٌ بِدِرْهَمَيْنِ. وَالذَّرْهَمُ بِالذَّرْهَمِ وَالْدِّنَارُ
بِالدِّنَارِ. [وَلَا فَضْلَ بَيْنَهُمَا إِلَّا وَزْنًا].»

^[1] "It is said that every type of date whose name is not known is called *Jam'*; and it is said that the *Jam'* refers to a mixture of dates comprised of various types, none of which are most desirable, and not mixed except due to their inferiority." (Sindi).

^[2] Meaning that they would give more, or twice as much as this for that.

between them is in weight (i.e., the weight must be equal.”

(*Sahih*)

تخريج: أخرجه البخاري، البيهقي، باب بيع الخلط من التمر، ح: ٢٠٨٠، ومسلم، المساقاة، باب بيع الطعام مثلاً بمثل، ح: ١٥٩٥ من حديث يحيى (بن أبي كثير) عن أبي سلمة به.

Comments:

- When exchanging dates for dates, the weight should be equal, less or more weight is not allowed. The same is the case of other things; it is unlawful to exchange the same class foodstuff for less or more weight.
- The exchange of new currency notes for old ones, or the exchange of big notes for small ones should be on the basis of equality in numbers. Giving one hundred and ten old notes for exchange of one hundred new notes; or to belittle the value of coins in exchange for a note of one hundred is unlawful. Because the currency market makes no difference between the value of new notes and old ones, or in the value of coins.

Chapter 49. One Who Says That There Is No Usury Except In Credit

2257. It was narrated that Abu Hurairah said: "I heard Abu Sa'eed Al-Khudri say: 'A Dirham for a Dirham and a Dinâr for a Dinâr.' So I said: 'I heard Ibn 'Abbâs say something other than that.' He said: 'But I met Ibn 'Abbâs and said: "Tell me about what you say concerning exchange – is it something that you heard from the Messenger of Allâh ﷺ or something that you found in the Book of Allâh?" He said: "I did not find it in the Book of Allâh, and I did not hear it from the Messenger of Allâh; rather Usâmah bin Zaid told me that the Messenger of Allâh ﷺ said: "Usury is only in credit." [1]"

(المعجم ٤٩) - بَابُ مَنْ قَالَ لَا رِبَا إِلَّا فِي النَّسِيئَةِ (التحفة ٤٩)

٢٢٥٧ - حَدَّثَنَا مُحَمَّدُ بْنُ الصَّبَّاحِ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: سَمِعْتُ أَبَا سَعِيدٍ الْخُدْرِي يَقُولُ: الدِّرْهَمُ بِالدِّرْهَمِ وَالْدِّينَارُ بِالدِّينَارِ. فَقُلْتُ: إِنِّي سَمِعْتُ ابْنَ عَبَّاسٍ يَقُولُ غَيْرَ ذَلِكَ: قَالَ: أَمَا إِنِّي لَقِيتُ ابْنَ عَبَّاسٍ فَقُلْتُ: أَخْبِرْنِي عَنْ هَذَا الَّذِي تَقُولُ فِي الصَّرْفِ، أَشَيْءٌ سَمِعْتَهُ مِنْ رَسُولِ اللَّهِ ﷺ، أَمْ شَيْءٌ وَجَدْتَهُ فِي كِتَابِ اللَّهِ؟ فَقَالَ: مَا وَجَدْتُهُ فِي كِتَابِ اللَّهِ، وَلَا سَمِعْتُهُ مِنْ رَسُولِ اللَّهِ. وَلَكِنْ أَخْبَرَنِي أُسَامَةُ بْنُ زَيْدٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّمَا الرِّبَا فِي النَّسِيئَةِ».

[1] Meaning on credit, when the payment is deferred.

تخريج: أخرجه البخاري، البيهقي، باب بيع الدينار بالدينار نساء، ح: ٢١٧٨، ٢١٧٩ من حديث عمرو بن دينار به، ومسلم، المساقاة، الباب السابق، ح: ١٥٩٦ من حديث سفيان به.

Comments:

- Exchange of gold for silver or silver for gold should be with the payment on the spot.
- The currency of different countries should be exchanged according to the current rate with immediate payment. If one has American dollars and he wants to exchange them for Saudi riyals; or a person says, 'you give me the dollars and I shall pay you tomorrow such and such amount of riyals'; it is not allowed.
- 'Interest involves only when the payment is made later' this is if the exchanged items are of a different class; for example: gold for silver, or if wheat for dates are exchanged. It is allowed to exchange them for different amounts, so the exchange of one gram of gold for ten or fifteen grams of silver, or the exchange of forty kilograms of wheat for eighty kilograms of barley is allowed, provided the payment is made on the spot from both parties. The exchange of the same class for more or less amount is not allowed, even if the payment is made on the spot. It is also unlawful to exchange forty kilograms of good quality wheat for eighty kilograms of lower quality, even though the payment is made immediately from both sides.

2258. It was narrated that Abu Jawzâ' said: "I heard him - meaning Ibn 'Abbâs - allowing exchange (of Dirhams for Dirham etc., if extra was given) and that was narrated from him. Then I heard that he has taken back this opinion. I met him in Makkah and said: 'I heard that you had taken back (your opinion).' He said: 'Yes. That was just my own opinion, but Abu Sa'eed narrated from the Messenger of Allâh ﷺ that he forbade exchange (of like items if extra is given).'" (*Sahih*)

٢٢٥٨ - حَدَّثَنَا أَحْمَدُ بْنُ عَدَدَةَ: أَنَّ أَبَانَا حَمَادُ ابْنِ زَيْدٍ، عَنْ سُلَيْمَانَ بْنِ عَلِيٍّ الرَّبِيعِيِّ، عَنْ أَبِي الْجَوْزَاءِ قَالَ: سَمِعْتُهُ يَأْمُرُ بِالصَّرْفِ. يَعْنِي ابْنَ عَبَّاسٍ. وَيُحَدِّثُ ذَلِكَ عَنْهُ. ثُمَّ بَلَغَنِي أَنَّهُ رَجَعَ عَنْ ذَلِكَ. فَلَقِيتُهُ بِمَكَّةَ فَقُلْتُ: إِنَّهُ بَلَغَنِي أَنَّكَ رَجَعْتَ. قَالَ: نَعَمْ. إِنَّمَا كَانَ ذَلِكَ رَأْيًا مِنِّي. وَهَذَا أَبُو سَعِيدٍ يُحَدِّثُ عَنْ رَسُولِ اللَّهِ ﷺ أَنَّهُ نَهَى عَنِ الصَّرْفِ.

تخريج: [إسناده صحيح] أخرجه أحمد: ٤٨/٣ من حديث سليمان الربيعي به.

Comments:

- Bai' Sarf* is to exchange gold for silver or silver for gold, or the exchange of one country's currency with the currency of other country.
- Currency of a country is one class, and the currency of another country is a

different class, although their name is same; for example: As Pakistani rupee and the Indian rupee are two different classes.

- c. It is an agreed view that the exchange of different classes of currency will be unlawful if one party pays cash on the spot and the other party promises to pay later; because the immediate payment from both sides is a condition. Another condition is that if the currency is of the same class, then the increase or decrease in the amount given and taken must not be practiced.

Chapter 50. Exchanging Gold For Silver

2259. It was narrated that Zuhri heard Mâlik bin Aws bin Hadathân say: "I heard 'Umar say: "The Messenger of Allâh ﷺ said: 'Gold for silver is usury, unless it is exchanged on the spot.'" (Sahih)

Abu Bakr bin Abu-Shaibah said: "I heard sufyan saying: 'Gold for silver.'" memorize (this).

Comments:

- The exchange of gold and silver is permissible provided the payment from both sides is made on the spot.
- If this condition does not exist, then the exchange of gold and silver is Islamically prohibited.

2260. It was narrated that Mâlik bin Aws bin Hadathân said: "I came saying. 'Who will exchange Dirham?' Talhah bin 'Ubaidullâh, who was with 'Umar bin Khattâb, said: 'Show us your gold, then come to us; when our treasure comes, we will give you your silver.' 'Umar said: 'No, by Allâh, you will give him silver (now), or give him back his gold, for the Messenger of Allâh ﷺ said: "Silver for gold is usury, unless it is exchanged on the spot.'" (Sahih)

(المعجم ٥٠) - بَابُ صَرْفِ الذَّهَبِ

بِالْوَرِقِ (التحفة ٥٠)

٢٢٥٩ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ، سَمِعَ مَالِكَ ابْنَ أَوْسٍ بْنِ الْحَدَثَانِ يَقُولُ: سَمِعْتُ عُمَرَ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «الذَّهَبُ بِالْوَرِقِ رِبًا، إِلَّا هَاءَ وَهَاءَ».

قَالَ أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: سَمِعْتُ سُفْيَانَ يَقُولُ: الذَّهَبُ بِالْوَرِقِ. احْفَظُوا.

تخریج: [صحيح] تقدم، ح: ٢٢٥٣.

٢٢٦٠ - حَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَنْبَأَنَا اللَّيْثُ ابْنُ سَعْدٍ، عَنِ ابْنِ شِهَابٍ، عَنْ مَالِكِ بْنِ أَوْسٍ بْنِ الْحَدَثَانِ قَالَ: أَقْبَلْتُ أَقُولُ: مَنْ يَضْطَرُّ الدَّرَاهِمَ؟ فَقَالَ طَلْحَةُ بْنُ عُبَيْدِ اللَّهِ، وَهُوَ عِنْدَ عُمَرَ بْنِ الْخَطَّابِ: أَرِنَا ذَهَبَكَ. ثُمَّ اثْنَيْنَا، إِذَا جَاءَ خَازِنُنَا، نُعْطِكَ وَرَقَكَ.

فَقَالَ عُمَرُ: كَلَّا، وَاللَّهِ، لَتُعْطِيَنَّ وَرَقَهُ أَوْ لَتَرُدَّنَّ إِلَيْهِ ذَهَبَهُ. فَإِنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الْوَرِقُ بِالذَّهَبِ رِبًا، إِلَّا هَاءَ وَهَاءَ».

تخریج: [صحيح] تقدم، ح: ٢٢٥٣.

Comments:

Talhah bin 'Uбайдullah ؓ is one of the ten noble Companions ؓ who were given the good news of Paradise in their life. Despite this great honor, he did not know this issue until 'Umar ؓ gave the explanation. Therefore, being a great scholar does not mean that there is not any issue which he does not know; or that it is impossible for him to make any mistake and in any issue.

2261. It was narrated from 'Umar bin Muhammad bin 'Ali bin Abi Tâlib, from his father, that his grandfather said: "The Messenger of Allâh ﷺ said: 'Dinâr for Dinar, Dirham for Dirham, with no increase between them. Whoever has need of silver, let him trade gold for it, and whoever has need of gold, let him trade silver for it, and let the transaction be done on the spot.'" (Da'if)

٢٢٦١ - حَدَّثَنَا أَبُو إِسْحَاقَ الشَّافِعِيُّ إِبْرَاهِيمُ
ابْنُ مُحَمَّدٍ بْنِ الْعَبَّاسِ: حَدَّثَنِي أَبِي عَنْ أَبِيهِ
الْعَبَّاسِ بْنِ عُمَانَ بْنِ شَافِعٍ، عَنْ عُمَرَ بْنِ
مُحَمَّدٍ بْنِ عَلِيٍّ بْنِ أَبِي طَالِبٍ، عَنْ أَبِيهِ، عَنْ
جَدِّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الدِّينَارُ
بِالدِّينَارِ، وَالدِّرْهَمُ بِالدِّرْهَمِ، لَا فَضْلَ
بَيْنَهُمَا. فَمَنْ كَانَتْ لَهُ حَاجَةٌ بِوَرَقٍ،
فَلْيُضْطَرِّفْهَا بِذَهَبٍ. وَمَنْ كَانَتْ لَهُ حَاجَةٌ
بِذَهَبٍ، فَلْيُضْطَرِّفْهَا بِوَرَقٍ. وَالصَّرْفُ هَاءَ
وَهَاءَ».

تخريج: [إسناده ضعيف] أخرجه الطبراني في الأوسط: ١٨٣/٧، ١٨٤، ح: ٦٣٤٣ من حديث إبراهيم بن محمد به، وقال البوصيري: هذا إسناده ضعيف * عباس بن عثمان لا يعرف حاله (تقريب).

Chapter 51. Exchanging Gold For Silver And Silver For Gold

2262. It was narrated that Ibn 'Umar said: "I used to sell camels, and I used to buy gold for silver and silver for gold, Dinâr for Dirham and Dirham for Dinâr. I asked the Prophet ﷺ about that, and he said: 'If you take one of them and give the other, then you and your companion should not separate until everything is clear (i.e., the exchange is completed).'" (Hasan)

(المعجم ٥١) - بَابُ اقْتِضَاءِ الذَّهَبِ مِنَ
الْوَرَقِ وَالْوَرَقِ مِنَ الذَّهَبِ (التحفة ٥١)
٢٢٦٢ - حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ بْنِ
حَبِيبٍ، وَ سُهَيْلُ بْنُ وَكِيعٍ، وَمُحَمَّدُ بْنُ عُيَيْدٍ
بْنُ بَعْلَبَةَ الْجَمَانِيُّ. قَالُوا: حَدَّثَنَا عُمَرُ بْنُ
عُبَيْدٍ الطَّنَافِيسِيُّ: حَدَّثَنَا عَطَاءُ بْنُ السَّائِبِ أَوْ
سِمَاكٌ وَلَا أَعْلَمُهُ إِلَّا سِمَاكٌ، عَنْ سَعِيدِ بْنِ
جُبَيْرٍ، عَنْ ابْنِ عُمَرَ قَالَ: كُنْتُ أُبِيعُ الْإِبِلَ.
فَكُنْتُ أَخُذُ الذَّهَبَ مِنَ الْفِضَّةِ، وَالْفِضَّةَ مِنَ
الذَّهَبِ. وَالذَّنَانِيرَ مِنَ الدَّرَاهِمِ، وَالِدَّرَاهِمَ

Another chain with similar wording.

مِنَ الدَّنَانِيرِ. فَسَأَلْتُ النَّبِيَّ ﷺ فَقَالَ: «إِذَا أَخَذْتَ أَحَدَهُمَا وَأَعْطَيْتَ الْآخَرَ، فَلَا تُفَارِقْ صَاحِبَكَ وَبَيْتَكَ وَبَيْتَهُ لَبْسٌ».

حَدَّثَنَا يَحْيَى بْنُ حَكِيمٍ: حَدَّثَنَا يَعْقُوبُ ابْنُ إِسْحَاقَ: أُنْبَأَنَا حَمَّادُ بْنُ سَلَمَةَ، عَنْ سِمَاكِ بْنِ حَرْبٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عُمرَ عَنِ النَّبِيِّ ﷺ، نَحْوَهُ.

تخريج: [إسناده حسن] أخرجه أبو داود، البيهقي، باب في اقتضاء الذهب من الورق، ح: ٣٣٥٥، ٣٣٥٤ من حديث سماك به، وصححه ابن حبان (موارد)، ح: ١١٢٨، وابن الجارود، ح: ٦٥٥، والحاكم ٤٤/٢ على شرط مسلم، ووافقه الذهبي.

Comments:

The meaning of the *Hadith* is that the transaction of something was done for Dinâr, but the buyer paid the price in Dirham according to the exchange rate of Dinâr of the same day; it is lawful if the payment is made immediately in the same meeting.

Chapter 52. Prohibition Of Breaking Dirham And Dinâr

(المعجم ٥٢) - بَابُ النَّهْيِ عَنْ كَسْرِ الدَّرَاهِمِ وَالدَّنَانِيرِ (التحفة ٥٢)

2263. It was narrated from 'Alqamah bin 'Abdullâh that his father said: "The Messenger of Allâh ﷺ forbade breaking the coins of the Muslims that are in circulation among them, without any necessary reason."^[1] (*Da'if*)

٢٢٦٣ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، وَشُوَيْدُ بْنُ سَعِيدٍ، وَهَارُونُ بْنُ إِسْحَاقَ. قَالُوا: أُنْبَأَنَا الْمُعْتَمِرُ بْنُ سُلَيْمَانَ عَنْ مُحَمَّدِ ابْنِ فُضَّاءٍ، عَنْ أَبِيهِ، عَنْ عَلْقَمَةَ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ كَسْرِ سِكَّةِ الْمُسْلِمِينَ الْجَائِزَةِ بَيْنَهُمْ. إِلَّا مِنْ بَأْسٍ.

تخريج: [إسناده ضعيف] أخرجه أبو داود، البيهقي، باب: في كسر الدراهم، ح: ٣٤٤٩ من حديث المعتمر به * محمد بن فضاء ضعيف، وأبوه مجهول (تقريب).

Comments:

The explanation of *Hadith* is that the coin of gold or silver which is official

^[1] Since the coins were minted from silver and gold, they used to give a portion of them for some payments.

and is in circulation in the currency market, and also used for trade; it is unlawful to turn it into just normal gold or silver, because it disturbs the system that fulfills the needs of Muslims and the general public. However, if there is a genuine need to do so, for example, if the coin is unusable, in that case it might be dissolved into gold or silver.

Chapter 53. Selling Fresh Dates For Dried Dates

(المعجم ٥٣) - بَابُ بَيْعِ الرُّطْبِ بِالتَّمْرِ
(الصفحة ٥٣)

2264. It was narrated from 'Abdullāh bin Yazid, the freed slave of Al-Aswad bin Sufyān, that Zaid, Abu 'Ayyāsh, the freed slave of Banī Zuhrah, told him that he asked Sa'd bin Abu Waqqās about buying wheat with barley. Sa'd said to him: "Which of them is better?" He said: "Wheat." He told him not to do that and said: "I heard the Messenger of Allāh ﷺ being asked about buying fresh dates with dried dates, and he said: 'Do fresh dates decrease in weight when they become dry?' They said: 'Yes.' So he told them not to do that." (*Hasan*)

٢٢٦٤ - حَدَّثَنَا عَلِيُّ بْنُ مُحَمَّدٍ: حَدَّثَنَا وَكِيعٌ وَإِسْحَاقُ بْنُ سُلَيْمَانَ. قَالَا: حَدَّثَنَا مَالِكُ ابْنِ أَنَسٍ عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ، مَوْلَى الْأَسْوَدِ ابْنِ سُفْيَانَ أَنَّ زَيْدًا، أَبَا عَيَّاشٍ، مَوْلَى لَيْثِي زُهْرَةَ، أَخْبَرَهُ أَنَّهُ سَأَلَ سَعْدَ بْنَ أَبِي وَقَّاصٍ عَنْ اشْتِرَاءِ النَّبِضَاءِ بِالتَّمْرِ. فَقَالَ لَهُ سَعْدٌ: أَيُّهُمَا أَفْضَلُ؟ قَالَ: النَّبِضَاءُ. فَهَنَانِي عَنْهُ وَقَالَ: إِنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ سُئِلَ عَنْ اشْتِرَاءِ الرُّطْبِ بِالتَّمْرِ فَقَالَ: «أَيْتَنَقُصُ الرُّطْبُ، إِذَا يَسَّ؟» قَالُوا: نَعَمْ. فَهْنَى عَنْ ذَلِكَ.

تخريج: [إسناده حسن] أخرجه أبو داود، البيهقي، باب: في الثمر بالتمر، ح: ٣٣٥٩ من حديث مالك به، وهو في الموطأ (يحيى): ٢/٦٢٤، وصححه الترمذي، ح: ١٢٢٥، وابن الجارود، ح: ٦٥٧، والحاكم: ٢/٣٩٠، ٣٩١، والذهبي.

Comments:

- Sult* is a type of barley without any skin on it. It resembles wheat because of not having any skin; but its natural consumption quality is like barley. Anyhow it is counted from among the kinds of barley.
- The exchange of fresh and dry dates for each other is forbidden even though the payment is made on the spot.
- The dry and fresh dates apparently are the same class, and exchanging them for each other should be lawful, but this is not the case, and the reason of its prohibition is that they are not really equal in weight, despite their apparent look of equality in weight; because the fresh dates lose weight when they are dried.

Chapter 54. The Muzābanah and The Muhāqalah^[1]

(المعجم ٥٤) - بَابُ الْمُزَابَنَةِ وَالْمُحَاقَلَةِ
(التحفة ٥٤)

2265. It was narrated that 'Abdullāh bin 'Umar said: "The Messenger of Allāh ﷺ forbade the Muzābanah. The Muzābanah means when a man sells the dates of his grove when they are still on the tree, for a measure of dry dates,^[2] or, if it is grapes, he sells them when they are still on the vine, for a measure of raisins; or if it is a crop, he sells it for food, estimating the amount (of the crop in the field). He forbade all of these things." (Sahih)

٢٢٦٥ - حَدَّثَنَا عَلِيُّ بْنُ مُحَمَّدٍ: أَنَّ أَبَا نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الْمُزَابَنَةِ وَالْمُزَابَنَةُ أَنْ يَبِيعَ الرَّجُلُ تَمْرَ حَائِطِهِ، إِنْ كَانَتْ نَخْلًا، بِتَمْرٍ كَيْلًا. وَإِنْ كَانَتْ كَرْمًا، أَنْ يَبِيعَهُ بِزَيْبٍ كَيْلًا. وَإِنْ كَانَتْ زَرْعًا أَنْ يَبِيعَهُ بِكَيْلٍ طَعَامٍ. نَهَى عَنْ ذَلِكَ كُلِّهِ.

تخریج: أخرجه البخاري، البيهقي، باب بيع الزرع بالطعام كيلاً، ح: ٢٢٠٥، ومسلم، البيهقي، باب تحريم بيع الرطب بالتمر إلا في العراق، ح: ١٥٤٢/٧٦ من حديث الليث به.

Comments:

The Muzābanah transaction is when a person buys the fruits from an orchard of dates and pays a fixed amount of dry dates for it as price; or for example: he says: "I will buy all the crops about to ripen, of such and such field, for two thousand kilograms of wheat. It is unlawful because of the uncertainty of the produce of wheat in the field, if it is more than two thousand kilograms or less than that. This type of sale regarding the crops of field is called Muhāqalah; and the same type of transaction of the fruits of an orchard is called Muzābanah.

2266. It was narrated from Jābir bin 'Abdullāh that the Messenger of Allāh ﷺ forbade the Muhāqalah and the Muzābanah. (Sahih)

٢٢٦٦ - حَدَّثَنَا أَزْهَرُ بْنُ مَرْوَانَ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ، عَنْ أَيُّوبَ، عَنْ أَبِي الزُّبَيْرِ وَ سَعِيدِ بْنِ مِينَاءَ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنِ الْمُحَاقَلَةِ وَالْمُزَابَنَةِ.

تخریج: أخرجه مسلم، البيهقي، باب النهي عن المحاقلة والمزابنة ... إلخ، ح: ١٥٣٦/٨٥.

^[1] The Muzābanah: Selling fruit that is still on the tree for a measured amount of the dried fruit. The Muhāqalah: Selling crops that have not yet ripened for food that has already been harvested.

^[2] Estimating the amount of dates on the tree.

من حديث حماد بن زيد به.

2267. It was narrated that Râfi' bin Khadij said: "The Messenger of Allâh ﷺ forbade the *Muhâqalah* and the *Muzâbanah*." (*Hasan*)

٢٢٦٧ - حَدَّثَنَا هَنَادُ بْنُ السَّرِيِّ: حَدَّثَنَا أَبُو الْأَحْوَصِ عَنْ طَارِقِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ رَافِعِ بْنِ خَدِيجٍ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الْمُحَاقَلَةِ وَالْمُزَابَنَةِ.

تخريج: [إسناده حسن] أخرجه أبو داود، البيوع، باب: في التشديد في ذلك، ح: ٣٤٠٠ من حديث أبي الأحوص به * طارق بن عبد الرحمن وثقه الجمهور، وحديثه لا ينزل عن درجة الحسن.

Chapter 55. The Sale 'Arâyâ^[1] By Estimating Its Amount For Dry Dates.

(المعجم ٥٥) - بَابُ بَيْعِ الْعَرَايَا
بِخَرْصِهَا تَمْرًا (التحفة ٥٥)

2268. It was narrated from Sâlim from his father: "Zaid bin Thâbit narrated to me that the Messenger of Allâh ﷺ gave a concession regarding the sale of 'Arâyâ." (*Sahih*)

٢٢٦٨ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ وَ مُحَمَّدُ بْنُ الصَّبَّاحِ. قَالَا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ عَنْ سَالِمٍ، عَنْ أَبِيهِ: حَدَّثَنِي زَيْدُ بْنُ ثَابِتٍ أَنَّ رَسُولَ اللَّهِ ﷺ رَخَّصَ فِي الْعَرَايَا.

تخريج: أخرجه البخاري، البيوع، باب بيع المزابة وهي بيع التمر بالتمر وبيع الزبيب بالكرم وبيع العرايا، ح: ٢١٨٤، ومسلم، البيوع، باب تحريم بيع الرطب بالتمر إلا في العرايا، ح: ١٥٣٩ من حديث الزهري به.

2269. It was narrated from 'Abdullâh bin 'Umar that he said: "Zaid bin Thâbit told me that the Messenger of Allâh ﷺ gave a concession regarding the sale of the estimated harvest of 'Arâyâ in return for dried dates." (*Sahih*)

٢٢٦٩ - حَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَنَّ أَبَانَا اللَّيْثَ ابْنَ سَعْدٍ، عَنْ بَحْيِيِّ بْنِ سَعِيدٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ أَنَّهُ قَالَ: حَدَّثَنِي زَيْدُ بْنُ ثَابِتٍ أَنَّ رَسُولَ اللَّهِ ﷺ أَرَخَّصَ فِي بَيْعِ الْعَرِيَّةِ بِخَرْصِهَا تَمْرًا.

Yahya (one of the narrators) said: "The 'Arâyâ is when a man purchases dates on the trees for

قَالَ يَحْيَى: الْعَرِيَّةُ أَنْ يَشْتَرِيَ الرَّجُلُ تَمْرَ

^[1] 'Arâyâ refers to trees of the coming harvest which are given as a gift, but the giver will be troubled by the recipient's coming to his grove to collect the dates, so he offers to sell him dried, measured dates in return for the coming harvest. This is the definition of Imâm Mâlik, see the definition after no. 2269 which follows, and those listed in *Sahih Al-Bukhârî* under chapter no. 84 in the Book of Sales.

food that his family has that is ripe, by estimating them (the dates).” النِّخْلَاتِ بِطَعَامِ أَهْلِهِ رُطْبًا، بِخَرْصِهَا [تَمْرًا].

تخريج: أخرجه البخاري، المساقاة، باب الرجل يكون له ممر أو شرب في حائط أو في نخل، ح: ٢٣٨٠، ومسلم، البيوع، الباب السابق، ح: ٦١/١٥٣٩ من حديث يحيى بن سعيد به.

Comments:

It is a general rule that the exchange of dates for dates should be equal in weight and paid on the spot from both sides, but the issue of *Arâya* is exempt from this rule. The definition of *Arâya* according to Imâm Mâlik رحمه الله is that a person offers a tree of fresh dates to another person so that his household may benefit from fresh dates, but the frequency of the person into the orchard disturbs the owner, in this case the owner is allowed to buy the fruit of the gifted tree for dry dates. Another explanation mentioned (in *Sahih Al-Bukhârî, Hadith: 2192*) is that the fresh fruit of the tree will be estimated according to the weight it will have when it dries up, and then the tree will be taken back by paying that amount of dry dates. Thus the fresh dates still on the tree are bought for the dry dates, and the dry dates are paid in measure. It is to be known that the quantity of dates involved in this transaction must be less than five *Wasq*.

Chapter 56. Selling Animals For Animals On Credit

(المعجم ٥٦) - بَابُ الْحَيَوَانِ بِالْحَيَوَانِ نَسِيئَةً (التحفة ٥٦)

2270. It was narrated from Samurah bin Jundub that the Messenger of Allâh ﷺ forbade selling animals for animals on credit. (*Sahih*)

٢٢٧٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ سَعِيدٍ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنْ سَمُرَةَ بْنِ جُنْدُبٍ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ بَيْعِ الْحَيَوَانِ بِالْحَيَوَانِ نَسِيئَةً.

تخريج: [صحیح] أخرجه أبو داود، البيوع، باب: في الحيوان بالحيوان نسيئة، ح: ٣٣٥٦ من حديث قتادة به، وصححه الترمذي، ح: ١٢٣٧، وابن الجارود، ح: ٦١١، رواه شعبة عن قتادة به، كما في أربع نسخ من سنن الإمام النسائي رحمه الله، وانظر، ح: ٢١٨٣، وله شواهد عند ابن حبان (موارد)، ح: ١١١٣ وغيره.

2271. It was narrated from Jâbir that the Messenger of Allâh ﷺ said: "There is nothing wrong with selling animals, one for two, hand to hand," but he disliked selling them on credit. (*Da'if*)

٢٢٧١ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ سَعِيدٍ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ وَ أَبُو خَالِدٍ، عَنْ حَجَّاجٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ أَنَّ رَسُولَ اللَّهِ ﷺ

قَالَ: «لَا بَأْسَ بِالْحَيَوَانِ، وَاحِدًا بِاثْنَيْنِ، يَدًا بِيَدٍ» وَكَرِهَهُ نَسِيئَةً.

تخريج: [إسناده ضعيف] أخرجه الترمذي، البيهقي، باب ما جاء في كراهية بيع الحيوان بالحيوان نسيئة، ح: ١٢٣٨ من حديث حجاج بن أرطاة به، وقال: هذا حديث حسن، والحديث السابق يغني عنه.

Comments:

- Exchange of an animal for an animal is allowed.
- The exchange of animals by both parties should be made immediately when exchanging an animal for an animal.
- The equality of numbers is not necessary when exchanging an animal for an animal, for example, two cows of a lower category can be given in exchange for one cow of a higher category. Or two goats of a lower breed can be given in exchange for one goat of good breed.

Chapter 57. Selling Animals For Animals, Of Different Kinds, Hand To Hand

(المعجم ٥٧) - بَابُ الْحَيَوَانِ بِالْحَيَوَانِ مُتَفَاضِلًا يَدًا بِيَدٍ (التحفة ٥٧)

2272. It was narrated from Anas that the Prophet ﷺ bought Safiyyah for seven slaves. (*Sahih*) (One of the narrators) 'Abdur-Rahmân said: "From Dihyah Kalbi."

٢٢٧٢ - حَدَّثَنَا نَضْرُ بْنُ عَلِيٍّ الْجَهْضَمِيُّ: حَدَّثَنَا الْحُسَيْنُ بْنُ عُزْوَةَ؛ ح: وَحَدَّثَنَا أَبُو عَمَرَ حَفْصُ بْنُ عُمَرَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ. قَالَا: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ، عَنْ ثَابِتٍ، عَنْ أَنَسٍ أَنَّ النَّبِيَّ ﷺ اشْتَرَى صَفِيَّةَ بِسَبْعَةِ أَرْوَاسٍ.

قَالَ عَبْدُ الرَّحْمَنِ: مِنْ دِيْهِةِ الْكَلْبِيِّ.

تخريج: [إسناده صحيح] أخرجه أبو داود، الخراج، باب ما جاء في سهم الصفي، ح: ٢٩٩٧ من حديث حماد به، وصححه البوصيري، وأصله متفق عليه.

Comments:

- Safiyyah ﷺ was the daughter of the chief of her tribe. She was under the control of the Muslims because of her being a prisoner of war. She was given to Dihyah Kalbi as his share from the distribution of the war booty. The Messenger of Allāh ﷺ requested that, as she was a daughter of a chief; it is better if she was with him. So the Messenger of Allāh ﷺ bought her from Dihyah.
- The trade of male and female slaves was allowed, which Islam gradually brought to an end.
- There is a great reward for setting free male and female slaves alike; particularly when they are Muslims and good in conduct.

Chapter 58. Emphatic Prohibition Of Usury

(المعجم ٥٨) - بَابُ التَّغْلِيظِ فِي الرِّبَا

(التحفة ٥٨)

2273. It was narrated from Abu Hurairah that the Messenger of Allāh ﷺ said: "On the night in which I was taken on the Night Journey (*Al-Isra'*), I came to people whose stomachs were like houses, in which there were snakes that could be seen from outside their stomachs. I said: 'Who are these, O Jibrā'il?' He said: 'They are the ones who consumed usury.'" (*Da'if*)

٢٢٧٣ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا الْحَسَنُ بْنُ مُوسَى، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ عَلِيِّ بْنِ زَيْدٍ، عَنْ أَبِي الصَّلْتِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَتَيْتُ، لَيْلَةَ أُسْرِي بِي، عَلَى قَوْمٍ بُطُونُهُمْ كَالْبُيُوتِ، فِيهَا الْحَيَاتُ تُرَى مِنْ خَارِجِ بُطُونِهِمْ. فَقُلْتُ: مَنْ هَؤُلَاءِ يَا جِبْرَائِيلُ؟ قَالَ: هَؤُلَاءِ أَكَلَةُ الرِّبَا».

تخريج: [إسناده ضعيف] أخرجه أحمد: ٣٥٣/٢، ٣٦٣ من حديث حماد به مطولاً، انظر، ح: ١١٦ لعلته * وأبوالصلت مجهول كما في التقريب (الكنى، ص: ٤١٢).

2274. It was narrated from Abu Hurairah that the Messenger of Allāh ﷺ said: "There are seventy degrees of usury, the least of which is equivalent to a man having intercourse with his mother." (*Hasan*)

٢٢٧٤ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ سَعِيدٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ أَبِي مَعْشَرٍ، عَنْ سَعِيدِ الْمُقْبَرِيِّ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الرِّبَا سَبْعُونَ حُويًا. أَيْسَرُهَا أَنْ يَنْكِحَ الرَّجُلُ أُمَّهُ».

تخريج: [حسن] وقال البوصيري: هذا إسناده ضعيف، أبو معشر هو نجيح بن عبد الرحمن متفق على تضعيفه، وله شاهد قوي عند ابن الجارود، ح: ٦٤٧، وانظر الحديث الآتي.

Comments:

- Interest (or usury alike) is a great factor behind the destruction of a society. It has enormous aspects of economic and social damages and losses; that is why one single sin of interest or usury has been declared equal to seventy types of sins. This *Hadith* also shows that the sins are of different degrees.
- If the least sin is so huge and detestable, then what about the rest of the sixty-nine types of sins, how horrible they will be?!!
- The most distinctive quality of an Islamic society is sympathy and sincerity to others, while the theory of interest (or usury alike) is totally contrary to it.

2275. It was narrated from 'Abdullāh that the Prophet ﷺ

٢٢٧٥ - حَدَّثَنَا عَمْرُو بْنُ عَلِيٍّ الصَّيْرَفِيُّ، أَبُو حَفْصٍ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ، عَنْ

said: "There are seventy-three degrees of usury." (Hasan)

شُعْبَةَ، عَنْ زُبَيْدٍ، عَنْ إِبْرَاهِيمَ، عَنْ مَسْرُوقٍ،
عَنْ عَبْدِ اللَّهِ، عَنْ النَّبِيِّ ﷺ قَالَ: «الرِّبَا ثَلَاثَةٌ
وَسَبْعُونَ بَابًا».

تخریج: [حسن] أخرجه الحاكم: ۳۷/۲ من حديث عمرو بن علي به بلفظ: الربا ثلاثة وسبعون باباً أيسرها مثل أن ينكح الرجل أمه وإن أربى الربا عرض الرجل المسلم، وصححه على شرط الشيخين، ووافقه الذهبي، وقال البوصيري: هذا إسناده صحيح.

Comments:

- There are various types of interest. Therefore, extraordinary precautionary measures should be taken in business, lest any dealing of interest gets involved.
- Islamic scholars should carefully examine the current categories of business according the teachings of the *Shari'ah* and should guide the Muslim nation accordingly; so that they do not, unknowingly, commit the offence of consuming interest.

2276. It was narrated that 'Umar bin Khattâb said: "The last thing to be revealed was the Verse on usury, but the Messenger of Allâh ﷺ died before he had explained it to us. So give up usury (interest) and doubtful things." (Da'if)

۲۲۷۶ - حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ الْجَهْضَمِيُّ:
حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ: حَدَّثَنَا سَعِيدٌ عَنْ
قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ عُمَرَ بْنِ
الْخَطَّابِ قَالَ: إِنَّ آخِرَ مَا نَزَلَتْ آيَةُ الرِّبَا.
وَإِنَّ رَسُولَ اللَّهِ ﷺ قُبِضَ وَلَمْ يُفَسِّرْهَا لَنَا.
فَدَعَا الرِّبَا وَالرَّيْبَةَ.

تخریج: [إسناده ضعيف] أخرجه أحمد: ۳۶/۱ من حديث سعيد بن أبي عروبة ثنا قتادة به، وانظر، ح: ۱۷۵ لعلته، وله طريق آخر عند الإسماعيلي كما في مسند الفاروق: ۵۷۱/۲، وإسناده ضعيف.

Comments:

- The regulations of interest were the latest in revelation among the issues of lawful and unlawful.
- The Messenger of Allâh ﷺ explained the interest properly, and he prohibited its contemporary various forms clearly. Despite that, there can be some forms of it which will be invented and introduced later, and the scholars will have to strive to clarify them through analogy. Therefore, the scholars should issue clear religious verdicts after scrutinizing these matters.

2277. It was narrated from 'Abdullâh bin Mas'ud that the Messenger of Allâh ﷺ cursed the one who consumes usury, the one

۲۲۷۷ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا
مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا سِمَاكُ
ابْنُ حَرْبٍ قَالَ: سَمِعْتُ عَبْدَ الرَّحْمَنِ بْنَ عَبْدِ

who pays it, those who witness it and the one who writes it down. (Hasan)

اللَّهُ يُحَدِّثُ عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ أَنَّ رَسُولَ اللَّهِ ﷺ لَعَنَ أَكْلَ الرِّبَا وَمُوكَلَّهُ وَشَاهِدِيهِ وَكَاتِبَهُ.

تخريج: [إسناده حسن] أخرجه أبو داود، البيهقي، باب: في أكل الربا وموكله، ح: ٣٣٣٣ من حديث سماك به، وصححه الترمذي، ح: ١٢٠٦، وابن حبان، ح: ١١١٢، وللحديث شواهد كثيرة جدًا.

2278. It was narrated from Abu Hurairah that the Messenger of Allāh ﷺ said: "There will come a time when there will be no one left who does not consume usury (interest), and whoever does not consume it will nevertheless be affected by it." (Da'if)

٢٢٧٨ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ سَعِيدٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَلِيٍّ: حَدَّثَنَا دَاوُدُ بْنُ أَبِي هِنْدٍ، عَنْ سَعِيدِ بْنِ أَبِي خَيْرَةَ، عَنِ الْحَسَنِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَيَأْتِيَنَّ عَلَى النَّاسِ زَمَانٌ لَا يَبْقَى مِنْهُمْ أَحَدٌ إِلَّا أَكَلَ الرِّبَا. فَمَنْ لَمْ يَأْكُلْ، أَصَابَهُ مِنْ غُبَارِهِ».

تخريج: [إسناده ضعيف] أخرجه أبو داود، البيهقي، باب: في اجتناب الشبهات، ح: ٣٣٣١ من حديث سعيد به، وانظر، ح: ٧١ لعلته * والحسن لم يسمع من أبي هريرة رضي الله عنه عند الجمهور، قاله المنذري في الترغيب: ١٠/٣.

Comments:

- All forms of interest are unlawful, and cause the curse of Allāh.
- As taking interest is a major sin, likewise paying interest is a major sin too. Therefore, taking a loan on the basis of interest is unlawful; whether this interest-based loan is taken from banks or from business individuals.
- Helping in any unlawful cause in anyway is prohibited, and the helper will be as equally sinful as the doer.

2279. It was narrated from Ibn Mas'ud that the Prophet ﷺ said: "There is no one who deals in usury a great deal (to increase his wealth) but he will end up with little (i.e., his wealth will be decreased)." (Sahih)

٢٢٧٩ - حَدَّثَنَا الْعَبَّاسُ بْنُ جَعْفَرٍ: حَدَّثَنَا عَمْرُو بْنُ عَوْنٍ: حَدَّثَنَا يَحْيَى بْنُ أَبِي زَائِدَةَ، عَنْ إِسْرَائِيلَ، عَنْ رُكَيْنِ بْنِ الرَّبِيعِ بْنِ عَمِيْلَةَ، عَنْ أَبِيهِ، عَنِ ابْنِ مَسْعُودٍ، عَنِ النَّبِيِّ ﷺ قَالَ: «مَا أَحَدٌ أَكْثَرَ مِنَ الرِّبَا إِلَّا كَانَ عَاقِبَتُهُ أَمْرُهُ إِلَى قَلَّةٍ».

تخريج: [إسناده صحيح] أخرجه الحاكم: ٣٧/٢ من حديث عمرو بن عون به، وصححه،

ووافقه الذهبي، وقال البوصيري: هذا إسناد صحيح، رجاله ثقات .

Comments:

There is no blessing in unlawful earning.

Chapter 59. Payment In Advance For A Known Amount Or A Known Weight To Be Delivered At A Known Time

2280. It was narrated that Ibn 'Abbās said: "When the Prophet ﷺ came (to Al-Madinah), they used to pay in advance for dates, two or three years in advance. He said: 'Whoever pays in advance for dates, let him pay for a known amount or a known weight, to be delivered at a known time.'" (Sahih)

(المعجم ٥٩) - بَابُ السَّلَفِ فِي كَيْلِ مَعْلُومٍ وَوزنٍ مَعْلُومٍ إِلَى أَجَلٍ مَعْلُومٍ (التحفة ٥٩)

٢٢٨٠ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ ابْنِ أَبِي نَجِيحٍ، عَنْ عَبْدِ اللَّهِ بْنِ كَثِيرٍ، عَنْ أَبِي الْمُهَالِ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَدِمَ النَّبِيُّ ﷺ وَهُمْ يُسَلِّفُونَ فِي التَّمْرِ، السَّنَتَيْنِ وَالثَّلَاثَ. فَقَالَ: «مَنْ أَسْلَفَ فِي تَمَرٍ فَلْيُسَلِّفْ فِي كَيْلٍ مَعْلُومٍ وَوزنٍ مَعْلُومٍ، إِلَى أَجَلٍ مَعْلُومٍ».

تخريج: أخرجه البخاري، السلم، باب السلم في وزن معلوم، ح: ٢٢٤٠، ٢٢٤١، ومسلم، المساقاة، باب السلم، ح: ١٦٠٤ من حديث سفیان به.

Comments:

- Receiving the price of goods in advance and to deliver the goods later at a fixed time is called *Bai'us-Salam* or *Bai'us-Salaf*.
- It is necessary for the permissibility of this transaction that the commodity being sold and bought, its quantity, quality, delivery, time of collection and other such matters, conditions and terms, should be discussed and specified beforehand, which later can be the cause of dispute.

2281. It was narrated from Muhammad bin Hamzah bin Yusuf bin 'Abdullāh bin Salām, from his father, that his grandfather 'Abdullāh bin Salām said: "A man came to the Prophet ﷺ and said, 'The tribe of Banu so-and-so, who were descended from the Jews, have become Muslim, and they are starving, and I am afraid that they may

٢٢٨١ - حَدَّثَنَا يَعْقُوبُ بْنُ حُمَيْدٍ بْنُ كَاسِبٍ: حَدَّثَنَا أَبُو لَيْدٍ بْنُ مُسْلِمٍ، عَنْ مُحَمَّدِ بْنِ حَمْرَةَ بْنِ يُونُسَ بْنِ عَبْدِ اللَّهِ بْنِ سَلَامٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ عَبْدِ اللَّهِ بْنِ سَلَامٍ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ فَقَالَ: إِنَّ بَنِي فُلَانٍ أَسْلَمُوا، لِقَوْمٍ مِنَ الْيَهُودِ وَإِنَّهُمْ قَدْ جَاعُوا. فَأَخَافُ أَنْ يَرْتَدُّوا. فَقَالَ النَّبِيُّ ﷺ: «مَنْ

apostatize.' The Prophet ﷺ said: 'Who has something with him?' A Jewish man said: 'I have such and such, and he named it, and I think he said three hundred Dinār for such and such an amount (of produce) from the garden of the tribe of Banu so-and-so.' The Messenger of Allāh ﷺ said: 'For such and such a price at such and such a time, but not from the garden of the tribe of Banu so-and-so.'" (Da'if)

عَنْهُ؟» فَقَالَ رَجُلٌ مِّنَ الْيَهُودِ: عِنْدِي كَذَا وَكَذَا لِشَيْءٍ قَدْ سَمَاهُ أَرَاهُ قَالَ ثَلَاثُمِائَةٍ دِينَارٍ بِسِعْرِ كَذَا وَكَذَا مِنْ حَائِطِ بَنِي فُلَانٍ. فَقَالَ رَسُولُ اللَّهِ ﷺ: «بِسَعْرِ كَذَا وَكَذَا إِلَى أَجَلٍ كَذَا وَكَذَا، وَلَيْسَ مِنْ حَائِطِ بَنِي فُلَانٍ».

تخریج: [إسناده ضعيف] أخرجه الطبراني: ٢٢٢/٥، ح: ٥١٤٧، وأبو يعلى، ح: ٧٤٩٦ وغيرهما من طرق عن الوليد حدثنا محمد بن حمزة به، ولم يصرح بالسماع المسلسل، وصححه ابن حبان (موارد)، ح: ٢١٠٥، والحاكم: ٦٠٥/٣، وتعقبه الذهبي، وضعفه البوصيري، وله طريق ضعيف عند الدارقطني في المؤلف والمختلف: ١٣٨٨/٣.

2282. It was narrated that Abu Mujālid said: "Abdullāh bin Shaddād and Abu Barzah had a dispute about paying in advance. They sent me to 'Abdullāh bin Abu Awfa to ask him about it. He said: 'We used to make payments in advance at the time of the Messenger of Allāh ﷺ and the time of Abu Bakr and 'Umar, for wheat, barley, raisins and dates, to people who did not yet possess those things.' I asked Ibn Abzā, and he said something similar." (Sahih)

٢٢٨٢ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ وَ عَبْدِ الرَّحْمَنِ بْنُ مَهْدِيٍّ. قَالَا: حَدَّثَنَا شُعْبَةُ قَالَ يَحْيَى: عَنْ عَبْدِ اللَّهِ ابْنِ أَبِي الْمُجَالِيدِ. وَقَالَ عَبْدُ الرَّحْمَنِ: عَنْ أَبِي الْمُجَالِيدِ قَالَ: امْتَرَى عَبْدُ اللَّهِ بْنُ شَدَّادٍ وَأَبُو بَرَزَةَ فِي السَّلَمِ. فَأَرْسَلُونِي إِلَى عَبْدِ اللَّهِ ابْنِ أَبِي أَوْفَى. فَسَأَلْتُهُ فَقَالَ: كُنَّا نُسَلِّمُ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ وَعَهْدِ أَبِي بَكْرٍ وَعُمَرَ فِي الْحِنْطَةِ وَالشَّعِيرِ وَالزَّبِيبِ وَالتَّمْرِ، عِنْدَ قَوْمٍ، مَا عِنْدَهُمْ.

فَسَأَلْتُ ابْنَ أَبِي بَرَزَةَ. فَقَالَ: مِثْلُ ذَلِكَ.

تخریج: [صحيح] أخرجه أبو داود، البيهقي، باب في السلف، ح: ٣٤٦٥ عن محمد بن بشار به، وهو في صحيح البخاري، السلم، ح: ٢٢٤٥، ٢٢٤٢ وح: ٢٢٥٤، ٢٢٥٥.

Comments:

Bai'us-Salam and *Bai'us-Salaf* are two names of the same thing.

Bai'us-Salam is allowed. [This is a sale of something on interest-free credit according to Islamic terms and conditions. — *Usmani*]

Chapter 60. The One Who Has Paid In Advance For Something Should Not Exchange It For Something Else

2283. It was narrated from Abu Sa'eed that the Messenger of Allāh ﷺ said: "When you have paid in advance for something, do not exchange it for something else." (Da'if)

Another chain with similar wording.

(المعجم ٦٠) - بَابُ مَنْ أَسْلَمَ فِي شَيْءٍ فَلَا يَصْرِفُهُ إِلَى غَيْرِهِ (التحفة ٦٠)

٢٢٨٣ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ: حَدَّثَنَا شُجَاعُ بْنُ الْوَلِيدِ: حَدَّثَنَا زِيَادُ بْنُ خَيْثَمَةَ، عَنْ سَعْدٍ، عَنْ عَطِيَّةَ، عَنْ أَبِي سَعِيدٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا أَسْلَفْتَ فِي شَيْءٍ، فَلَا تَصْرِفْهُ إِلَى غَيْرِهِ».

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ سَعِيدٍ: حَدَّثَنَا شُجَاعُ ابْنُ الْوَلِيدِ، عَنْ زِيَادِ بْنِ خَيْثَمَةَ، عَنْ عَطِيَّةَ، عَنْ أَبِي سَعِيدٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: فَذَكَرَ مِثْلَهُ. وَلَمْ يَذْكُرْ سَعْدًا.

تخريج: [إسناده ضعيف] أخرجه أبو داود، البيهقي، باب السلف يحول، ح: ٣٤٦٨ من حديث أبي بدر شجاع به، السند الأول، وحسنه الترمذي في العلل الكبير، وضعفه الحافظ ابن حجر (تلخيص: ٢٥/٣) وغيره، وانظر، ح: ٣٧ لعلته.

Chapter 61. If One Pays In Advance For A Specific Date Palm And It Does Not Yield Anything

2284. It was narrated that Najrāni said: "I said to 'Abdullāh bin 'Umar: 'Can I pay in advance for a date palm before it bears fruit?' He said: 'No.' I said: 'Why not?' He said: 'A man paid in advance for a grove of trees during the time of the Messenger of Allāh ﷺ, before they had produced any fruit, and they did not bear anything that year. The purchaser said: 'They belong to me until they produce,' but the

(المعجم ٦١) - بَابُ: إِذَا أَسْلَمَ فِي نَخْلٍ بِعَيْنِهِ لَمْ يُطْلَعْ (التحفة ٦١)

٢٢٨٤ - حَدَّثَنَا هَنَادُ بْنُ السَّرِيِّ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ أَبِي إِسْحَاقَ، عَنْ النَّجْرَانِيِّ، قَالَ، قُلْتُ لِعَبْدِ اللَّهِ بْنِ عُمَرَ: أَسْلِمُ فِي نَخْلٍ قَبْلَ أَنْ يُطْلَعَ؟ قَالَ: لَا. قُلْتُ: لِمَ؟ قَالَ: إِنَّ رَجُلًا أَسْلَمَ فِي حَدِيقَةِ نَخْلٍ، فِي عَهْدِ رَسُولِ اللَّهِ ﷺ قَبْلَ أَنْ يُطْلَعَ النَّخْلُ. فَلَمْ يُطْلَعْ النَّخْلُ شَيْئًا، ذَلِكَ الْعَامَ. فَقَالَ الْمُشْتَرِي: هُوَ لِي حَتَّى يُطْلَعَ. وَقَالَ الْبَائِعُ: إِنَّمَا بَعْتُكَ النَّخْلَ هَذِهِ السَّنَةَ. فَاخْتَصَمَا إِلَى

seller said: 'I only sold the trees to you for this year.' They referred their dispute to the Messenger of Allâh ﷺ, who said to the seller: 'Did he take anything from your date palms?' He said: 'No.' He said: 'Then why do you regard his wealth as lawful for you? Give back what you took from him, and do not take payment in advance for date palms until their usefulness appears.'" (Da'if)

رَسُولُ اللَّهِ ﷺ. فَقَالَ لِلْبَائِعِ: «أَخَذَ مِنْ نَخْلِكَ شَيْئًا؟» قَالَ: لَا. قَالَ: «فِيمَ تَسْتَحِلُّ مَالَهُ؟ ارْزُدْ عَلَيْهِ مَا أَخَذْتَ مِنْهُ. وَلَا تُسْلِمُوا فِي نَخْلٍ حَتَّى يَبْدُوَ صَلاَحُهُ».

تخريج: [إسناده ضعيف] أخرجه أبو داود، البيهقي، باب في السلم في ثمرة بعينها، ح: ٣٤٦٧ من حديث أبي إسحاق السبيعي به * التجارني مجهول (تقريب: ٦٣٨)، وأبو إسحاق تقدم، ح: ١٠٣٩، ٤٦١.

Chapter 62. Paying For Animals In Advance

(المعجم ٦٢) - بَابُ السَّلَمِ فِي الْحَيَوَانِ
(التحفة ٦٢)

2285. It was narrated from Abu Râfi' that the Prophet ﷺ asked a man to give as a loan a young camel and said: "When the camels of the *Sadaqah* come, we will pay you back." When the camels came, he said: "O Abu Râfi', pay this man back for his young camel." But all I could find was a seven-year-old camel or that which is better. I told the Prophet ﷺ and he said: "Give it to him, for the best of people are those who are best in repaying." (Sahih)

٢٢٨٥ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا مُسْلِمُ بْنُ خَالِدٍ: حَدَّثَنَا زَيْدُ بْنُ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ عَنْ أَبِي رَافِعٍ أَنَّ النَّبِيَّ ﷺ اسْتَسْلَفَ مِنْ رَجُلٍ بَكْرًا وَقَالَ: «إِذَا جَاءَتْ إِبِلُ الصَّدَقَةِ فَضَيْنَاكَ» فَلَمَّا قَدِمَتْ قَالَ: «يَا أَبَا رَافِعٍ اقْضِ هَذَا الرَّجُلَ بَكْرَهُ» فَلَمْ أَجِدْ إِلَّا رِبَاعِيًّا فَصَاعِدًا فَأَخْبَرْتُ النَّبِيَّ ﷺ فَقَالَ: «أَعْطِهِ. فَإِنَّ خَيْرَ النَّاسِ أَحْسَنُهُمْ قَضَاءً».

تخريج: أخرجه مسلم، المساقاة، باب جواز اقتراض الحيوان واستحباب توفيته خيرًا مما عليه، ح: ١٦٠٠ من حديث زيد به باختلاف يسير.

Comments:

a. Selling and buying on absolute interest free credit (according to Islamic terms and conditions) is allowed.

- b. Returning a better animal than the one taken is allowed; provided it is not conditioned before, and the payer is giving with his own pleasure, and the recipient does not ask for.
- c. As for the cash, the borrowed amount is to be returned only; no increase in it is allowed.

2286. Sa'eed bin Hâni' said: "I heard 'Irbâd bin Sâriyah say: 'I was with the Prophet ﷺ and a Bedouin said: "Pay me back for my young camel, and he gave him an older (i.e., better) camel." He said: 'O Messenger of Allâh! It is older (i.e., better) than my camel.' The Messenger of Allâh ﷺ said: "The best of people are those who are best in repaying."" (Sahih)

٢٢٨٦ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ: حَدَّثَنَا مُعَاوِيَةُ بْنُ صَالِحٍ: حَدَّثَنِي سَعِيدُ بْنُ هَانِيٍّ قَالَ: سَمِعْتُ الْعِرْبَاضَ بْنَ سَارِيَةَ يَقُولُ: كُنْتُ عِنْدَ النَّبِيِّ ﷺ. فَقَالَ أَغْرَابِيٌّ: أَفْضِنِي بِكَرِيٍّ. فَأَعْطَاهُ بَعِيرًا مَسْنًا. فَقَالَ الْأَغْرَابِيُّ: يَا رَسُولَ اللَّهِ هَذَا أَشْنُ مِنْ بَعِيرِي. فَقَالَ رَسُولُ اللَّهِ ﷺ: «خَيْرُ النَّاسِ خَيْرُهُمْ قَضَاءً».

تخريج: [صحيح] أخرجه النسائي: ٢٩١/٧، البيهقي، - استسلاف الحيوان واستقراضه، ح: ٤٦٢٣ من حديث معاوية بن مطولاً، وصححه الحاكم: ٣٠/٢، ووافقه الذهبي، وإسناده حسن، وله شواهد عند البخاري: ١٣٠/٣، ح: ٢٣٠٥ وغيره.

Chapter 63. Partnership And Profit Sharing

(المعجم ٦٣) - بَابُ الشَّرْكَةِ وَالْمُضَارَبَةِ (التحفة ٦٣)

2287. It was narrated that Sâ'ib said to the Prophet ﷺ: "You were my partner during the Ignorance period and you were the best of partners, you did not contend or dispute." (Da'if)

٢٢٨٧ - حَدَّثَنَا عُثْمَانُ وَ أَبُو بَكْرُ ابْنَا أَبِي شَيْبَةَ. قَالَا: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ سُفْيَانَ، عَنْ إِبْرَاهِيمَ بْنِ مُهَاجِرٍ، عَنْ مُجَاهِدٍ، عَنْ قَائِدِ السَّائِبِ، عَنِ السَّائِبِ قَالَ لِلنَّبِيِّ ﷺ: كُنْتُ شَرِيكِي فِي الْجَاهِلِيَّةِ. فَكُنْتُ خَيْرَ شَرِيكِ. كُنْتُ لَا تُدَارِينِي وَلَا تُمَارِينِي.

تخريج: [إسناده ضعيف] أخرجه أبو داود، الأدب، باب: في كراهية المراء، ح: ٤٨٣٦ من حديث سفيان الثوري به * مجاهد لم يسمعه من السائب رضي الله عنه بل سمعه من قائد، والقائد لم أجده له ترجمة وهو علة الخبر.

Comments:

- The partnership in business is allowed.
- Only those forms of trade of the pre-Islamic time, which the Messenger of Allāh ﷺ forbade are forbidden and the rest of them are allowed.
- The Messenger of Allāh ﷺ had attributes of good manners and characteristics before his mission of prophethood as well.

2288. It was narrated that 'Abdullāh said: "Sa'd, 'Ammār and I entered into a partnership on the day of Badr, (agreeing to share) whatever was allotted to us. 'Ammār and I did not get anything, but Sa'd got two men (slaves)." (*Da'if*)

٢٢٨٨ - حَدَّثَنَا أَبُو السَّائِبِ سَلْمُ بْنُ جُنَادَةَ: حَدَّثَنَا أَبُو دَاوُدَ الْحَفَرِيُّ، عَنْ سُفْيَانَ، عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي عُبَيْدَةَ، عَنْ عَبْدِ اللَّهِ قَالَ: اشْتَرَكْتُ أَنَا وَسَعْدُ وَعَمَّارٌ، يَوْمَ بَدْرٍ، فِيمَا نُصِيبُ. فَلَمْ أَجِءْ أَنَا وَلَا عَمَّارٌ بِشَيْءٍ، وَجَاءَ سَعْدُ بِرَجُلَيْنِ.

تخريج: [إسناده ضعيف] أخرجه أبو داود، البيهقي، باب: في الشركة على غير رأس المال، ح: ٣٣٨٨ من حديث سفیان الثوري به * أبو إسحاق تقدم، ح: ٤٦، وأبو عبيدة لم يدرك أباه، انظر، ح: ١٤٧٨، ١٦٠٦.

2289. It was narrated from Sâlih bin Suhaib that his father said: "The Messenger of Allāh ﷺ said: "There are three things in which there is blessing: A sale with deferred payment; *Muqâradhah* (profit sharing); and mixing wheat with barley for one's house, but not for sale." (*Da'if*)

٢٢٨٩ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ الْخَلَّالُ: حَدَّثَنَا يَشْرُ بْنُ ثَابِتٍ الْبُرَّاءُ: حَدَّثَنَا نَصْرُ بْنُ الْقَاسِمِ، عَنْ عَبْدِ الرَّحِيمِ بْنِ دَاوُدَ، عَنْ صَالِحِ بْنِ صُهَيْبٍ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «ثَلَاثٌ فِيهِنَّ الْبَرَكَةُ. الْبَيْعُ إِلَى أَجَلٍ، وَالْمُقَارَضَةُ وَأَخْلَاطُ الْبُرِّ بِالشَّعِيرِ، لِلْبَيْتِ، لَا لِلْبَيْعِ».

تخريج: [إسناده ضعيف جداً] أخرجه العقيلي: ٨٠/٣ من حديث نصر بن القاسم به، وقال في عبد الرحيم: مجهول بالنقل، حديثه غير محفوظ * ونصر مجهول (تقريب: ٥٢٢)، وصالح مجهول الحال (تقريب: ٢٣٠)، والحديث ضعفه البوصيري، والحافظ في بلوغ المرام، وأورد ابن الجوزي في الموضوعات: ٢/٢٤٨، ٢٤٩، وقال: موضوع، وقال البخاري في نصر: حديثه موضوع، وقال الذهبي: إسناده مظلم والمتن باطل.

Comments:

Muqâradhah has two explanations: a): To lend money or something to someone. b): To be a partner, i.e., one person invests money and the other does practical work, and the profit is divided between both according to the agreed percentage. This type of business is allowed.

Chapter 64. What A Man Is Entitled To Of His Son's Property

(المعجم ٦٤) - بَابُ مَا لِلرَّجُلِ مِنْ مَالٍ وَلَدِهِ (التحفة ٦٤)

2290. It was narrated from 'Aishah that the Messenger of Allāh ﷺ said: "The best of your provision is what you earn, and your children are part of what you earn." (*Sahih*)

٢٢٩٠ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنِ الْأَعْمَشِ، عَنْ عُمَارَةَ بْنِ عُمَيْرٍ، عَنْ عَمْرِو بْنِ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ أَطْيَبَ مَا أَكَلْتُمْ مِنْ كَسْبِكُمْ. وَإِنَّ أَوْلَادَكُمْ مِنْ كَسْبِكُمْ».

تخريج: [صحيح] أخرجه الترمذي، الأحكام، باب ما جاء أن الوالد يأخذ من مال ولده، ح: ١٣٥٨ من حديث يحيى بن زكريا بن أبي زائدة به، وقال: حسن صحيح، وصححه الذهبي، وهو مخرج في نيل المصنوع، ح: ٣٥٢٨، وتخريج مسند الحميدي، ح: ٢٤٧.

Comments:

See also *Hadith* 2137.

2291. It was narrated from Jābir bin 'Abdullāh that a man said: "O Messenger of Allāh, I have wealth and a son, and my father wants to take all my wealth." He said: "You and your wealth belong to your father." (*Sahih*)

٢٢٩١ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ: حَدَّثَنَا يُونُسُ بْنُ إِسْحَاقَ، عَنْ مُحَمَّدِ بْنِ الْمُثَنَّبِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ أَنَّ رَجُلًا قَالَ: يَا رَسُولَ اللَّهِ! إِنَّ لِي مَالًا وَوَلَدًا. وَإِنَّ أَبِي يُرِيدُ أَنْ يَجْتَاحَ مَالِي. فَقَالَ: «أَنْتَ وَمَالُكَ لِأَبِيكَ».

تخريج: [صحيح] أخرجه الطحاوي في معاني الآثار: ١٥٨/٤ من حديث عيسى بن يونس به، وصححه البوصيري، وابن الترمكاني في الجواهر النقي: ٤٨١/٧، والبخاري، ولم يصب من أعله، وله شواهد انظر الحديث الآتي.

2292. It was narrated from 'Amr bin Shu'aib, from his father, that his grandfather said: "A man came to the Messenger of Allāh ﷺ and said: 'My father is taking all my wealth.' He said: 'You and your wealth belong to your father.' And the Messenger of Allāh ﷺ said: 'Your children are among the best of your earnings,

٢٢٩٢ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى، وَيَحْيَى ابْنُ حَكِيمٍ. قَالَا: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: أَنَّ أَبَا حَجَّاجٍ عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ فَقَالَ: إِنَّ أَبِي اجْتَاحَ مَالِي. فَقَالَ: «أَنْتَ وَمَالُكَ لِأَبِيكَ» وَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ

so eat from your wealth.'"
(*Sahih*)

أَوْلَادَكُمْ مِنْ أَطْيَبِ كَسْبِكُمْ. فَكُلُوا مِنْ
أَمْوَالِكُمْ».

تخريج: [صحيح] أخرجه أحمد: ٢٠٤/٢ من حديث حجاج (بن أرقطاة) به، وتابعه حبيب المعلم عند أبي داود، ح: ٣٥٣٠ وغيره، وله طرق، وصححه ابن الجارود، ح: ٩٩٥.

Chapter 65. What A Woman Is Entitled To Of Her Husband's Wealth

(المعجم ٦٥) - بَابُ مَا لِلْمَرْأَةِ مِنْ مَالِ
رَوْجِهَا (التحفة ٦٥)

2293. It was narrated that 'Aishah said: "Hind came to the Prophet ﷺ and said: 'O Messenger of Allāh, Abu Sufyān is a stingy man and he does not give me enough for me and my child, except for what I take from his wealth without him realizing.' He said: "Take what is sufficient for you and your child, on a reasonable basis.'"
(*Sahih*)

٢٢٩٣ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، وَعَلِيُّ بْنُ مُحَمَّدٍ، وَابُو عَمْرٍو الضَّرِيرُ. قَالُوا: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: جَاءَتْ هِنْدُ إِلَى النَّبِيِّ ﷺ فَقَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّ أَبَا سُفْيَانَ رَجُلٌ شَحِيحٌ، وَلَا يُعْطِينِي مَا يَكْفِينِي وَوَلَدِي، إِلَّا مَا أَخَذْتُ مِنْ مَالِهِ، وَهُوَ لَا يَعْلَمُ. فَقَالَ: «خُذِي مَا يَكْفِيكِ وَوَلَدَكَ بِالْمَعْرُوفِ».

تخريج: أخرجه مسلم، الأفضية، باب قضية هند، ح: ١٧١٤ من حديث وكيع، وغيره به.

Comments:

- It is the responsibility of a husband to fulfill the genuine necessities of his wife and children.
- It is not counted as backbiting, if someone's fault is disclosed just for the sake of seeking clear guidelines from Islamic prospects.
- A reasonable amount of a husband's wealth may be used without seeking his permission to fulfill the genuine daily needs.
- 'What is sufficient' will be specified depending upon the circumstances, atmosphere, financial condition of the husband and the type of need.

2294. It was narrated from 'Aishah that the Messenger of Allāh ﷺ said: "When a woman spends" – and my father said:^[1]

٢٢٩٤ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ: حَدَّثَنَا أَبِي وَابُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ أَبِي وَائِلٍ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ:

^[1] The speaker is Muhammad bin 'Abdullāh bin Numair, the Shaikh of Ibn Mājah in this narration. Muhammad narrated the *Hadith* from his father, and from Abu Mu'āwiyah.

- "When a woman feeds (the poor) from her husband's house, without spending too much, she will have her reward, and he will be rewarded likewise because he earned it, and she will be rewarded for what she spent. The same applies to the storekeeper, without anything being detracted from their rewards." (Sahih)

تخريج: أخرجه البخاري، الزكاة، باب أجر الخادم إذا تصدق بأمر صاحبه غير مفسد، ح: ١٤٣٧، ١٤٣٩ من حديث الأعمش به، ومسلم، الزكاة، باب أجر الخازن الأمين والمرأة إذا تصدقت من بيت زوجها ... الخ، ح: ١٠٢٤ من حديث محمد بن عبدالله بن نمير به.

Comments:

- It is man's responsibility to bring home the livelihood.
- Although the livelihood is earned by the husband, the wife has full equal right to spend it.
- When spending, the wife must bear in mind that the wealth should not be squandered; it should not be spent for unlawful things; and should not be spent on that which the husband does not like. This is because such practice affects the financial condition of the household and the mutual relations will turn unpalatable.
- Khâzin* (translated as storekeeper) is a person who spends for the needs of the household with the permission of the master; he may be an employee or a member of the family, like a younger brother or son etc.

2295. Shurahbil bin Muslim Al-Khawlanî said: I heard Abu Umamah Al-Bâhili say: I heard the Messenger of Allâh ﷺ say: "No woman should spend anything from her house without her husband's permission." They said: "O Messenger of Allâh, not even food?" He said: "That is among the best of our wealth." (Hasan)

تخريج: [إسناده حسن] أخرجه الترمذي، الزكوة، باب ماجاء في نفقة المرأة من بيت زوجها، ح: ٦٧٠ من حديث إسماعيل به، وقال: حديث حسن، وأصله في سنن أبي داود، ح: ٣٥٦٥، وصححه ابن الجارود، ح: ١٠٢٣.

قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا أَنْفَقَتِ الْمَرْأَةُ وَقَالَ أَبِي فِي حَدِيثِهِ: إِذَا أَطْعَمَتِ الْمَرْأَةُ مِنْ بَيْتِ زَوْجِهَا، غَيْرَ مُفْسِدَةٍ، كَانَ لَهَا أَجْرُهَا. وَلَهُ مِثْلُهُ بِمَا اكْتَسَبَ. وَلَهَا بِمَا أَنْفَقَتْ. وَلِلْخَازِنِ مِثْلُ ذَلِكَ، مِنْ غَيْرِ أَنْ يُنْقُصَ مِنْ أَجُورِهِمْ شَيْئًا».

٢٢٩٥ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عِيَّاشٍ: حَدَّثَنِي شُرَحْبِيلُ بْنُ مُسْلِمٍ الْخَوْلَانِيُّ قَالَ: سَمِعْتُ أَبَا أُمَامَةَ الْبَاهِلِيَّ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا تُنْفِقِ الْمَرْأَةُ مِنْ بَيْتِهَا شَيْئًا إِلَّا بِإِذْنِ زَوْجِهَا» قَالُوا: يَا رَسُولَ اللَّهِ! وَلَا الطَّعَامُ؟ قَالَ: «ذَلِكَ مِنْ أَفْضَلِ أَمْوَالِنَا».

Comments:

- The wife should seek her husband's permission for spending in charity.
- Foodstuff also means ready meals, chapatti, bread, curry, sausages, etc.; and other foodstuff like: wheat, barley, rice, etc., too.
- If the wife is certain, and has confidence in her husband's habit and circumstances, that the husband will not get angry for giving such and such charity, or helping the needy, then seeking his permission is not necessary. But if she suspects that the husband may not like such spending, then she should definitely seek his permission; for example: she wants to give jewelry in charity or a large amount of something, then she should certainly ask his permission.

Chapter 66. What A Slave May Give Away And Give In Charity

(المعجم ٦٦) - بَابُ مَا لِلْعَبْدِ أَنْ يُعْطِيَ وَيَتَصَدَّقَ (التحفة ٦٦)

2296. It was narrated from Muslim Al-Mulâ'i that he heard Anas bin Mâlik say: "The Messenger of Allâh ﷺ used to accept the invitation of a slave." (Da'if)

٢٢٩٦ - حَدَّثَنَا مُحَمَّدُ بْنُ الصَّبَّاحِ: حَدَّثَنَا سُفْيَانُ، ح: وَحَدَّثَنَا عَمْرُو بْنُ رَافِعٍ: حَدَّثَنَا جَرِيرٌ عَنْ مُسْلِمِ الْمَلَانِيِّ، سَمِعَ أَنَسَ بْنَ مَالِكٍ يَقُولُ: كَانَ رَسُولُ اللَّهِ ﷺ يُجِيبُ دَعْوَةَ الْمَمْلُوكِ.

تخريج: [إسناده ضعيف] أخرجه الترمذي، باب الجنائز، باب آخر [في سنة عيادة المريض وشهود الجنائز]، ح: ١٠١٧ من حديث مسلم الأعور الملائي به، وقال: مسلم الأعور يضعف .

Comments:

This is a part of another *Hadith*, for the complete text see *Hadith*: 4178.

2297. It was narrated that 'Umair, the freed slave of Aabi Lahm, said: "My master used to give me, food and I would feed others from it, then he stopped me," - or he said: "He beat me. So I asked the Prophet ﷺ," - or - "he asked him and I said: 'I will not stop.' He said: 'Both of you will be rewarded.'" (Sahih)

٢٢٩٧ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ مُحَمَّدِ بْنِ زَيْدٍ، عَنْ عَمْرِو مَوْلَى أَبِي اللَّحْمِ قَالَ: كَانَ مَوْلَايَ يُعْطِينِي الشَّيْءَ فَأُطْعِمُ مِنْهُ. فَمَنْعَنِي، أَوْ قَالَ: فَضَرَبَنِي. فَسَأَلْتُ النَّبِيَّ ﷺ، أَوْ سَأَلَهُ. فَقُلْتُ: لَا أَتَّهِي أَوْ لَا أَدْعُهُ فَقَالَ: «الْأَجْرُ بَيْنَكُمَا».

تخريج: أخرجه مسلم، الزكاة، باب ما أنفق العبد من مال مولاه، ح: ١٠٢٥ عن ابن أبي شيبة به.

Comments:

- The noble Companions used to look after their slaves as the children are looked after; and Aabi Lahm ؓ would give his slave good and healthy food to eat.
- Aabi Lahm, out of kindness, prevented his slave from giving this away in charity; because he wanted his slave to eat what was given to him.
- 'Umais would give the things in charity to others, which were given for himself. The Messenger of Allāh ﷺ liked this behavior on his behalf.
- The partnership in reward was due to the fact that the charity was done by 'Umais while the property in fact belonged to Aabi Lahm; this is how the master and slave shared the reward together.

Chapter 67. One Who Passes By The Livestock (Of Some People) Or A Garden — Can He Take Something From That?

2298. It was narrated that Abu Bishr Ja'far bin Abu Iyās said: "I heard 'Abbād bin Shurahbil, a man from Banu Ghubar, say: 'We suffered a year of famine, and I came to Al-Madinah. I came to one of its gardens and took an ear of corn, I rubbed it, ate some and put the rest in my garment. The owner of the garden came and beat me and took my garment. I came to the Prophet ﷺ and told him (what had happened). He said to the man: "You did not feed him when he was hungry and you did not teach him when he was ignorant.'" Then the Prophet ﷺ told him to give back his garment and ordered that a *Wasq* or half a *Wasq* of food be brought to him." (*Sahih*)

(المعجم ٦٧) - بَابُ مَنْ مَرَّ عَلَى مَا شِئَةٍ
[قَوْمٍ] أَوْ حَائِطٍ، هَلْ يُصِيبُ مِنْهُ؟
(التحفة ٦٧)

٢٢٩٨ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا شَيْبَةُ بْنُ سَوَّارٍ؛ ح: وَحَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ وَ مُحَمَّدُ بْنُ الْوَلِيدِ. قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي بَشْرِ جَعْفَرِ بْنِ إِيسَى قَالَ: سَمِعْتُ عَبَادَ بْنَ شُرْحَيْلٍ، رَجُلًا مِنْ بَنِي غُبَرٍ قَالَ: أَصَابَنَا عَامٌ مَحْمَصَةٌ. فَأَتَيْتُ الْمَدِينَةَ. فَأَتَيْتُ حَائِطًا مِنْ حِيطَانِهَا. فَأَخَذْتُ سُبُلًا فَفَرَّقْتُهُ وَأَكَلْتُهُ وَجَعَلْتُهُ فِي كِسَائِي. فَجَاءَ صَاحِبُ الْحَائِطِ. فَضَرَبَنِي وَأَخَذَ ثَوْبِي. فَأَتَيْتُ النَّبِيَّ ﷺ فَأَخْبَرْتُهُ. فَقَالَ لِلرَّجُلِ: «مَا أَطْعَمْتَهُ إِذْ كَانَ جَائِعًا أَوْ سَاعِيًا. وَلَا عَلَّمْتَهُ إِذْ كَانَ جَاهِلًا» فَأَمَرَهُ النَّبِيُّ ﷺ فَرَدَّ إِلَيْهِ ثَوْبَهُ. وَأَمَرَ لَهُ بِوَسْقٍ مِنْ طَعَامٍ أَوْ نِصْفٍ وَسْقٍ.

تخریج: [إسناده صحيح] أخرجه أبو داود، الجهاد، باب في ابن السبيل يأكل من التمر ويشرب من اللبن إذا مر به، ح: ٢٦٢١ عن محمد بن بشار به، وصححه الحاكم: ٤/١٣٣، والذهبي.

Comments:

- A needy person may take something to fulfill his need from someone's field or garden; but he is not allowed to carry anything away with him.
- The person who committed a mistake should be treated well after discovering his circumstances and dealing with his mistake.
- The noble Prophet ﷺ did not punish the owner of the field because he was right; but he ﷺ showed that his way of dealing was wrong.

2299. It was narrated that Râfi' bin 'Amr Al-Ghifârî said: "When I was a boy, I used to throw stones at our date-palm trees"^[1] - or he said: "the date-palm trees of the *Ansâr*." I was brought to the Prophet ﷺ and he said: 'O boy' - (one of the narrators) Ibn Kâsib said: He said: 'O my son - why are you throwing stones at the date-palm trees?' I said: 'So I can eat.' He said: 'Do not throw stones at the date-palm trees. Eat from what falls to the ground from them.' Then he patted me on the head and said: 'O Allâh, give him enough to eat.'" (*Da'if*)

٢٢٩٩ - حَدَّثَنَا مُحَمَّدُ بْنُ الصَّبَّاحِ وَ يَعْقُوبُ ابْنُ حُمَيْدٍ بْنُ كَاسِبٍ. قَالَا: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ قَالَ: سَمِعْتُ ابْنَ أَبِي الْحَكَمِ الْغِفَارِيِّ قَالَ: حَدَّثَنِي جَدِّي عَنْ عَمِّ أَبِيهَا رَافِعِ بْنِ عَمْرِو الْغِفَارِيِّ قَالَ: كُنْتُ وَأَنَا غُلَامٌ أَرْمِي نَخْلَنَا، أَوْ قَالَ: نَخْلَ الْأَنْصَارِ. فَأَتَنِي يَيُّ النَّبِيِّ ﷺ. فَقَالَ: «بَا غُلَامُ وَقَالَ ابْنُ كَاسِبٍ: فَقَالَ يَا بَنِي لِمَ تَرْمِي النَّخْلَ؟» قَالَ: قُلْتُ: أَكُلُ. قَالَ: «فَلَا تَرْمِي النَّخْلَ. وَكُلْ مِمَّا يَسْقُطُ فِي أَسْفَلِهَا» قَالَ: ثُمَّ مَسَحَ رَأْسِي وَقَالَ: «اللَّهُمَّ أَشْعِ بَطْنَهُ».

تخريج: [إسناده ضعيف] أخرجه أبو داود، الجهاد، باب من قال إنه يأكل مما سقط، ح: ٢٦٢٢ من حديث معتمر به، وصححه الترمذي، ح: ١٢٨٨ * ابن أبي الحكم لم يوثقه غير الترمذي ولم يعرفه الذهبي، فهو مستور كما قال صاحب التقريب.

2300. It was narrated from Abu Sa'eed that the Prophet ﷺ said: "When you come to a shepherd, call him three times. If he answers (all well and good), otherwise drink (milk from the flock) without taking advantage. And when you come to a garden, call the owner of the garden three times. If he answers (all well and good), otherwise eat (from the

٢٣٠٠ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: أَنَّ أَبَا الْجَرِيرِ، عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدٍ، عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا أَتَيْتَ عَلَى رَاعٍ، فَتَادِهِ ثَلَاثَ مَرَّاتٍ. فَإِنْ أَجَابَكَ، وَإِلَّا فَاشْرَبْ فِي غَيْرِ أَنْ تُفْسِدَ. وَإِذَا أَتَيْتَ عَلَى حَاطِطٍ بُسْتَانٍ، فَتَادِ صَاحِبَ الْبُسْتَانِ ثَلَاثَ مَرَّاتٍ. فَإِنْ أَجَابَكَ، وَإِلَّا فَكُلْ

[1] To knock some dates down to eat.

produce of the garden) without taking advantage." (Da'if)

في أَنْ لَا تُفْسِدَ.

تخريج: [إسناده ضعيف] أخرجه أحمد: ٢١/٣ عن يزيد بن هارون به، وصححه الحاكم: ١٣٢/٤ على شرط مسلم، وقال البوصيري: هذا إسناده ضعيف، فيه الجري، واسمه سعيد بن إياس، وقد اختلط بآخره، ويزيد بن هارون روى عنه بعد الاختلاط، وانظر الحديث الآتي.

Comments:

- It is not allowed to use anything from someone's field, orchard or herd without securing the permission of the owner.
- If the owner is not present, then one should try his best to call out loud for the owner to seek his/her permission.
- If the owner is not found, despite calling loud three times; then the fruit or milk may be used without the permission of the owner in extreme circumstances.
- This permission is limited; this permission may be taken as an advantage only to meet the current need. The advantage of this limited permission is to be used only when getting food through other legal means becomes almost impossible.

2301. It was narrated from Ibn 'Umar that the Messenger of Allāh ﷺ said: "When anyone of you passes by a garden, let him eat therefrom, but he should not carry any away in his garment." (Da'if)

٢٣٠١ - حَدَّثَنَا هَدِيَّةُ بْنُ عَبْدِ الْوَهَّابِ، وَ
أَيُّوبُ بْنُ حَسَّانِ الْوَاسِطِيُّ، وَ عَلِيُّ بْنُ
سَلَمَةَ. قَالُوا: حَدَّثَنَا يَحْيَى بْنُ سُلَيْمٍ
الطَّائِفِيُّ، عَنْ عُيَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ،
عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا
مَرَّ أَحَدُكُمْ بِحَائِطٍ، فَلْيَأْكُلْ، وَلَا يَتَّخِذْ
خُبْنَةً».

تخريج: [إسناده ضعيف] أخرجه الترمذي، البيهقي، باب ماجاء في الرخصة في أكل الثمرة للمار بها، ح: ١٢٨٧ من حديث يحيى الطائفي به نحو المعنى، وقال: غريب، وطعن فيه يحيى بن معين وغيره، وقال البخاري: يحيى بن سليم يروي أحاديث عن عبيد الله، يهمل فيها (هق: ٩/ ٣٥٩)، وقال النسائي: ليس به بأس وهو منكر الحديث عن عبيد الله بن عمر قلت: هو ضعيف الحديث عن عبيد الله، وحسن الحديث عن غير عبيد الله، وصحيح الحديث في رواية الحميدي عنه عن غير عبيد الله، وهو أعدل الأقوال فيه، وأخرج البيهقي بإسناد قوي عن عمر قال: من مر منكم بحائط فليأكل في بطنه ولا يتخذ خبنة وقال: صحيح بإسناده جميعاً، وراجع الفتح: ٩٠/٥.

Comments:

- The fruit from the orchard of someone may be eaten during hard times only to ward off hunger.
- Picking more than one's need from the fruit of someone's garden and to carry some away after eating it is not allowed, rather it will be an act of stealing.
- If the value of the stolen property is equal to a quarter of a Dinâr (approximately one gram gold), then the hand of the thief is to be cut off. (See *Hadith*: 2585)

Chapter 68. The Prohibition Of Taking Something Without The Permission Of The Owner

2302. It was narrated from 'Abdullâh bin 'Umar that the Messenger of Allâh ﷺ stood up and said: "No one of you should milk from the livestock of another man without his permission. Would anyone of you like someone to break into his storeroom and take his food? The udders of their livestock store food for them, so none of you should milk the livestock of another man without his permission." (*Sahih*)

(المعجم ٦٨) - بَابُ النَّهْيِ أَنْ يُصِيبَ مِنْهَا شَيْئًا إِلَّا بِإِذْنِ صَاحِبِهَا (التحفة ٦٨)

٢٣٠٢ - حَدَّثَنَا مُحَمَّدُ [بْنُ] رُمْحٍ قَالَ: أُنْبِئْنَا اللَّيْثُ بْنُ سَعْدٍ عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ رَسُولِ اللَّهِ ﷺ أَنَّهُ قَامَ فَقَالَ: «لَا يَحْلِبَنَّ أَحَدُكُمْ مَاشِيَةَ رَجُلٍ بَغَيْرِ إِذْنِهِ. أَيَحِبُّ أَحَدُكُمْ أَنْ تُؤْتَى مَشْرَبَتُهُ فَيَكْسِرَ بَابَ خِرَانَتِهِ، فَيَسْتَلَّ طَعَامُهُ؟ فَإِنَّمَا تَخْزَنُ لَهُمْ ضُرُوعُ مَوَاشِيهِمْ أَطْعَمَانِهِمْ. فَلَا يَحْتَلِبَنَّ أَحَدُكُمْ مَاشِيَةَ امْرِئٍ بِغَيْرِ إِذْنِهِ».

تخريج: أخرجه مسلم، اللقطة، باب تحريم حلب الماشية بغير إذن مالكها، ح: ١٧٢٦ عن محمد بن رمح به.

Comments:

- The important matters of daily life should be explained in the sermon.
- The sermon should be delivered while standing.
- The examples should be given for the explanation of the issue. It is prohibited to milk an animal without the permission of its owner.

2303. Abu Hurairah said: "While we were with the Messenger of Allâh ﷺ on a journey, we saw some camels with their udders tied, among some thorny trees. We rushed towards it, but the

٢٣٠٣ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ بِشْرِ بْنِ مَضْمُورٍ: حَدَّثَنَا عُمَرُ بْنُ عَلِيٍّ، عَنْ حَجَّاجٍ، عَنْ سَلِيطِ بْنِ عَبْدِ اللَّهِ الطَّهَوِيِّ، عَنْ ذُهَيْلِ بْنِ عَوْفٍ بْنِ شَمَّاحٍ الطَّهَوِيِّ: حَدَّثَنَا أَبُو هُرَيْرَةَ

Messenger of Allâh ﷺ called us and we came back to him. He said: 'These camels belong to a family of Muslims, and this is their support (and blessing) after Allâh. Would you be happy if you went back to your vessels and found that what was in them had been taken away? Do you think that is fair?' They said: 'No.' He said: 'This is like that.' We said: 'What do you think if we are in need of food and drink?' He said: 'Eat but do not carry any away; drink but do not carry any away.' (Da'if)

تخریج: [إسناده ضعيف] أخرجه أحمد: ٤٠٥/٢ من طريق حجاج بن أرطاة به، والحدیث وضعفه البخاري، والبوصيري * الحجاج تقدم، ح: ١١٢٩، ٤٩٦، وسليط، وذهيل مجهولان كما في التقريب.

Chapter 69. Keeping Livestock

(المعجم ٦٩) - بَابُ اتِّخَاذِ الْمَاشِيَةِ

(التحفة ٦٩)

2304. It was narrated from Umm Hânî' that the Prophet ﷺ said to her: "Keep sheep, for in them is blessing." (Sahih)

٢٣٠٤ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ أُمِّ هَانِئٍ أَنَّ النَّبِيَّ ﷺ قَالَ لَهَا: «اتَّخِذِي غَنَمًا، فَإِنَّ فِيهَا بَرَكََةً».

تخریج: [إسناده صحيح] أخرجه الخطيب: ١١/٤ من حديث هشام به بلفظ: اتخذوا، وصححه البوصيري، وله طريق آخر عند أحمد: ٣٤٣/٦، وفيه من لم يعرفه الهيثمي: ٦٦/٤.

2305. It was narrated that 'Urwah Al-Bâriqi said in a Marfu'^[1] report: "Camels are the pride of their owners, and sheep are a blessing, and goodness is tied to the forelocks of horses until the Day of Resurrection." (Sahih)

٢٣٠٥ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ ثُمَيْرٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ حُصَيْنٍ، عَنْ عَامِرٍ، عَنْ عُرْوَةَ الْبَارِقِيِّ، يَرْفَعُهُ قَالَ: «الْإِبِلُ عِزٌّ لِأَهْلِهَا. وَالْغَنَمُ بَرَكََةٌ. وَالْخَيْرُ مَعْقُودٌ فِي نَوَاصِي الْخَيْلِ إِلَى يَوْمِ الْقِيَامَةِ».

[1] Meaning, he attributed it to the Prophet ﷺ.

تخريج: أخرجه البخاري، الجهاد والسير، باب الخيل معقود في نواصيها الخير إلى يوم القيامة، ح: ٣١١٩، ٢٨٥٠ وغيرهما، ومسلم، الإمارة، باب فضيلة الخيل وأن الخير معقود بنواصيها، ح: ١٨٧٣ عن محمد بن عبدالله بن نمير به، وقال البوصيري: هذا إسناد صحيح على شرط الشيخين فقد احتجا بجميع رواته.

Comments:

- There are enormous benefits of a camel. It is still highly important, particularly in the desert territories.
- The goats bear more kids and the kids grow faster; and also they eat any type of fodder and tree leaves, etc. Therefore, they prove to be the source of blessing.
- The blessing of horses is interpreted with 'reward and war spoils' in another *Hadith*; i.e. they work for *Jihād*. (See *Sahih Al-Bukhārī*: 2852).
- Breeding and keeping animals is a source of lawful earning.

2306. It was narrated from Ibn 'Umar ؓ that the Messenger of Allāh ﷺ said: "Sheep are among the animals of Paradise.'" (*Da'if*)

٢٣٠٦ - حَدَّثَنَا عِصْمَةُ بْنُ الْفَضْلِ التَّيْسَابُورِيُّ، وَ مُحَمَّدُ بْنُ فِرَاسٍ، أَبُو هُرَيْرَةَ الصِّيرَفِيُّ. قَالَا: حَدَّثَنَا حَرَمِيُّ بْنُ عُمَارَةَ: حَدَّثَنَا زُرَيْبِيُّ، إِمَامٌ مَسْجِدِ هِشَامِ بْنِ حَسَّانٍ: حَدَّثَنَا مُحَمَّدُ بْنُ سِيرِينَ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الشَّاةُ مِنْ دَوَابِّ الْجَنَّةِ».

تخريج: [إسناده ضعيف جداً] أخرجه ابن عدي في الكامل: ١٠٩٤/٣ من حديث عصمة به، وضعفه ابن الجوزي في الواهيات: ١٧٤/٢، ح: ١١٠٢، والبوصيري، وقال: زرعي متفق على ضعفه، وله طريق آخر مظلم، عند الخطيب: ٤٣٥/٧.

Comments:

- It means it is a lawful animal. Its meat and milk is benefiting. Therefore, the goats should be bred and kept as livestock, and their meat and milk should be consumed.
- It may also mean that some of these animals are slaughtered and offered in the Name of Allāh and sacrificed at the occasion of 'Eid; and these actions become a source of achieving Paradise.
- One narrator in the chain of this *Hadith*, Zarbi bin 'Abdullāh, is Weak, and Imām Albānī did not mention this *Hadith* in *Da'if Ibn Mājah*. Therefore, its benefits have been mentioned. [I would like to say: This *Hadith* is authentic; therefore Shaikh Albānī did not mention it in *Da'if Ibn Mājah*; but he mentioned it to be authentic in *Sahihul-Jāmi As-Saghir wa Ziyadatuh*: 3619 and also in *Silsilatul-Ahādithus As-Sahihah*: 1128 — Usmanī]

2307. It was narrated that Abu Hurairah said: "The Messenger of Allāh ﷺ commanded the rich to keep sheep, and he commanded the poor to keep chickens, and he said: 'When the rich keep chickens, then Allāh will give permission for the town to be destroyed.'" (Maudu')

٢٣٠٧ - حَدَّثَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا
عُثْمَانُ بْنُ عَبْدِ الرَّحْمَنِ: حَدَّثَنَا عَلِيُّ بْنُ
عُرْوَةَ، عَنْ الْمُقْبِرِيِّ، عَنْ أَبِي هُرَيْرَةَ قَالَ:
أَمَرَ رَسُولُ اللَّهِ ﷺ الْأَغْنِيَاءَ بِاتِّخَاذِ الْغَنَمِ.
وَأَمَرَ الْفُقَرَاءَ بِاتِّخَاذِ الدَّجَاجِ. وَقَالَ: «عِنْدَ
اتِّخَاذِ الْأَغْنِيَاءِ الدَّجَاجِ، يَأْذُنُ اللَّهُ بِهَلَاكِ
الْقَرْيِ».

تخريج: [إسناده موضوع] أخرجه أبو سعيد بن الأعرابي في المعجم من طريق عثمان بن عبد الرحمن الحراني به، وقال البوصيري: هذا إسناده ضعيف، علي بن عروة تركوه، وقال ابن حبان: يضع الحديث، وقال الحافظ في التقریب: متروك وله لون آخر عند ابن الجوزي في الموضوعات، أخرجه العقيلي من طريق آخر فيه كذاب ومتروك.