

مصنف ابن أبي شيبة

Musannaf Ibn Abi Shaybah

VOLUME [21]

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Note

Muṣannaf Ibn Abī Shaybah—formally titled “al-Kitāb al-Muṣannaf fī al-Aḥādīth wa al-Āthār”—stands among the greatest monuments of early Islamic scholarship. Compiled by the eminent ḥadīth expert and great Imam Abū Bakr ‘Abdullāh ibn Muḥammad ibn Ibrāhīm ibn ‘Uthmān al-‘Absī, widely known as Ibn Abī Shaybah (159-235 AH), this expansive work preserves the intellectual, legal, devotional, and spiritual heritage of the first centuries of Islam. A teacher of al-Bukhārī, Muslim, and the leading imams of his generation, Ibn Abī Shaybah authored a collection that has served for over a millennium as a foundational reference for jurists, muḥaddithūn, historians, and researchers.

This edition contains 37,943 narrations, spanning Prophetic ḥadīth, Companion reports (mawqūf), and Successor traditions (maqṭū‘). The work is arranged topically, covering all major areas of Islamic practice—prayer, purification, ethics, commerce, society, governance, jihad, and thousands of detailed jurisprudential issues. Its scope reflects not only the Sunnah of the Prophet ﷺ but also the early legal culture of Kūfa, the opinions of leading Companions, and the interpretive frameworks of the first generations.

Many rare narrations preserved here do not appear in other major collections, making this Muṣannaf an indispensable source for reconstructing early Islamic thought. The edition most widely used today is the seven-volume Maktabat al-Rushd (Riyadh) publication, edited by Sheikh Kamāl Yūsuf al-Ḥūt, based on verified manuscripts and aligned with the printed arrangement. Digital access to the full text is also available at: <https://ketabonline.com/ar/books/6996> For contemporary students and researchers, Muṣannaf Ibn Abī Shaybah offers far more than a repository of narrations.

It grants direct access to the living intellectual world of the 2nd and 3rd Islamic centuries—the debates of jurists, the devotional practices of the righteous, the understandings of the Companions, and the transmission networks that shaped Sunni orthodoxy. Its vast content provides context for the development of fiqh schools, sheds light on doctrinal issues, and helps preserve countless early traditions that might otherwise have been lost. This work before you has been carefully cleaned, structured, and standardized into a modern digital format, enabling readers to navigate all 37,943 reports with ease.

May it serve as a valuable tool for scholars, students, and seekers of sacred knowledge, continuing the legacy of one of Islam's earliest and most prolific hadith masters.

[20001] ‘Alī ibn Mushir reported from Abū ‘Umar, from Al-Ḥasan, that he asked him about it [Salam sale issues], and he said: “This is invalid. Take only your principal capital, or the food entirely.”

حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ أَبِي عُمَرَ، عَنِ الْحَسَنِ، قَالَ: سَأَلْتُهُ عَنْهُ فَقَالَ: هَذَا فَاسِدٌ، لَا تَأْخُذُ إِلَّا رَأْسَ مَالِكَ، أَوْ طَعَامًا كُلَّهُ

[20002] Jarīr reported from ‘Aṭā’ ibn al-Sā’ib, from ‘Abd Allāh ibn Mughaffal, regarding a man who paid one hundred dirhams in advance (Salam) for food, then he took half of his Salam in food, but the other half became difficult [for the seller to provide]. He said: “Take only your Salam [goods], or your principal capital entirely.”

حَدَّثَنَا جَرِيرٌ، عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ عَبْدِ اللَّهِ بْنِ مُغَفَّلٍ، فِي رَجُلٍ أَسْلَمَ مِائَةَ دِرْهَمٍ فِي طَعَامٍ، فَأَخَذَ نِصْفَ سَلَمِهِ طَعَامًا، وَعَسَرَ عَلَيْهِ النَّصْفُ فَقَالَ: لَا تَأْخُذْ إِلَّا سَلَمَكَ، أَوْ رَأْسَ مَالِكَ جَمِيعًا

[20003] Abū al-Aḥwaṣ reported from Maṣṣūr, from Ibrāhīm: Regarding a man who makes a Salam payment, then takes half of his Salam goods and some dirhams [for the rest]. He disliked it.

حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ مَاصُورٍ، عَنْ إِبْرَاهِيمَ: فِي الرَّجُلِ يُسَلِّمُ فَيَأْخُذُ نِصْفَ سَلَمِهِ، وَيَبْغِضُ دِرْهَمًا، فَكَرِهَهُ

[20004] ‘Abd al-Raḥmān ibn Maḥdī reported from Zam‘ah, from Ibn Ṭāwūs, from his father: That he used to dislike taking part of his Salam goods and part in [other] food.

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنْ زَمْعَةَ، عَنْ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ: أَنَّهُ كَانَ يَكْرَهُ أَنْ يَأْخُذَ بَعْضَ سَلَمِهِ، وَبَعْضًا طَعَامًا

[20005] ‘Abd al-Salām ibn Ḥarb reported from ‘Abd Allāh ibn Bishr, from someone who mentioned from Abū Salamah: That he used to dislike taking part of his Salam goods and part in wheat.

حَدَّثَنَا عَبْدُ السَّلَامِ بْنُ حَرْبٍ، عَنْ عَبْدِ اللَّهِ بْنِ بَشِيرٍ، عَنْ مَنْ يَذْكُرُ عَنْ أَبِي سَلَمَةَ، أَنَّهُ كَانَ يَكْرَهُ أَنْ يَأْخُذَ بَعْضَ سَلَمِهِ، وَبَعْضًا حِنْطَةً

[20006] Wakī‘ reported from Sufyān, from Zayd ibn Jubayr, who said: I heard Ibn ‘Umar say: “Take your Salam capital [the goods], or your principal capital [the money].”

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ زَيْدِ بْنِ جُبَيْرٍ، قَالَ: سَمِعْتُ ابْنَ عُمَرَ، يَقُولُ: خُذْ رَأْسَ سَلَمِكَ، أَوْ رَأْسَ مَالِكَ

[20007] Abū Dāwūd al-Ṭayālīsī reported from Jarīr ibn Ḥāzim, from Qays ibn Sa’d, from Mujāhid: That he disliked it, whereas ‘Aṭā’ saw no harm in it.

حَدَّثَنَا أَبُو دَاوُدَ الطَّيَالِيسِيُّ، عَنْ جَرِيرِ بْنِ حَازِمٍ، عَنْ قَيْسِ بْنِ سَعْدٍ، عَنْ مُجَاهِدٍ: "أَنَّهُ: كَرِهَهُ" وَأَنَّ عَطَاءً: لَمْ يَرِ بِهِ بَأْسًا

[20008] Ibn ‘Uyaynah reported from ‘Amr ibn Dīnār, from Jābir ibn Zayd: That he disliked taking part of his Salam goods and part in [other] food.

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ جَابِرِ بْنِ زَيْدٍ، أَنَّهُ كَرِهَ أَنْ يَأْخُذَ بَعْضُ سَلَمِهِ، وَبَعْضًا طَعَامًا

[20009] Ibn ‘Uyaynah reported from Abū al-Sawdā’, from Shurayh: That he disliked it.

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ أَبِي السَّوْدَاءِ، عَنْ شُرَيْحٍ: أَنَّهُ كَرِهَهُ

[20010] Al-Ḍaḥḥāk ibn Makhlad reported from Ibn Jurayj, from Abū al-Zubayr, from Sa‘īd ibn Jubayr: That he disliked it.

حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلَدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ: أَنَّهُ كَرِهَهُ

[20011] Ibn Mahdī reported from Sufyān, from Ibn Abī Dhi’b, from Sālim and Al-Qāsim: That both of them disliked taking part of his Salam goods and part in [other] food.

حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ ابْنِ أَبِي ذَيْبٍ، عَنْ سَالِمٍ، وَالْقَاسِمِ: أَنَّهُمَا كَرِهَا أَنْ يَأْخُذَ، بَعْضُ سَلَمِهِ، وَبَعْضًا طَعَامًا

[20012] Ibn Abī ‘Adī reported from Salamah ibn ‘Alqamah, from Ibn Sīrīn: That he disliked taking part of his Salam goods and part in [other] food.

حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ، عَنْ سَلَمَةَ بْنِ عَلْقَمَةَ، عَنْ ابْنِ سِيرِينَ: أَنَّهُ كَرِهَ أَنْ يَأْخُذَ بَعْضُ سَلَمِهِ، وَبَعْضًا طَعَامًا

[20013] Wakī‘ reported: Sufyān told us from Manṣūr, from Ibrāhīm; and Sufyān from Muṭarrif, from Al-Sha‘bī; and Sufyān from Yūnus, from Al-Ḥasan; and Sufyān from ‘Abd al-Malik ibn ‘Umayr, from ‘Amr ibn al-Ḥārith ibn al-Muṣṭaliq; and Sufyān from ‘Aṭā’ ibn al-Sā’ib, from Ibn Mughaffal: That [all of] them disliked for a man to take part of his Salam goods and part of his principal capital.

حَدَّثَنَا وَكِيعٌ، قَالَ: نَأْسُفِيَانُ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، وَسُفْيَانُ، عَنْ مُطَرِّفٍ، عَنِ الشَّعْبِيِّ، وَسُفْيَانُ عَنْ يُونُسَ، عَنِ الْحَسَنِ، وَسُفْيَانُ، عَنْ عَبْدِ الْمَلِكِ بْنِ عَمْرِو بْنِ الْحَارِثِ بْنِ الْمُصْطَلِقِ، وَسُفْيَانُ، عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنِ ابْنِ مُعَقَّلٍ، أَنَّهُمْ كَرَهُوا أَنْ يَأْخُذَ الرَّجُلُ بَعْضَ سَلَمِهِ، وَبَعْضَ رَأْسِ مَالِهِ

[20014] Ḥafṣ ibn Ghiyāth and Ibn Fuḍayl reported from Al-A‘mash, from Ibrāhīm, from Al-Aswad, from ‘Ā’ishah: “That the Messenger of Allah ﷺ bought food from a Jew for a set term, and he pledged his armor to him as collateral.” Ibn Fuḍayl did not mention: “for a set term.”

حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، وَابْنُ فَضَيْلٍ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ اشْتَرَى مِنْ يَهُودِيٍّ طَعَامًا إِلَى أَجَلٍ، فَرَهْنَهُ دِرْعَهُ وَلَمْ يَذْكُرِ ابْنُ فَضَيْلٍ: إِلَى أَجَلٍ

[20015] Ḥafṣ reported from Sa‘īd, from Qatādah, from Abū Ḥassān, from Ibn ‘Abbās, who said: “There is no harm in [taking] collateral in Salam [sale].”

حَدَّثَنَا حَفْصٌ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ أَبِي حَسَّانَ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: لَا بَأْسَ بِالرَّهْنِ فِي السَّلَامِ

[20016] Ibn ‘Uyaynah reported from Ayyūb, from Qatādah, from Abū Ḥassān, from Ibn ‘Abbās, who said: “There is no harm in [taking] collateral in Salam [sale].”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ أَيُّوبَ، عَنْ قَتَادَةَ، عَنْ أَبِي حَسَّانَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: لَا بَأْسَ بِالرَّهْنِ فِي السَّلَمِ

[20017] Ibn ‘Uyaynah reported from Ayyūb, from Qatādah, from Abū Ḥassān, from Ibn ‘Abbās, similar to it.

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ أَيُّوبَ، عَنْ قَتَادَةَ، عَنْ أَبِي حَسَّانَ، عَنْ ابْنِ عَبَّاسٍ، بِنَحْوِهِ

[20018] Ḥafṣ and Ibn Fuḍayl reported from Al-A‘mash, from Ibrāhīm, that he saw no harm in collateral in Salam. He said: It was said to him: “Sa‘īd ibn Jubayr says: ‘That is the guaranteed profit.’” He replied: “He may take the collateral, and then the price might rise.”

حَدَّثَنَا حَفْصٌ، وَابْنُ فُضَيْلٍ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، أَنَّهُ كَانَ لَا يَرَى بِالرَّهْنِ فِي السَّلَمِ بَأْسًا قَالَ: فَقِيلَ لَهُ: إِنَّ سَعِيدَ بْنَ جُبَيْرٍ يَقُولُ: ذَلِكَ الرَّبْحُ الْمَضْمُونُ قَالَ: قَدْ يَأْخُذُ الرَّهْنُ، ثُمَّ يَرْتَفِعُ السَّعْرُ

[20019] ‘Alī ibn Mushir reported from Al-Shaybānī, who said: I asked Al-Sha‘bī about collateral in Salam, and he said: “I wish that I had not given anything except with collateral.”

حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، قَالَ: سَأَلْتُ الشَّعْبِيَّ عَنِ الرَّهْنِ فِي السَّلَمِ، فَقَالَ: وَدِدْتُ أَنِّي لَمْ أَكُنْ أُعْطِيْتُ شَيْئًا إِلَّا بِالرَّهْنِ

[20020] Abū Usāmah reported from Sa‘īd, from Qatādah, from Sa‘īd ibn al-Musayyib and ‘Atā’: That they used to see no harm in collateral in Salam.

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، وَعَطَاءٍ: أَنَّهُمَا كَانَا لَا يَرَيَانِ بِالرَّهْنِ فِي السَّلَمِ بَأْسًا

[20021] Wakī‘ reported: ‘Abd al-Ḥamīd ibn Bahrām told us from Shahr ibn Ḥawshab, from Asmā’ bint Yazīd: “That the Prophet ﷺ passed away while his armor was mortgaged with a Jew for food.”

حَدَّثَنَا وَكَيْعٌ، قَالَ: نَا عَبْدُ الْحَمِيدِ بْنُ بَهْرَامٍ، عَنْ شَهْرِ بْنِ حَوْشَبٍ، عَنْ أَسْمَاءَ بِنْتِ يَزِيدٍ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ تُوْفِّيَ وَدِرْعُهُ مَرْهُونَةٌ عِنْدَ يَهُودِيٍّ بِطَعَامٍ

[20022] Yazīd ibn Hārūn reported from Hishām, from ‘Ikrimah, from Ibn ‘Abbās, who said: “The Messenger of Allah ﷺ passed away while his armor was mortgaged for thirty Ṣā‘ of barley, which he had taken as provision for his family.”

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ هِشَامٍ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: فُيِضَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَإِنَّ دِرْعَهُ مَرْهُونَةٌ بِثَلَاثِينَ صَاعًا مِنْ شَعِيرٍ، أَخَذَهَا رِزْقًا لِعِيَالِهِ

[20023] Abū Usāmah reported from Khālīd ibn Dīnār, who said: I asked Sālīm about collateral in Salam, so he recited: {Then a pledge taken} [Al-Baqarah: 283], as if he saw no harm in it.

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ خَالِدِ بْنِ دِينَارٍ، قَالَ: سَأَلْتُ سَالِمًا: عَنِ الرَّهْنِ فِي السَّلَمِ، فَقَرَأَ: {فَرِهَانٌ مَقْبُوضَةٌ} [البقرة: 283] كَأَنَّهُ لَمْ يَرَ بِهِ بَأْسًا

[20024] Marwān ibn Mu‘āwiyah reported from Al-Zibriqān al-Sarrāj, who said: I asked ‘Abd Allāh ibn Mughaffal about Salam in which I take collateral or a guarantor. He said: “Secure what belongs to you.”

حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ، عَنِ الزَّبْرِقَانَ السَّرَّاجِ، قَالَ: سَأَلْتُ عَبْدَ اللَّهِ بْنَ مُغَفَّلٍ عَنِ السَّلَامِ أَخَذُ فِيهِ الرَّهْنَ، أَوِ الْقَبِيلَ فَقَالَ: اسْتَوْثِقْ مِنَ الَّذِي لَكَ

[20025] Ibn Abī Zā'idah reported from Ibn ‘Awn, from ‘Āmir [Al-Sha‘bī], who said: “I am truly amazed at those who dislike [taking] collateral or a guarantor in Salam.”

حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنِ ابْنِ عَوْنٍ، عَنْ عَامِرٍ، قَالَ: إِنِّي لَأَعْجَبُ مِمَّنْ يَكْرَهُ الرَّهْنَ، أَوِ الْقَبِيلَ فِي السَّلَامِ

[20026] Ibn Fuḍayl reported from Ismā'il ibn Abī Khālid from Al-Sha‘bī that he saw no harm in taking security for your property. A man said to him: "There are people who dislike the surety (Qabīl) but see no harm in the guarantor (Kafil)."

حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنِ الشَّعْبِيِّ، أَنَّهُ كَانَ لَا يَرَى بَأْسًا أَنْ تَأْخُذَ ثِقَةً بِمَالِكَ، فَقَالَ لَهُ رَجُلٌ: إِنَّ قَوْمًا يَكْرَهُونَ الْقَبِيلَ، وَلَا يَرَوْنَ بِالْكَفِيلِ بَأْسًا

[20027] Ibn Abī Zā'idah reported from Isrā'il from Jābir from ‘Āmir who said: The companions of ‘Abdullāh saw no harm in it.

حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: كَانَ أَصْحَابُ عَبْدِ اللَّهِ لَا يَرَوْنَ بِهِ بَأْسًا

[20028] Ibn Abī Zā'idah reported from ‘Abd al-Malik from ‘Aṭā' the like of it.

حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، مِثْلَهُ

[20029] Ḥumayd ibn ‘Abd al-Raḥmān reported from Ḥasan from Jābir from Abū Ja‘far, Sālim, and Al-Qāsim, who said: "There is no harm in [taking] a pledge (Rahn) in a Salam transaction."

حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنِ، عَنْ جَابِرٍ، عَنْ أَبِي جَعْفَرٍ، وَسَلِّمٍ، وَالْقَاسِمِ، قَالُوا: لَا بَأْسَ بِالرَّهْنِ فِي السَّلَمِ

[20030] Ismā‘īl ibn Ibrāhīm reported from Ayyūb from Muḥammad who said: "If the beginning [of the transaction] is lawful, then the pledge is among what has been commanded."

حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ أَيُّوبَ، عَنْ مُحَمَّدٍ، قَالَ: إِذَا كَانَ أَوَّلُ حَلَالٍ فَالرَّهْنُ مِمَّا أُمِرَ بِهِ

[20031] Muḥammad ibn Fuḍayl reported from Yazīd from Mujāhid from Ibn ‘Umar that he was asked about pledges in Salam transactions, and he said: "Seek

حَدَّثَنَا مُحَمَّدُ بْنُ فَضَيْلٍ، عَنْ يَزِيدَ، عَنْ مُجَاهِدٍ، عَنْ ابْنِ عُمَرَ أَنَّهُ سُئِلَ عَنِ الرَّهْنِ فِي السَّلَمِ فَقَالَ: اسْتَوثِقْ

[20032] Mālik reported: Wakī‘ reported: Ibn Abī Khālīd reported: ‘Āmir was asked about pledges in Salam transactions. He said: "I do not say about it like Ibn Jubayr says: 'It is guaranteed usury'."

حَدَّثَنَا مَالِكٌ، حَدَّثَنَا وَكَيْعٌ، قَالَ: حَدَّثَنَا ابْنُ أَبِي خَالِدٍ، قَالَ: سُئِلَ عَامِرٌ عَنِ الرَّهْنِ فِي السَّلَمِ قَالَ: "إِنِّي لَا أَقُولُ فِيهِ مِثْلَ قَوْلِ ابْنِ جُبَيْرٍ: إِنَّهُ رَبًّا مَضْمُونٌ

[20033] Wakī' reported: Sufyān reported from Yazīd from Miqsam from Ibn 'Abbās who said: "There is no harm in the pledge and the guarantor in a Salam transaction."

حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ يَزِيدَ، عَنْ مِقْسَمٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: لَا بَأْسَ بِالرَّهْنِ وَالْكَفِيلِ فِي السَّلَامِ

[20034] Wakī' ibn al-Jarrāh reported from Ibn Jurayj from 'Abdullāh ibn Abī Zā'idah from Abū 'Iyād that 'Alī used to dislike the pledge and the surety in a Salam transaction.

حَدَّثَنَا وَكِيعُ بْنُ الْجَرَّاحِ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَبْدِ اللَّهِ بْنِ جُرَيْجٍ، عَنْ أَبِي عِيَاضٍ، أَنَّ عَلِيًّا: كَانَ يَكْرَهُ الرَّهْنَ، وَالْكَفِيلَ فِي السَّلَامِ

[20035] Abū al-Aḥwaṣ reported from Muḥammad ibn Qays who said: Ibn 'Umar was asked about a man who makes a Salam transaction and takes a pledge. He disliked it and said: "That is a guaranteed loan, meaning profit [without risk]."

حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ مُحَمَّدِ بْنِ قَيْسٍ، قَالَ: سُئِلَ ابْنُ عُمَرَ عَنِ الرَّجُلِ يُسَلِّمُ السَّلَامَ، وَيَأْخُذُ الرَّهْنَ، فَكَرِهَهُ وَقَالَ: ذَلِكَ السَّلَفُ الْمَضْمُونُ، يَعْنِي الرِّبْحَ

[20036] Ibn Fuḍayl reported from Yazīd and Salām from Mujāhid from Ibn 'Abbās that he used to dislike the pledge in a Salam transaction.

حَدَّثَنَا ابْنُ فَضَالٍ، عَنْ يَزِيدَ، وَسَلَامٍ، عَنْ مُجَاهِدٍ، عَنْ ابْنِ عَبَّاسٍ: أَنَّهُ كَانَ يَكْرَهُ الرَّهْنَ فِي السَّلَامِ

[20037] Ḥafṣ ibn Ghiyāth reported from Layth from Ṭāwūs who said: "Every sale involving delay (Nasa'), the surety and the pledge are disliked in it."

حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ لَيْثٍ، عَنْ طَاوُسٍ، قَالَ: كُلُّ بَيْعٍ نَسَا فَإِنَّهُ يُكْرَهُ الْقَبِيلُ، وَالرَّهْنُ فِيهِ

[20038] Ibn Fuḍayl reported from Bukayr ibn 'Atīq who said: I said to Sa'īd ibn Jubayr: "May I take a pledge in a Salam transaction?" He said: "That is guaranteed profit." I said: "May I take a guarantor?" He said: "That is guaranteed profit."

حَدَّثَنَا ابْنُ فَضَيْلٍ، عَنْ بُكَيْرِ بْنِ عَتِيقٍ، قَالَ: قُلْتُ لِسَعِيدِ بْنِ جُبَيْرٍ: أَخَذُ الرَّهْنَ فِي السَّلَامِ؟ فَقَالَ: ذَلِكَ رِبْحٌ مَضْمُونٌ قَالَ: قُلْتُ: أَخَذُ الْكَفِيلَ؟ قَالَ: ذَلِكَ رِبْحٌ مَضْمُونٌ

[20039] Ibn Mahdī reported from Sufyān from Al-Ja'd from Shurayḥ that he used to dislike the pledge in a loan (Salaf/Salam).

حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنِ الْجَعْدِ، عَنْ شُرَيْحٍ: أَنَّهُ كَانَ يَكْرَهُ الرَّهْنَ فِي السَّلَفِ

[20040] Muḥammad ibn Abī 'Adī reported from Dāwūd from Sa'īd ibn al-Musayyib that he used to dislike the pledge and the surety in a Salam transaction.

حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ دَاوُدَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ: أَنَّهُ كَانَ يَكْرَهُ الرَّهْنَ، وَالْقَبِيلَ فِي السَّلَامِ

[20041] Sufyān ibn ‘Uyaynah reported from ‘Amr from Abū Sa‘īd from Ibn ‘Abbās that he did not see any usury between a slave and his master; he gives him a dirham and takes two dirhams from him.

حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ أَبِي سَعِيدٍ،
عَنِ ابْنِ عَبَّاسٍ، أَنَّهُ كَانَ لَا يَرَى بَيْنَ الْعَبْدِ وَبَيْنَ سَيِّدِهِ
رِبًّا، يُعْطِيهِ دِرْهَمًا، وَيَأْخُذُ مِنْهُ دِرْهَمَيْنِ

[20042] Ḥaṣṣ reported from Abū al-‘Awwām from ‘Aṭā’ from Ibn ‘Abbās who said: "There is no usury between a slave and his master."

حَدَّثَنَا حَفْصٌ، عَنْ أَبِي الْعَوَّامِ، عَنْ عَطَاءٍ، عَنْ ابْنِ
عَبَّاسٍ، قَالَ: لَيْسَ بَيْنَ الْعَبْدِ وَبَيْنَ سَيِّدِهِ رِبًّا

[20043] Ismā‘īl reported from Layth from Ṭāwūs; and from Hishām al-Dastuwā’ī from Qatādah from Jābir ibn Zayd; and from Hishām from Ḥammād from Ibrāhīm, [all of whom] said: "There is no usury between a slave and his master."

حَدَّثَنَا إِسْمَاعِيلُ، عَنْ لَيْثٍ، عَنْ طَاوُسٍ، وَعَنْ هِشَامِ
الدَّسْتَوَائِيِّ، عَنْ قَتَادَةَ، عَنْ جَابِرِ بْنِ زَيْدٍ، وَعَنْ هِشَامِ،
عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَيْسَ بَيْنَ الْعَبْدِ وَبَيْنَ
سَيِّدِهِ رِبًّا

[20044] Hushaym reported from Mughīrah who said: I asked Ibrāhīm and Al-Sha‘bī about a man who had a slave that paid five [dirhams] every month, so he said: "Give me two hundred dirhams every month, and I will give you nine dirhams every month." He said: They saw no harm in it.

حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، قَالَ: سَأَلْتُ إِبْرَاهِيمَ، وَالشَّعْبِيَّ عَنْ رَجُلٍ كَانَ لَهُ عَبْدٌ يُؤَدِّي خُمُسَهُ كُلَّ شَهْرٍ فَقَالَ: أَعْطِنِي مِائَتِي دِرْهَمٍ كُلَّ شَهْرٍ، وَأَعْطِيكَ كُلَّ شَهْرٍ تِسْعَةَ دَرَاهِمٍ، قَالَ: فَلَمْ يَرَوْا بِهِ بَأْسًا

[20045] Hushaym reported from Yūnus from Al-Ḥasan and Ibn Sīrīn that they disliked that a man gives his slave a dirham on the condition that he increases his tax (Ghallah). Ibn Sīrīn said: "He may give him a ransom, or an animal, or other such grants, and increase upon him whatever he wishes."

حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، وَابْنِ سِيرِينَ أَنَّهُمَا كَرِهَا أَنْ يُعْطِيَ الرَّجُلُ مَمْلُوكَهُ الدَّرْهَمَ عَلَى أَنْ يَزِيدَهُ فِي الْغَلَّةِ وَقَالَ ابْنُ سِيرِينَ: يُعْطِيهِ فِدْيَةً، أَوْ دَابَّةً، أَوْ غَيْرَ ذَلِكَ مِنَ الْمَنَائِحِ وَيَزِيدُ عَلَيْهِ مَا شَاءَ

[20046] ‘Abdah ibn Sulaymān reported from Sa‘īd from Qatādah from Jābir ibn Zayd and Al-Ḥasan, who both said: "There is no usury between a slave and his master."

حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ جَابِرِ بْنِ زَيْدٍ، وَالْحَسَنِ، قَالَا: لَيْسَ بَيْنَ الْعَبْدِ وَبَيْنَ سَيِّدِهِ رِبَاٌ

[20047] Ghundar reported from Ibn Jurayj from ‘Aṭā’ who said: "There is no usury between a slave and his master."

حَدَّثَنَا غُنْدَرٌ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: لَيْسَ بَيْنَ الْمَمْلُوكِ وَبَيْنَ سَيِّدِهِ رِبَاً

[20048] Sharīk reported from Mughīrah from Ibrāhīm who said: "There is no harm in selling fresh fodder, cutting after cutting."

حَدَّثَنَا شَرِيكٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ بَبَيْعِ الرِّطَابِ جَزَّةً بَعْدَ جَزَّةٍ

[20049] Sharīk reported from Mughīrah from ‘Āmir who said: "There is no harm in selling fresh fodder, cutting after cutting, and patch after patch."

حَدَّثَنَا شَرِيكٌ، عَنْ مُغِيرَةَ، عَنْ عَامِرٍ، قَالَ: لَا بَأْسَ بَبَيْعِ الرِّطَابِ الْجَزَّةَ بَعْدَ الْجَزَّةِ وَالْقِطْعَةَ بَعْدَ الْقِطْعَةِ

[20050] Wakī‘ reported from Burayd ibn ‘Abdullāh ibn Abī Burdah who said: I asked ‘Aṭā’ about selling fresh fodder for two cuttings. He said: "It is not valid except for one cutting."

حَدَّثَنَا وَكَيْعٌ، عَنْ بُرَيْدِ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي بُرْدَةَ، قَالَ: سَأَلْتُ عَطَاءً، عَنْ بَيْعِ الرِّطَابِ جَزَّتَيْنِ قَالَ: لَا تَصْلُحُ إِلَّا جَزَّةً

[20051] Wakī‘ reported from Muḥammad ibn Muslim from Ibn Abī Najīḥ from Mujāhid that he disliked selling alfalfa (Qaḍb) and henna except by the cutting, and he disliked selling cucumbers and melons except by the picking.

حَدَّثَنَا وَكَيْعٌ، عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ، عَنْ ابْنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ: أَنَّهُ كَرِهَ بَيْعَ الْقَضْبِ وَالْحَنَاءِ إِلَّا جَزَّءً، وَكَرِهَ بَيْعَ الْخِيَارِ وَالْجُرْبِزِ إِلَّا جَنِيَّةً

[20052] ‘Alī ibn Mushir reported from Al-Shaybānī who said: I asked ‘Ikrimah about selling green barley (Qaṣīl). He said: "There is no harm." I said: "It produces ears." He disliked it.

حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، قَالَ: سَأَلْتُ عِكْرِمَةَ عَنْ بَيْعِ الْقَصِيلِ فَقَالَ: لَا بَأْسَ فَقُلْتُ: إِنَّهُ يُسْنِلُ فَكَرِهَهُ

[20053] Abū al-Aḥwaṣ reported from Ṭāriq from Sa‘īd ibn al-Musayyib who said: ‘Umar said: "Do not make Salam transactions for young animals until they reach maturity."

حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ طَارِقٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: قَالَ عُمَرُ: لَا تُسَلِّمُوا فِي فِرَاحٍ حَتَّى تُنْبُلَ

[20054] Jarīr ibn ‘Abd al-Ḥamīd reported from ‘Āṣim from Ibn Sīrīn who said: "Ears of corn should not be bought until they turn white."

حَدَّثَنَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ عَاصِمٍ، عَنْ ابْنِ سِيرِينَ، قَالَ: لَا يُشْتَرَى السُّنْبُلُ حَتَّى يَبْيَضَ

[20055] Wakī' reported from Isrā'īl from Jābir from Ibn Ashwa' and Al-Qāsim that they both disliked selling fresh fodder except by the cutting.

حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ ابْنِ أَشْوَعٍ، وَالْقَاسِمِ: أَنَّهُمَا كَرِهَا بَيْعَ الرُّطَابِ إِلَّا جَزَةً

[20056] Jarīr reported from Mughīrah from Ḥammād from Ibrāhīm who said: "Salam is disliked in grapes, unripe dates, fresh dates, apples, pears, melons, cucumbers, ears of corn, fresh dates, and the like."

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: يُكْرَهُ السَّلَامُ فِي الْعِنَبِ، وَالْبُسْرِ، وَالرُّطَبِ، وَالتَّفَاحِ، وَالْكُمَثْرِى، وَالْبِطِيخِ، وَالْقَتَاءِ، وَالسُّنْبُلِ، وَالرُّطَبِ وَأَشْبَاهِهِ

[20057] Jarīr reported from Mughīrah from Ḥammād from Ibrāhīm who said: "There is no harm if the tailor contracts for a known wage, or if he contracts without that after he informs him of something, or he cuts it, or he gives him threads and needles, or he sews something in it. But if he does not inform him of this, or anything of it, then he should not take any excess."

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ أَنْ يُقِيلَ، الْخِيَاطُ بِأَجْرِ مَعْلُومٍ، أَوْ يُقِيلَهَا بِدُونِ ذَلِكَ بَعْدَ أَنْ يَعْرِفَهَا بِشَيْءٍ، أَوْ يَقْطَعِ، أَوْ يُعْطِيَهُ سُلُوكًا وَالْإِبْرَ، أَوْ يَخِيطَ فِيهَا شَيْئًا، فَإِنْ لَمْ يَعْرِفْهَا بِهَذَا، أَوْ بِشَيْءٍ مِنْهُ، فَلَا يَأْخُذَنَّ فَضْلًا

[20058] Ḥaḥṣ ibn Ghiyāth reported from Al-Shaybānī from Ḥammād that he saw no harm in taking the cloth and giving it [to someone else] for less than that by two-thirds or a third, if he cuts it or does work on

حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنِ الشَّيْبَانِيِّ، عَنْ حَمَّادٍ، قَالَ: كَانَ لَا يَرَى بَأْسًا أَنْ يَأْخُذَ الثَّوْبَ، وَيُعْطِيَهُ بِأَقْلَ مِنْ ذَلِكَ بِالثُّلُثَيْنِ، أَوْ الثُّلُثِ، إِذَا قَطَعَ، أَوْ عَمِلَ فِيهِ

[20059] Abū Dāwūd al-Ṭayālīsī reported from Abū Khaldah who said: I asked 'Ikrimah and Abū al-ʿĀliyah, saying: "I am a tailor, I cut the cloth and hire it out for less than what I take for it." They said: "Do you do any work on it?" I said: "Yes, I cut it and bundle it." They said: "There is no harm."

حَدَّثَنَا أَبُو دَاوُدَ الطَّيَالِسِيُّ، عَنْ أَبِي خَلْدَةَ، قَالَ: سَأَلْتُ عِكْرِمَةَ، وَأَبَا الْعَالِيَةَ فَقُلْتُ: إِنِّي رَجُلٌ خَيَّاطٌ أَقْطَعُ الثَّوْبَ، وَأُؤَاجِرُهُ بِأَقْلَ مِمَّا أَخْذُهُ بِهِ، قَالَا: تَعْمَلُ فِيهِ شَيْئًا؟ قُلْتُ: نَعَمْ، أَقْطَعُهُ، وَأَصْنُمُهُ، قَالَا: لَا بَأْسَ

[20060] Abū Usāmah reported from Hishām from Muḥammad regarding a man who gives a cloth to another man and hires him for less. He said: "There is no harm in it if he works on it and cuts it." He said: "That he asks his permission is more beloved to me."

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ فِي الرَّجُلِ يَدْفَعُ إِلَى الرَّجُلِ الثَّوْبَ فَيُؤَاجِرُهُ بِأَقْلَ، قَالَ: لَا بَأْسَ بِهِ إِذَا عَمِلَ فِيهِ وَقَطَعَهُ قَالَ: يَسْتَأْذِنُهُ أَحَبُّ إِلَيَّ

[20061] Wakī' reported from Isrā'īl from Jābir from Abū Ja'far regarding the tailor who hands over the cloth for half, or a third, or a quarter. He said: "If he assists him with something, there is no harm."

حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ أَبِي جَعْفَرٍ، قَالَ: فِي الْخِيَاطِ يَدْفَعُ التَّوْبَ بِالتَّصْفِ، أَوْ التَّلْثِ، أَوْ الرَّبْعِ قَالَ: إِذَا أَعَانَهُ بِشَيْءٍ فَلَا بَأْسَ

[20062] Sharik reported from Ibn Abī Laylā from Muḥammad ibn Bayān from Ibn 'Umar that he was asked about a man who buys food while having witnessed its measuring. He said: "No, until the two Ṣā's run through it [i.e., it is re-measured]."

حَدَّثَنَا شَرِيكٌ، عَنِ ابْنِ أَبِي لَيْلَى، عَنْ مُحَمَّدِ بْنِ بَيَانَ، عَنِ ابْنِ عُمَرَ، أَنَّهُ سُئِلَ عَنِ الرَّجُلِ يَشْتَرِي الطَّعَامَ وَقَدْ شَهِدَ كَيْلَهُ، قَالَ: لَا، حَتَّى يَجْرِيَ فِيهِ الصَّاعَانِ

[20063] Muḥammad ibn Fuḍayl reported from Muṭarrif from Al-Sha'bī who said: I said to him: "I am a witness to the food while it is being measured, I buy it, can I take it by its [original] measurement?" He said: "With every deal, there is a measurement."

حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنْ مُطَرِّفٍ، عَنِ الشَّعْبِيِّ، قَالَ: قُلْتُ لَهُ: أَكُونُ شَاهِدَ الطَّعَامِ وَهُوَ يُكَالُ أَشْتَرِيهِ، أَخْذُهُ بِكَيْلِهِ؟ فَقَالَ: مَعَ كُلِّ صَفْقَةٍ كَيْلَةٌ

[20064] Marwān ibn Mu‘āwiyah reported from Ziyād, the mawla of the family of Sa‘īd, who said: I said to Sa‘īd ibn al-Musayyib: "A man bought food and measured it; is it proper for me to buy it by the man's measurement?" He said: "No, until it is measured before you."

حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ، عَنْ زِيَادٍ، مَوْلَى آلِ سَعِيدٍ، قَالَ: قُلْتُ لِسَعِيدِ بْنِ الْمُسَيَّبِ: رَجُلٌ ابْتَاعَ طَعَامًا فَكَتَلَهُ أَصْلَحُ لِي أَنْ أَشْتَرِيَهُ بِكَتْلِ الرَّجُلِ؟ فَقَالَ: لَا، حَتَّى يُكَالَ بَيْنَ يَدَيْكَ

[20065] Wakī‘ reported from Kahmas ibn al-Ḥasan from Maymūn al-Qannād who said: I said to Sa‘īd ibn al-Musayyib: "A man buys goods/livestock while I am looking at its weighing; can I buy it by its weight?" He said: "It used to be said: That is Riba mixed with measuring and weighing."

حَدَّثَنَا وَكَيْعٌ، عَنْ كَهْمَسِ بْنِ الْحَسَنِ، عَنْ مَيْمُونِ الْقَنَادِ، قَالَ: قُلْتُ لِسَعِيدِ بْنِ الْمُسَيَّبِ: الرَّجُلُ يَشْتَرِي الْمَاشِيَةَ وَأَنَا أَنْظُرُ إِلَى وَزْنِهَا، أَشْتَرِيهَا بِوَزْنِهَا؟ قَالَ: "كَانَ يُقَالُ: ذَلِكَ الرَّبَا خَالَطَ الْكَتْلَ وَالْوَزْنَ

[20066] Wakī‘ reported from Khālīd ibn ‘Abd al-Raḥmān al-Sulamī who said: "A man arrived with goods/sacks, and a man bought them and measured one sack from it, then he wanted to take it by its measurement. Al-Ḥasan disliked it."

حَدَّثَنَا وَكَيْعٌ، عَنْ خَالِدِ بْنِ عَبْدِ الرَّحْمَنِ السُّلَمِيِّ، قَالَ: قَدِمَ رَجُلٌ بِحُلَالٍ فَاشْتَرَاهَا رَجُلٌ فَكَالَ مِنْهُ حُلَّةً، ثُمَّ أَرَادَ أَنْ يَأْخُذَهَا بِكَتْلِهَا فَكَرِهَهُ الْحَسَنُ

[20067] Wakī' reported from 'Umar ibn Ḥaṣṣ who said: I heard Al-Ḥasan being asked about a man who bought food while he was looking at its measuring. He said: "No, until he measures it [again]."

حَدَّثَنَا وَكِيعٌ، عَنْ عُمَرَ بْنِ حَفْصٍ، قَالَ: سَمِعْتُ الْحَسَنَ وَسُئِلَ عَنْ رَجُلٍ اشْتَرَى طَعَامًا وَهُوَ يَنْظُرُ إِلَى كَيْلِهِ، قَالَ: لَا، حَتَّى يَكِيلَهُ

[20068] Zayd ibn al-Ḥubāb reported from Sawādah ibn Ḥibbān who said: I heard Muḥammad ibn Sīrīn being asked about two men; one of them bought food and the other was with him. He said: "You witnessed the sale and the possession." He said: "Take a profit from me and give it to me." He said: "No, until the two Ṣā's run through it, so its increase is yours and its decrease is upon you."

حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ، عَنْ سَوَادَةَ بْنِ حَبَّانَ، قَالَ: سَمِعْتُ مُحَمَّدَ بْنَ سِيرِينَ وَسُئِلَ عَنْ رَجُلَيْنِ اشْتَرَى أَحَدُهُمَا طَعَامًا، وَالْأُخَرُ مَعَهُ، فَقَالَ: قَدْ شَهِدْتُ الْبَيْعَ وَالْقَبْضَ فَقَالَ: خُذْ مِنِّي رِبْحًا وَأَعْطِنِيهِ قَالَ: لَا، حَتَّى يَجْرِيَ فِيهِ الصَّاعَانِ فَيَكُونَ لَكَ زِيَادَتُهُ، وَعَلَيْهِ نُقْصَانُهُ

[20069] 'Abd al-Razzāq reported from Ma'mar from Ayyūb that he used to dislike buying a garment for a Dinar less a Dirham on credit.

حَدَّثَنَا عَبْدُ الرَّزَّاقِ، عَنْ مَعْمَرٍ، عَنْ أَيُّوبَ: أَنَّهُ كَانَ يَكْرَهُ أَنْ يَشْتَرِيَ الثَّوبَ بِدِينَارٍ، إِلَّا دِرْهَمًا نَسِيئَةً

[20070] Jarīr reported from Mughīrah from Ibrāhīm that he used to dislike buying a garment for a Dinar less a Dirham.

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ: أَنَّهُ كَانَ يَكْرَهُ أَنْ يَشْتَرِيَ الثَّوبَ بِدِينَارٍ، إِلَّا دِرْهَمًا

[20071] ‘Abd al-Salām ibn Ḥarb reported from Ibn Jurayj from ‘Aṭā’ that he disliked buying a garment for a Dinar less a Dirham.

حَدَّثَنَا عَبْدُ السَّلَامِ بْنُ حَرْبٍ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ: أَنَّهُ كَرِهَ أَنْ يَشْتَرِيَ الثَّوبَ بِدِينَارٍ إِلَّا دِرْهَمًا

[20072] Ibn Mubārak reported from Ṭalḥah ibn Abī Sa‘īd from Ṣakhr ibn al-‘Aylah: Abū Bakr told us: "I saw Abū Salamah ibn ‘Abd al-Raḥmān buy a garment for a Dinar less a Dirham."

حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ طَلْحَةَ بْنِ أَبِي سَعِيدٍ، عَنْ صَخْرِ بْنِ الْعَيْلَةِ، حَدَّثَنَا أَبُو بَكْرٍ قَالَ: رَأَيْتُ أَبَا سَلَمَةَ بْنَ عَبْدِ الرَّحْمَنِ اشْتَرَى ثَوْبًا بِدِينَارٍ إِلَّا دِرْهَمًا

[20073] Jarīr reported from Mughīrah from Ḥammād from Ibrāhīm who said: "There is no harm if he says: 'I sell to you for a Dinar and you give me two extra Dirhams.'"

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: "لَا بَأْسَ أَنْ يَقُولَ: أَبِيعُكَ بِدِينَارٍ، وَتَزِيدُنِي دِرْهَمَيْنِ

[20074] Wakī‘ reported: Sufyān reported from Khālīd ibn Dīnār from Al-Ḥārith from Ibrāhīm; and from Sufyān from Ibn Jurayj from ‘Aṭā’: "That they both disliked for a man to say to another: 'I sell you this garment for a Dinar less a Dirham.'"

حَدَّثَنَا وَكَيْعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ خَالِدِ بْنِ دِينَارٍ، عَنِ الْحَارِثِ، عَنْ إِبْرَاهِيمَ، وَعَنْ سُفْيَانَ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ "أَنَّهُمَا كَرِهَا أَنْ يَقُولَ الرَّجُلُ لِلرَّجُلِ: أَبِيعُكَ هَذَا الثَّوبَ بِدِينَارٍ إِلَّا دِرْهَمًا

[20075] Ḥaṣṣ ibn Ghiyāth reported from ‘Āṣim from Al-Sha‘bī who said: "If a man owns his paternal uncle, his paternal aunt, his maternal uncle, or his maternal aunt, he is free, and he is in the position of his parents."

حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ عَاصِمٍ، عَنِ الشَّعْبِيِّ، قَالَ: إِذَا مَلَكَ الرَّجُلُ عَمَّهُ، أَوْ عَمَّتَهُ، أَوْ خَالَه، أَوْ خَالَتَهُ، فَهُوَ عَتِيقٌ، وَهُوَ بِمَنْزِلَةِ أَبَوَيْهِ

[20076] Jarīr reported from Abān ibn Taghlib from Ṭalḥah from Ibrāhīm and Al-Sha‘bī, who said: "Whoever owns his paternal uncle, his paternal aunt, his maternal uncle, or his maternal aunt, and any closer relative than that, he is free."

حَدَّثَنَا جَرِيرٌ، عَنْ أَبَانَ بْنِ تَغْلِبٍ، عَنْ طَلْحَةَ، عَنْ إِبْرَاهِيمَ، وَالشَّعْبِيِّ، قَالَا: مَنْ مَلَكَ عَمَّهُ، أَوْ عَمَّتَهُ، أَوْ خَالَه، أَوْ خَالَتَهُ، وَمَا دُونَ ذَلِكَ مِنَ النَّسَبِ فَهُوَ عَتِيقٌ

[20077] ‘Alī ibn Hāshim reported from Ibn Abī Laylā from ‘Abd al-Karīm from Al-Ḥasan who said: The Messenger of Allah ﷺ said: "Whoever owns a Mahram relative who is a kin, he is free."

حَدَّثَنَا عَلِيُّ بْنُ هَاشِمٍ، عَنِ ابْنِ أَبِي لَيْلَى، عَنْ عَبْدِ الْكَرِيمِ، عَنِ الْحَسَنِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ مَلَكَ ذَا مَحْرَمٍ مِنْ ذِي رَحِمٍ فَهُوَ حُرٌّ

[20078] Yazīd ibn Hārūn reported from Hammād ibn Salamah from Qatādah from Al-Ḥasan from Samurah from the Prophet ﷺ the like of it.

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنْ سَمُرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِثْلَهُ

[20079] ‘Alī ibn Hāshim reported from Ibn Abī Laylā from Al-Ḥakam who said: ‘Umar said: "Whoever owns a Mahram relative, he is free."

حَدَّثَنَا عَلِيُّ بْنُ هَاشِمٍ، عَنِ ابْنِ أَبِي لَيْلَى، عَنِ الْحَكَمِ، قَالَ: قَالَ عُمَرُ: مَنْ مَلَكَ ذَا رَحِمٍ مَحْرَمٍ فَهُوَ حُرٌّ

[20080] Abū Mu‘āwiyah reported from Ḥajjāj from Muḥammad ibn ‘Abd al-Raḥmān ibn Abzā from his shaykhs from Al-Zubayr: "That he owned maternal aunts of his on the Day of Ta'if, so he freed them by his ownership of them."

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ حَجَّاجٍ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ أَبْزَى، عَنْ أَشْيَاحِهِ، عَنِ الزُّبَيْرِ: أَنَّهُ مَلَكَ يَوْمَ الطَّائِفِ خَالَاتٍ لَهُ فَأَعْتَقَهُنَّ بِمِلْكِهِ إِيَّاهُنَّ

[20081] Wakī‘ reported from Mis‘ar and Sufyān from Salamah ibn Kuhayl from Al-Mustawrid ibn al-Aḥnaf who said: A man came to ‘Abdullāh and said: "My paternal uncle married me to his slave girl, and he wants to enslave my child." He said: "He has no right to do that."

حَدَّثَنَا وَكَيْعٌ، عَنْ مِسْعَرٍ، وَسُفْيَانَ، عَنْ سَلَمَةَ بْنِ كُهَيْلٍ، عَنِ الْمُسْتَوْرِدِ بْنِ الْأَحْنَفِ، قَالَ: جَاءَ رَجُلٌ إِلَى عَبْدِ اللَّهِ، فَقَالَ: إِنَّ عَمِّي زَوَّجَنِي وَلِيدَتَهُ وَهُوَ يُرِيدُ أَنْ يَسْتَرْقِيَ وَلَدِي، قَالَ: لَيْسَ لَهُ ذَلِكَ

[20082] Abū Usāmah reported from Sa‘īd from Qatādah from Jābir ibn Zayd and Al-Ḥasan, who both said: "Whoever owns a relative, he is free."

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ جَابِرِ بْنِ زَيْدٍ، وَالْحَسَنِ، قَالَا: مَنْ مَلَكَ ذَا رَحِمٍ فَهُوَ حُرٌّ

[20083] Mu'tamir ibn Sulaymān reported from Ma'mar from Al-Zuhri who said: "Every relative is freed if a relative owns him."

حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: يُعْتَقُ كُلُّ رَجُلٍ إِذَا مَلَكَهُ ذُو رَحِمٍ

[20084] Wakī' reported from Shu'bah from Al-Ḥakam and Ḥammād, who said: "If he owns the paternal aunt, the maternal aunt, the cousin, and every Mahram relative, he becomes free."

حَدَّثَنَا وَكَيْعٌ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، وَحَمَّادٍ، قَالَا: إِذَا مَلَكَ الْعَمَّةُ، وَالْخَالَهَ، وَبِنْتُ الْعَمِّ، وَكُلُّ ذِي مَحْرَمٍ عَتَقَ

[20085] Jarīr reported from Mughīrah from Ibrāhīm who said: "A child cannot own his parent, nor a parent his child." He said: "And the paternal aunt and maternal aunt are in that status."

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا يَمْلِكُ وَلَدٌ وَالِدَهُ، وَلَا وَالِدٌ وَلَدَهُ قَالَ: وَالْعَمَّةُ وَالْخَالَهُ بِنَاتُكَ الْمَنْزِلَةَ

[20086] Abū Bakr said: 'Abd al-A'lā reported from Yūnus from Al-Ḥasan who said: "Whoever owns a relative, it is emancipation, or he is freed."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ الْحَسَنِ، قَالَ: مَنْ مَلَكَ ذَا رَحِمٍ فَهُوَ عَتَقٌ أَوْ عَتِيقٌ

[20087] Wakī' reported from Sufyān from Ismā'il ibn Umayyah from 'Aṭā' who said: "If he owns the paternal aunt and the maternal aunt, they are freed."

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ إِسْمَاعِيلَ بْنِ أُمَيَّةَ، عَنْ عَطَاءٍ، قَالَ: إِذَا مَلَكَ الْعَمَّةُ وَالْخَالَهَ عُتِقَا

[20088] Ghundar reported from Jābir from Al-Sha‘bī from Shurayḥ: "That he used to free the child and the parent if one of them owned the other."

حَدَّثَنَا أَحْبَرَنَا عُندَرٌ، عَنْ جَابِرٍ، عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ: أَنَّهُ كَانَ يُعْتِقُ الْوَلَدَ وَالْوَالِدَ إِذَا مَلَكَ أَحَدُهُمَا صَاحِبَهُ

[20089] Kathīr ibn Hishām reported from Ja‘far from Al-Zuhri who said: The Sunnah has passed that "Whoever owns anything of his Mahram kin, he is free by his ownership, emancipated." He said: "And whatever is beyond that of kinship is a womb (relationship) that Allah commanded to be joined and forbade severing, and I know of no severing of ties more severe than for a man to take his relative as a

حَدَّثَنَا كَثِيرُ بْنُ هِشَامٍ، عَنْ جَعْفَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: مَضَتْ السُّنَّةُ أَنَّهُ مَنْ مَلَكَ مِنْ مَحْرَمِهِ شَيْئًا فَهُوَ حُرٌّ بِمِلْكِهِ عَتِيقٌ قَالَ: وَمَا وَرَاءَ ذَلِكَ مِنَ الْقَرَابَةِ رَحِمَ أَمَرَ اللَّهُ بِصِلَتِهَا وَنَهَى عَنْ عُقُوبِهَا، وَلَا أَعْلَمُ مِنَ الْعُقُوقِ شَيْئًا أَشَدَّ مِنْ أَنْ يَتَّخِذَ الرَّجُلُ قَرِيبَهُ مَمْلُوكًا

[20090] Wakī‘ reported from Zakariyyā from Al-Sha‘bī who said: "If he owns the brother, he does not become free upon him."

حَدَّثَنَا وَكَيْعٌ، عَنْ زَكَرِيَّا، عَنِ الشَّعْبِيِّ، قَالَ: إِذَا مَلَكَ الْأَخُ فَلَا يَعْتِقُ عَلَيْهِ

[20091] Hushaym reported from Mughīrah from Ibrāhīm who said: "[The payment] begins with the deposit."

حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: يُبْدَأُ بِالْوَدِيعَةِ

[20092] Hushaym reported from Yūnus from Al-Ḥasan who said: "It begins with the trust." حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، قَالَ: يُبْدَأُ بِالْأَمَانَةِ

[20093] Hushaym reported from Sayyār from Al-Sha‘bī who said: "The Muḍārabah (partnership) and the debt are all by shares." حَدَّثَنَا هُشَيْمٌ، عَنْ سَيَّارٍ، عَنِ الشَّعْبِيِّ، قَالَ: الْمُضَارَبَةُ وَالذَّيْنُ كُلُّ ذَلِكَ بِالْحِصَصِ

[20094] Muḥammad ibn Fuḍayl reported from Ḥajjāj from Al-Ḥakam from Ibrāhīm, Ṭāwūs, and Al-Zuhri, who said: "They take by shares." حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنْ حَجَّاجٍ، عَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، وَطَاوُسٍ، وَالزُّهْرِيِّ، قَالُوا: يَأْخُذُونَ بِالْحِصَصِ

[20095] Ḥafṣ reported from Al-Shaybānī from Al-Sha‘bī who said: "The Muḍārabah and the debt are equal if he did not identify something specifically." حَدَّثَنَا حَفْصٌ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، قَالَ: الْمُضَارَبَةُ وَالذَّيْنُ سَوَاءٌ إِذَا لَمْ يُعَرَّفْ شَيْئًا بَعِيْنِهِ

[20096] Ḥafṣ reported from Ḥajjāj from Al-Ḥakam from Al-Sha‘bī, Abū Ja‘far, ‘Aṭā’, and Al-Zuhri, who said: "If he dies and owes a debt and has Muḍārabah funds or a payment, they are in it according to shares." حَدَّثَنَا حَفْصٌ، عَنْ حَجَّاجٍ، عَنِ الْحَكَمِ، عَنِ الشَّعْبِيِّ، وَأَبِي جَعْفَرٍ، وَعَطَاءٍ، وَالزُّهْرِيِّ قَالُوا: إِذَا مَاتَ وَعَلَيْهِ دَيْنٌ وَعِنْدَهُ مُضَارَبَةٌ أَوْ دَفْعَةٌ فَهُمْ فِيهِ عَلَى الْحِصَصِ

[20097] Al-Faḍl ibn Dukayn reported from Isrā'īl from Jābir from 'Āmir from Masrūq and Shurayḥ regarding debt and deposit: "[They are paid] by shares." 'Āmir said: "If it is not found specifically [intact]."

حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، عَنْ مَسْرُوقٍ، وَشُرَيْحٍ، "فِي الدَّيْنِ وَالْوَدِيعَةِ: بِالْحِصَصِ" قَالَ عَامِرٌ: إِذَا لَمْ تُوجَدْ بِعَيْنِهَا

[20098] Ḥumayd ibn 'Abd al-Raḥmān reported from Al-Ḥasan from Ash'ath from Al-Ḥakam who said: "The creditors divide it pro-rata."

حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ الْحَسَنِ، عَنْ أَشْعَثَ، عَنْ الْحَكَمِ، قَالَ: يُحَاصُّ الْغُرَمَاءُ

[20099] Wakī' reported: Sufyān reported from Manṣūr from Ibrāhīm who said: "The deposit is in the status of a debt."

حَدَّثَنَا وَكَيْعٌ، قَالَ: حَدَّثَنَا سُفْيَانٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: الْوَدِيعَةُ بِمَنْزِلَةِ الدَّيْنِ

[20100] Wakī' reported from Hishām al-Dastuwā'ī from Qatādah from Bashīr ibn Nahik from Abū Hurayrah who said: The Messenger of Allah ﷺ said: "If a man goes bankrupt and the man [the seller] finds his commodity standing intact, he is more entitled to it than the creditors."

حَدَّثَنَا وَكَيْعٌ، عَنْ هِشَامِ الدَّسْتَوَائِيِّ، عَنْ قَتَادَةَ، عَنْ بَشِيرِ بْنِ نَهَيْكٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا أَفْلَسَ الرَّجُلُ فَوَجَدَ الرَّجُلُ سِلْعَتَهُ قَائِمَةً بِعَيْنِهَا فَهُوَ أَحَقُّ بِهَا مِنَ الْغُرَمَاءِ

[20101] Ibn ‘Uyaynah and ‘Abdah ibn Sulaymān reported from Yahyā ibn Sa‘īd, from Abū Bakr ibn Muḥammad ibn ‘Amr ibn Ḥazm, from ‘Umar ibn ‘Abd al-‘Azīz, that Abū Bakr ibn ‘Abd al-Raḥmān ibn al-Ḥārith informed him from Abū Hurayrah, who said: The Messenger of Allah ﷺ said: “Whoever finds his specific property with a man who has become bankrupt, he is more entitled to it than his [other] creditors.”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، وَعَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَبِي بَكْرٍ بْنِ مُحَمَّدٍ بْنِ عَمْرِو بْنِ حَزْمٍ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، أَنَّ أَبَا بَكْرٍ بْنَ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ، أَخْبَرَهُ عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ وَجَدَ مَالَهُ بِعَيْنِهِ عِنْدَ رَجُلٍ قَدْ أَفْلَسَ، فَهُوَ أَحَقُّ بِهِ مِنْ غُرَمَائِهِ

[20102] Ismā‘īl ibn Ibrāhīm reported from ‘Awf, who said: The letter of ‘Umar ibn ‘Abd al-‘Azīz was read to us: “Any man who becomes bankrupt and a man finds his specific property [with him], he is more entitled to it than the rest of the creditors, unless he has already collected something of his property [as part payment]; in that case, he is equal to the creditors. The Messenger of Allah ﷺ judged in this manner.”

حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ عَوْفٍ، قَالَ: قُرِئَ عَلَيْنَا كِتَابُ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ: أَيُّمَا رَجُلٍ أَفْلَسَ فَأَدْرَكَ رَجُلٌ مَالَهُ بِعَيْنِهِ، فَهُوَ أَحَقُّ مِنْ سَائِرِ الْغُرَمَاءِ إِلَّا أَنْ يَكُونَ افْتَضَى مِنْ مَالِهِ شَيْئًا، فَهُوَ أَسْوَأُ الْغُرَمَاءِ قَضَى بِذَلِكَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

[20103] ‘Abd al-Wahhāb al-Thaqafī reported from Burd, from Makhūl, that he said regarding a bankrupt person with whom a man finds his specific goods: “If he has taken any part of its price, he is equal to the creditors; otherwise, it belongs to him.”

حَدَّثَنَا عَبْدُ الْوَهَّابِ الثَّقَفِيُّ، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ، أَنَّهُ قَالَ فِي الْمُفْلِسِ يَجِدُ عِنْدَهُ الرَّجُلُ مَتَاعَهُ بِعَيْنِهِ قَالَ: إِنْ كَانَ أَخَذَ مِنْ ثَمَنِهِ شَيْئًا فَهُوَ أَسْوَأُ الْغُرَمَاءِ، وَإِلَّا فَهُوَ لَهُ

[20104] Hushaym and Jarīr reported from Mughīrah, from Ibrāhīm, who said: “He is equal to the creditors.”

حَدَّثَنَا هُشَيْمٌ، وَجَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: هُوَ أَسْوَأُ الْغُرَمَاءِ

[20105] Hushaym reported from Yūnus, from Al-Ḥasan, who said: “He is equal to the creditors.”

حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، قَالَ: هُوَ أَسْوَأُ الْغُرَمَاءِ

[20106] Muḥammad ibn Fuḍayl reported from ‘Aṭā’ ibn al-Sā’ib, from Al-Sha’bī, that a man came to him and said: “I gave a man money for Muḍārah (business partnership), and he set out. When he reached Ḥulwān, he died. I went and found my purse specifically.” ‘Āmir [Al-Sha’bī] said: “It is not exclusively yours to the exclusion of the creditors.”

حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ الشَّعْبِيِّ، أَنَّهُ أَتَاهُ رَجُلٌ فَقَالَ: "دَفَعْتُ إِلَى رَجُلٍ مَالًا مُضَارَبَةً، فَاْنْطَلَقَ حَتَّى إِذَا بَلَغَ حُلُوَانَ مَاتَ، فَاْنْطَلَقْتُ فَوَجَدْتُ كَيْسِي بِعَيْنِهِ، فَقَالَ عَامِرٌ: لَيْسَ لَكَ دُونَ الْغُرَمَاءِ

[20107] Hushaym reported from ‘Amr ibn Dīnār, from someone who told him, from Abū Hurayrah, who said: “Whoever finds his specific property with a man who has become bankrupt, he is more entitled to it than anyone else.”

حَدَّثَنَا هُشَيْمٌ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ مَنْ حَدَّثَهُ عَنْ أَبِي هُرَيْرَةَ، قَالَ: مَنْ وَجَدَ عَيْنَ مَالِهِ عِنْدَ رَجُلٍ قَدْ أَفْلَسَ فَهُوَ أَحَقُّ بِهِ مِنْ سِوَاهُ

[20108] Wakī‘ reported from Hishām al-Dastuwā’ī, from Khilās, from Qatādah, from ‘Alī, who said: “If he becomes bankrupt while his goods are still intact, he [the seller] is equal to the creditors.”

حَدَّثَنَا وَكَيْعٌ، عَنْ هِشَامِ الدَّسْتَوَائِيِّ، عَنْ خِلَاسٍ، عَنْ قَتَادَةَ، عَنْ عَلِيٍّ، قَالَ: إِذَا أَفْلَسَ وَسَلَعَتْهُ قَائِمَةٌ بِعَيْنِهَا فَهُوَ أَسْوَدُ الْغُرَمَاءِ

[20109] Wakī‘ reported: Sufyān told us from Mughīrah, from Ibrāhīm, who said: “He is equal to the creditors.”

حَدَّثَنَا وَكَيْعٌ، قَالَ: نَا سُفْيَانُ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: هُوَ أَسْوَدُ الْغُرَمَاءِ

[20110] Ḥafṣ reported from Ash‘ath, from Al-Ḥasan, who said: “He is equal to the creditors.”

حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، قَالَ: هُوَ أَسْوَدُ الْغُرَمَاءِ

[20111] Wakī‘ reported: Sufyān told us from Mughīrah, from Ibrāhīm, who said: “He is equal [to the creditors], unless it was withheld for him by an authority.”

حَدَّثَنَا وَكَيْعٌ، قَالَ: نَا سُفْيَانُ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: هُوَ أَسْوَدُ إِلَّا أَنْ يَكُونَ حَبَسَهَا لَهُ سُلْطَانٌ

[20112] ‘Alī ibn Mushir reported from ‘Ubayd Allāh, from Nāfi’: That Ḥafṣah bint ‘Umar let Asmā’ bint Zayd inhabit a room of hers for her lifetime. When Ḥafṣah passed away, Ibn ‘Umar took possession of the room.

حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، أَنَّ حَفْصَةَ بِنْتَ عُمَرَ: أَسْكَنْتْ أَسْمَاءَ بِنْتَ زَيْدٍ حُجْرَةً لَهَا حَيَاتَهَا، فَلَمَّا تُوُفِّيَتْ حَفْصَةُ قَبِضَ ابْنُ عُمَرَ الْحُجْرَةَ

[20113] Ismā‘īl ibn Ibrāhīm reported from Khālīd al-Ḥadhdhā’, who said: ‘Umar ibn ‘Abd al-‘Azīz wrote that housing (Suknā) is a loan (Āriyah). If he says: “It is for him and his descendants,” then it is for him and his descendants as long as a woman among them remains. If they all perish, it returns to his [the owner's] heirs.

حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ خَالِدِ الْحَدَّاءِ، قَالَ: كَتَبَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ أَنَّ السُّكْنَى عَارِيَةٌ، فَإِذَا قَالَ: هِيَ لَهُ وَلِعَقِبِهِ فَهِيَ لَهُ، وَلِعَقِبِهِ مَا بَقِيََتْ مِنْهُمْ امْرَأَةٌ، فَإِذَا انْقَرَضُوا جَمِيعًا رَجَعَتْ إِلَى وَرَثَتِهِ

[20114] Ibn Abī Zā’idah reported from ‘Abd al-Malik, from ‘Aṭā’, regarding a man who provides housing to another man for him and his descendants, then [the owner] dies. He said: “His heirs cannot evict him, nor his descendants, as long as one of them remains.”

حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، فِي الرَّجُلِ يُسْكِنُ الرَّجُلَ لَهُ وَلِعَقِبِهِ ثُمَّ يَمُوتُ قَالَ: لَا تَسْتَطِيعُ وَرَثَتُهُ أَنْ يُخْرِجُوهُ، وَلَا عَقِبُهُ مَا بَقِيَ مِنْهُمْ أَحَدٌ

[20115] Wakī‘ reported from Al-Sā’ib ibn ‘Umar, from Ibn Abī Mulaykah, who said: When ‘Ā’ishah provided housing, she would say: “I house you as long as I see fit.”

حَدَّثَنَا وَكِيعٌ، عَنِ السَّائِبِ بْنِ عُمَرَ، عَنِ ابْنِ أَبِي مُلَيْكَةَ، قَالَ: كَانَتْ عَائِشَةُ إِذَا أَسْكَنْتْ قَالَتْ: أَسْكَنْتُكَ مَا بَدَأَ لِي

[20116] Ibn Abī Zā’idah reported from Ḥajjāj, from ‘Uthmān, the nephew of Shurayḥ, from Shurayḥ, who said: “Housing (Suknā) is according to what its owner stipulated.”

حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ حَجَّاجٍ، عَنْ عُثْمَانَ، ابْنِ أَخِي شُرَيْحٍ، عَنْ شُرَيْحٍ، قَالَ: السُّكْنَى مَا اشْتَرَطَ صَاحِبُهَا

[20117] Ḥafṣ reported from Ḥajjāj, from ‘Uthmān, from Shurayḥ, similar to it.

حَدَّثَنَا حَفْصٌ، عَنْ حَجَّاجٍ، عَنْ عُثْمَانَ، عَنْ شُرَيْحٍ، بِنَحْوِهِ

[20118] Ḥafṣ reported from Ash‘ath, from Al-Ḥasan and Al-Sha‘bī, who both said: “Housing (Suknā) is a loan.”

حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، وَالشَّعْبِيِّ، قَالَا: السُّكْنَى عَارِيَّةٌ

[20119] Hushaym reported from Mughīrah, from Ibrāhīm, that he asked him about a man who gave another man his house to live in, then the provider and the resident died. He said: “It returns to the heirs of the provider.” He said: I said: “O Abū ‘Imrān, Shurayḥ used to say: ‘Whoever possesses something for his lifetime, it belongs to his heirs after him.’” He said: “That applies to ‘Umrā (lifetime gift). As for Suknā (housing), Ghallah (yield), and ‘Ariyah (loan), they return to their [original owner’s] heirs.”

حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ أَسْكَنَ رَجُلًا دَارَهُ فَمَاتَ الْمُسْكِنُ وَالسَّكَنُ، قَالَ: يَرْجِعُ إِلَى وَرَثَةِ الْمُسْكِنِ قَالَ: قُلْتُ: يَا أَبَا عِمْرَانَ فَإِنَّ شُرَيْحًا كَانَ يَقُولُ: مَنْ مَلَكَ شَيْئًا حَيَاتِهِ فَهُوَ لَوَرَثَتِهِ مِنْ بَعْدِهِ قَالَ: إِنَّمَا ذَلِكَ فِي الْعُمُرَى فَأَمَّا السُّكْنَى، وَالْغَلَّةُ وَالْعَارِيَّةُ فَإِنَّهَا تَرْجِعُ إِلَى وَرَثَتِهَا

[20120] ‘Abd al-‘Alā reported from Ma‘mar, from Al-Zuhri, who said: “If a man gifts something and says: ‘It is for you and your descendants,’ then it belongs to him and his heirs. And if he says: ‘It is for you for your life,’ then it returns to him [the giver].”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: "إِذَا وَهَبَ الرَّجُلُ شَيْئًا فَقَالَ: هُوَ لَكَ وَلِعَقَبِكَ فَهُوَ لَهُ، وَلَوَرَثَتِهِ" وَإِذَا قَالَ: هِيَ لَكَ حَيَاتَكَ، فَهِيَ رَاجِعَةٌ إِلَيْهِ

[20121] Ibn Abī Ghuniyyah reported from his father, from Al-Ḥakam, who said: “Housing (Suknā) is a loan.”

حَدَّثَنَا ابْنُ أَبِي غَنْيَةَ، عَنْ أَبِيهِ، عَنِ الْحَكَمِ، قَالَ: السُّكْنَى عَارِيَّةٌ

[20122] Ibn Abī Zā'idah reported from Ash'ath, from Muḥammad, who said: Brothers disputed before Shurayḥ. One of them said: “[My father said:] Marry me off and give me housing for me and my sons.” He [Shurayḥ] asked: “Did he marry him off and give him housing?” They said: “He married him off and gave him housing.” He said: “[Bring] two just witnesses that he favored you with it over himself during his lifetime.”

حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَشْعَثَ، عَنْ مُحَمَّدٍ، قَالَ: اخْتَصَمَ إِخْوَةٌ إِلَى شُرَيْحٍ فَقَالَ أَحَدُهُمْ: زَوِّجْنِي وَأَسْكِنْنِي أَنَا وَبَنِي، فَقَالَ: أَزَوِّجُهُ وَأَسْكِنُهُ؟ فَقَالُوا: زَوِّجْهُ وَأَسْكِنْهُ، فَقَالَ: شَاهِدَانِ دَوَا عَدْلٍ عَلَى أَنَّهُ أَتَرَكَ بِهَا عَلَى نَفْسِهِ فِي حَيَاتِهِ

[20123] ‘Abd Allāh ibn al-Mubārak reported from Ma‘mar, from Al-Zuhri, who said: A man gave one hundred dinars as charity to his son while they were partners, and the money was in his son's hands. He said: “It is not valid until he takes exclusive possession of it.” Abū Bakr and ‘Umar ruled: “If he does not take possession, he has nothing.”

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: تَصَدَّقَ رَجُلٌ بِمِائَةِ دِينَارٍ عَلَى ابْنِهِ وَهُمَا شَرِيكَانِ، وَالْمَالُ فِي يَدَيِ ابْنِهِ قَالَ: لَا يَجُوزُ حَتَّى يَحُوزَهَا قَضَى أَبُو بَكْرٍ وَعُمَرُ: إِنْ لَمْ يَحُزْ فَلَا شَيْءَ لَهُ

[20124] Ibn ‘Uyaynah reported from Al-Zuhri, from ‘Urwah, from ‘Abd al-Raḥmān ibn ‘Abd al-Qārī, who said: ‘Umar said: “What is the matter with men who give gifts to their children; then if one of their sons dies, he says: ‘It is my wealth and in my hand,’ but if he [the father] dies, he says: ‘I had given it to my son’? There is no gift except a gift that the child possesses to the exclusion of the father.”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدِ الْقَارِيِّ، قَالَ: قَالَ عُمَرُ: "مَا بَالُ رَجَالٍ يَنْحَلُونَ أَوْلَادَهُمْ نُحْلًا، فَإِذَا مَاتَ ابْنٌ أَحَدِهِمْ قَالَ: مَالِي وَفِي يَدِي، وَإِذَا مَاتَ هُوَ قَالَ: قَدْ كُنْتُ نَحَلْتُهُ وَلَدِي، لَا نُحْلَةَ، إِلَّا نُحْلَةً يَحُوزُهَا الْوَلَدُ دُونَ الْوَالِدِ

[20125] Sufyān ibn ‘Uyaynah reported from Al-Zuhri, from Sa‘īd, who said: That matter was complained about to ‘Uthmān, that if the child is small, he cannot take possession. So he held the view that if his father gifted it to him and brought witnesses, he has taken possession [on the child's behalf].

حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدٍ قَالَ: سُكِّيَ ذَلِكَ إِلَى عُثْمَانَ أَنَّ الْوَلَدَ إِذَا كَانَ صَغِيرًا لَا يَحُوزُ، فَرَأَى أَنَّ أَبَاهُ إِذَا وَهَبَ لَهُ وَأَشْهَدَ حَازَ

[20126] Abū Mu‘āwiyah reported from ‘Īsā ibn al-Musayyib, from Al-Sha‘bī, from ‘Uthmān, that he said: “Charity is not valid until it is possessed, except for a child in the care of his parents, for their taking possession for him is possession.”

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ عِيسَى بْنِ الْمُسَيَّبِ، عَنْ
الشَّعْبِيِّ، عَنْ عُثْمَانَ، أَنَّهُ قَالَ: لَا تَجُوزُ الصَّدَقَةُ حَتَّى
تُقْبَضَ، إِلَّا الصَّبِيُّ بَيْنَ أَبَوَيْهِ، فَإِنْ قَبَضَهُمَا لَهُ قَبْضُ

[20127] Ibn Mubārak reported from Ḥajjāj, who said: I heard Al-Sha‘bī say: “Charity is not valid until it is possessed.”

حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ حَجَّاجٍ، قَالَ: سَمِعْتُ الشَّعْبِيَّ،
يَقُولُ: "لَا تَجُوزُ الصَّدَقَةُ حَتَّى تُقْبَضَ

[20128] Ibn Mubārak reported from Ismā‘īl, from Al-Sha‘bī, similar to it.

حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، مِثْلَهُ

[20129] Wakī‘ reported from Sufyān, from Abū Ḥusayn, from Shurayḥ, who said: “Charity is not valid until it is possessed.”

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي حُسَيْنٍ، عَنْ شُرَيْحٍ،
قَالَ: لَا تَجُوزُ الصَّدَقَةُ حَتَّى تُقْبَضَ

[20130] Wakī‘ reported from Sufyān, from Jābir, from Al-Qāsim, who said: Mu‘ādh and Shurayḥ used to say: “Charity is not valid until it is possessed, except for a child in the care of his parents.”

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنِ الْقَاسِمِ، قَالَ:
كَانَ مُعَاذٌ، وَشُرَيْحٌ، يَقُولَانِ: لَا تَجُوزُ الصَّدَقَةُ حَتَّى
تُقْبَضَ إِلَّا الصَّبِيُّ بَيْنَ أَبَوَيْهِ

[20131] Wakī‘ reported: Hammām told us from Qatādah, from Al-Ḥasan, from Al-Naḍr ibn Anas, who said: My father gave me half of his house as a gift. Abū Burdah said: “If you wish to secure that, then take possession of it, for ‘Umar ibn al-Khaṭṭāb judged regarding gifts that whatever is possessed is valid, and whatever is not possessed is inheritance.”

حَدَّثَنَا وَكِيعٌ، قَالَ: نَا هَمَّامٌ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنِ النَّضْرِ بْنِ أَنَسٍ، قَالَ: نَحَلَنِي أَبِي نِصْفَ دَارِهِ، فَقَالَ أَبُو بُرْدَةَ: إِنْ سَرَّكَ أَنْ تَحُوزَ ذَلِكَ فَاقْبِضْهُ فَإِنَّ عُمَرَ بْنَ الْخَطَّابِ قَضَى فِي الْأَنْحَالِ أَنْ مَا قُبِضَ مِنْهُ فَهُوَ جَائِزٌ، وَمَا لَمْ يُقْبَضْ مِنْهُ فَهُوَ مِيرَاثٌ

[20132] Wakī‘ reported from Shu‘bah, who said: I asked Al-Ḥakam and Ḥammād, and they said: “It is not valid until it is possessed.”

حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَّادًا، فَقَالَا: لَا يَجُوزُ حَتَّى يُقْبَضَ

[20133] Ḥafṣ reported from Ash‘ath, from Ibrāhīm, who said: “If the charity is known [specified], it is valid, even if it is not possessed. So if he says: ‘My house which is in such and such place,’ or ‘my servant,’ then it is valid, even if it is not possessed.”

حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا عَلِمْتَ الصَّدَقَةَ فَهِيَ جَائِزَةٌ، وَإِنْ لَمْ تُقْبَضْ فَإِذَا قَالَ: دَارِي الَّتِي فِي مَكَانٍ كَذَا وَكَذَا، أَوْ غُلَامِي فَهُوَ جَائِزٌ، وَإِنْ لَمْ يُقْبَضْ

[20134] Ḥaṣṣ reported from Ḥajjāj, from Al-Qāsim, from ‘Alī and ‘Abd Allāh, who said: “If the charity is known, it is valid, even if it is not possessed.”

حَدَّثَنَا حَفْصٌ، عَنْ حَجَّاجٍ، عَنِ الْقَاسِمِ، عَنِ عَلِيٍّ، وَعَبْدِ اللَّهِ، قَالَا: إِذَا عَلِمَتِ الصَّدَقَةُ فَهِيَ جَائِزَةٌ، وَإِنْ لَمْ تُقْبَضْ

[20135] Sufyān ibn ‘Uyaynah reported from Al-Zuhri, from ‘Urwah, from ‘Ā’ishah, that Abū Bakr had gifted her the harvest of twenty Wasqs. When death approached him, he said to her: “I wish that you had taken possession of it or harvested it, but today it is the property of the heirs.”

حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ، أَنَّ أَبَا بَكْرٍ، كَانَ نَحَلَهَا جِدَادَ عَشْرِينَ وَسْقًا، فَلَمَّا حَضَرَ قَالَ لَهَا: وَدِدْتُ أَنَّكَ كُنْتِ حَزَنِيهِ، أَوْ جَدَدْتِيهِ، وَإِنَّمَا هُوَ الْيَوْمَ مَالُ الْوَارِثِ

[20136] Wakī‘ reported: ‘Īsā ibn al-Musayyib told us from Al-Qāsim ibn ‘Abd al-Raḥmān, from his father, from Ibn Mas‘ūd, who said: “Charity, if it is known, is [valid whether] possessed or not possessed.”

حَدَّثَنَا وَكِيعٌ، قَالَ: نَا عِيسَى بْنُ الْمُسَيَّبِ، عَنِ الْقَاسِمِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ، عَنِ ابْنِ مَسْعُودٍ، قَالَ: الصَّدَقَةُ إِذَا عَلِمَتْ قُبِضَتْ، أَوْ لَمْ تُقْبَضْ

[20137] Ḥaṣṣ reported from Ḥajjāj, from ‘Aṭā’, from Ibn ‘Abbās, who said: “Charity is not valid until it is possessed.”

حَدَّثَنَا حَفْصٌ، عَنْ حَجَّاجٍ، عَنْ عَطَاءٍ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: لَا تَجُوزُ الصَّدَقَةُ حَتَّى تُقْبَضَ

[20138] Ḥafṣ reported from Ḥajjāj, from Fuḍayl, from Ibrāhīm, who said: “It is valid even if it is not possessed.”

حَدَّثَنَا حَفْصٌ، عَنْ حَجَّاجٍ، عَنْ فُضَيْلٍ، عَنْ إِبْرَاهِيمَ،
قَالَ: هِيَ جَائِزَةٌ وَإِنْ لَمْ تُقْبَضْ

[20139] Abū Mu‘āwiyah reported from Ḥajjāj, from someone who told him, from Ibn ‘Abbās, who said: “Charity is not valid until it is possessed.”

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ حَجَّاجٍ، عَمَّنْ حَدَّثَهُ عَنِ ابْنِ
عَبَّاسٍ، قَالَ: لَا تَجُوزُ الصَّدَقَةُ حَتَّى تُقْبَضَ

[20140] ‘Abbād ibn al-‘Awwām reported from Muḥammad ibn Ishāq, from Nāfi‘, from Ibn ‘Umar, who said: “He saw no harm in the contract of Kitābah [buying freedom] in exchange for servants (Wusafā’).”

حَدَّثَنَا عَبَّادُ بْنُ الْعَوَّامِ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ
نَافِعٍ، عَنِ ابْنِ عُمَرَ، قَالَ: كَانَ لَا يَرَى بَأْسًا بِالْكِتَابَةِ
عَلَى الْوُصَفَاءِ

[20141] Ismā‘il ibn Ibrāhīm reported from Ayyūb, from Nāfi‘, that Ḥafṣah contracted a Kitābah with a slave of hers in exchange for servants (Wusafā’).

حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ أَيُّوبَ، عَنْ نَافِعٍ، أَنَّ
حَفْصَةَ: كَاتَبَتْ غُلَامًا لَهَا عَلَى وَصَفَاءِ

[20142] Hushaym ibn Bashīr reported from ‘Abd al-Ḥamīd, from Sawwār, who said: My mother-in-law, called Sārah, a freed slave of Abū Barzah, told me that Abū Barzah contracted a Kitābah with some of his slaves in exchange for slaves.

حَدَّثَنَا هُشَيْمُ بْنُ بَشِيرٍ، عَنْ عَبْدِ الْحَمِيدِ، عَنْ سَوَّارٍ، قَالَ: حَدَّثَنِي خَتْنَةُ لِي يُقَالُ لَهَا سَارَةُ مَوْلَاةٌ لِأَبِي بَرْزَةَ أَنَّ أَبَا بَرْزَةَ: كَاتَبَ بَعْضَ مَمَالِكِهِ عَلَى رَقِيقٍ

[20143] Hushaym and Jarīr reported from Mughīrah, from Ibrāhīm, who said: “There is no harm in a slave contracting a Kitābah in exchange for servants.”

حَدَّثَنَا هُشَيْمٌ، وَجَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ أَنْ يُكَاتَبَ عَبْدٌ عَلَى الْوُصَفَاءِ

[20144] Wakī‘ reported from Sufyān, from ‘Ammār, from Sa‘īd ibn Jubayr, who said: “There is no harm in a slave contracting a Kitābah in exchange for servants (Wusafā’).” Jarīr added in it: “and maidservants (Waṣā’if).”

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ عَمَّارٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، قَالَ: لَا بَأْسَ أَنْ يُكَاتَبَ عَبْدٌ عَلَى الْوُصَفَاءِ زَادَ فِيهِ جَرِيرٌ: الْوَصَائِفَ

[20145] Ibn Idrīs reported from Hishām, from Al-Ḥasan and Ibn Sīrīn: That both of them saw no harm in the Mukātab contracting a Kitābah in exchange for servants.

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، وَابْنِ سِيرِينَ: أَنَّهُمَا كَانَا لَا يَرَيَانِ بِهِ بَأْسًا أَنْ يُكَاتَبَ الْمُكَاتَبُ عَلَى الْوُصَفَاءِ

[20146] Wakī‘ reported from Sufyān, from ‘Ammār, from Sa‘īd ibn Jubayr, who said: “There is no harm in the contract of Kitābah in exchange for servants.”

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَمَّارٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، قَالَ: لَا بَأْسَ بِالْكِتَابَةِ عَلَى الْوُصَفَاءِ

[20147] Ḥaḥṣ reported from Al-Shaybānī, from Al-Sha‘bī, who said: “There is no harm in contracting a Kitābah with his slave in exchange for servants.”

حَدَّثَنَا حَفْصٌ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، قَالَ: لَا بَأْسَ أَنْ يُكَاتِبَ عَبْدَهُ عَلَى الْوُصَفَاءِ

[20148] Ibn al-Mubāarak reported from Al-Awzā‘ī, from ‘Aṭā’, from Ibn ‘Abbās: That he used to see no harm in a man contracting a Kitābah with his slave in exchange for servants.

حَدَّثَنَا ابْنُ الْمُبَارَكِ، عَنِ الْأَوْزَاعِيِّ، عَنْ عَطَاءٍ، عَنِ ابْنِ عَبَّاسٍ: أَنَّهُ كَانَ لَا يَرَى بَأْسًا أَنْ يُكَاتِبَ الرَّجُلُ مَمْلُوكَهُ عَلَى الْوُصَفَاءِ

[20149] ‘Abbād ibn al-‘Awwām reported from Ḥajjāj, from ‘Ikrimah ibn Khālīd al-Makhzūmī, that a man contracted a Kitābah with his slave in exchange for two boys who could perform the same craft as him. They took the matter to ‘Umar ibn al-Khaṭṭāb, who said: “If he does not bring you two boys who perform the same craft as him, then return him to slavery.”

حَدَّثَنَا عَبَادُ بْنُ الْعَوَّامِ، عَنْ حَجَّاجٍ، عَنْ عِكْرِمَةَ بْنِ خَالِدٍ الْمَخْزُومِيِّ، أَنَّ رَجُلًا كَاتَبَ عَبْدَهُ عَلَى غِلَامَيْنِ يَصْنَعَانِ مِثْلَ صِنَاعَتِهِ فَارْتَفَعَا إِلَى عُمَرَ بْنِ الْخَطَّابِ فَقَالَ: إِنْ لَمْ يَجِدْكَ بِغِلَامَيْنِ يَصْنَعَانِ مِثْلَ صِنَاعَتِهِ، فَرُدَّهُ إِلَى الرِّقِّ

[20150] ‘Abd al-‘Alā reported from Ma‘mar, from Al-Zuhri, who said: “There is no harm in contracting a Kitābah with his slave in exchange for slaves for a specified term.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: لَا بَأْسَ أَنْ يُكَاتَبَ عَبْدُهُ عَلَى رَقِيقٍ إِلَى أَجَلٍ مُسَمًّى

[20151] ‘Abd al-Wahhāb ibn ‘Aṭā’ reported from Sa‘īd, from Qatādah, from ‘Umar ibn ‘Abd al-‘Azīz: That he saw no harm in the contract of Kitābah in exchange for servants if done hand-to-hand [immediately], but he disliked it on credit. And that was the opinion of Qatādah.

حَدَّثَنَا عَبْدُ الْوَهَّابِ بْنُ عَطَاءٍ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ: أَنَّهُ كَانَ لَا يَرَى بَأْسًا بِالْكِتَابَةِ عَلَى الْوَصَفَاءِ يَدًا بِيَدٍ، وَيَكْرَهُ ذَلِكَ نَسِيئَةً وَذَلِكَ رَأْيُ قَتَادَةَ

[20152] Wakī’ reported: Hammād ibn Zayd told us from ‘Abd Allāh ibn Abī Bakr ibn Anas, who said: This is the Kitābah contract of Sirīn which is with us, this is what Anas ibn Mālīk contracted with his slave: “He contracted him for such and such thousand, and for two boys who work like his work.”

حَدَّثَنَا وَكِيعٌ، قَالَ: نَا حَمَّادُ بْنُ زَيْدٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ بْنِ أَنَسٍ، قَالَ: هَذِهِ مَكَاتِبُهُ سِيرِينَ عِنْدَنَا هَذَا مَا كَاتَبَ عَلَيْهِ أَنَسُ بْنُ مَالِكٍ غُلَامَهُ: كَاتَبَهُ عَلَى كَذَا وَكَذَا أَلْفٍ، وَعَلَى غُلَامَيْنِ يَعْمَلَانِ مِثْلَ عَمَلِهِ

[20153] Ḥafṣ ibn Ghiyāth reported from Layth, from ‘Aṭā’, from Ibn ‘Umar, who said: “He forbade ‘Īnah [sale designed to circumvent usury].”

حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ لَيْثٍ، عَنْ عَطَاءٍ، عَنْ ابْنِ
عُمَرَ، قَالَ: نَهَى عَنِ الْعَيْنَةِ

[20154] Ḥafṣ reported from Ash‘ath, from Al-Ḥakam, from Masrūq, who said: “‘Īnah is Ḥarām [forbidden].”

حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ، عَنْ مَسْرُوقٍ،
قَالَ: الْإِئْتَانُ حَرَامٌ

[20155] Mu‘tamir ibn Sulaymān reported from his father, from Iyās ibn Mu‘āwiyah: That he used to see the market, meaning ‘Īnah. [Likely meaning he recognized it happening or allowed standard market practices].

حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ أَبِيهِ، عَنْ إِيَّاسِ بْنِ
مُعَاوِيَةَ: أَنَّهُ كَانَ يَرَى السُّوقَ يَعْنِي الْعَيْنَةَ

[20156] Abū Mu‘āwiyah reported from Hishām, from Ibn Sīrīn: That he disliked ‘Īnah.

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ: أَنَّهُ كَرِهَ
الْإِئْتَانَ

[20157] Mu‘ādh ibn Mu‘ādh reported from Ibn ‘Awn, who said: They mentioned ‘Īnah in the presence of Muḥammad [Ibn Sīrīn], so he said: I was informed that Ibn ‘Abbās used to say: “[It is essentially exchanging] dirhams for dirhams, with a piece of silk between them [as a sham].”

حَدَّثَنَا مُعَاذُ بْنُ مُعَاذٍ، عَنِ ابْنِ عَوْنٍ، قَالَ: ذَكَرُوا عِنْدَ مُحَمَّدٍ الْعَيْنَةَ فَقَالَ: ثُبُتُ أَنَّ ابْنَ عَبَّاسٍ كَانَ يَقُولُ: دَرَاهِمٌ بِدَرَاهِمٍ، وَبَيْنَهُمَا جَرِيرَةٌ

[20158] Al-Faḍl ibn Dukayn reported from Abū Janāb and Yazīd ibn Mardānibah; one of them said “came to us” and the other said “the letter came”: The letter of ‘Umar ibn ‘Abd al-‘Azīz came to ‘Abd al-Ḥamīd: “Forbid those before you from ‘Īnah, for it is the sister of Ribā [usury].”

حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، عَنْ أَبِي جَنَابٍ، وَيَزِيدَ بْنِ مَرْدَانِبَةَ، قَالَ أَحَدُهُمَا: جَاءَنَا وَقَالَ الْآخَرُ: جَاءَ كِتَابُ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ إِلَى عَبْدِ الْحَمِيدِ: أَنَّهُ مَنْ قَبْلَكَ عَنِ الْعَيْنَةِ فَإِنَّهَا أُخْتُ الرِّبَا

[20159] Wakī‘ reported from Al-Rabī‘, from Al-Ḥasan and Ibn Sīrīn: That they both disliked ‘Īnah and what people entered into regarding it.

حَدَّثَنَا وَكَيْعٌ، عَنِ الرَّبِيعِ، عَنِ الْحَسَنِ، وَابْنِ سِيرِينَ: أَنَّهُمَا كَرِهَا الْعَيْنَةَ وَمَا دَخَلَ النَّاسُ فِيهِ مِنْهَا

[20160] Yazīd ibn Hārūn reported from Ḥajjāj, from Abū Ishāq, who said: I heard Masrūq dislike ‘Īnah and Jarīrah.

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَجَّاجٍ، عَنْ أَبِي إِسْحَاقَ، قَالَ: سَمِعْتُ مَسْرُوقًا: كَرِهَ الْإِعْنَةَ وَالْجَرِيرَةَ

[20161] Hushaym reported from Abū Ḥamzah ‘Imrān ibn Abī ‘Aṭā’, who said: “I witnessed Shurayḥ when two men disputed before him. One of them had hired an animal from the other to a known place, but he went beyond it. Shurayḥ made him liable [for damages/guarantee].”

حَدَّثَنَا هُشَيْمٌ، عَنْ أَبِي حَمْزَةَ عِمْرَانَ بْنِ أَبِي عَطَاءٍ، قَالَ: شَهِدْتُ شُرَيْحًا وَاخْتَصَمَ إِلَيْهِ رَجُلَانِ أَكْثَرَى أَحَدُهُمَا مِنَ الْآخَرِ دَابَّةً إِلَى مَكَانٍ مَعْلُومٍ فَجَاوَزَ وَضَمَّنَهُ شُرَيْحٌ

[20162] Ḥafṣ ibn Ghiyāth reported from Al-Ḥasan ibn ‘Ubayd Allāh, who said: I asked Ibrāhīm about a man who hired an animal and went beyond [the agreed limit]. He said: “He is liable [for the animal's value if lost], but no rent is due on him for the distance he exceeded.”

حَدَّثَنَا نَافِعُ بْنُ حَفْصٍ بْنُ غِيَاثٍ، عَنْ الْحَسَنِ بْنِ عُيَيْدٍ اللَّاهِي، قَالَ: سَأَلْتُ إِبْرَاهِيمَ عَنْ رَجُلٍ تَكَارَى دَابَّةً فَجَاوَزَ بِهَا، قَالَ: هُوَ ضَامِنٌ، وَلَا كِرَاءٌ عَلَيْهِ فِيمَا خَالَفَ

[20163] Wakī‘ reported from Sufyān, from Ash‘ath, from Al-Ḥakam, who said: “If the animal remains safe, both rents [the agreed one and the extra] accumulate against him.”

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ، قَالَ: إِذَا سَلِمَتِ الدَّابَّةُ اجْتَمَعَ عَلَيْهِ الْكِرَاءَانِ

[20164] Abū Usāmah reported: Ibn Abī Zā'idah told us: Muḥammad ibn ‘Abd Allāh al-Thaqafī told me from Shurayḥ: That he judged regarding a man who hired an animal from another man to Al-Radmah, but he exceeded the time/place on it, and it was injured and died. He made him pay the rent to the place he named, and made him liable for the animal [its value] when he violated [the agreement].

حَدَّثَنَا أَبُو أُسَامَةَ، قَالَ: نَا ابْنُ أَبِي زَائِدَةَ، قَالَ: حَدَّثَنِي مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الثَّقَفِيُّ، عَنْ شُرَيْحٍ، أَنَّهُ قَضَى فِي رَجُلٍ اسْتَأْجَرَ مِنْ رَجُلٍ دَابَّةً إِلَى الرَّدْمَةِ فَجَاوَزَ عَلَيْهَا الْوَقْتَ، فَعَطِبَتْ فَمَاتَتْ، فَجَعَلَ عَلَيْهِ الْأَجْرَ إِلَى الْمَكَانِ الَّذِي سَمَّى وَضَمَّنَهُ الدَّابَّةَ حِينَ خَالَفَ

[20165] Muḥammad ibn Fuḍayl reported from Al-Ḥasan ibn ‘Ubayd Allāh, from Ibrāhīm, who said: “If a man hires an animal to a place, he [the owner] is entitled to its rent. If he goes beyond [the limit] on it and it dies, he is entitled to its first rent, and he [the hirer] must guarantee it [pay its value].”

حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنِ الْحَسَنِ بْنِ عُبَيْدِ اللَّهِ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا تَكَارَى الرَّجُلُ الدَّابَّةَ إِلَى الْمَكَانِ، كَانَ لَهُ كِرَاؤُهَا فَإِنْ جَاوَزَ عَلَيْهَا فَتَفَقَّتْ، كَانَ لَهُ كِرَاؤُهَا الْأَوَّلُ، وَعَلَيْهِ أَنْ يَضْمَنَهَا

[20166] Wakī‘ reported from Sufyān, from Ibn ‘Awn, from Shurayḥ, regarding a man who hired an animal and exceeded the time/limit. He said: “The rent and the guarantee [liability] are combined against him.”

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ عَوْنٍ، عَنْ شُرَيْحٍ، فِي رَجُلٍ اكْتَرَى ذَاتَهُ فَجَاوَزَ الْوَقْتَ قَالَ: يُجْمَعُ عَلَيْهِ الْكِرَاءُ وَالضَّمَانُ

[20167] ‘Abbād ibn al-‘Awwām reported from Ash‘ath, from Al-Ḥakam, regarding a man who bought goods from another man, and they were destroyed in the seller's hands before [the buyer] took possession. He said: “If he had said to him: ‘Take your goods,’ and he did not take them, then it is in the seller's hands but from the buyer's property [buyer's loss]. But if he said: ‘I will not give it to you until you bring the price,’ then it is the seller's property [seller's loss].”

حَدَّثَنَا عَبَّادُ بْنُ الْعَوَّامِ، عَنْ أَشْعَثَ، عَنْ الْحَكَمِ، فِي رَجُلٍ اشْتَرَى مِنْ رَجُلٍ مَتَاعًا هَلَكَ فِي يَدَيِ الْبَائِعِ قَبْلَ أَنْ يَقْبِضَهُ قَالَ: "إِنْ كَانَ قَالَ لَهُ: خُذْ مَتَاعَكَ فَلَمْ يَأْخُذْهُ فَهُوَ فِي يَدَيِ الْبَائِعِ مِنْ مَالِ الْمُشْتَرِي، وَإِنْ كَانَ قَالَ: لَا أَدْفَعُكَ لَكَ حَتَّى تَأْتِيَ بِالثَّمَنِ، فَهُوَ مَالُ الْبَائِعِ

[20168] Ibn Abī Zā'idah (who is Dāwūd) reported: I said to 'Āmir [Al-Sha'bī]: A man bought cloth on credit, packed it, tied it, and placed it in the seller's house, but did not detain it as collateral for the money. Then the property burned. He said: "[It is lost] from the seller's property."

حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ هُوَ دَاوُدُ، قَالَ: قُلْتُ لِعَامِرٍ: رَجُلٌ اشْتَرَى بَزًّا إِلَى أَجَلٍ فَحَبَسَهُ وَعَكَمَهُ وَوَضَعَهُ فِي مَنْزِلِ الْبَائِعِ وَلَمْ يَحْبِسْهُ رَهْنًا بِالْمَالِ، فَاحْتَرَقَ الْمَالُ قَالَ: مِنْ مَالِ الْبَائِعِ

[20169] Ibn 'Ulayyah reported from Ibn 'Awn, from Ibrāhīm, who said: "If a man buys goods and the buyer says: 'Transfer it to me,' and the seller says: 'No, until you bring me the price,' then this is like collateral; if it is destroyed, it is from the seller's property. But if the seller says to the buyer: 'Transfer it,' and he [the buyer] says: 'Leave it until we bring you the price,' then this is like a deposit; if it is destroyed, it is from the buyer's property. He sells this one but not that one." Ibn 'Awn said: I mentioned it to Muḥammad, and he said: "He spoke the truth, I think."

حَدَّثَنَا ابْنُ عُليَّةَ، عَنِ ابْنِ عَوْنٍ، عَنْ إِبْرَاهِيمَ، قَالَ: "إِذَا اشْتَرَى الرَّجُلُ الْمَتَاعَ فَقَالَ الْمُشْتَرِي: انْقُلْهُ إِلَيَّ، وَقَالَ الْبَائِعُ: لَا، حَتَّى تَأْتِيَنِي بِالثَّمَنِ فَهَذَا بِمَنْزِلَةِ الرَّهْنِ، فَإِنْ هَلَكَ فَهُوَ مِنْ مَالِ الْبَائِعِ، وَإِنْ قَالَ الْبَائِعُ لِلْمُشْتَرِي: انْقُلْهُ، فَقَالَ: دَعُهُ حَتَّى تَأْتِيَكَ بِالثَّمَنِ فَهَذَا بِمَنْزِلَةِ الْوَدِيعَةِ، إِنْ هَلَكَ فَهُوَ مِنْ مَالِ الْمُشْتَرِي، وَيَبِيعُ هَذَا وَلَا يَبِيعُ ذَاكَ" قَالَ ابْنُ عَوْنٍ: فَذَكَرْتُهُ لِمُحَمَّدٍ فَقَالَ: صَدَقَ، أَظُنُّ

[20170] Ismā'il ibn Ibrāhīm reported from Dāwūd ibn Abī Hind, that a man bought goods from another man on credit and withheld it. A fire broke out at night and burned some of it. I asked Al-Sha'bī, and he said: "It is from the property of the one in whose hands it is."

حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ دَاوُدَ بْنِ أَبِي هِنْدٍ، أَنَّ رَجُلًا ابْتَاَعَ مِنْ رَجُلٍ مَتَاعًا إِلَى أَجَلٍ، وَحَبَسَهُ قَبِيَّتَهُمْ حَرِيقٌ مِنَ اللَّيْلِ فَأَحْرَقَ بَعْضَهُ، فَسَأَلْتُ الشَّعْبِيَّ فَقَالَ: هُوَ مِنْ مَالِ الَّذِي هُوَ فِي يَدَيْهِ

[20171] Hushaym reported from Yūnus, from Al-Ḥasan, that he used to say: If he stipulates on his Mukātab [slave buying freedom] that he should not travel or marry, he said: "His condition is void; he may travel wherever he wishes and marry."

حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، أَنَّهُ كَانَ يَقُولُ: إِذَا اشْتَرَطَ عَلَى مُكَاتِبِهِ أَلَّا يَخْرُجَ وَلَا يَتَزَوَّجَ، قَالَ: فَشَرْطُهُ بَاطِلٌ يَسِيرُ حَيْثُ يَشَاءُ وَيَتَزَوَّجُ

[20172] Hushaym reported from 'Ubaydah, from Ibrāhīm, who said: "You make conditions on the Mukātab that are not lawful. It is stipulated on him that he should not travel or marry." He said: "He may travel and marry."

حَدَّثَنَا هُشَيْمٌ، عَنْ عُبَيْدَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: "إِنَّكُمْ تَشْتَرِطُونَ عَلَى الْمُكَاتِبِ شُرُوطًا لَا تَحِلُّ، يُشْتَرَطُ عَلَيْهِ أَلَّا يَخْرُجَ، وَلَا يَتَزَوَّجَ، قَالَ: يَخْرُجُ، وَيَتَزَوَّجُ

[20173] Hushaym reported from Ismā'il, from Al-Sha'bī, similar to it.

حَدَّثَنَا هُشَيْمٌ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، مِثْلَهُ

[20174] Ḥafṣ ibn Ghiyāth reported from Ash‘ath, from Abū al-Zubayr, from Jābir, who said: “For the People of the Book are whatever conditions they stipulated against him, and for them is whatever they took from him.”

حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ أَشْعَثَ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ، قَالَ: لِأَهْلِ الْكِتَابِ مَا اشْتَرَطُوا عَلَيْهِ، وَلَهُمْ مَا أَخَذُوا مِنْهُ

[20175] Wakī‘ reported from Sufyān, from Abū al-Jahm, from Sa‘īd ibn Jubayr, who said: “He [the Mukātab] may travel if he wishes.”

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي الْجَهْمِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، قَالَ: يَخْرُجُ إِنْ شَاءَ

[20176] Wakī‘ reported from Ismā‘il, from Al-Sha‘bī, regarding a man who stipulated on his Mukātab not to travel. He said: “He may travel.” Wakī‘ said: Sufyān said: “He does not travel except with his master's permission.”

حَدَّثَنَا وَكَيْعٌ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، فِي رَجُلٍ اشْتَرَطَ عَلَى مُكَاتَبِهِ أَنْ لَا يَخْرُجَ قَالَ: يَخْرُجُ قَالَ وَكَيْعٌ: قَالَ سُفْيَانُ: لَا يَخْرُجُ إِلَّا بِإِذْنِ مَوْلَاهُ

[20177] Abū Baḥr al-Bakrāwī reported from Muḥammad ibn Abī Yaḥyā, who said: My mother told me that her grandfather was a Mukātab of ‘Abd Allāh ibn Qays al-Aslamī. He wanted to go out to Basra, but he [the master] prevented him. So he came to ‘Uthmān, who said: “You have no right to prevent him.” So he let him go.

حَدَّثَنَا أَبُو بَحرٍ الْبَكْرَاوِيُّ، عَنْ مُحَمَّدِ بْنِ أَبِي يَحْيَى، قَالَ: أَخْبَرَتْنِي أُمِّي، أَنَّ جَدَّهَا كَانَ مُكَاتَبًا لِعَبْدِ اللَّهِ بْنِ قَيْسِ الْأَسْلَمِيِّ فَأَرَادَ الْخُرُوجَ إِلَى الْبَصْرَةِ فَمَنَعَهُ، فَأَتَى عُثْمَانَ، فَقَالَ: لَيْسَ لَكَ أَنْ تَمْنَعَهُ، فَخَلَّى عَنْهُ

[20178] Wakī‘ reported from Sufyān, from Jābir, regarding a man who stipulates on his Mukātab not to travel or marry. He said: “He may marry and travel.”

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، فِي الرَّجُلِ يَشْتَرِطُ عَلَى مُكَاتَبِهِ أَنْ لَا يَخْرُجَ، وَلَا يَتَزَوَّجَ، قَالَ: يَتَزَوَّجُ، وَيَخْرُجُ

[20179] Ḥafṣ reported from Ash‘ath, from Al-Ḥakam and Ḥammād, from Ibrāhīm, who said: “They used to dislike stipulating conditions on the Mukātab that harm him: that he should not leave the city, or not marry.”

حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ، وَحَمَّادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: "كَانُوا يَكْرَهُونَ أَنْ يَشْتَرِطُوا، عَلَى الْمُكَاتَبِ مَا يُضِرُّ بِهِ: أَنْ لَا يَخْرُجَ مِنَ الْمِصْرِ، وَلَا يَتَزَوَّجَ

[20180] Sharik ibn ‘Abd Allāh reported from Ibrāhīm ibn Muhājir, from Ibrāhīm, who said: “Khabbāb was a blacksmith, and he would sometimes buy a sword decorated with silver for silver, and perhaps he mentioned the Mushaf.”

حَدَّثَنَا شَرِيكُ بْنُ عَبْدِ اللَّهِ، عَنْ إِبْرَاهِيمَ بْنِ مُهَاجِرٍ، عَنْ
إِبْرَاهِيمَ، قَالَ: كَانَ خَبَّابُ قَيْنًا، وَكَانَ رُبَّمَا اشْتَرَى
السَّيْفَ الْمُحْلَى بِالْوَرِقِ، وَرُبَّمَا ذَكَرَ الْمُصْحَفَ

[20181] Abū Bakr ibn ‘Ayyāsh reported from Ḥuṣayn, from Al-Sha‘bī, who said: “There is no harm in buying a sword decorated with silver for silver.”

حَدَّثَنَا أَبُو بَكْرِ بْنُ عَيَّاشٍ، عَنْ حُصَيْنٍ، عَنِ الشَّعْبِيِّ،
قَالَ: لَا بَأْسَ أَنْ يَشْتَرِيَ السَّيْفَ الْمُحْلَى بِالْوَرِقِ

[20182] Ḥafṣ ibn Ghiyāth reported from Ash‘ath, from Al-Ḥasan, who said: “There is no harm in buying a silvered sword immediately [hand-to-hand].”

حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، قَالَ:
لَا بَأْسَ أَنْ يَشْتَرِيَ السَّيْفَ الْمُفِضَّضَ بِالنَّاجِزِ

[20183] Ḥafṣ reported from Ash‘ath, from Ibn Sīrīn: That he disliked it.

حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ ابْنِ سِيرِينَ: أَنَّهُ كَرِهَهُ

[20184] Wakī‘ reported from Muḥammad ibn ‘Abd Allāh, from Abū Qilābah, from Anas, who said: The letter of ‘Umar came to us while we were in the land of Persia: “Do not sell swords containing a silver ring for dirhams [silver].”

حَدَّثَنَا وَكِيعٌ، عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِي قِلَابَةَ، عَنْ أَنَسٍ، قَالَ: أَتَانَا كِتَابُ عُمَرَ وَنَحْنُ بِأَرْضِ فَارِسَ أَنْ لَا تَبِيعُوا السُّيُوفَ فِيهَا حَلَقَةٌ فضةً بِالدرهم

[20185] Ibn Mubārak reported from Sa‘īd ibn Yazīd, who said: I heard Khālīd ibn Abī ‘Imrān narrating from Ḥanash, from Faḍālah ibn ‘Ubayd, who said: On the day of Khaybar, a necklace containing beads suspended with gold was brought to the Prophet ﷺ. A man bought it for nine dinars, or seven. He came to the Prophet ﷺ and mentioned that to him. He said: “No, not until you distinguish between them.” He said: “I only wanted the stones.” He said: “No, not until you distinguish between them.”

حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ سَعِيدِ بْنِ يَزِيدَ، قَالَ: سَمِعْتُ خَالِدَ بْنَ أَبِي عِمْرَانَ، يُحَدِّثُ عَنْ حَنَشٍ، عَنْ فَضَالَةَ بْنِ عُبَيْدٍ، قَالَ: أَتَى النَّبِيَّ عَلَيْهِ السَّلَامُ يَوْمَ خَيْبَرَ بِقِلَادَةٍ فِيهَا خَرَزٌ مُعَلَّقَةٌ بِذَهَبٍ، ابْتِاعَهَا رَجُلٌ بِتِسْعَةِ دَنَانِيرٍ، أَوْ بِسَبْعَةٍ، فَأَتَى النَّبِيَّ عَلَيْهِ السَّلَامُ فَذَكَرَ ذَلِكَ لَهُ، فَقَالَ: لَا، حَتَّى تُمَيِّزَ مَا بَيْنَهُمَا فَقَالَ: إِنَّمَا أَرَدْتُ الْحِجَارَةَ قَالَ: لَا، حَتَّى تُمَيِّزَ مَا بَيْنَهُمَا

[20186] Wakī‘ reported from Zakariyyā, from Al-Sha‘bī, who said: Shurayḥ was asked about a gold bow containing gems. He said: “He removes the gems, then sells the gold weight for weight.”

حَدَّثَنَا وَكِيعٌ، عَنْ زَكَرِيَّا، عَنِ الشَّعْبِيِّ، قَالَ: سُئِلَ شُرَيْحٌ عَنْ قَوْسٍ ذَهَبٍ فِيهِ فُصُوصٌ، قَالَ: يَنْزِعُ الْفُصُوصَ، ثُمَّ يَبْتَاعُ الذَّهَبَ وَزْنًا بِوَزْنٍ

[20187] Abū Bakr ibn ‘Ayyāsh reported from Mughīrah, from Ibrāhīm, who said: “A decorated belt and a decorated sword are not to be sold on credit.”

حَدَّثَنَا أَبُو بَكْرِ بْنُ عَيَّاشٍ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا تُبَاعُ الْمِنْطَقَةُ الْمُحَلَّاةُ، وَالسَّيْفُ الْمُحَلَّى بِنَسِيئَةٍ

[20188] ‘Uthmān ibn Maṭar reported from Hishām, from Ibn Sīrīn, and from Sa‘īd, from Qatādah: That both of them saw no harm in buying a silvered sword, a silvered tray, and a [silvered] cup for dirhams.

حَدَّثَنَا عُثْمَانُ بْنُ مَاطَرٍ، عَنْ هِشَامٍ، عَنِ ابْنِ سِيرِينَ، وَعَنْ سَعِيدٍ، عَنْ قَتَادَةَ: أَنَّهُمَا لَمْ يَرِيا بَأْسًا بِشِرَاءِ السَّيْفِ الْمُفَضَّضِ، وَالْخَوَانِ الْمُفَضَّضِ وَالْفَدَحِ بِالْذَّرْهِمِ

[20189] ‘Abd al-A‘lā ibn ‘Abd al-A‘lā reported from Ma‘mar, from Al-Zuhri: That he used to dislike buying a sword decorated with silver [for silver], and he would say: “Buy it with gold, hand to hand.”

حَدَّثَنَا عَبْدُ الْأَعْلَى بْنُ عَبْدِ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ: أَنَّهُ كَانَ يَكْرَهُ أَنْ يُشْتَرَى السَّيْفُ الْمُحَلَّى بِفِضَّةٍ وَيَقُولُ: اشْتَرِهِ بِالذَّهَبِ يَدًا بِيَدٍ

[20190] Ibn Mahdī reported from Saʿīd ibn ʿAbd al-Raḥmān, who said: I asked Sulaymān ibn Mūsā about a sword decorated with silver. He said: “There is no harm in it.”

حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سَعِيدِ بْنِ عَبْدِ الرَّحْمَنِ، قَالَ: سَأَلْتُ سُلَيْمَانَ بْنَ مُوسَى عَنِ السَّيْفِ الْمُحَلَّى بِالْفِضَّةِ، فَقَالَ: لَا بَأْسَ بِهِ

[20191] Ghundar reported from Shuʿbah, who said: I asked Ḥammād about the decorated sword being sold for dirhams. He said: “There is no harm in it.” Al-Ḥakam said: “If the dirhams [price] are more than the [silver] decoration, there is no harm in it.”

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ حَمَّادًا عَنِ السَّيْفِ الْمُحَلَّى، يُبَاعُ بِالدِّرْهِمِ، فَقَالَ: لَا بَأْسَ بِهِ. وَقَالَ الْحَكَمُ: إِذَا كَانَتْ الدَّرَاهِمُ أَكْثَرَ مِنَ الْجِلْيَةِ فَلَا بَأْسَ بِهِ

[20192] Ghundar reported from Shuʿbah, from ʿUmārah ibn Abī Ḥafṣah, from Al-Mughīrah ibn Ḥunayn, who said: I asked ʿAlī about cups of gold mixed with silver; can they be sold for silver? He said: He gestured with his head like this, meaning: “There is no harm in it.”

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ عُمَارَةَ بْنِ أَبِي حَفْصَةَ، عَنِ الْمُغِيرَةِ بْنِ حُنَيْنٍ، قَالَ: سَأَلْتُ عَلِيًّا عَنْ جَامَاتٍ مِنْ ذَهَبٍ مَخْلُوطًا بِفِضَّةٍ أَتُبَاعُ بِالْفِضَّةِ؟ قَالَ: فَقَالَ: هَكَذَا بِرَأْسِهِ، أَيْ لَا بَأْسَ بِهِ

[20193] Ismā'īl ibn Ibrāhīm reported from Ayyūb, that Muḥammad [Ibn Sīrīn]: Used to dislike buying a decorated sword except with goods ('Araḍ) [not currency].

حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ أَيُّوبَ، أَنَّ مُحَمَّدًا: كَانَ يَكْرَهُ شِرَاءَ السَّيْفِ الْمُحْلَى إِلَّا بِعَرَضٍ

[20194] Ismā'īl ibn Ibrāhīm reported from Sa'īd, from Abū Ma'shar, from Ibrāhīm: That he saw no harm if the price was more than the decoration, but he disliked it if the price was less than the decoration.

حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ: أَنَّهُ كَانَ لَا يَرَى بَأْسًا إِذَا كَانَ الثَّمَنُ أَكْثَرَ مِنَ الْحِلْيَةِ، وَيَكْرَهُهُ إِذَا كَانَ الثَّمَنُ أَقَلَّ مِنَ الْحِلْيَةِ

[20195] Ismā'īl ibn Ibrāhīm reported from Sa'īd ibn Abī 'Arūbah and others, that Al-Ḥasan: Used to see no harm in buying a decorated sword and ring for dirhams.

حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ، وَغَيْرِهِ، أَنَّ الْحَسَنَ: كَانَ لَا يَرَى بَأْسًا بِاشْتِرَاءِ السَّيْفِ الْمُحْلَى وَالْخَاتَمِ بِالدَّرْهَمِ

[20196] 'Abd al-Salām ibn Ḥarb reported from Yazīd al-Dālānī, from Qays ibn Muslim, from Ṭāriq ibn Shihāb, who said: "We used to sell the sword decorated with silver and buy it."

حَدَّثَنَا عَبْدُ السَّلَامِ بْنُ حَرْبٍ، عَنْ يَزِيدَ الدَّالَانِيِّ، عَنْ قَيْسِ بْنِ مُسْلِمٍ، عَنْ طَارِقِ بْنِ شِهَابٍ، قَالَ: كُنَّا نَبِيعُ السَّيْفَ الْمُحْلَى بِالْفِضَّةِ وَنَشْتَرِيهِ

[20197] Wakī' reported from Isrā'il, from 'Abd al-A'lā, from Sa'id ibn Jubayr, from Ibn 'Abbās, who said: "There is no harm in selling a decorated sword for dirhams."

حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ عَبْدِ الْأَعْلَى، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: لَا بَأْسَ بِبَيْعِ السَّيْفِ الْمُحَلَّى بِالدِّرَاهِمِ

[20198] Sufyān ibn 'Uyaynah reported from Ibrāhīm, from Ibn Abī Najīh, from Mujāhid, who said: "There is no harm in selling to the highest bidder [auction]; that is how the Khums [booty shares] were sold."

حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنْ إِبْرَاهِيمَ، عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ، قَالَ: لَا بَأْسَ بِبَيْعِ مَنْ يَزِيدُ، كَذَلِكَ كَانَتْ تُبَاعُ الْأَخْمَاسُ

[20199] Ḥātim ibn Wardān reported from Burd, from Makhūl: That he disliked selling to the highest bidder [auction], except between partners themselves.

حَدَّثَنَا حَاتِمُ بْنُ وَرْدَانَ، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ: أَنَّهُ كَرِهَ بَيْعَ مَنْ يَزِيدُ إِلَّا الشُّرَكَاءَ بَيْنَهُمْ

[20200] Ismā‘īl ibn ‘Ayyāsh reported from ‘Amr ibn Muhājir, that ‘Umar ibn ‘Abd al-‘Azīz sent ‘Amrah ibn Zayd al-Filasṭīnī to sell captives to the highest bidder. When he finished, he came to him, and ‘Umar said to him: “How was the sale today?” He said: “The sale was stagnant, O Commander of the Faithful, had I not been bidding against them to drive up the price.” ‘Umar said: “You were bidding against them, yet you did not intend to buy?” He said: “Yes.” ‘Umar said: “This is Najsh [deceptive bidding], and Najsh is not lawful. O ‘Amrah, send a caller to announce: ‘Attention, the sale is returned [annulled], and Najsh is not lawful.’”

حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ عَمْرِو بْنِ مُهَاجِرٍ، أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ بَعَثَ عُمَرَ بْنَ زَيْدِ الْفَلَسْطِينِيِّ يَبِيعُ السَّبْيَ فِيمَنْ يَزِيدُ، فَلَمَّا فَرَغَ جَاءَهُ فَقَالَ لَهُ عُمَرُ: كَيْفَ كَانَ الْبَيْعُ الْيَوْمَ؟ فَقَالَ: إِنَّ الْبَيْعَ كَانَ كَاسِدًا يَا أَمِيرَ الْمُؤْمِنِينَ، لَوْلَا أَنِّي كُنْتُ أَزِيدُ عَلَيْهِمْ فَأَنْفِقُهُ فَقَالَ عُمَرُ: كُنْتُ تَزِيدُهُ عَلَيْهِمْ، وَلَا تُرِيدُ أَنْ تَشْتَرِي؟ فَقَالَ: نَعَمْ، قَالَ عُمَرُ: "هَذَا نَجَشٌ، وَالنَّجَشُ لَا يَجِلُّ، ابْعَثْ يَا عَمْرُو مُنَادِيًا يُنَادِي: أَلَا إِنَّ الْبَيْعَ مَرْدُودٌ وَإِنَّ النَّجَشَ لَا يَجِلُّ

[20201] Wakī‘ reported from Ḥizām ibn Hishām al-Khuzā‘ī, from his father, who said: I witnessed ‘Umar ibn al-Khaṭṭāb sell camels from the charity camels to the highest bidder.

حَدَّثَنَا وَكِيعٌ، عَنْ جَزَامِ بْنِ هِشَامٍ الْخَزَاعِيِّ، عَنْ أَبِيهِ، قَالَ: شَهِدْتُ عُمَرَ بْنَ الْخَطَّابِ بَاعَ إِبِلًا مِنْ إِبِلِ الصَّدَقَةِ فِيمَنْ يَزِيدُ

[20202] Mu‘tamir ibn Sulaymān reported from Al-Akhḍar ibn ‘Ajlān, from Abū Bakr al-Ḥanafī, from Anas ibn Mālīk, from a man of the Ansar: “That the Messenger of Allah ﷺ sold a saddle blanket and a cup to the highest bidder.”

حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنِ الْأَخْضَرِ بْنِ عَجْلَانَ، عَنْ أَبِي بَكْرٍ الْهَنْفِيِّ، عَنْ أَنَسِ بْنِ مَالِكٍ، عَنْ رَجُلٍ، مِنَ الْأَنْصَارِ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَاعَ حِلْسًا وَقَدَحًا فَبِيعَ مِنْ يَزِيدٍ

[20203] Jarīr reported from Mughīrah, from Ḥammād, who said: “There is no harm in selling to the highest bidder if he increases the offer, if you intend to buy.”

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَّادٍ، قَالَ: لَا بَأْسَ بِبَيْعِ مَنْ يَزِيدُ إِنْ يَزِدْ فِي السَّوْمِ، إِذَا أَرَدْتَ أَنْ تَشْتَرِيَ

[20204] Ḥaṣṣ ibn Ghiyāth reported from Ash‘ath, from Al-Ḥasan and Ibn Sīrīn: That they both disliked selling to the highest bidder except for the sale of inheritances and spoils of war.

حَدَّثَنَا حُصَيْنُ بْنُ غِيَاثٍ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، وَابْنِ سِيرِينَ: أَنَّهُمَا كَرِهَا بَيْعَ مَنْ يَزِيدُ إِلَّا بَيْعَ الْمَوَارِيثِ وَالْغَنَائِمِ

[20205] Wakī‘ reported from Sufyān, from someone who heard Mujaḥid and ‘Aṭā’ say: “There is no harm in selling to the highest bidder.”

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَمَّنْ سَمِعَ مُجَاهِدًا، وَعَطَاءً، قَالَا: لَا بَأْسَ مِنْ بَيْعِ مَنْ يَزِيدُ

[20206] Al-Faḍl ibn Dukayn reported from Ḥammād ibn Salamah, from Abū Ja‘far al-Khiṭmī, from Al-Mughīrah ibn Shu‘bah: “That he sold the spoils of war to the highest bidder.”

حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ أَبِي جَعْفَرٍ الْخِطْمِيِّ، عَنِ الْمُغِيرَةِ بْنِ شُعْبَةَ: أَنَّهُ بَاعَ الْمَغَانِمَ فَيَمَّنَ يَزِيدُ

[20207] ‘Alī ibn Mushir reported from Abū Ishāq al-Shaybānī, from Muslim ibn Ṣubayḥ, who said: I saw a man from Basra who had copies of the Quran (Maṣāḥif) that he was selling. So I went to Masrūq ibn al-Ajda‘, ‘Abd Allāh ibn Yazīd al-Anṣārī, and Shurayḥ and asked them. They said: “We do not like to take a price for the Book of Allah.”

حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ أَبِي إِسْحَاقَ الشَّيْبَانِيِّ، عَنْ مُسْلِمِ بْنِ صُبَيْحٍ، قَالَ: نَظَرْتُ رَجُلًا مِنَ الْبَصْرَةِ وَمَعَهُ مَصَاحِفُ يَبِيعُهَا، فَاتَّبَعْتُ مَسْرُوقَ بْنَ الْأَجْدَعِ، وَعَبْدَ اللَّهِ بْنَ يَزِيدٍ الْأَنْصَارِيَّ وَشُرَيْحًا فَسَأَلْتُهُمْ، فَقَالُوا: مَا نُحِبُّ أَنْ نَأْخُذَ بِكِتَابِ اللَّهِ ثَمَنًا

[20208] Ibn ‘Ulayyah reported from Khālīd, from Ibn Sīrīn, from ‘Abaydah: That he disliked selling copies of the Quran and buying them.

حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ خَالِدٍ، عَنْ ابْنِ سِيرِينَ، عَنْ عَبِيدَةَ: أَنَّهُ كَرِهَ بَيْعَ الْمَصَاحِفِ وَابْتِيعَاقَهَا

[20209] Ismā'il ibn 'Ulayyah reported from Layth, from Abū Muḥammad, from Sa'īd ibn Jubayr, from Ibn 'Umar, who said: "I wish I could see hands cut off for selling copies of the Quran."

حَدَّثَنَا إِسْمَاعِيلُ ابْنُ عَلِيَّةَ، عَنْ لَيْثٍ، عَنْ أَبِي مُحَمَّدٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عُمَرَ، قَالَ: وَدِدْتُ أَنِّي قَدْ رَأَيْتُ الْأَيْدِيَ تُقَطَّعُ فِي بَيْعِ الْمَصَاحِفِ

[20210] Ismā'il ibn Ibrāhīm reported from Sa'īd, from Abū Ma'shar, from Ibrāhīm, who said: "Licking the anus is more beloved to me than selling copies of the Quran." And he used to dislike taking a fee for displaying them.

حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَحْسُ الدُّبُرِ أَحَبُّ إِلَيَّ مِنْ بَيْعِ الْمَصَاحِفِ، وَكَانَ يَكْرَهُ أَنْ يَأْخُذَ عَلَى عَرْضِهَا أَجْرًا

[20211] Abū Bakr ibn 'Ayyāsh reported from Mughīrah, from Ibrāhīm, that he disliked selling copies of the Quran and said: "It belongs to the one who reads it from the family." And he disliked writing in it for a wage.

حَدَّثَنَا أَبُو بَكْرِ بْنُ عَيَّاشٍ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، أَنَّهُ كَرِهَ بَيْعَ الْمَصَاحِفِ وَقَالَ: هِيَ لِمَنْ يَفْرَأُ مِنْ أَهْلِ الْبَيْتِ، وَكَرِهَ الْكِتَابَ فِيهَا بِالْأَجْرَةِ

[20212] Wakī' reported from 'Ikrimah ibn 'Ammār, from Sālim, who said: "What a wretched trade is the selling of copies of the Quran."

حَدَّثَنَا وَكَيْعٌ، عَنْ عِكْرِمَةَ بْنِ عَمَّارٍ، عَنْ سَالِمٍ، قَالَ: بُسَسَ التَّجَارَةُ بِبَيْعِ الْمَصَاحِفِ

[20213] Ismā'īl ibn Ibrāhīm reported from Layth, from Ḥammād, from Ibrāhīm, from 'Alqamah, from 'Abd Allāh: That he disliked buying copies of the Quran and selling them.

حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ لَيْثٍ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللَّهِ: أَنَّهُ كَرِهَ شِرَاءَ الْمَصَاحِفِ وَبَيْعَهَا

[20214] Wakī' reported from Sufyān, from Sālim, from Sa'īd ibn Jubayr, from Ibn 'Umar, who said: "I wish I saw hands cut off for selling copies of the Quran."

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ سَالِمٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عُمَرَ، قَالَ: وَدِدْتُ أَنِّي رَأَيْتُ الْأَيْدِيَ تَقَطَّعُ فِي بَيْعِ الْمَصَاحِفِ

[20215] Wakī' reported from Shu'bah, from Al-Ḥakam, who said: 'Alqamah used to dislike selling copies of the Quran.

حَدَّثَنَا وَكَيْعٌ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، قَالَ: كَانَ عَلْقَمَةُ: يَكْرَهُ بَيْعَ الْمَصَاحِفِ

[20216] Ibn Idrīs reported from Hishām, that Ibn Sīrīn: Used to dislike selling them and buying them.

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، أَنَّ ابْنَ سِيرِينَ: كَانَ يَكْرَهُ بَيْعَهَا وَشِرَاءَهَا

[20217] Wakī‘ reported: Sufyān told us from Abū Ḥuşayn, from Abū al-Ḍuḥā, who said: I asked Shurayḥ, Masrūq, and ‘Abd Allāh ibn Yazīd about selling copies of the Quran, and they said: “We do not take a price for the Book of Allah.”

حَدَّثَنَا وَكِيعٌ، قَالَ: نَاسُفِيَانُ، عَنْ أَبِي حُصَيْنٍ، عَنْ أَبِي الضُّحَى، قَالَ: سَأَلْتُ شُرَيْحًا، وَمَسْرُوقًا، وَعَبْدَ اللَّهِ بْنَ يَزِيدَ، عَنْ بَيْعِ الْمَصَاحِفِ، فَقَالُوا: لَا نَأْخُذُ بِكِتَابِ اللَّهِ نَمْنًا

[20218] Ibn Fuḍayl reported from Al-A‘mash, from Ibrāhīm, who said: I said to ‘Alqamah: “Shall I sell a copy of the Quran?” He said: “No.”

حَدَّثَنَا ابْنُ فَضَيْلٍ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، قَالَ: قُلْتُ لِعَلْقَمَةَ: أَبِيعُ مُصْحَفًا؟ قَالَ: لَا

[20219] ‘Abd Allāh ibn Idrīs reported from Ibn Jurayj, from Abū al-Zubayr, from Jābir, that he said: “Buy it [the Quran], but do not sell it.”

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنِ ابْنِ جُرَيْجٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ، أَنَّهُ قَالَ: اشْتَرِهَا، وَلَا تَبِعْهَا

[20220] Ismā‘īl ibn Ibrāhīm and Ibn Idrīs reported from Layth, from Mujāhid, from Ibn ‘Abbās: That he permitted buying copies of the Quran but disliked selling them.

حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، وَابْنُ إِدْرِيسَ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، عَنْ ابْنِ عَبَّاسٍ: أَنَّهُ رَخَّصَ فِي اشْتِرَاءِ الْمَصَاحِفِ، وَكَرِهَ بَيْعَهَا

[20221] Ibn Idrīs reported from his father, from Ḥammād, from Sa‘īd ibn Jubayr, similar to it.

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ أَبِيهِ، عَنْ حَمَّادٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، مِثْلَهُ

[20222] Wakī‘ reported from Sa‘īd, حَدَّثَنَا وَكِيعٌ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ،
from Qatādah, from Sa‘īd ibn عَنْ ابْنِ عَبَّاسٍ، قَالَ: اشْتَرَاهَا وَلَا تَبِعْهَا
Jubayr, from Ibn ‘Abbās, who said:
“Buy it but do not sell it.”

[20223] Wakī‘ reported from حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ قَالَ: لَا بَأْسَ
Shu‘bah, from Al-Ḥakam, who said: بِشْرَائِهَا
“There is no harm in buying them.”

[20224] Ḥafṣ ibn Ghiyāth reported حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ جَعْفَرٍ، عَنْ أَبِيهِ، أَنَّهُ: كَانَ
from Ja‘far, from his father: That he لَا يَرَى بَأْسًا بِشِرَاءِ الْمَصَاحِفِ، وَأَنْ يُعْطِيَهُ عَلَى كِتَابِهِ
saw no harm in buying copies of the أَجْرًا
Quran, nor in giving someone a wage for writing it.

[20225] Mu‘tamir ibn Sulaymān حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ مَعْمَرٍ، عَنْ قَتَادَةَ، قَالَ:
reported from Ma‘mar, from اشْتَرَى، وَلَا تَبِعَ
Qatādah, who said: “Buy, but do not sell.”

[20226] Wakī‘ reported: Sufyān حَدَّثَنَا وَكِيعٌ، قَالَ: نَا سُفْيَانُ، عَنْ عِيسَى بْنِ أَبِي عَزَّةَ،
told us from ‘Īsā ibn Abī ‘Azzah، قَالَ: أَمَرَنِي الشَّعْبِيُّ أَنْ أَبِيعَ
who said: “Al-Sha‘bī commanded me to sell [Qurans].”

[20227] ‘Affān reported: Hammām told us from Yaḥyā ibn Abī Kathīr, who said: I asked Abū Salamah about selling copies of the Quran. He said: “Buy them, but do not sell them.”

حَدَّثَنَا عَفَّانُ، قَالَ: نَا هَمَّامٌ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، قَالَ: سَأَلْتُ أَبَا سَلَمَةَ عَنْ بَيْعِ الْمَصَاحِفِ، قَالَ: اشْتَرِهَا، وَلَا تَبِعْهَا

[20228] Ḥafṣ ibn Ghiyāth reported from Dāwūd, from Abū al-‘Āliyah and Al-Sha‘bī: That they both used to permit the selling of copies of the Quran.

حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ دَاوُدَ، عَنْ أَبِي الْعَالِيَةِ، وَالشَّعْبِيِّ، أَنَّهُمَا كَانَا يُرَخِّصَانِ فِي بَيْعِ الْمَصَاحِفِ

[20229] Ismā‘īl ibn Ibrāhīm reported from Dāwūd, from Al-Sha‘bī, that he said: “They are not selling the Book of Allah; they are only selling the paper and the work of their hands.”

حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ دَاوُدَ، عَنْ الشَّعْبِيِّ، أَنَّهُ قَالَ: إِنَّهُمْ لَيْسُوا يَبِيعُونَ كِتَابَ اللَّهِ، إِنَّمَا يَبِيعُونَ الْوَرَقَ، وَعَمَلَ أَيْدِيهِمْ

[20230] ‘Abd Allāh ibn Idrīs reported from Hishām, from Al-Ḥasan: That he saw no harm in selling them and buying them.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ: أَنَّهُ كَانَ لَا يَرَى بَيْعَهَا وَشِرَائَهَا بَأْسًا

[20231] Ismā‘īl ibn Ibrāhīm reported from Sa‘īd, from Maṭar al-Warrāq, from Al-Ḥasan and Al-Sha‘bī: That they saw no harm in selling copies of the Quran.

حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ سَعِيدٍ، عَنْ مَطَرٍ
الْوَرَّاقِ، عَنِ الْحَسَنِ، وَالشَّعْبِيِّ: أَنَّهُمَا كَانَا لَا يَرَيَانِ
بَأْسًا بِبَيْعِ الْمَصَاحِفِ

[20232] Ibn Idrīs reported from Dāwūd, from Al-Ḥasan: That he did not see harm in selling them and buying them.

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ دَاوُدَ، عَنِ الْحَسَنِ: أَنَّهُ لَمْ يَكُنْ
يَرَى بِبَيْعِهَا وَشِرَائِهَا بَأْسًا

[20233] Qāsim ibn Mālik al-Muzanī reported from Ayyūb ibn ‘Ā’idh, who said: I said to Al-Sha‘bī: “There are people here who write copies of the Quran for a wage.” He said: “As for you, do not do it.”

حَدَّثَنَا قَاسِمُ بْنُ مَالِكٍ الْمُزَنِيُّ، عَنْ أَيُّوبَ بْنِ عَائِدٍ، قَالَ:
قُلْتُ لِلشَّعْبِيِّ: هَهُنَا قَوْمٌ يَكْتُبُونَ الْمَصَاحِفَ بِالْأُجْرِ
فَقَالَ: أَمَّا أَنْتَ فَلَا تَفْعَلْهُ

[20234] Mu‘ādh ibn Mu‘ādh reported from Ibn ‘Awn, from Muḥammad: That he disliked stipulating conditions [a specific fee] for writing it.

حَدَّثَنَا مُعَاذُ بْنُ مُعَاذٍ، عَنِ ابْنِ عَوْنٍ، عَنْ مُحَمَّدٍ: أَنَّهُ
يَكْرَهُ أَنْ يُشَارِطَ عَلَى كِتَابَتِهَا

[20235] Wakī' reported from Sufyān, from Ibn Abī Laylā, from his father 'Īsā, from his father 'Abd al-Raḥmān ibn Abī Laylā: That a Christian from the people of Hira wrote a copy of the Quran for him for ninety dirhams.

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ أَبِي لَيْلَى، عَنْ أَبِيهِ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى: أَنَّهُ كَتَبَ لَهُ نَصْرَانِيٌّ مَصْحَفًا مِنْ أَهْلِ الْحِيرَةِ بِتِسْعِينَ دِرْهَمًا

[20236] Ḥafṣ ibn Ghiyāth reported from Al-A'mash, from Ibrāhīm: That he disliked writing copies of the Quran for a wage, and he interpreted this verse: {So woe to those who write the Book with their own hands} [Al-Baqarah: 79].

حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ: أَنَّهُ كَرِهَ كِتَابَ الْمَصَاحِفِ بِالْأَجْرِ وَتَأَوَّلَ هَذِهِ الْآيَةَ: {فَوَيْلٌ لِلَّذِينَ يَكْتُبُونَ الْكِتَابَ بِأَيْدِيهِمْ} [البقرة 79]

[20237] Wakī' reported from Sufyān, from Maṇṣūr, from Ibrāhīm, from 'Alqamah: That he wanted to write a copy of the Quran, so he sought the help of his companions, and they wrote it.

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ: أَنَّهُ أَرَادَ أَنْ يَكْتُبَ مَصْحَفًا، فَاسْتَعَانَ أَصْحَابَهُ وَكَتَبُوهُ

[20238] Ḥafṣ reported from Ja'far, from his father: That he saw no harm in giving him [payment] for his writing, meaning a wage.

حَدَّثَنَا حَفْصٌ، عَنْ جَعْفَرٍ، عَنْ أَبِيهِ: أَنَّهُ كَانَ لَا يَرَى بَأْسًا أَنْ يُعْطِيَهُ عَلَى كِتَابَتِهِ يُعْنِي أَجْرًا

[20239] Ismā'īl ibn Ibrāhīm reported from Sa'īd, from Abū Ma'shar, from Ibrāhīm: That he used to dislike giving a wage for writing it.

حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ: أَنَّهُ كَانَ يَكْرَهُ أَنْ يُعْطِيَ عَلَى كِتَابَتِهَا أَجْرًا

[20240] Jarīr reported from Manṣūr, from Mujāhid, who said: I was walking with Ibn 'Umar in the market when we came upon some slave traders gathered around a slave girl, examining her. When they saw Ibn 'Umar, they moved aside and said: "Ibn 'Umar has come." Ibn 'Umar approached her, touched part of her body, and said: "Where are the owners of this slave girl? She is but a commodity."

حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ، قَالَ: كُنْتُ مَعَ ابْنِ عُمَرَ أَمْشِي فِي السُّوقِ فَإِذَا نَحْنُ بِنَاسٍ مِنَ النِّخَاسِيِّينَ قَدْ اجْتَمَعُوا عَلَى جَارِيَةٍ يُقَلِّبُونَهَا، فَلَمَّا رَأَوْا ابْنَ عُمَرَ تَنَحَّوْا وَقَالُوا: ابْنُ عُمَرَ قَدْ جَاءَ، فَدَنَا مِنْهَا ابْنُ عُمَرَ فَلَمَسَ شَيْئًا مِنْ جَسَدِهَا، وَقَالَ: أَيْنَ أَصْحَابُ هَذِهِ الْجَارِيَةِ، إِنَّمَا هِيَ سِلْعَةٌ

[20241] 'Alī ibn Mushir reported from 'Ubayd Allāh, from Nāfi', from Ibn 'Umar: That when he wanted to buy a slave girl, he would place his hand on her buttocks and between her thighs, and perhaps he would uncover her legs.

حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّهُ كَانَ إِذَا أَرَادَ أَنْ يَشْتَرِيَ الْجَارِيَةَ وَضَعَ يَدَهُ عَلَى أَلْيَتَيْهَا، وَبَيَّنَ فَخِذَهَا، وَرُبَّمَا كَشَفَ عَنْ سَاقَيْهَا

[20242] Wakī' reported from Sufyān, from 'Ubayd al-Mukattib, from Ibrāhīm, from a man among the companions of 'Abd Allāh, that he said: "I do not care if I touched her [the slave girl for sale] or touched this wall."

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عُبَيْدِ الْمُكَتِّبِ، عَنْ إِبْرَاهِيمَ، عَنْ رَجُلٍ، مِنْ أَصْحَابِ عَبْدِ اللَّهِ أَنَّهُ قَالَ: مَا أُبَالِي مَسِسْتُهَا، أَوْ مَسِسْتُ هَذَا الْحَائِطَ

[20243] Wakī' reported from 'Abd Allāh ibn Ḥabīb, from Abū Ja'far: That he bargained for a slave girl, so he placed his hand on her breasts and her chest.

حَدَّثَنَا وَكِيعٌ، عَنْ عَبْدِ اللَّهِ بْنِ حَبِيبٍ، عَنْ أَبِي جَعْفَرٍ، أَنَّهُ سَاوَمَ بَجَارِيَةً، فَوَضَعَ يَدَهُ عَلَى ثَدْيَيْهَا وَصَدْرِهَا

[20244] Ibn al-Mubārak reported from Al-Awzā'ī, who said: I heard 'Aṭā' being asked about the slave girls sold in Mecca, and he disliked looking at them, except for someone who intends to buy.

حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنِ الْأَوْزَاعِيِّ، قَالَ: سَمِعْتُ عَطَاءً، وَسُئِلَ عَنِ الْجَوَارِي اللَّاتِي يُبْعَنُ بِمَكَّةَ فَكَرِهَ النَّظَرَ إِلَيْهِنَّ، إِلَّا لِمَنْ يُرِيدُ أَنْ يَشْتَرِيَ

[20245] Azhar al-Sammān reported from Ibn 'Awn, who said: If a slave girl was sent to Muḥammad [Ibn Sīrīn] for him to look at, he would uncover between her legs and her arms.

حَدَّثَنَا أَزْهَرُ السَّمَّانُ، عَنِ ابْنِ عَوْنٍ، قَالَ: كَانَ مُحَمَّدٌ إِذَا بُعِثَ إِلَيْهِ بِالْجَارِيَةِ يَنْظُرُ إِلَيْهَا كَشَفَ بَيْنَ سَاقَيْهَا، وَذِرَاعَيْهَا

[20246] Hushaym reported from Mughīrah, from Ibrāhīm, that a friend of his named Aswad wrote to him to buy a slave girl for him, which he did. He criticized something about the slave girl's leg. He said: That remark reached Al-Aswad, and he said: "I would not like to have looked at her legs, nor at such and such."

حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، أَنَّ صَدِيقًا لَهُ
أَسْوَدَ كَتَبَ إِلَيْهِ أَنْ يَشْتَرِيَ لَهُ جَارِيَةً فَقَعَلَ، فَعَابَ شَيْئًا
مِنْ سَاقِ الْجَارِيَةِ، قَالَ: فَبَلَغَ ذَلِكَ الْأَسْوَدَ مِنْ قَوْلِهِ،
فَقَالَ: مَا أَحْبَبُّ أَنِّي نَظَرْتُ إِلَى سَاقَيْهَا، وَلَا إِلَى كَذَا
وَكَذَا

[20247] Wakī' reported from Ḥammād ibn Salamah, from Ḥakīm al-Athram, from Abū Tamīmah, from Abū Mūsā, that he addressed them and said: "I do not know of a man who bought a slave girl and looked at what is under the [garment of the] girl and what is above the knee, except that I punished him."

حَدَّثَنَا وَكَيْعٌ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ حَكِيمِ الْأَثْرَمِ،
عَنْ أَبِي تَمِيمَةَ، عَنْ أَبِي مُوسَى أَنَّهُ خَطَبَهُمْ فَقَالَ: لَا
أَعْلَمُ رَجُلًا اشْتَرَى جَارِيَةً فَنَظَرَ إِلَى مَا دُونَ الْجَارِيَةِ،
وَأِلَى مَا فَوْقَ الرُّكْبَةِ إِلَّا عَاقَبْتُهُ

[20248] Jarīr reported from Manṣūr, from Ibrāhīm: That he used to dislike buying [on credit] until 'the allowance' (time of distribution of state funds) or the harvest, but rather one should name a [specific] month.

حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ: أَنَّهُ كَانَ يَكْرَهُ
أَنْ يَشْتَرِيَ إِلَى الْعَطَاءِ وَالْحَصَادِ، وَلَكِنْ يُسَمِّي شَهْرًا

[20249] Sharīk reported from ‘Abd al-Karīm, from ‘Aṭā’ and ‘Ikrimah, from Ibn ‘Abbās, who said: “Do not make a Salam sale (advance payment) until the juice pressing, nor until the allowance, nor until the stacking at the threshing floor.”

حَدَّثَنَا شَرِيكٌ، عَنْ عَبْدِ الْكَرِيمِ، عَنْ عَطَاءٍ، وَعِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: لَا تُسَلِّمُ إِلَى عَصِيرٍ، وَلَا إِلَى عَطَاءٍ، وَلَا إِلَى الْأَنْدَرِ يَعْنِي الْبَيْدَرَ

[20250] Ibn ‘Uyaynah reported from ‘Abd al-Karīm, from ‘Ikrimah, from Ibn ‘Abbās, similar to it.

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَبْدِ الْكَرِيمِ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، بِنَحْوِ مِنْهُ

[20251] Wakī‘ reported from Sufyān, from Bukayr, from Sa‘īd ibn Jubayr, who said: “Do not sell until the harvest, nor until the palm harvest, nor until the threshing, but rather name a [specific] month.”

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ بُكَيْرٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، قَالَ: لَا تَبِعْ إِلَى الْحَصَادِ، لَا إِلَى الْجِدَادِ، وَلَا إِلَى الدَّرَاسِ وَلَكِنْ سَمَّ شَهْرًا

[20252] Muḥammad ibn Abī ‘Adī reported from Ibn ‘Awn, who said: Muḥammad was asked about selling until 'the allowance'. He said: “I do not know what that is.”

حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ ابْنِ عَوْنٍ، قَالَ: سُئِلَ مُحَمَّدٌ عَنِ الْبَيْعِ إِلَى الْعَطَاءِ، فَقَالَ: لَا أَدْرِي مَا هُوَ؟

[20253] Wakī‘ reported from Isrā’īl, from Jābir, from ‘Aṭā’: That he disliked it.

حَدَّثَنَا وَكَيْعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَطَاءٍ، كَرِهَهُ

[20254] Ḥumayd ibn ‘Abd al-Raḥmān reported from Ḥasan ibn Ṣāliḥ, from Muḡhīrah, from Al-Ḥakam: That he disliked selling until 'the allowance'.

حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ مُغِيرَةَ، عَنِ الْحَكَمِ: أَنَّهُ كَرِهَ الْبَيْعَ إِلَى الْعَطَاءِ

[20255] Wakī‘ reported: Ṣābī ibn ‘Amr told us: I asked Sālīm about Salaf (advance payment) until the ripening of fruit. He said: “No, except to a known deadline.”

حَدَّثَنَا وَكَيْعٌ، قَالَ: نَا صَابِيُّ بْنُ عَمْرٍو، قَالَ: سَأَلْتُ سَالِمًا عَنِ السَّلَفِ إِلَى إِدْرَاكِ الثَّمَرَةِ، فَقَالَ: لَا، إِلَّا إِلَى أَجَلٍ مَعْلُومٍ

[20256] Ibn Fuḍayl reported from Bukayr ibn ‘Atīq, who said: I said to Sa‘īd ibn Jubayr: “Can I buy until the harvest or until the threshing?” He said: “Buy a known measure for a known term.”

حَدَّثَنَا ابْنُ فَضِيلٍ، عَنْ بُكَيْرِ بْنِ عَتِيقٍ، قَالَ: قُلْتُ لِسَعِيدِ بْنِ جُبَيْرٍ أَشْتَرِي إِلَى الْحَصَادِ، وَإِلَى الدِّيَاسِ؟ قَالَ: اشْتَرِ كَيْلًا مَعْلُومًا إِلَى أَجَلٍ مَعْلُومٍ

[20257] Ḥafṣ ibn Ghiyāth and ‘Abbād ibn al-‘Awwām reported from Ḥajjāj, from Ḥabīb: That the Mothers of the Believers used to buy [on credit] until 'the allowance'.

حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، وَعَبَادُ بْنُ الْعَوَّامِ، عَنْ حَجَّاجٍ، عَنْ حَبِيبٍ: أَنَّ أُمَّهَاتِ الْمُؤْمِنِينَ كُنَّ يَشْتَرِينَ إِلَى الْعَطَاءِ

[20258] Ḥafṣ ibn Ghiyāth reported from Ḥajjāj, from ‘Aṭā’: That Ibn ‘Umar used to buy [on credit] until 'the allowance'.

حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ حَجَّاجٍ، عَنْ عَطَاءٍ: أَنَّ ابْنَ عُمَرَ كَانَ يَشْتَرِي إِلَى الْعَطَاءِ

[20259] Ḥafṣ ibn Ghiyāth and ‘Abbād reported from Ḥajjāj, from Ja‘far ibn ‘Amr ibn Ḥurayth, from his father: That a Dihqān (Persian landowner) sent ‘Alī a brocade robe woven with gold - Ḥafṣ said: patterned with gold - so ‘Amr ibn Ḥurayth bought it from him for four thousand dirhams until 'the allowance'.

حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، وَعَبَّادٌ، عَنْ حَجَّاجٍ، عَنْ جَعْفَرِ بْنِ عَمْرٍو بْنِ حُرَيْثٍ، عَنْ أَبِيهِ، "أَنَّ دِهْقَانًا، بَعَثَ إِلَى عَلِيٍّ بِنْتُوْبٍ دِيْبَاجٍ مَنَسُوجٍ بِذَهَبٍ، - وَقَالَ حَفْصٌ: مَرْسُومٍ بِذَهَبٍ - فَأَتَانَاهُ مِنْهُ عَمْرُو بْنُ حُرَيْثٍ بِأَرْبَعَةِ آلَافٍ دِرْهَمٍ إِلَى الْعَطَاءِ

[20260] Abū Bakr al-Ḥanafī reported from Nūḥ ibn Abī Bilāl, who said: “Alī ibn al-Ḥusayn bought food from me until his allowance.”

حَدَّثَنَا أَبُو بَكْرِ الْحَنْفِيُّ، عَنْ نُوحِ بْنِ أَبِي بِلَالٍ، قَالَ: اشْتَرَى مِنِّي عَلِيُّ بْنُ الْحُسَيْنِ إِلَى عَطَائِهِ طَعَامًا

[20261] Wakī‘ reported from Isrā’īl, from Jābir, from ‘Āmir, who said: “There is no harm in selling until 'the allowance'.”

حَدَّثَنَا وَكَيْعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: لَا بَأْسَ بِالْبَيْعِ إِلَى الْعَطَاءِ

[20262] ‘Abd Allāh ibn al-Mubārak reported from Ḥakīm ibn Ruzayq, from his father, from Sa‘īd ibn al-Musayyib, regarding [exchanging] wheat for flour. He said: “It is Ribā.”

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ، عَنْ حَكِيمِ بْنِ رُزَيْقٍ، عَنْ أَبِيهِ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، فِي الْبُرِّ بِالدَّقِيقِ قَالَ: هُوَ رِبَاٌ

[20263] Jarīr reported from Manṣūr, from Ibrāhīm, who said: “He used to dislike [exchanging] Sawīq (barley mush) for wheat and similar things.”

حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: كَانَ يَكْرَهُ السَّوِيقَ بِالْحِنْطَةِ وَأَشْبَاهَهَا

[20264] Jarīr reported from Layth, from Mujāhid, who said: “There is no harm in wheat for Sawīq, flour for wheat, Sawīq and flour and bread for wheat, and one Fals (copper coin) for two Fals, hand to hand.”

حَدَّثَنَا جَرِيرٌ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، قَالَ: لَا بَأْسَ بِالْحِنْطَةِ بِالسَّوِيقِ، وَالدَّقِيقِ بِالْحِنْطَةِ، وَالسَّوِيقِ وَالدَّقِيقِ وَالْخُبْزِ بِالْحِنْطَةِ، وَالْفَلْسَ بِالْفَلْسَيْنِ يَدًا بِيَدٍ

[20265] Ibn ‘Ulayyah reported from Ibn ‘Awn, who said: Muḥammad was asked about [exchanging] bread for wheat. He said: “Bread is from wheat [thus subject to Riba rules].”

حَدَّثَنَا ابْنُ عُليَّةَ، عَنِ ابْنِ عَوْنٍ، قَالَ: سُئِلَ مُحَمَّدٌ عَنِ الْخُبْزِ بِالْبُرِّ، قَالَ: الْخُبْزُ مِنَ الْبُرِّ

[20266] Ibn Abī Zā'idah reported from Shu‘bah, who said: I asked Al-Ḥakam and Ḥammād about [exchanging] wheat for flour, and they disliked it.

حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَّادًا عَنِ حِنْطَةٍ بِدَقِيقٍ فَكَرِهَاهَا

[20267] Ibn Abī Zā'idah reported from Ash'ath, from Al-Ḥakam, who said: "He used to dislike [exchanging] wheat for Sawīq." حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ، قَالَ: كَانَ يَكْرَهُ الْحِنْطَةَ بِالسَّوِيقِ

[20268] 'Ubaydah ibn Ḥumayd reported from Muṭarrif, from 'Āmir, who said: He was asked about [exchanging] Sawīq for wheat. He said: "If it is not Ribā (usury), it is Rībah (suspicious)." حَدَّثَنَا عُبَيْدَةُ بْنُ حُمَيْدٍ، عَنْ مُطَرِّفٍ، عَنْ عَامِرٍ، قَالَ: سُئِلَ عَنِ السَّوِيقِ بِالْحِنْطَةِ، قَالَ: فَقَالَ: إِنْ لَمْ يَكُنْ رِبَاً فَرِبَاً

[20269] Wakī' reported from Shu'bah, who said: I asked Al-Ḥakam and Ḥammād about [exchanging] a Qafīz of wheat for two Qafīz of flour, and they disliked it. حَدَّثَنَا وَكَيْعٌ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَّادًا، عَنْ قَفِيزٍ حِنْطَةٍ بِقَفِيزَيَّ دَقِيقٍ فَكَرِهَاهُ

[20270] Sahl ibn Yūsuf reported from 'Amr, from Al-Ḥasan: That he disliked it except weight for weight. حَدَّثَنَا سَهْلُ بْنُ يُونُسَ، عَنْ عَمْرِو، عَنِ الْحَسَنِ: أَنَّهُ كَرِهَهُ إِلَّا وَزْنًا بِوَزْنٍ

[20271] Ghundar reported from Ash'ath, from Al-Ḥasan: That he disliked it except by weight. حَدَّثَنَا غُنْدَرٌ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، أَنَّهُ كَرِهَهُ إِلَّا وَزْنًا

[20272] Abū Bakr said: Yazīd ibn Hārūn told us from Sa‘īd, from Qatādah: That he disliked it except weight for weight.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ: أَنَّهُ كَرِهَهُ إِلَّا وَزَنًا بِوَزْنٍ

[20273] Hushaym reported from Ismā‘īl ibn Sālīm, who said: I heard Al-Sha‘bī say: “Khalas (contractual indemnity beyond price refund) is nothing. Whoever sells something that is then claimed by its rightful owner, the seller owes only the price he took for it; he owes nothing more than that.”

حَدَّثَنَا هُشَيْمٌ، عَنْ إِسْمَاعِيلَ بْنِ سَالِمٍ، قَالَ: سَمِعْتُ الشَّعْبِيَّ، يَقُولُ: لَيْسَ الْخَلَاصُ بِشَيْءٍ، مَنْ بَاعَ بَيْعًا اسْتَحَقَّ لِصَاحِبِهِ، وَعَلَى الْبَائِعِ الثَّمَنُ الَّذِي أَخَذَهُ بِهِ، لَيْسَ عَلَيْهِ أَكْثَرُ مِنْ ذَلِكَ

[20274] Asbāṭ ibn Muḥammad reported from Muṭarrif, from ‘Āmir, from Shurayḥ, who said: “No one stipulates Khalas except a fool. Deliver it as you sold it, or return it as you took it.”

حَدَّثَنَا أَسْبَاطُ بْنُ مُحَمَّدٍ، عَنْ مُطَرِّفٍ، عَنْ عَامِرٍ، عَنْ شُرَيْحٍ، قَالَ: لَا يَشْتَرِطُ الْخَلَاصَ إِلَّا أَحْمَقُ سَلَّمُهُ كَمَا بَعْتَ، أَوْ ارْدُدْ كَمَا أَخَذْتَ

[20275] Al-Ḍaḥḥāk ibn Makhlad reported from Ibn Jurayj, from ‘Aṭā’: That he did not consider Khalas to be anything [valid].

حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلَدٍ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ: أَنَّهُ كَانَ لَا يَرَى الْخَلَاصَ شَيْئًا

[20276] Ismā'īl ibn Ibrāhīm reported from 'Uthmān al-Battī, from Al-Ḥasan, that 'Alī: Used to approve of Khalas [considering it good practice].

حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ عُثْمَانَ الْبَتِّيِّ، عَنْ الْحَسَنِ، أَنَّ عَلِيًّا: كَانَ يُحْسِنُ فِي الْخَلَّاصِ

[20277] Yahyā ibn Ya'lā al-Taymī reported from Manṣūr, from Al-Ḥakam, from 'Alī, regarding a man who left his wife, a son, and his slave girl. His wife and son sold the slave girl. The buyer had intercourse with her and she gave birth. Then the owner of the slave girl returned and claimed her. He disputed with him before 'Alī. 'Alī said: “Your wife and son sold her, and she has borne a child from the man; validate the sale.” The man said: “I adjure you to judge by the Book of Allah.” So he said: “Take your slave girl and her child.” And he said to the other [the buyer]: “Take the woman and the son as indemnity (Khalas).” When he took them, the other man validated the

حَدَّثَنَا يَحْيَى بْنُ يَعْلَى التَّيْمِيُّ، عَنْ مَنْصُورٍ، عَنْ الْحَكَمِ، عَنْ عَلِيٍّ، أَنَّ رَجُلًا تَرَكَ امْرَأَتَهُ وَابْنًا لَهُ وَجَارِيَتَهُ، فَبَاعَتِ امْرَأَتُهُ وَابْنُهَا الْجَارِيَةَ، فَوَطِئَهَا الَّذِي ابْتِاعَهَا فَوَلَدَتْ، ثُمَّ جَاءَ صَاحِبُ الْجَارِيَةِ فَتَعَلَّقَ بِهَا، فَخَاصَمَهُ إِلَى عَلِيٍّ، فَقَالَ عَلِيٌّ: بَاعَتِ امْرَأَتُكَ وَابْنُكَ وَقَدْ وَلَدَتْ مِنَ الرَّجُلِ، سَلِّمِ الْبَيْعَ فَقَالَ الرَّجُلُ: أُنْشُدُكَ لِمَا قَضَيْتَ بِكِتَابِ اللَّهِ، فَقَالَ: خُذْ جَارِيَتَكَ وَوَلَدَهَا وَقَالَ لِلْآخَرِ: خُذِ الْمَرْأَةَ وَالْإِبْنَ بِالْخَلَّاصِ فَلَمَّا أَخَذَ سَلِّمَ الْآخَرَ الْبَيْعَ

[20278] Ismā'il ibn 'Ulayyah reported from Salamah ibn 'Alqamah, from Ibn Sirīn, who said: "Judges used to rule regarding one who sold something he did not own, that it belongs to its owner if he claims it, and this one [the buyer] takes an equivalent value."

حَدَّثَنَا إِسْمَاعِيلُ ابْنُ عَلِيَّةَ، عَنْ سَلَمَةَ بْنِ عَلْقَمَةَ، عَنْ ابْنِ سِيرِينَ، قَالَ: كَانَتْ الْقَضَاةُ تَقْضِي فِي مَنْ بَاعَ شَيْئًا لَيْسَ لَهُ، فَهُوَ لِصَاحِبِهِ إِذَا طَلَبَهُ هُوَ، وَيُؤْخَذُ هَذَا بِالشَّرْوَى

[20279] Ismā'il ibn 'Ulayyah reported from Ayyūb, that a woman sold a house belonging to her husband while he was absent. When he returned, he refused to validate the sale. She disputed with him before Iyās ibn Mu'āwiyah. The buyer kept saying: "May Allah reform you, I spent two thousand dirhams on it." He said: "The loser is the one who loses." He judged the house for the man and ordered his wife to prison. When he saw that, he validated the sale.

حَدَّثَنَا إِسْمَاعِيلُ ابْنُ عَلِيَّةَ، عَنْ أَيُّوبَ، أَنَّ امْرَأَةً بَاعَتْ دَارًا لِرَوْجِهَا وَهُوَ غَائِبٌ، فَلَمَّا قَدِمَ أَبِي أَنْ يُجِيزَ الْبَيْعَ فَخَاصَمَتْهُ فِيهَا إِلَى إِيَّاسِ بْنِ مُعَاوِيَةَ، فَجَعَلَ الْمُشْتَرِي يَقُولُ: أَصْلَحَكَ اللَّهُ، أَنْفَقْتُ فِيهَا أَلْفِي دِرْهَمٍ، فَقَالَ: أَلْفَالُ عَلَى أَلْفَالٍ قَالَ: فَقَضَى لِلرَّجُلِ بِدَارِهِ، وَأَمَرَ امْرَأَتَهُ إِلَى السِّجْنِ، فَلَمَّا رَأَى ذَلِكَ جَوَزَ الْبَيْعَ

[20280] Mu'ādh ibn Mu'ādh reported from Ibn 'Awn, from Muḥammad: That he considered Khalas a strong condition and was strict about it.

حَدَّثَنَا مُعَاذُ بْنُ مُعَاذٍ، عَنِ ابْنِ عَوْنٍ، عَنْ مُحَمَّدٍ: أَنَّهُ كَانَ يَرَى الْخَلَاصَ شَرْطًا قَوِيًّا، وَكَانَ يُشَدِّدُ فِيهِ

[20281] Al-Ḍaḥḥāk ibn Makhlad reported from Ash‘ath, from Al-Ḥasan: That he did not consider Khalas to be anything.

حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلَدٍ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ: أَنَّهُ كَانَ لَا يَرَى الْخَلَاصَ شَيْئًا

[20282] Ḥaṣṣ ibn Ghiyāth reported from Al-Mukhtār ibn Fulful, who said: I asked Anas about the testimony of slaves. He said: “It is valid.”

حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنِ الْمُخْتَارِ بْنِ فُلْفُلٍ، قَالَ: سَأَلْتُ أَنَسًا عَنْ شَهَادَةِ الْعَبِيدِ، فَقَالَ: جَائِزَةٌ

[20283] Ibn Abī Zā‘idah reported from Ash‘ath, from ‘Āmir: That Shurayḥ accepted the testimony of slaves.

حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَشْعَثَ، عَنْ عَامِرٍ، أَنَّ شُرَيْحًا: أَجَازَ شَهَادَةَ الْعَبِيدِ

[20284] Wakī‘ reported from Sufyān, from ‘Ammār al-Duhnī, who said: I witnessed Shurayḥ when a slave testified before him regarding a house, and he accepted his testimony. It was said: “He is a slave.” He replied: “We are all slaves [of Allah] and our mother is Eve.”

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ عَمَّارِ الدُّهْنِيِّ، قَالَ: شَهِدْتُ شُرَيْحًا شَهِدَ عَبْدٌ عَلَى دَارٍ فَأَجَازَ شَهَادَتَهُ، فَقِيلَ: إِنَّهُ عَبْدٌ، فَقَالَ: كُلُّنَا عَبِيدٌ وَأُمُّنَا حَوَاءُ

[20285] Abū Bakr said: Ḥaḥṣ ibn Ghiyāth told us from Ash‘ath, from Al-Sha‘bī, who said: Shurayḥ said: “Do you not accept the testimony of slaves?” ‘Alī said: “No, we used to accept it.” He said: So Shurayḥ afterwards used to accept it, except for his master.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: ثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، قَالَ: قَالَ شُرَيْحٌ: لَا تُجِيزُ شَهَادَةُ الْعَبْدِ، فَقَالَ عَلِيٌّ: لَا، كُنَّا نُجِيزُهَا قَالَ: فَكَانَ شُرَيْحٌ بَعْدُ يُجِيزُهَا إِلَّا لِسَيِّدِهِ

[20286] Ḥaḥṣ ibn Ghiyāth reported from Ḥajjāj, from ‘Aṭā’, from Ibn ‘Abbās, who said: “The testimony of a slave is not valid.”

حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ حَجَّاجٍ، عَنْ عَطَاءٍ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: لَا تَجُوزُ شَهَادَةُ الْعَبْدِ

[20287] Ibn al-Mubārak reported from Ibn Jurayj, from ‘Aṭā’, who said: “The testimony of a slave is not valid.”

حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: لَا تَجُوزُ شَهَادَةُ الْعَبْدِ

[20288] Ibn al-Mubārak reported from Muḥammad, from Asad, from Makhūl, who said: “The testimony of a slave is not valid.”

حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ مُحَمَّدٍ، عَنْ أَسَدٍ، عَنْ مَكْحُولٍ، قَالَ: لَا تَجُوزُ شَهَادَةُ الْعَبْدِ

[20289] Yaḥyā ibn Zakariyyā ibn Abī Zā'idah reported from 'Abd al-Malik, from 'Aṭā', who said: "The testimony of a slave is not valid, even if it is regarding something trivial."

حَدَّثَنَا يَحْيَى بْنُ زَكَرِيَّا بْنُ أَبِي زَائِدَةَ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، قَالَ: لَا تَجُوزُ شَهَادَةُ الْعَبْدِ، وَإِنْ كَانَ فِي شَيْءٍ طَفِيفٍ

[20290] Wakī' reported from Sufyān, from Ibn Abī Najīḥ, from Mujāhid, regarding His saying: {And bring to witness two witnesses from among your men} [Al-Baqarah: 282]. He said: "From the free men."

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ، فِي قَوْلِهِ: وَاسْتَشْهِدُوا شَهِيدَيْنِ مِنْ رِجَالِكُمْ قَالَ: مِنَ الْأَحْرَارِ

[20291] Wakī' reported from Zakariyyā, from 'Āmir, who said: "The testimony of a slave is not valid."

حَدَّثَنَا وَكَيْعٌ، عَنْ زَكَرِيَّا، عَنْ عَامِرٍ، قَالَ: لَا تَجُوزُ شَهَادَةُ الْعَبْدِ

[20292] Wakī' reported from Isrā'il, from 'Īsā ibn Abī 'Azzah, from Al-Sha'bī: That he rejected the testimony of a slave.

حَدَّثَنَا وَكَيْعٌ، عَنْ إِسْرَائِيلَ، عَنْ عِيسَى بْنِ أَبِي عَزَّةَ، عَنْ الشَّعْبِيِّ: أَنَّهُ رَدَّ شَهَادَةَ عَبْدٍ

[20293] Abū Bakr said: I heard Wakī' say: Sufyān said: "The testimony of a slave is not valid." Abū Bakr said: And it is the opinion of Wakī'.

حَدَّثَنَا قَالَ أَبُو بَكْرٍ: سَمِعْتُ وَكَيْعًا، يَقُولُ: قَالَ سُفْيَانٌ: لَا تَجُوزُ شَهَادَةُ الْعَبْدِ قَالَ أَبُو بَكْرٍ: وَهُوَ قَوْلُ وَكَيْعٍ

[20294] Wakī‘ reported: Ḥasan ibn Ṣāliḥ told us from Maṣṣūr, from Mujaḥid, who said: “Do not accept it [the testimony of a slave] even for a dirham.”

حَدَّثَنَا وَكَيْعٌ، قَالَ: نَا حَسَنُ بْنُ صَالِحٍ، عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ، قَالَ: لَا تُجْرُوهَا عَلَى دِرْهَمٍ

[20295] Ḥafṣ ibn Ghiyāth reported from ‘Abd al-Malik, from ‘Aṭā’, who said: “If the pledger (mortgagor) and the pledgee (mortgagee) disagree, and this one says: ‘Ten,’ and that one says: ‘Twenty,’ then the word is the word of the

حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، قَالَ: "إِذَا اخْتَلَفَ الرَّاهِنُ وَالْمُرْتَهِنُ فَقَالَ هَذَا: عَشْرَةٌ وَقَالَ هَذَا: عِشْرُونَ، فَالْقَوْلُ قَوْلُ الرَّاهِنِ

[20296] ‘Abd Allāh ibn Idrīs reported from Bassām, from Al-Ḥakam, who said: “The word is the word of the pledgee.”

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ بَسَّامٍ، عَنْ الْحَكَمِ، قَالَ: الْقَوْلُ قَوْلُ الْمُرْتَهِنِ

[20297] Yahyā ibn Sa‘īd reported from Ash‘ath, from Al-Ḥasan, who said: “The word is the word of the one holding the pledge.”

حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، قَالَ: الْقَوْلُ قَوْلُ الَّذِي فِي يَدِهِ الرَّهْنُ

[20298] Zayd ibn al-Ḥubāb reported from Ḥammād ibn Salamah, from Iyās ibn Mu‘āwiyah, who said: “If the pledger and the pledgee disagree, the word is the word of the pledgee as long as it is within its value; if it exceeds, then the word is the word of the

حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ إِيَّاسِ بْنِ مُعَاوِيَةَ، قَالَ: إِذَا اخْتَلَفَ الرَّاهِنُ وَالْمُرْتَهِنُ فَقَوْلُ الْمُرْتَهِنِ مَا بَيْنَهُ وَبَيْنَ قِيَمَتِهِ، فَإِذَا زَادَتْ فَقَوْلُ الرَّاهِنِ

[20299] Wakī‘ reported from Ḥammād ibn Zayd, from Abū Hāshim, from Ibrāhīm, who said: “If the pledger and the pledgee disagree, the word is the word of the pledger, unless the pledgee produces proof.”

حَدَّثَنَا وَكَيْعٌ، عَنْ حَمَّادِ بْنِ زَيْدٍ، عَنْ أَبِي هَاشِمٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا اخْتَلَفَ الرَّاهِنُ وَالْمُرْتَهِنُ فَقَوْلُ الرَّاهِنِ، إِلَّا أَنْ يُعَيِّمَ الْمُرْتَهِنُ الْبَيِّنَةَ

[20300] Ibn Abī Zā‘idah reported from Ibn Hishām, from ‘Āmir, who said: “If the pledger and the pledgee disagree on the value of the pledge, then the burden of proof is on the one claiming [against] the pledge.”

حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ ابْنِ هِشَامٍ، عَنْ عَامِرٍ، قَالَ: إِذَا اخْتَلَفَ الرَّاهِنُ وَالْمُرْتَهِنُ فِي قِيَمَةِ الرِّهْنِ، فَالْبَيِّنَةُ عَلَى الَّذِي يَدَّعِي الرِّهْنَ

[20301] ‘Ar‘arah ibn al-Birind reported from ‘Abd al-Malik al-Azraq from ‘Abd al-Karīm from Sa‘īd ibn Jubayr who said: "The statement is the statement of the pledge-holder (mortgagee)."

حَدَّثَنَا عَزْرَةُ بْنُ الْبَرْنَدِ، عَنْ عَبْدِ الْمَلِكِ الْأَزْرَقِ، عَنْ
عَبْدِ الْكَرِيمِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، قَالَ: الْقَوْلُ قَوْلُ
الْمُرْتَنِينَ

[20302] ‘Abd al-Šamad ibn ‘Abd al-Wārith reported from Jarīr ibn Hāzim who said: Ḥammād was asked about a man who had a pledge in his hand. He [the pledge-holder] said: "It is for ten," and its owner said: "It is for a dirham." He said: "The proof is upon the one claiming the excess, just as if he said: 'It is a pledge,' and its owner said: 'It is a deposit,' the statement would be the statement of the owner of the goods."

حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ، عَنْ جَرِيرِ بْنِ
حَازِمٍ، قَالَ: سُئِلَ حَمَّادٌ عَنْ رَجُلٍ فِي يَدِهِ رَهْنٌ، فَقَالَ:
هُوَ بَعِشْرَةٌ وَقَالَ صَاحِبُهُ: هُوَ بِدِرْهَمٍ فَقَالَ: "الْبَيِّنَةُ عَلَى
مَنْ ادَّعَى الْفَضْلَ كَمَا أَنَّهُ لَوْ قَالَ: هُوَ رَهْنٌ، وَقَالَ
صَاحِبُهُ: هُوَ وَدِيعَةٌ، كَانَ الْقَوْلُ قَوْلَ صَاحِبِ الْمَتَاعِ

[20303] ‘Abd al-A‘lā reported from Ma‘mar from Al-Zuhri who said: "The statement is the statement of the pledge-holder."

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، قَالَ:
الْقَوْلُ قَوْلُ الْمُرْتَنِينَ

[20304] Wakī' reported from Jābir from Abū Ja'far: "That when the Prophet ﷺ went out, he used to order 'Alī to trim the garden walls [or palm trees]."

حَدَّثَنَا وَكِيعٌ، عَنْ جَابِرٍ، عَنْ أَبِي جَعْفَرٍ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ إِذَا خَرَجَ أَمَرَ عَلِيًّا أَنْ يُقْلَمَ الْحِيطَانِ

[20305] Mu'tamir ibn Sulaymān reported: I heard Ibn Abī al-Ḥakam saying: My grandmother narrated to me from my uncle Abū Rāfi' ibn 'Amr al-Ghifārī, who said: "When I was a boy, I used to throw [stones] at the date palms of the Ansar. The Prophet ﷺ was told: 'There is a boy here throwing at our date palms.' So I was brought to the Prophet ﷺ, and he said: 'O boy, why do you throw at the date palms?' I said: 'To eat.' He said: 'Do not throw at the date palms, but eat from what falls at the bottom of them.' Then he wiped my head and said: 'O Allah, fill his belly.'"

حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، قَالَ: سَمِعْتُ ابْنَ أَبِي الْحَكَمِ، يَقُولُ: حَدَّثَتْنِي جَدَّتِي، عَنْ عَمِّي أَبِي رَافِعِ بْنِ عَمْرٍو الْغِفَارِيِّ قَالَ: كُنْتُ وَأَنَا غُلَامٌ أَرْمِي نَخْلَ الْأَنْصَارِ فَقِيلَ لِلنَّبِيِّ عَلَيْهِ السَّلَامُ: إِنَّ هَهُنَا غُلَامًا يَرْمِي نَخْلَنَا، فَأَتَيْتُ بِي النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: يَا غُلَامُ، لِمَ تَرْمِي النَّخْلَ؟ قُلْتُ: أَكُلُ قَالَ: فَلَا تَرْمِ النَّخْلَ، وَكُلْ مِمَّا سَقَطَ فِي أَسْفَلِهَا ثُمَّ مَسَحَ رَأْسِي وَقَالَ: اللَّهُمَّ أَشْبِعْ بَطْنَهُ

[20306] Ibn Abī Zā'idah reported from Muḥammad ibn Ishāq from 'Amr ibn Shu'ayb from his father from his grandfather who said: I heard a man from Muzaynah asking the Prophet ﷺ about fruits while they were still in their calyxes. He said: "Whoever eats with his mouth and does not take a concealed supply (Khubnah), there is nothing upon him."

حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ
عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، قَالَ: سَمِعْتُ
رَجُلًا مِنْ مُزَيْنَةَ يَسْأَلُ النَّبِيَّ عَلَيْهِ السَّلَامُ عَنِ الثَّمَارِ مَا
كَانَتْ فِي أَكْمَامِهَا، فَقَالَ: مَنْ أَكَلَ بِفِيهِ وَلَمْ يَتَّخِذْ خُبْنَةً
فَلَيْسَ عَلَيْهِ شَيْءٌ

[20307] Mu'tamir reported from Qurrah from Hārūn ibn Ri'āb from Sinān ibn Salamah, who narrated to us while he was in Bahrain, saying: "I was with some young boys picking up fallen unripe dates, and 'Umar surprised us. The boys followed me [to hide behind?], so I stood up and said: 'O Commander of the Faithful, it is from what the wind has cast down.' He said: 'Show me.' When I showed him, he said: 'Go.' I said: 'O Commander of the Faithful, clarify this to these boys now, for if you turn away from me, they will snatch what I have.' He said: So he walked with me until I reached my place of safety."

حَدَّثَنَا مُعْتَمِرٌ، عَنْ قُرَّةَ، عَنْ هَارُونَ بْنِ رَبِيعٍ، عَنْ سِنَانِ بْنِ سَلَمَةَ، قَالَ: نَا وَهُوَ بِالْبَحْرَيْنِ قَالَ: كُنْتُ فِي أُغْلِمَةٍ نَلْتَقِطُ الْبَلَحَ فَفَجَأَنَا عُمَرُ فَتَبِعَنِي الْغُلَمَانُ، فَقُمْتُ فَقُلْتُ: يَا أَمِيرَ الْمُؤْمِنِينَ، إِنَّهُ مِمَّا أَلْقَتِ الرِّيحُ، فَقَالَ: أَرِنِيهِ فَلَمَّا أَرَيْتُهُ قَالَ: انْطَلِقْ قُلْتُ: يَا أَمِيرَ الْمُؤْمِنِينَ، فَبَيَّنَ هَؤُلَاءِ الْغُلَمَانَ السَّاعَةَ، فَإِنَّكَ إِذَا انْصَرَفْتَ عَنِّي انْتَزَعُوا مَا مَعِيَ قَالَ: فَمَشَى مَعِيَ حَتَّى بَلَغْتُ مَأْمَنِي

[20308] Jarīr ibn 'Abd al-Hamīd reported from Al-'Alā' ibn al-Musayyib who said: I asked Ḥammād about what falls from the date palms that does not belong to you? He said: Ibrāhīm said: "The early Emigrants (Muhajirun) used to see no harm in eating it."

حَدَّثَنَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنِ الْعَلَاءِ بْنِ الْمُسَيَّبِ، قَالَ: سَأَلْتُ حَمَّادًا عَنِ الَّذِي يَسْقُطُ مِنَ النَّخْلِ لَيْسَ لَكَ؟ قَالَ: فَقَالَ: قَالَ إِبْرَاهِيمُ: إِنَّ الْمُهَاجِرِينَ الْأَوَّلِينَ كَانُوا لَا يَرَوْنَ بِأَكْلِهِ بَأْسًا

[20309] Abū Bakr ibn ‘Ayyāsh reported from Maṣṣūr from Mujāhid from Abū ‘Iyād who said: ‘Umar said: "If you pass by a garden, eat, but do not take a concealed supply (Khubnah)."

حَدَّثَنَا أَبُو بَكْرِ بْنُ عَيَّاشٍ، عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ، عَنْ أَبِي عِيَّاضٍ، قَالَ: قَالَ عُمَرُ: إِذَا مَرَرْتَ بِبُسْتَانٍ فَكُلْ وَلَا تَتَّخِذْ خُبْنَةً

[20310] Jarīr reported from Maṣṣūr from Abū Wā’il who said: "We used to go on campaigns and take from the fruits, and we saw no harm in that."

حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ أَبِي وَائِلٍ، قَالَ: كُنَّا نَغْزُو فَتَنْصِيبُ مِنَ الثَّمَارِ، وَلَا نَرَى بِذَلِكَ بَأْسًا

[20311] ‘Abbād ibn al-‘Awwām reported from Sufyān ibn Ḥusayn who said: I asked Al-Ḥasan and Ibn Sīrīn, saying: "I went out to Al-Ubullah and we passed by date palms and ate from them, and fruits." Both of them granted me concession in that and said: "As long as you do not carry away or spoil."

حَدَّثَنَا عَبَّادُ بْنُ الْعَوَّامِ، عَنْ سُفْيَانَ بْنِ حُسَيْنٍ، قَالَ: سَأَلْتُ الْحَسَنَ، وَابْنَ سِيرِينَ، قُلْتُ: إِنِّي خَرَجْتُ إِلَى الْأُبُلَّةِ فَنَمَرُ بِالنَّخْلِ فَنَأْكُلُ مِنْهُ، وَبِالثَّمَرِ، كِلَاهُمَا رَخَّصَ لِي فِيهِ، وَقَالَا: مَا لَمْ تَحْمِلْ أَوْ تُفْسِدَ

[20312] ‘Abd al-A‘lā reported from Al-Jurayrī from Abū Naḍrah from Abū Sa‘īd who said: "If you pass by a garden, call out to its owner. If he answers you, ask him for food. If he does not answer you, eat, but do not spoil."

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنِ الْجُرَيْرِيِّ، عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدٍ، قَالَ: إِذَا مَرَرْتَ بِبُسْتَانٍ فَتَنَادِ صَاحِبَهُ، فَإِنْ أَجَابَكَ فَاسْتَطْعِمْهُ، وَإِنْ لَمْ يُجِبْكَ فَكُلْ، وَلَا تُفْسِدْ

[20313] Ghundar reported from Shu‘bah from ‘Āṣim from Abū Zaynab who said: "I traveled in an army with Abū Bakrah, Abū Barzah, and ‘Abd al-Raḥmān ibn Samurah, and we used to eat from the fruits."

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ عَاصِمٍ، عَنْ أَبِي زَيْنَبٍ، قَالَ: سَافَرْتُ فِي جَيْشٍ مَعَ أَبِي بَكْرَةَ، وَأَبِي بَرَزَةَ وَعَبْدِ الرَّحْمَنِ بْنِ سَمُرَةَ فَكُنَّا نَأْكُلُ مِنَ الثَّمَارِ

[20314] ‘Abdullāh ibn Idrīs reported from Ḥuṣayn from Dhirr from Ibrāhīm, saying: "I used to travel with him and he would eat from the fruits."

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ حُصَيْنٍ، عَنْ ذِرٍّ، عَنْ إِبْرَاهِيمَ، قَالَ: كُنْتُ أَسَافِرُ مَعَهُ فَكَانَ يَأْكُلُ مِنَ الثَّمَارِ

[20315] Wakī‘ reported from Hishām ibn Sa‘d from ‘Amr ibn Shu‘ayb who said: The Messenger of Allah ﷺ said: "Whoever passes by a garden, let him eat and not carry away."

حَدَّثَنَا وَكِيعٌ، عَنْ هِشَامِ بْنِ سَعْدٍ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ مَرَّ بِحَائِطٍ فَلْيَأْكُلْ وَلَا يَحْمِلْ

[20316] Wakī' reported from Isrā'īl from Jābir from Abū Ja'far who said: "There is no harm in [eating] the fruits of the People of the Covenant (Ahl al-Dhimmah)."

حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ أَبِي جَعْفَرٍ،
قَالَ: لَا بَأْسَ بِثَمَارِ أَهْلِ الذِّمَّةِ

[20317] Wakī' reported: Yazīd ibn Hārūn reported from Ibn Sīrīn who said: I asked 'Abaydah about the wayfarer passing by fruit. He said: "He eats and does not spoil."

حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنِ ابْنِ
سِيرِينَ، قَالَ: سَأَلْتُ عَبِيدَةَ عَنِ ابْنِ السَّبِيلِ يَمُرُّ
بِالثَّمَرَةِ، فَقَالَ: يَأْكُلُ، وَلَا يُفْسِدُ

[20318] Wakī' reported from Sufyān from Ayyūb from Muḥammad [Ibn Sīrīn] who said: I asked 'Abaydah, and he mentioned the like of it.

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَيُّوبَ، عَنْ مُحَمَّدٍ، قَالَ:
سَأَلْتُ عَبِيدَةَ فَذَكَرَ مِثْلَهُ

[20319] Wakī' reported: Shu'bah reported from Abū 'Imrān al-Jawnī who said: I heard Jundub al-Bajalī say: "We used to campaign with the Companions of the Messenger of Allah ﷺ and we would do as they did; we would take from the fruit, and we would take the strong disbeliever [as a guide], so he would guide us from village to village, without us sharing their houses with them."

حَدَّثَنَا وَكِيعٌ قَالَ: حَدَّثَنَا شُعْبَةُ، عَنْ أَبِي عِمْرَانَ الْجَوْنِيِّ، قَالَ: سَمِعْتُ جُنْدُبَ الْبَجَلِيِّ، يَقُولُ: كُنَّا نَغْزُو مَعَ أَصْحَابِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَنَحْنُ نَفْعَلُ كَمَا يَفْعَلُونَ فَنَأْخُذُ مِنَ الثَّمَرَةِ، وَنَأْخُذُ الْعَلَجَ، فَيَدُلُّنَا مِنَ الْقَرْيَةِ إِلَى الْقَرْيَةِ، مِنْ غَيْرِ أَنْ نُشَارِكَهُمْ فِي بُيُوتِهِمْ

[20320] Ghundar reported from Shu'bah who said: I asked Hammād about the traveler eating from fruit. He said: "If the rulers have oppressed them [taken their rights], then it is more beloved to me that he eats." And I asked Al-Ḥakam, and he said: "Eat."

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ حَمَّادًا عَنِ الْمُسَافِرِ يَأْكُلُ مِنَ الثَّمَرَةِ، فَقَالَ: إِذَا ظَلَمُوهُمْ الْأُمَرَاءُ فَأَحَبُّ إِلَيَّ أَنْ يَأْكُلَ، وَسَأَلْتُ الْحَكَمَ، فَقَالَ: كُلْ

[20321] Shabābah reported: Shu‘bah reported from Abū Bishr from ‘Abbād ibn Shuraḥbīl, a man from Banū ‘Abd, who said: We were struck by a famine year, so I entered a garden and took some ears of corn and rubbed them. The owner of the garden came and beat me and took my garment. So we came to the Prophet ﷺ and he said: "You did not feed him when he was hungry—or starving—nor did you teach him when he was ignorant?" He took his garment and returned it to its owner.

حَدَّثَنَا شَبَابَةُ، قَالَ: حَدَّثَنَا شُعْبَةُ، عَنْ أَبِي بَشْرٍ، عَنْ عُبَادِ بْنِ شُرَحْبِيلٍ، رَجُلٍ مِنْ بَنِي عَبْدِ، قَالَ: كُنَّا أَصَابَتْنَا سَنَةٌ فَدَخَلْتُ حَائِطًا، فَأَخَذْتُ سُنْبُلًا فَفَرَكْتُهُ، فَجَاءَ صَاحِبُ الْحَائِطِ وَضَرَبَنِي، وَأَخَذَ كِسَائِي فَاتَّيْنَا النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: مَا أَطْعَمْتَهُ إِذْ كَانَ جَائِعًا، أَوْ سَاعَبًا، وَلَا عَلَّمْتَهُ إِذْ كَانَ جَاهِلًا؟ وَأَخَذَ ثَوْبَهُ فَرَدَّهُ عَلَى صَاحِبِهِ

[20322] Wakī‘ reported from ‘Alī ibn Mubārak from Yahyā ibn Abī Kathīr from Abū ‘Abd al-Raḥmān, the mawla of Sa’d, who said: We camped next to a garden of a Dehgan (landlord). Sa’d said to me: "If it pleases you to be a true Muslim, then do not take anything from it." He gave me a dirham and said: "Buy dates with some of it, and fodder with some of it."

حَدَّثَنَا وَكَيْعٌ، عَنْ عَلِيِّ بْنِ مُبَارَكٍ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي عَبْدِ الرَّحْمَنِ، مَوْلَى سَعْدٍ، قَالَ: نَزَلْنَا إِلَى جَانِبِ حَائِطٍ دِهْقَانٍ، فَقَالَ لِي سَعْدٌ: إِنْ سَرَّكَ أَنْ تَكُونَ مُسْلِمًا حَقًّا فَلَا تُصِيبَنَّ مِنْهُ شَيْئًا، وَأَعْطَانِي دِرْهَمًا وَقَالَ: اشْتَرِ بَعْضَهُ تَمْرًا، وَبَعْضَهُ عِلْفًا

[20323] ‘Abdah ibn Sulaymān reported from Sa‘īd ibn Abī ‘Arūbah from Qatādah from Ibn ‘Abbās who said: "If you pass by date palms or similar and a wall has been built around it, do not enter it except with the permission of its owner. And if you pass by it in the open land, then eat, but do not carry away."

حَدَّثَنَا عَبْدُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: إِذَا مَرَرْتَ بِنَخْلٍ، أَوْ نَحْوِهِ وَقَدْ أُحِيطَ عَلَيْهِ حَائِطٌ، فَلَا تَدْخُلْهُ إِلَّا بِإِذْنِ صَاحِبِهِ، وَإِذَا مَرَرْتَ بِهِ فِي فِصَاءِ الْأَرْضِ فَكُلْ، وَلَا تَحْمِلْ

[20324] Kathīr ibn Hishām reported from Ja‘far ibn Burqān: Yazīd ibn al-Aṣamm narrated to us saying: "Ā’ishah sent us—myself and a son of Ṭalḥah ibn ‘Ubayd, who was her nephew. We had stopped at one of the gardens of Medina and ate from it. That reached her, so she turned to her nephew blaming him, then she turned to me and admonished me with a profound admonition."

حَدَّثَنَا كَثِيرُ بْنُ هِشَامٍ، عَنْ جَعْفَرِ بْنِ بُرْقَانَ، قَالَ: نَا يَزِيدُ بْنُ الْأَصَمِّ، قَالَ: بَعَثْنَا عَائِشَةَ أَنَا وَابْنُ لَطْلَحَةَ بْنِ عُبَيْدٍ وَهُوَ ابْنُ أُخْتِهَا، وَقَدْ كُنَّا وَقَفْنَا فِي حَائِطٍ مِنْ حَيْطَانِ الْمَدِينَةِ فَأَكَلْنَا مِنْهُ، فَبَلَغَهَا ذَلِكَ، فَأَقْبَلَتْ عَلَى ابْنِ أُخْتِهَا تَلُومُهُ، ثُمَّ أَقْبَلَتْ عَلَيَّ فَوَعظْتَنِي مَوْعِظَةً بَلِيغَةً

[20325] Wakī‘ reported from Isrā’īl from Jābir from ‘Āmir who said: "Do not eat from the fruit except for a price."

حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: لَا تَأْكُلْ مِنَ الثَّمَرَةِ إِلَّا بِالثَّمَنِ

[20326] Wakī' reported: Sufyān reported from Ibrāhīm ibn 'Abd al-A'lā al-Ju'fī from Sa'īd ibn Jubayr who said: "Do not eat from the fruit except with the permission of its owners."

حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْأَعْلَى الْجُعْفِيِّ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، قَالَ: لَا تَأْكُلُ مِنَ الثَّمَرَةِ، إِلَّا بِإِذْنِ أَهْلِهَا

[20327] Yazīd ibn Hārūn reported: Sa'īd reported from Qatādah from 'Ikrimah from Ibn 'Abbās: "That he used to not pick the fruit if it did not have a wall, except with the permission of its owner."

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: أَنَا سَعِيدٌ، عَنْ قَتَادَةَ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: كَانَ لَا يَجْتَنِي الثَّمَرَةَ إِذَا لَمْ يَكُنْ لَهَا حَائِطٌ إِلَّا بِإِذْنِ أَهْلِهِ

[20328] Wakī' reported: Fuḍayl ibn Ghazwān reported from 'Abd al-Raḥmān ibn Ḥāzim who said: I asked Mujāhid about what falls from the trees. He said: "Leave it for the predators and the birds."

حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا فَضَيْلُ بْنُ غَزْوَانَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ حَازِمٍ قَالَ: سَأَلْتُ مُجَاهِدًا عَمَّا يَسْقُطُ مِنَ الشَّجَرِ، فَقَالَ: دَعُهُ لِلسَّبَاعِ وَاللَّطَائِرِ

[20329] Wakī' reported: Sufyān reported from Jābir from Nāfi' from Ibn 'Umar: "That he disliked gleaning."

حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ جَابِرٍ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّهُ كَرِهَ اللَّقَاطَ

[20330] Ḥātim ibn Ismā'īl reported from Ja'far ibn Yaḥyā from his father that Al-Ḥasan and Al-Ḥusayn used to accept the gifts of Mu'āwiyah.

حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ جَعْفَرِ بْنِ يَحْيَى، عَنْ أَبِيهِ، أَنَّ الْحَسَنَ، وَالْحُسَيْنَ: كَانَا يَقْبَلَانِ جَوَائِزَ مُعَاوِيَةَ

[20331] Abū Mu'āwiyah reported from Al-A'mash from Ḥabīb who said: "I saw Ibn 'Umar and Ibn 'Abbās receiving gifts from Al-Mukhtār, and they would accept them."

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ حَبِيبٍ، قَالَ: رَأَيْتُ ابْنَ عُمَرَ، وَابْنَ عَبَّاسٍ يَأْتِيهِمَا هَدَايَا الْمُخْتَارِ فَيَقْبَلَانِهَا

[20332] Jarīr reported from Mughīrah from Simāk ibn Salamah from 'Abd al-Raḥmān ibn 'Iṣmah who said: "I was with 'Ā'ishah when a messenger came to her from Mu'āwiyah with a gift, and she accepted it."

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ سِمَاكِ بْنِ سَلَمَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ إِسْمَاهٍ، قَالَ: كُنْتُ عِنْدَ عَائِشَةَ فَأَتَاهَا رَسُولٌ مِنْ عِنْدِ مُعَاوِيَةَ يَهْدِيهِ فَقَبِلَتْهَا

[20333] Yaḥyā ibn Zakariyyā ibn Abī Zā'idah reported from Ḥajjāj from 'Aṭā' that Mu'āwiyah sent a necklace to 'Ā'ishah valued at one hundred thousand. She accepted it and divided it among the Mothers of the Believers.

حَدَّثَنَا يَحْيَى بْنُ زَكَرِيَّا بْنِ أَبِي زَائِدَةَ، عَنْ حَجَّاجٍ، عَنْ عَطَاءٍ، أَنَّ عَائِشَةَ بَعَثَ إِلَيْهَا مُعَاوِيَةُ قِلَادَةً قُوِّمَتْ بِمِائَةِ أَلْفٍ فَقَبِلَتْهَا، وَقَسَمَتْهَا بَيْنَ أُمَّهَاتِ الْمُؤْمِنِينَ

[20334] Yahyā ibn Saʿīd reported from ‘Abd al-Malik ibn ‘Umayr who said: "Bishr ibn Marwān sent with me five hundred [dinars/dirhams] to five people: to Abū Juḥayfah, Abū Razīn, ‘Amr ibn Maymūn, Murrah, and Abū ‘Abd al-Raḥmān. Abū Razīn, Abū Juḥayfah, and ‘Amr ibn Maymūn returned it, while the other two accepted it."

حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ، قَالَ: "أَرْسَلَ مَعِيَ بَشْرُ بْنُ مَرْوَانَ بِخَمْسِمِائَةٍ إِلَى خَمْسَةِ أَنْاسٍ: إِلَى أَبِي جُحَيْفَةَ، وَإِلَى أَبِي رَزِينَ، وَعَمْرُو بْنُ مَيْمُونٍ، وَامْرَأَةٍ، وَأَبِي عَبْدِ الرَّحْمَنِ، فَرَدَّهَا أَبُو رَزِينَ، وَأَبُو جُحَيْفَةَ، وَعَمْرُو بْنُ مَيْمُونٍ وَقَبِلَهَا الْآخَرَانِ

[20335] ‘Abd al-Raḥmān ibn Mahdī reported from Sufyān from ‘Abd al-Malik ibn ‘Umayr, mentioning similar to the Hadith of Yahyā ibn Saʿīd.

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ، ذَكَرَ نَحْوَ حَدِيثِ يَحْيَى بْنِ سَعِيدٍ

[20336] ‘Abbād ibn al-‘Awwām reported from Sufyān ibn Ḥusayn who said: I heard Al-Ḥasan being asked by a man: "I am the worker/ official; so you give me and reward me?" He said: "Take it—may you have no father [an expression of urging]—and go."

حَدَّثَنَا عَبَّادُ بْنُ الْعَوَّامِ، عَنْ سُفْيَانَ بْنِ حُسَيْنٍ، قَالَ: سَمِعْتُ الْحَسَنَ وَسَأَلَهُ رَجُلٌ قَالَ: إِنِّي أَنَا الْعَامِلُ فَتُعْطِينِي وَتُجِيزُنِي؟ فَقَالَ: خُذْهَا لَا أَبَا لَكَ وَأَنْطَلِقْ

[20337] Wakī' reported: Ismā'īl reported from Qays who said: "I entered with my father upon Abū Bakr to visit him while he was sick. He gave us two horses to ride. And I saw Asmā' with marked hands fanning him."

حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْمَاعِيلُ عَنْ قَيْسٍ، قَالَ: دَخَلْتُ مَعَ أَبِي عَلَى أَبِي بَكْرٍ نَعُوذُهُ وَهُوَ مَرِيضٌ، فَحَمَلْنَا عَلَى فَرَسَيْنِ، وَرَأَيْتُ أَسْمَاءَ مَوْسُومَةً الْيَدَيْنِ تَذُبُّ عَنْهُ

[20338] Wakī' reported: Sufyān reported from Manṣūr and Ibrāhīm ibn Muhājir: "That Ibrāhīm and Tamīm ibn Salamah went out to a governor. He favored Tamīm over Ibrāhīm in the gift, so Ibrāhīm got angry."

حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مَنْصُورٍ، وَإِبْرَاهِيمَ بْنِ مُهَاجِرٍ: أَنَّ إِبْرَاهِيمَ، وَتَمِيمَ بْنَ سَلَمَةَ، خَرَجَا إِلَى عَامِلٍ فَفَضَّلَ تَمِيمًا عَلَى إِبْرَاهِيمَ فِي الْجَائِزَةِ فَغَضِبَ إِبْرَاهِيمُ

[20339] Yazīd reported from Shu'bah from Ibrāhīm ibn Muḥammad ibn al-Muntashir from his father: Khālīd ibn Asad sent thirty thousand to Masrūq, but he returned it. He said to him: "If you had taken it and given it in charity and upheld ties with it." But he refused to take it.

حَدَّثَنَا يَزِيدُ، عَنْ شُعْبَةَ، عَنْ إِبْرَاهِيمَ بْنِ مُحَمَّدٍ بْنِ الْمُنْتَشِرِ، عَنْ أَبِيهِ، أَنَّ خَالِدَ بْنَ أَسَدٍ، بَعَثَ إِلَى مَسْرُوقٍ بِثَلَاثِينَ أَلْفًا فَرَدَّهَا فَقَالَ لَهُ: لَوْ أَخَذْتُهَا فَتَصَدَّقْتُ بِهَا وَوَصَلْتُ بِهَا، فَأَبَى أَنْ يَأْخُذَهَا

[20340] Wakī' reported from Al-A'mash from Ibrāhīm: "That he rode to a governor, who rewarded him and gave him an animal to ride, and he accepted it."

حَدَّثَنَا وَكِيعٌ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ أَنَّهُ رَكِبَ إِلَى عَامِلٍ فَأَجَارَهُ، وَحَمَلَهُ عَلَى دَابَّةٍ فَقَبِلَهَا

[20341] Wakī' reported from Yūnus from Mikhwal from Abū Ja'far who said: "There is no harm in the gifts of the governors."

حَدَّثَنَا وَكِيعٌ، عَنْ يُونُسَ، عَنْ مَخْوَلٍ، عَنْ أَبِي جَعْفَرٍ، قَالَ: لَا بَأْسَ بِجَوَائِزِ الْعُمَالِ

[20342] Wakī' reported from Isrā'il from Jābir from 'Āmir who said: "There is no harm in the gifts of the governors."

حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: لَا بَأْسَ بِجَوَائِزِ الْعُمَالِ

[20343] 'Abd al-Ṣamad ibn 'Abd al-Wārith reported from Ḥammād ibn Salamah from Ḥumayd: "That Ibn Hubayrah rewarded Al-Ḥasan and Bakr, and they accepted; and he rewarded Muḥammad, but he did not accept from him."

حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ حُمَيْدٍ، أَنَّ ابْنَ هُبَيْرَةَ أَجَارَ الْحَسَنَ وَبَكْرًا فَقَبِلَا، وَأَجَارَ مُحَمَّدًا فَلَمْ يَقْبَلْ مِنْهُ

[20344] Wakī' reported from Al-A'mash from Ḥabīb that a man sent a gift to Zirr. He said to the messenger: "Was every Muslim sent this?" He said: "No." He said: "Return it." And he recited: {No! Indeed, it is the Flame (of Hell), removing the scalp} [Al-Ma'arij: 15-16].

حَدَّثَنَا وَكِيعٌ، عَنِ الْأَعْمَشِ، عَنْ حَبِيبٍ، أَنَّ رَجُلًا بَعَثَ إِلَى زِرٍّ بِجَائِزَةٍ، فَقَالَ لِلرَّسُولِ أَكُلُ مُسْلِمٍ بُعِثَ بِهَذَا؟ فَقَالَ لَا، فَقَالَ: رُدُّهُ وَقَالَ: {كَلَّا إِنَّهَا لَطَيٌّ نَزَّاعَةٌ لِلشَّوَى}

[20345] 'Abd al-Ṣamad ibn 'Abd al-Wārith reported from Ḥammād ibn Salamah from Yahyā ibn Sa'īd from Ibn Mīnā': "That 'Abd al-'Azīz ibn Marwān sent [a gift] to Ibn 'Umar, and he accepted from him. And he sent to 'Abdullāh ibn 'Abbās [and] Ibn Abī Rabī'ah, but he did not accept from him."

حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ ابْنِ مِينَاءَ: أَنَّ عَبْدَ الْعَزِيزِ بْنَ مَرْوَانَ بَعَثَ إِلَى ابْنِ عُمَرَ فَقَبِلَ مِنْهُ، وَبَعَثَ إِلَى عَبْدِ اللَّهِ بْنِ عَبَّاسٍ ابْنِ أَبِي رَبِيعَةَ فَلَمْ يَقْبَلْ مِنْهُ

[20346] Wakī' reported from Sufyān from 'Āṣim from Abū Mijlaz who said: 'Alī said: "There is no harm in the gift of the workers. Indeed, he has assistance and a provision, and he has only given you from his lawful wealth."

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَاصِمٍ، عَنْ أَبِي مِجْلَزٍ، قَالَ: قَالَ عَلِيٌّ: لَا بَأْسَ بِجَائِزَةِ الْعَمَالِ، إِنَّ لَهُ مَعُونَةً وَرِزْقًا، وَإِنَّمَا أَعْطَاكَ مِنْ طَيِّبِ مَالِهِ

[20347] Jarīr reported from Al-‘Alā’ from Ḥammād from Ibrāhīm who said: "If I came to a governor and he rewarded me, I would accept from him. It is only in the status of the Public Treasury (Bayt al-Mal); the bad and the good enter it." And he said: "If the courier comes to you for a matter of disobedience, there is no good in his reward. And if he comes to you with a matter in which there is no harm, then there is no harm in his reward."

حَدَّثَنَا جَرِيرٌ، عَنِ الْعَلَاءِ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَوْ أَتَيْتُ عَامِلًا وَأَجَازَنِي لَقَبِلْتُ مِنْهُ، إِنَّمَا هُوَ بِمَنْزِلَةِ بَيْتِ الْمَالِ، يَدْخُلُهُ الْخَبِيثُ وَالطَّيِّبُ وَقَالَ: إِذَا أَتَاكَ الْبَرِيدُ فِي أَمْرِ مَعْصِيَةٍ، فَلَا خَيْرَ فِي جَائِزَتِهِ، وَإِذَا أَتَاكَ بِأَمْرِ لَيْسَ بِهِ بَأْسٌ، فَلَا بَأْسَ بِجَائِزَتِهِ

[20348] Wakī‘ reported: Ismā‘īl ibn Abī Khālīd reported from a man he did not name, from Sa‘īd from ‘Āmir ibn Ḥaram: "That ‘Umar rewarded him with a thousand dinars."

حَدَّثَنَا وَكَيْعٌ، قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ أَبِي خَالِدٍ، عَنْ رَجُلٍ، لَمْ يُسَمِّهِ عَنْ سَعِيدٍ، عَنْ عَامِرِ بْنِ حَرْمٍ، أَنَّ عُمَرَ أَجَازَهُ بِأَلْفِ دِينَارٍ

[20349] Abū Usāmah reported from Zuhayr who said: Ash‘ath ibn Abī al-Sha‘thā’ told me: "We went out as thirty riders with Al-Aswad over us; Bishr ibn Marwān had appointed him commander. He rewarded him with fifty dinars, and he accepted it."

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ زُهَيْرٍ، قَالَ: حَدَّثَنِي أَشْعَثُ بْنُ أَبِي الشَّعَثَاءِ، قَالَ: خَرَجْنَا ثَلَاثِينَ رَاكِبًا عَلَيْنَا الْأَسْوَدُ، أَمْرَهُ بِشْرُ بْنُ مَرْوَانَ فَأَجَازَهُ بِخَمْسِينَ دِينَارًا فَقَبِلَهَا

[20350] Mu'tamir ibn Sulaymān reported from Ma'mar from Al-Zuhri: "That he saw no harm in a man selling his foster brother."

حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ: أَنَّهُ لَمْ يَرَ بَأْسًا أَنْ يَبِيعَ الرَّجُلُ أَخَاهُ مِنَ الرِّضَاعَةِ

[20351] Mu'tamir reported from Ma'mar from Ayyūb from Muḥammad ibn Sirīn and Qatādah, who said: "There is no harm in a man selling his foster brother."

حَدَّثَنَا مُعْتَمِرٌ، عَنْ مَعْمَرٍ، عَنْ أَيُّوبَ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، وَقَتَادَةَ، قَالَا: لَا بَأْسَ أَنْ يَبِيعَ الرَّجُلُ أَخَاهُ مِنَ الرِّضَاعَةِ

[20352] Ibn 'Ulayyah reported from Yūnus from Ayyūb from Ibn Sirīn who said: "There is no harm in it."

حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ يُونُسَ، عَنْ أَيُّوبَ، عَنِ ابْنِ سِيرِينَ، قَالَ: لَا بَأْسَ بِهِ

[20353] Ghundar reported from Shu'bah from Manṣūr that he used to say: "A man may sell his foster brother and his [foster] mother; there is no harm in that."

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ مَنْصُورٍ، أَنَّهُ كَانَ يَقُولُ: يَبِيعُ الرَّجُلُ أَخَاهُ مِنَ الرِّضَاعَةِ، وَأُمَّهُ لَا بَأْسَ بِذَلِكَ

[20354] Ibn 'Ulayyah reported from Ibn 'Awn who said: I wrote to Nāfi' asking him about selling a foster brother, and he said: "There is no harm in it."

حَدَّثَنَا ابْنُ عُليَّةَ، عَنِ ابْنِ عَوْنٍ، قَالَ: كَتَبْتُ إِلَى نَافِعٍ أَسْأَلُهُ عَنْ بَيْعِ الْأَخِ مِنَ الرِّضَاعَةِ، فَقَالَ: لَا بَأْسَ بِهِ

[20355] ‘Abd al-Raḥmān ibn Mahdī and Abū Dāwūd al-Ṭayālīsī reported from Hishām al-Dastuwā’ī from Qatādah from Jābir ibn Zayd: "That he used to dislike that a man sells his foster brother."

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، وَأَبُو دَاوُدَ الطَّيَالِسِيُّ، عَنْ هِشَامِ الدَّسْتَوَائِيِّ، عَنْ قَتَادَةَ، عَنْ جَابِرِ بْنِ زَيْدٍ: أَنَّهُ كَانَ يَكْرَهُ أَنْ يَبِيعَ الرَّجُلُ أَخَاهُ مِنَ الرِّضَاعَةِ

[20356] Ibn ‘Ulayyah reported from Yūnus from Al-Ḥasan that he said regarding his brother and his grandmother through breastfeeding: He disliked selling them.

حَدَّثَنَا ابْنُ عَلِيَّةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، أَنَّهُ قَالَ: فِي أَخِيهِ وَجَدْتِهِ مِنَ الرِّضَاعَةِ فَكَرِهَ بَيْعَهُمَا

[20357] Abū Dāwūd al-Ṭayālīsī reported from ‘Imrān al-Qaṭṭān who said: I heard Al-Ḥasan being asked about it and he disliked it. I mentioned it to Qatādah and he said: Jābir ibn Zayd used to express dislike for it. And Ibrāhīm al-Nakha‘ī used to say: "He sells him if he wishes."

حَدَّثَنَا أَبُو دَاوُدَ الطَّيَالِسِيُّ، عَنْ عِمْرَانَ الْقَطَّانِ، قَالَ: سَمِعْتُ الْحَسَنَ: وَسُئِلَ عَنْهُ فَكَرِهَهُ، وَذَكَرْتُهُ لِقَتَادَةَ فَقَالَ: كَانَ جَابِرُ بْنُ زَيْدٍ يَقُولُ: يَكْرَاهِيهِ، وَكَانَ إِبْرَاهِيمُ النَّخَعِيُّ يَقُولُ يَبِيعُهُ إِنْ شَاءَ

[20358] Mu‘tamir reported from Hishām from Al-Ḥasan: "That he disliked selling his foster brother."

حَدَّثَنَا مُعْتَمِرٌ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ: أَنَّهُ كَرِهَ أَنْ يَبِيعَ أَخَاهُ مِنَ الرِّضَاعَةِ

[20359] Wakī' reported from Sufyān from Manṣūr from Ibrāhīm from 'Alqamah who said: A man came to 'Abdullāh and said: "My slave girl suckled my son; can I sell her?" He said: 'Abdullāh said: "I wish that he would take her out to the market and say: 'Who will buy from me the mother of my child?'" As if he disliked it.

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، قَالَ: جَاءَ رَجُلٌ إِلَى عَبْدِ اللَّهِ فَقَالَ: إِنَّ جَارِيَّتِي أَرْضَعَتْ ابْنِي أَمَا أُبَيْعُهَا؟ قَالَ: فَقَالَ عَبْدُ اللَّهِ: لَوَدِدْتُ أَنَّهُ أَخْرَجَهَا إِلَى السُّوقِ فَقَالَ: مَنْ يَشْتَرِي مِنِّي أُمَّ وَلَدِي، فَكَأَنَّهُ كَرِهَهُ

[20360] Hushaym ibn Bashīr reported from Sulaymān al-Taymī who said: I asked Al-Ḥasan about His saying, Exalted is He: {And take witnesses when you conclude a contract} [Al-Baqarah: 282]. He said: "Do you not see His saying: {And if one of you entrusts another} [Al-Baqarah: 283]?" He saw that it had abrogated what was before it.

حَدَّثَنَا هُشَيْمُ بْنُ بَشِيرٍ، عَنْ سُلَيْمَانَ التَّيْمِيِّ، قَالَ: سَأَلْتُ الْحَسَنَ عَنْ قَوْلِهِ تَعَالَى: {وَأَشْهَدُوا إِذَا تَبَايَعْتُمْ} [البقرة: 282]، فَقَالَ: "أَلَا تَرَى إِلَى قَوْلِهِ: {فَإِنْ أَمِنَ بَعْضُكُم بَعْضًا} [البقرة: 283] أَنَّهُ قَدْ نَسَخَ مَا [283: بَعْضًا] [البقرة: 282] كَانَ قَبْلَهُ

[20361] Hushaym reported from Ismā'il who said: I said to Al-Sha'bī: "What do you think of a man buying something from another man; is it mandatory for him to take witnesses, is it necessary?" He said: "Do you not see His saying: {And if one of you entrusts another} [Al-Baqarah: 283]?"

حَدَّثَنَا هُشَيْمٌ، عَنْ إِسْمَاعِيلَ، قَالَ: قُلْتُ لِلشَّعْبِيِّ: أَرَأَيْتَ الرَّجُلُ يَشْتَرِي مِنَ الرَّجُلِ الشَّيْءَ حَتَّمْ عَلَيْهِ أَنْ يُشْهَدَ، لَا بُدَّ مِنْهُ؟ قَالَ: "أَلَا تَرَى إِلَى قَوْلِهِ: {فَإِنْ أَمِنَ بَعْضُكُم بَعْضًا} [البقرة: 283]"

[20362] Muḥammad ibn Marwān reported from 'Abd al-Malik ibn Abī Naḍrah from his father from Abū Sa'īd al-Khudrī regarding His saying: {And take witnesses when you conclude a contract} [Al-Baqarah: 282]. He said: "It was abrogated by {And if one of you entrusts another} [Al-Baqarah: 283]."

حَدَّثَنَا مُحَمَّدُ بْنُ مَرْوَانَ، عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي نُضْرَةَ، عَنْ أَبِيهِ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، فِي قَوْلِهِ: {وَأَشْهَدُوا} قَالَ: "نَسَخَتْهَا {فَإِنْ أَمِنَ} [282]: إِذَا تَبَايَعْتُمْ" [البقرة: 283: بَعْضُكُمْ بَعْضًا] [البقرة]

[20363] Wakī' reported from Abū Ja'far al-Rāzī from Al-Rabī' ibn Anas who said: I saw Ṣafwān ibn Muḥriz come to the market with a counterfeit dirham. He said: "Who will sell me good grapes for a bad dirham?" He bought and did not take witnesses.

حَدَّثَنَا وَكِيعٌ، عَنْ أَبِي جَعْفَرٍ الرَّازِيِّ، عَنْ الرَّبِيعِ بْنِ أَنَسٍ، قَالَ: رَأَيْتُ صَفْوَانَ بْنَ مُحْرِزٍ وَأَتَى السُّوقَ وَمَعَهُ دِرْهَمٌ زَيْفٌ، فَقَالَ: مَنْ يَبِيعُنِي عِنَبًا طَيِّبًا بِدِرْهَمٍ خَبِيثٍ، فَاشْتَرَى وَلَمْ يُشْهَدْ

[20364] Ibn Abī Zā'idah reported from Al-'Alā' ibn al-Musayyib who said: I heard Al-Ḥakam reciting: {And if one of you entrusts another} [Al-Baqarah: 283]. He said: "This abrogated the witnesses."

حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنِ الْعَلَاءِ بْنِ الْمُسَيَّبِ، قَالَ: سَمِعْتُ الْحَكَمَ قَرَأَ: {فَإِنْ أَمِنَ بَعْضُكُم بَعْضًا} [البقرة: 283] قَالَ: نَسَخَتْ هَذِهِ الشُّهُودَ

[20365] Ibn Abī Zā'idah reported from Mujālid from Al-Sha'bī who said: "Sales are of three types: A sale with witnesses and writing, a sale with a pledge taken in hand, and a sale by trust." And he recited the Verse of Debt.

حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ مُجَالِدٍ، عَنِ الشَّعْبِيِّ، قَالَ: "الْبَيْعُ ثَلَاثَةٌ: بَيْعٌ شُهُودٍ وَكِتَابٍ، وَبَيْعٌ بِرِهَانٍ مَقْبُوضَةٍ، وَبَيْعٌ بِالْأَمَانَةِ، وَقَرَأَ آيَةَ الدِّينِ

[20366] Yaḥyā ibn Sa'īd al-Qaṭṭān reported from Sa'īd from Firās from Al-Sha'bī from Abū Burdah from Abū Mūsā who said: "Three persons will not have their supplication answered: A man who gives his wealth to a foolish person, while Allah said: {And do not give the foolish your property} [An-Nisa: 5]; a man who has a wife of bad character and does not separate from her or divorce her; and a man who bought something and did not take witnesses."

حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ، عَنْ سَعِيدٍ، عَنْ فِرَاسٍ، عَنِ الشَّعْبِيِّ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى، قَالَ: "ثَلَاثَةٌ لَا يُسْتَجَابُ لَهُمْ دَعْوَةٌ: رَجُلٌ آتَى سَفِيهًا مَالَهُ، [5: وَقَالَ اللَّهُ: {وَلَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ} [النساء: 5]، وَرَجُلٌ كَانَتْ عِنْدَهُ امْرَأَةٌ سَيِّئَةُ الْخُلُقِ فَلَمْ يُفَارِقْهَا وَلَمْ يُطَلِّقْهَا، وَرَجُلٌ اشْتَرَى وَلَمْ يُشْهَدْ

[20367] Wakī' reported from Hammād ibn Zayd from Ibn Abī Najīh from Mujāhid who said: "Three persons will not have their supplication answered: A man who curses his wife, or his slave; and a man who sells and buys and does not take witnesses."

حَدَّثَنَا وَكِيعٌ، عَنْ حَمَّادِ بْنِ زَيْدٍ، عَنْ ابْنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ، قَالَ: "ثَلَاثَةٌ لَا يُسْتَجَابُ لَهُمْ دَعْوَةٌ: رَجُلٌ يَدْعُو عَلَى امْرَأَتِهِ، وَعَلَى مَمْلُوكِهِ، وَرَجُلٌ يَبِيعُ وَيَشْتَرِي، وَلَا يُشْهَدُ

[20368] Hushaym reported from 'Awf from Ibn Sirīn that he used to say: "He takes witnesses when he sells and when he buys."

حَدَّثَنَا هُشَيْمٌ، عَنْ عَوْفٍ، عَنْ ابْنِ سِيرِينَ، أَنَّهُ كَانَ يَقُولُ: يُشْهَدُ إِذَا بَاعَ، وَإِذَا اشْتَرَى

[20369] Hushaym reported from Juwaybir from Al-Daḥḥāk that he used to say: "He takes witnesses when he sells and when he buys."

حَدَّثَنَا هُشَيْمٌ، عَنْ جُوَيْرٍ، عَنِ الضَّحَّاكِ أَنَّهُ كَانَ يَقُولُ: يُشْهَدُ إِذَا بَاعَ، وَإِذَا اشْتَرَى

[20370] Sharīk reported from Jābir from a man from the family of Abū al-Hayyāj from Abū al-Hayyāj who said: "Alī appointed me over the Sawād (Iraq), and ordered me to make the People of the Book swear by Allah."

حَدَّثَنَا شَرِيكٌ، عَنْ جَابِرٍ، عَنْ رَجُلٍ، مِنْ آلِ أَبِي الْهَيَّاجِ، عَنْ أَبِي الْهَيَّاجِ، قَالَ: اسْتَغْمَلَنِي عَلِيٌّ عَلَى السَّوَادِ، وَأَمَرَنِي أَنْ أَسْتَحْلِفَ أَهْلَ الْكِتَابِ بِاللَّهِ

[20371] Abū Mu‘āwiyah reported from Marwān ibn Mu‘āwiyah from Yahyā ibn Sa‘īd from Sa‘īd ibn Maysarah from ‘Amr ibn Murrah from Abū ‘Ubaydah: "That he made the polytheist swear by Allah."

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ مَرْوَانَ بْنِ مُعَاوِيَةَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ مَيْسَرَةَ، عَنْ عَمْرِو بْنِ مُرَّةٍ، عَنْ أَبِي عُبَيْدَةَ: أَنَّهُ اسْتَحْلَفَ الْمُشْرِكَ بِاللَّهِ

[20372] Abū Mu‘āwiyah reported from Ḥajjāj from Al-Qāsim ibn ‘Abd al-Raḥmān from Masrūq: "That he used to make the polytheists swear by Allah."

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ حَجَّاجٍ، عَنِ الْقَاسِمِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ مَسْرُوقٍ: أَنَّهُ كَانَ يَسْتَحْلِفُ الْمُشْرِكِينَ بِاللَّهِ

[20373] Abū Bakr ibn ‘Ayyāsh reported from Mughīrah from Ibrāhīm who said: "The polytheist is not made to swear by Allah, but it is made severe upon him in his religion."

حَدَّثَنَا أَبُو بَكْرِ بْنُ عَيَّاشٍ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا يُسْتَحْلَفُ الْمُشْرِكُ بِاللَّهِ، وَلَكِنْ يُغْلَظُ عَلَيْهِ فِي دِينِهِ

[20374] Wakī‘ reported from Sufyān from Ayyūb from Ibn Sīrīn that Ka‘b ibn Sūr: "Took him into the church, placed the Torah on his head, and made him swear by Allah."

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ أَيُّوبَ، عَنِ ابْنِ سِيرِينَ، أَنَّ كَعْبَ بْنَ سُوْرٍ: أَدْخَلَهُ الْكَنِيسَةَ وَوَضَعَ التَّوْرَةَ عَلَى رَأْسِهِ، وَاسْتَحْلَفَ بِاللَّهِ

[20375] Wakī' reported from Sufyān from 'Abdullāh ibn Abī al-Safar from Al-Sha'bī from Shurayḥ: "That he used to make the polytheists swear by Allah regarding what they dislike."

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي السَّفَرِ، عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ: أَنَّهُ كَانَ يَسْتَحْلِفُ الْمُشْرِكِينَ بِاللَّهِ حَيْثُ يَكْرَهُونَ

[20376] Ibn Numayr reported from Abū al-'Aṣī who said: I heard Al-Sha'bī when he wanted to make a Christian swear an oath. He [the Christian] said: "I swear by Allah." Al-Sha'bī said: "You have left Allah while you see. Take him to the church and make him swear by what the people of their religion swear by."

حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ أَبِي الْعَصِيِّ، قَالَ: سَمِعْتُ الشَّعْبِيَّ وَارَادَ أَنْ يُحْلَفَ نَصْرَانِيًّا فَقَالَ: أَحْلِفُ بِاللَّهِ فَقَالَ الشَّعْبِيُّ: قَدْ تَرَكْتُمُ اللَّهَ وَأَنْتُمْ تُبْصِرُونَ، أَذْهَبُوا بِهِ إِلَى الْبَيْعَةِ، وَاسْتَحْلِفُوهُ بِمَا يُسْتَحْلَفُ بِهِ أَهْلُ دِينِهِمْ

[20377] Asbāṭ ibn Muḥammad reported from 'Abd al-Ḥamīd from 'Aṭā' who was asked about the Jew and the Christian, should they be made to swear by the Torah and the Gospel? He said: "Make them swear by Allah, for the Torah and the Gospel are from the Book of Allah."

حَدَّثَنَا أَسْبَاطُ بْنُ مُحَمَّدٍ، عَنْ عَبْدِ الْحَمِيدِ، عَنْ عَطَاءٍ، قَالَ: سُئِلَ عَنِ الْيَهُودِيِّ وَالنَّصْرَانِيِّ، أَيُّسْتَحْلَفُ بِالتَّوْرَةِ وَالْإِنْجِيلِ؟ قَالَ: اسْتَحْلِفُوهُ بِاللَّهِ، فَإِنَّ التَّوْرَةَ وَالْإِنْجِيلَ مِنْ كِتَابِ اللَّهِ

[20378] Abū Mu‘āwiyah reported from Ḥajjāj from Abū Ishāq from Shurayḥ: "That he used to make the polytheists swear by their religion."

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ حَجَّاجٍ، عَنْ أَبِي إِسْحَاقَ، عَنْ شُرَيْحٍ: أَنَّهُ كَانَ يَسْتَحْلِفُ الْمُشْرِكِينَ بِدِينِهِمْ

[20379] Abū Usāmah reported from Khālīd ibn Dīnār who said: I asked Sālīm and Ṭāwūs about selling the skins of dead animals, and they disliked it. Sālīm said: "Is selling the skins of dead animals anything but like eating their meat?"

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ خَالِدِ بْنِ دِينَارٍ، قَالَ: سَأَلْتُ سَالِمًا وَطَاوُسًا عَنْ بَيْعِ جُلُودِ الْمَيِّتَةِ فَكَرِهَاهُمَا، وَقَالَ سَالِمٌ: هَلْ يَبِيعُ جُلُودَ الْمَيِّتَةِ إِلَّا كَأَكْلِ لَحْمِهَا

[20380] Yahyā ibn Sa‘īd al-Qaṭṭān reported from Salamah Abū Bishr from ‘Ikrimah: "That he disliked selling the skins of dead animals and sacrificial animals."

حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ، عَنْ سَلَمَةَ أَبِي بَشِيرٍ، عَنْ عِكْرِمَةَ، أَنَّهُ كَرِهَ بَيْعَ جُلُودِ الْمَيِّتَةِ، وَالْأَضْحِيَّةِ

[20381] ‘Abd al-‘Alā reported from Khālīd from Abū al-Walīd from Ibn ‘Abbās, attributing it to the Prophet ﷺ: "When Allah forbids a people from eating something, He forbids its price for them."

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ خَالِدٍ، عَنْ أَبِي الْوَلِيدِ، عَنْ ابْنِ عَبَّاسٍ رَفَعَهُ قَالَ: إِنَّ اللَّهَ إِذَا حَرَّمَ عَلَى قَوْمٍ أَكْلَ شَيْءٍ حَرَّمَ عَلَيْهِمْ ثَمَنَهُ

[20382] Wakī' reported from Mis'ar who said: Mughīrah, the mawla of 'Amr ibn Ḥurayth, told me: "Al-Sha'bī was asked about the skins of dead buffaloes, and he disliked selling them before they were tanned."

حَدَّثَنَا وَكِيعٌ، عَنْ مِسْعَرٍ، قَالَ: حَدَّثَنِي مُغِيرَةُ، مَوْلَى عَمْرِو بْنِ حُرَيْثٍ، قَالَ: سَأَلَ الشَّعْبِيُّ عَنْ جُلُودِ جَوَامِيسَ مَيِّتَةٍ، فَكَرِهَ بَيْعَهَا قَبْلَ أَنْ تُدْبَعَ

[20383] Abū al-Aḥwaṣ reported from Mughīrah from Ibrāhīm who said: "They used to dislike selling them and consuming their prices, meaning the skins of dead animals."

حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: كَانُوا يَكْرَهُونَ أَنْ يَبِيعُوهَا فَيَأْكُلُوا أَثْمَانَهَا، يَعْنِي جُلُودَ الْمَيِّتَةِ

[20384] Wakī' reported from Sufyān from Ḥammād from Ibrāhīm: "That he disliked selling them and wearing them before they were tanned."

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، أَنَّهُ كَرِهَ بَيْعَهَا وَلِبْسَهَا قَبْلَ أَنْ تُدْبَعَ

[20385] Wakī' reported from Zayd from Al-Ḥasan: "That he disliked selling the skins of dead animals until they were tanned."

حَدَّثَنَا وَكِيعٌ، عَنْ زَيْدٍ، عَنْ الْحَسَنِ، أَنَّهُ كَرِهَ بَيْعَ جُلُودِ الْمَيِّتَةِ حَتَّى تُدْبَعَ

[20386] Abū Usāmah reported from ‘Abd al-Ḥamīd ibn Ja‘far from Yazīd ibn Abī Ḥabīb from ‘Atā’ from Jābir who said: I heard the Messenger of Allah ﷺ in the Year of the Conquest saying: "Indeed, Allah and His Messenger have forbidden the sale of dead animals."

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ عَبْدِ الْحَمِيدِ بْنِ جَعْفَرٍ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ، قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَامَ الْفَتْحِ وَهُوَ يَقُولُ: إِنَّ اللَّهَ وَرَسُولَهُ حَرَّمَ بَيْعَ الْمَيِّتَةِ

[20387] ‘Abd al-Raḥmān ibn Yazīd ibn Jābir reported: Al-Qāsim reported from Abū Umāmah who said: "The Messenger of Allah ﷺ forbade hoarding food."

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ يَزِيدَ بْنِ جَابِرٍ، قَالَ: حَدَّثَنَا الْقَاسِمُ، عَنْ أَبِي أُمَامَةَ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يُحْتَكَرَ الطَّعَامُ

[20388] Yaḥyā ibn Sa‘īd al-Qaṭṭān reported from Al-Taymī from Abū Naḍrah from Abū Sa‘īd, the mawla of the Ansar, from ‘Uthmān ibn ‘Affān: "That he forbade hoarding."

حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ، عَنِ التَّيْمِيِّ، عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدٍ، مَوْلَى الْأَنْصَارِ عَنْ عُثْمَانَ بْنِ عَفَّانَ: أَنَّهُ نَهَى عَنِ الْحُكْرَةِ

[20389] ‘Abdah ibn Sulaymān reported from Muḥammad ibn Ishāq from Muḥammad ibn Ibrāhīm from Sa‘īd ibn al-Musayyib from Ma‘mar ibn ‘Abdullāh ibn Naḍlah al-‘Adawī who said: The Messenger of Allah ﷺ said: "No one hoards except a sinner."

حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ مَعْمَرِ بْنِ عَبْدِ اللَّهِ بْنِ نَضْلَةَ الْعَدَوِيِّ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا يُحْتَكِرُ إِلَّا خَاطِئٌ

[20390] Yaḥyā ibn Saʿīd al-Qaṭṭān reported from Yaḥyā ibn Saʿīd from Saʿīd ibn al-Musayyib from Ibn ʿUmar who said: "Hoarding is a sin."

حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ ابْنِ عُمَرَ، قَالَ: الْحُكْرَةُ خَطِيئَةٌ

[20391] Ḥafṣ ibn Ghiyāth reported from Layth from ʿUbaydullāh who said: ʿUmar said: "Whoever hoards food and then gives his capital and profit in charity, it does not expiate for him."

حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ لَيْثٍ، عَنْ عُبَيْدِ اللَّهِ، قَالَ: قَالَ عُمَرُ: مَنْ احْتَكَرَ طَعَامًا ثُمَّ تَصَدَّقَ بِرَأْسِ مَالِهِ، وَالرِّبْحَ لَمْ يُكْفِّرْ عَنْهُ

[20392] Jarīr reported from Layth from Al-Ḥakam who said: ʿAlī was informed of a man who hoarded food worth one hundred thousand, so he ordered for it to be burned.

حَدَّثَنَا جَرِيرٌ، عَنْ لَيْثٍ، عَنْ الْحَكَمِ، قَالَ: أَخْبَرَ عَلِيٌّ، بِرَجُلٍ احْتَكَرَ طَعَامًا بِمِائَةِ أَلْفٍ، فَأَمَرَ بِهِ أَنْ يُحْرَقَ

[20393] Ḥumayd ibn ʿAbd al-Raḥmān al-Ruʿāsī reported from Al-Ḥasan from Al-Ḥakam from ʿAbd al-Raḥmān ibn Qays who said: Qays said: "Alī burned threshing floors of mine in the Sawād which I had hoarded; if he had left them, I would have profited from them equal to the stipend of Kufa."

حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ الرُّوَاسِيُّ، عَنْ الْحَسَنِ، عَنْ الْحَكَمِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ قَيْسٍ، قَالَ: قَالَ قَيْسٌ: قَدْ أَحْرَقَ لِي عَلِيٌّ بَيَادِرَ بِالسَّوَادِ كُنْتُ احْتَكَرْتُهَا لَوْ تَرَكَهَا لَرَبِحْتُهَا، مِثْلَ عَطَاءِ الْكُوفَةِ

[20394] Wakī' reported from Sufyān from Ibrāhīm ibn Muhājir from 'Abdullāh ibn Nā'ilah from 'Abdullāh ibn 'Amr who said: "No one hoards except a sinner or a transgressor."

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ إِبْرَاهِيمَ بْنِ مُهَاجِرٍ، عَنْ عَبْدِ اللَّهِ بْنِ نَائِلَةَ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو، قَالَ: لَا يَحْتَكِرُ إِلَّا خَاطِئٌ أَوْ بَاغٍ

[20395] 'Ubaydullāh ibn Mūsā reported from Al-Rabī' ibn Ḥabīb from Nawfal ibn 'Abd al-Malik from his father from 'Alī who said: "The Messenger of Allah ﷺ forbade hoarding in the city."

حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُوسَى، عَنِ الرَّبِيعِ بْنِ حَبِيبٍ، عَنْ نَوْفَلِ بْنِ عَبْدِ الْمَلِكِ، عَنْ أَبِيهِ، عَنْ عَلِيٍّ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْحُكْرَةِ بِالْبَلَدِ

[20396] Yazīd ibn Hārūn reported: Al-Aṣḥbagh ibn Zayd al-Warrāq reported: Abū al-Zāhiriyyah reported from Kathīr ibn Murrah al-Ḥaḍramī from Ibn 'Umar from the Prophet ﷺ who said: "Whoever hoards food for forty nights has absolved himself of Allah, and Allah is absolved of him. Any people of a courtyard among whom a person goes hungry, Allah's protection is absolved of them."

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: أَخْبَرَنَا الْأَصْبَغُ بْنُ زَيْدٍ الْوَرَّاقُ، قَالَ: حَدَّثَنَا أَبُو الزَّاهِرِيَّةِ، عَنْ كَثِيرِ بْنِ مُرَّةٍ الْحَضْرَمِيِّ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ عَلَيْهِ السَّلَامُ قَالَ: مَنْ احْتَكَرَ طَعَامًا أَرْبَعِينَ لَيْلَةً فَقَدْ بَرِيَ مِنَ اللَّهِ، وَبَرِيَ اللَّهُ مِنْهُ، أَيُّمَا أَهْلِ عَرَصَةٍ ظَلَّ فِيهِمْ امْرُؤٌ جَائِعٌ، فَقَدْ بَرِنْتُ مِنْهُمْ ذِمَّةُ اللَّهِ

[20397] Abū ‘Abd al-Raḥmān (Ibn Makhḥad) reported: Abū Bakr ‘Abdullāh ibn Muḥammad ibn Abī Shaybah reported: Hushaym ibn Bashīr reported from ‘Amr ibn Dīnār from ‘Aṭā’ from Ibn ‘Abbās: "That he saw no harm in a man giving another man a garment and saying: 'Sell it for such and such, and whatever you increase is yours.'"

حَدَّثَنَا أَبُو عَبْدِ الرَّحْمَنِ يَعْنِي: ابْنُ مَخْلَدٍ قَالَ: حَدَّثَنَا أَبُو بَكْرِ عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ أَبِي شَيْبَةَ قَالَ: حَدَّثَنَا هُشَيْمُ بْنُ بَشِيرٍ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ عَطَاءٍ، عَنِ ابْنِ عَبَّاسٍ: "أَنَّهُ كَانَ لَا يَرَى بَأْسًا أَنْ يُعْطِيَ الرَّجُلُ الرَّجُلَ الثَّوبَ، فَيَقُولَ: بَعْهُ بِكَذَا وَكَذَا، فَمَا أَزْدَدْتَ فَلَاكَ

[20398] Hushaym reported from Yūnus from Ibn Sirīn: "That he did not see any harm [in it]."

حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنِ ابْنِ سِيرِينَ، أَنَّهُ لَمْ يَكُنْ يَرَى بَأْسًا

[20399] Abū Bakr said: Wakī‘ reported from Abū al-Muṭarrif from his father from his grandfather from Shurayḥ: "That he did not see any harm in him giving him the garment and saying: 'Sell this garment for such and such, and whatever you increase is yours.'"

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ أَبِي الْمُطَرِّفِ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، عَنْ شُرَيْحٍ "أَنَّهُ لَمْ يَكُنْ يَرَى بَأْسًا أَنْ يُعْطِيَ الثَّوبَ فَيَقُولَ: بَعْ هَذَا الثَّوبَ بِكَذَا وَكَذَا، فَمَا أَزْدَدْتَ فَلَاكَ

[20400] Abū Bakr said: Wakī‘ reported from Isrā’īl from Jābir from ‘Āmir: "That he did not see any harm in that."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، أَنَّهُ لَمْ يَكُنْ يَرَى بِذَلِكَ بَأْسًا

[20401] Abū Bakr said: ‘Abd al-‘Alā told us from Ma‘mar, from Al-Zuhri, who said: “If a man gives goods to another man and says: ‘Whatever surplus you make is yours, or split between me and you,’ there is no harm in it.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: ثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، قَالَ: إِذَا دَفَعَ الرَّجُلُ إِلَى الرَّجُلِ مَتَاعًا فَقَالَ: مَا اسْتَفْضَلْتَ فَهُوَ لَكَ، أَوْ فَبَيْنِي وَبَيْنَكَ، فَلَا بَأْسَ بِهِ

[20402] Abū Bakr said: Ḥumayd ibn ‘Abd al-Raḥmān told us from Ḥasan ibn Ṣāliḥ, from a man, from Al-Ḥakam, regarding a man giving a garment to another saying: “Sell it for such and such, and whatever exceeds is between me and you.” He said: “There is no harm in it.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ رَجُلٍ، عَنِ الْحَكَمِ، فِي الرَّجُلِ يُعْطِي الرَّجُلَ الثَّوبَ فَيَقُولُ بَعُهُ بَكْدًا وَكَذَا، فَمَا زَادَ فَهُوَ بَيْنِي وَبَيْنَكَ قَالَ: لَا بَأْسَ بِهِ

[20403] Abū Bakr said: Hushaym told us from Mughīrah, from Ibrāhīm, and from Yūnus, from Al-Ḥasan: “That both of them disliked that.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، وَعَنْ يُونُسَ، عَنِ الْحَسَنِ أَنَّهُمَا كَرِهَا ذَلِكَ

[20404] Abū Bakr said: Ḥakkām al-Rāzī told us from Al-Muthannā, from ‘Aṭā’: “That he saw no harm in that.” He said: And Ṭāwūs “disliked it unless it was for a known wage.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا حَكَّامُ الرَّازِيُّ، عَنِ الْمُثَنَّى، عَنْ عَطَاءٍ: أَنَّهُ كَانَ لَا يَرَى بِذَلِكَ بَأْسًا قَالَ: وَكَانَ طَاوُسٌ يَكْرَهُهُ إِلَّا بِأَجْرِ مَعْلُومٍ

[20405] Abū Bakr said: Yaḥyā ibn Sa‘īd al-Qaṭṭān told us from ‘Abd al-Malik, from ‘Aṭā’, regarding a man who gives a garment to another saying: “Sell it for such and such, and whatever exceeds is yours.” He said: “If it is cash, there is no harm, but if it is on credit, there is no good in it.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، فِي الرَّجُلِ يَدْفَعُ إِلَى الرَّجُلِ الثَّوبَ فَيَقُولُ: بَعْهُ بِكَذَا وَكَذَا، فَمَا اسْتَفْضَلْتَ فَهُوَ لَكَ، قَالَ: إِنْ كَانَ يَنْقَدُ فَلَا بَأْسَ، وَإِنْ كَانَ بِنَسِيئَةٍ فَلَا خَيْرَ فِيهِ

[20406] Abū Bakr said: ‘Abdah ibn Sulaymān told us from Sa‘īd ibn Abī ‘Arūbah, from Khālīd al-Ḥadhdhā’, from Abū Ma‘shar, from Ibrāhīm, from Ibn Mas‘ūd: “He saw no harm in a man selling goods worth ten for twelve, as long as he does not take profit on the expenses.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا عَبْدُهُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ، عَنْ خَالِدِ الْحَذَّاءِ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، عَنْ ابْنِ مَسْعُودٍ، كَانَ لَا يَرَى بَأْسًا أَنْ يَبِيعَ الرَّجُلُ الْمَتَاعَ الْعَشْرَةَ اثْنَيْ عَشَرَ، مَا لَمْ يَأْخُذْ لِلنَّفَقَةِ رِبْحًا

[20407] Abū Bakr said: ‘Abdah told us from Sa‘īd, from Qatādah, from Sa‘īd ibn al-Musayyib: “That he disliked, when a man sells goods by Murabahah (cost-plus), that he takes profit on the expenses.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا عَبْدُهُ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ كَرِهَ إِذَا بَاعَ الرَّجُلُ الْمَتَاعَ مُرَابَحَةً أَنْ يَأْخُذَ لِلنَّفَقَةِ رِبْحًا

[20408] Abū Bakr said: ‘Abdah ibn Sulaymān told us from Sa‘īd, from Qatādah, from Al-Ḥasan: “That he saw no harm in that.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُهُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ: أَنَّهُ كَانَ لَا يَرَى بِذَلِكَ بَأْسًا

[20409] Abū Bakr said: ‘Abd al-Wahhāb al-Thaqafī told us from Ayyūb, from Muḥammad: “That he saw no harm in taking profit on the expenses.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: ثَنَا عَبْدُ الْوَهَّابِ الثَّقَفِيُّ، عَنْ أَيُّوبَ، عَنْ مُحَمَّدٍ: أَنَّهُ كَانَ لَا يَرَى بَأْسًا أَنْ يَأْخُذَ لِلنَّفَقَةِ رِبْحًا

[20410] Abū Bakr said: Wakī‘ told us from Sufyān, from Khālīd, from Ibn Sīrīn, who said: “There is no harm in calculating expenses onto the goods.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ خَالِدٍ، عَنِ ابْنِ سِيرِينَ، قَالَ: لَا بَأْسَ أَنْ يَحْسِبَ النَّفَقَةَ عَلَى الْمَتَاعِ

[20411] Abū Bakr said: Abū Mu‘āwiyah told us from ‘Abd al-Raḥmān ibn ‘Ajlān, who said: I said to Ibrāhīm: “We buy goods then add bleaching and transport costs to it, then we sell it for ten-eleven [a 10% markup].” He said: “There is no harm.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو مُعَاوِيَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَجْلَانَ، قَالَ: قُلْتُ لِإِبْرَاهِيمَ: إِنَّا نَشْتَرِي الْمَتَاعَ ثُمَّ نَزِيدُ عَلَيْهِ الْقَصَارَةَ وَالْكَرَاءَ، ثُمَّ نَبِيعُهُ بِدَهْيَا زِدَّةً، قَالَ: لَا بَأْسَ

[20412] Abū Bakr said: ‘Ubayd Allāh told us from Ḥanzalah, from Ṭāwūs, that he was asked about a man who buys wheat and hires transport for it, can he take profit on it [the transport cost]? He said: “If he clarifies it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عُبَيْدُ اللَّهِ، عَنْ حَنْظَلَةَ، عَنْ طَاوُسٍ، أَنَّهُ سُئِلَ عَنِ الرَّجُلِ يَشْتَرِي الْبُرَّ فَيَنْتَكِرِي لَهُ، أَيَأْخُذُ لَهُ رِبْحًا؟ قَالَ: إِذَا بَيَّنَّ

[20413] Abū Bakr said: Yazīd ibn Hārūn told us from ‘Abd al-Malik, from ‘Aṭā’ regarding a man selling by Murabahah taking profit on rent [transport]? He said: “He may take profit on what was spent in the land from which it came if he wishes, but what was spent in the town where he sold it, he should not take profit on.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ فِي الرَّجُلِ يَبِيعُ مُرَابَحَةً يَأْخُذُ رِبْحًا لِلْكَرَاءِ؟ قَالَ: يَأْخُذُ رِبْحَ مَا نَفَدَ فِي الْأَرْضِ الَّتِي خَرَجَ مِنْهَا إِنْ شَاءَ، وَمَا نَفَدَ فِي الْبَلَدِ الَّذِي بَاعَ فِيهِ فَلَا يَأْخُذُ رِبْحًا

[20414] Abū Bakr said: ‘Abd al-A’lā ibn ‘Abd al-A’lā told us from Dāwūd, from ‘Ikrimah, from Ibn ‘Abbās, who said: “That is void [falsehood].”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى بْنُ عَبْدِ الْأَعْلَى، عَنْ دَاوُدَ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: ذَلِكَ الْبَاطِلُ

[20415] Abū Bakr said: Ibn Abī Zā’idah told us from his father, from ‘Āmir, who said: “Do not take your merchandise back and take an increase with it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَبِيهِ، عَنْ عَامِرٍ، قَالَ: لَا تَأْخُذْ سِلْعَتَكَ، وَتَأْخُذْ مَعَهَا فَضْلًا

[20416] Abū Bakr said: Jarīr told us from Mughīrah, who said: I asked Ibrāhīm about a man who sold a sheep to a man, then he [the buyer] changed his mind before taking it, saying: “Rescind the sale for me,” but he refused. Then he said: “Give me a dirham and I will rescind it.” He disliked it.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا جَرِيرٌ، عَنْ مُغِيرَةَ، قَالَ: سَأَلْتُ إِبْرَاهِيمَ عَنْ رَجُلٍ بَاعَ شَاةً مِنْ رَجُلٍ، ثُمَّ بَدَأَ لَهُ مِنْ قَبْلِ أَنْ يَأْخُذَهَا فَقَالَ: أَقِلْنِي فَأَبَى وَقَالَ: أَعْطِنِي دِرْهَمًا وَأُقِيلَكَ، فَكَرِهَهُ

[20417] Abū Bakr said: ‘Abdah ibn Sulaymān told us from Ibn Abī ‘Arūbah, from Abū Ma’shar, from Ibrāhīm, that ‘Alqamah sold a beast to a man, and its owner wanted to return it and return a dirham with it. ‘Alqamah said: “This is our beast, so what right do we have to your dirhams?”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا عَبْدُهُ بْنُ سُلَيْمَانَ، عَنِ ابْنِ أَبِي عَرُوبَةَ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، أَنَّ عَلْقَمَةَ بَاعَ رَجُلًا دَابَّةً فَأَرَادَ صَاحِبُهَا أَنْ يَرُدَّهَا، وَيَرُدَّ مَعَهَا دِرْهَمًا، فَقَالَ عَلْقَمَةُ: هَذِهِ دَابَّتُنَا، فَمَا حَقُّنَا فِي دِرَاهِمِكَ؟

[20418] Abū Bakr said: Wakī‘ told us from Sufyān, from Mughīrah, from Ibrāhīm, from Al-Aswad that he “disliked for him to return it and return a dirham with it.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ أَنَّهُ كَرِهَ أَنْ يَرُدَّهَا وَيَرُدَّ مَعَهَا دِرْهَمًا

[20419] Abū Bakr said: Yazīd ibn Hārūn told us from Abū Sa‘īd, who said: I heard Jābir ibn Zayd being asked about a man who bought real estate then wanted to rescind the sale, but [the seller] refused. So he left him ten dirhams or twenty dirhams, then he rescinded it. He said: “There is no harm in that.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، عَنْ أَبِي سَعِيدٍ، قَالَ: سَمِعْتُ جَابِرَ بْنَ زَيْدٍ سُئِلَ عَنْ رَجُلٍ ابْتَاعَ عَقَارًا فَأَرَادَ أَنْ يُقِيلَهُ، فَأَبَى فَتَرَكَ لَهُ عَشْرَةَ دَرَاهِمَ، أَوْ عَشْرِينَ دِرْهَمًا فَأَقَالَهُ، قَالَ: لَا بَأْسَ بِذَلِكَ

[20420] Abū Bakr said: Wakī‘ told us from Sufyān, from Al-Shaybānī, from Al-Sha‘bī: “That he disliked for him to return it and return a dirham with it.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ: أَنَّهُ كَرِهَ أَنْ يَرُدَّهَا، وَيُرَدَّ مَعَهَا دِرْهَمًا

[20421] Abū Bakr said: Wakī‘ told us from Usāmah ibn Zayd, who said: I heard Sa‘īd ibn al-Musayyib being asked about a man who bought a camel, then the buyer regretted it and wanted to return it and return eight dirhams with it. Sa‘īd said: “There is no harm in it; usury (Riba) is only in what is measured and weighed of what is eaten and drunk.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا وَكِيعٌ، عَنْ أُسَامَةَ بْنِ زَيْدٍ، قَالَ: سَمِعْتُ سَعِيدَ بْنَ الْمُسَيَّبِ وَسُئِلَ عَنْ رَجُلٍ اشْتَرَى بَعِيرًا فَتَنَدَّمَ الْمُبْتَاعُ فَأَرَادَ أَنْ يَرُدَّهُ، وَيُرَدَّ مَعَهُ ثَمَانِيَّةَ دَرَاهِمَ، فَقَالَ سَعِيدٌ: لَا بَأْسَ بِهِ، إِنَّمَا الرَّبَا فِيمَا يَكَالُ وَيُوزَنُ مِمَّا يُؤْكَلُ وَيُشْرَبُ

[20422] Abū Bakr said: Ibn ‘Ulayyah told us from Ibn ‘Awn, from Ibn Sīrīn, who said: Two men came and stood before Shurayḥ, then conversed. One of them said to him: “Bear witness that I have accepted my camel [back] and thirty dirhams.” Shurayḥ remained silent. He said: “I think if he disliked it, he would have denounced it.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا ابْنُ عُليَّةَ، عَنِ ابْنِ عَوْنٍ، عَنِ ابْنِ سِيرِينَ، قَالَ: جَاءَ رَجُلَانِ فَقَامَا عِنْدَ شُرَيْحٍ ثُمَّ تَحَاوَرَا فَقَالَ لَهُ أَحَدُهُمَا: "اشْهَدُوا أَنِّي قَدْ قَبِلْتُ جَمَلِي وَثَلَاثِينَ دِرْهَمًا، فَسَكَتَ شُرَيْحٌ قَالَ: فَأَرَاهُ لَوْ كَرِهَهُ، لَأَنكَرَهُ

[20423] Abū Bakr said: Ibn Abī Zā'idah told us from Yazīd, from Al-Ḥasan and Ibn Sīrīn: “That they saw no harm in that if the man found the purchase expensive [and wanted to cancel by paying extra].”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا ابْنُ أَبِي زَائِدَةَ، عَنْ يَزِيدَ، عَنِ الْحَسَنِ، وَابْنِ سِيرِينَ: أَنَّهُمَا لَمْ يَرَيَا بِذَلِكَ بَأْسًا إِذَا اسْتَغْلَى الرَّجُلُ الْبَيْعَ

[20424] Abū Bakr said: Wakī' told us from Yazīd ibn Ibrāhīm, from Al-Walīd ibn ‘Abd Allāh ibn Abī Mughhīth, from Mujāhid, from Ibn ‘Umar, regarding a man who bought a camel then wanted to return it and return a dirham with it. He said: “There is no harm in it.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا وَكَيْعٌ، عَنْ يَزِيدَ بْنِ إِبْرَاهِيمَ، عَنِ الْوَلِيدِ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي مُغِيثٍ، عَنْ مُجَاهِدٍ، عَنِ ابْنِ عُمَرَ، فِي رَجُلٍ اشْتَرَى بَعِيرًا فَأَرَادَ أَنْ يَرُدَّهُ وَيُرُدَّ مَعَهُ دِرْهَمًا، فَقَالَ: لَا بَأْسَ بِهِ

[20425] Abū Bakr said: Wakī' told us from Yazīd ibn Ibrāhīm, from Al-Ḥasan and Ibn Sīrīn regarding a man who buys a commodity then finds it expensive. He said: "There is no harm if he returns it and returns a dirham with it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكَيْعٌ، عَنْ يَزِيدَ بْنِ إِبْرَاهِيمَ، عَنْ الْحَسَنِ، وَابْنِ سِيرِينَ فِي الرَّجُلِ يَشْتَرِي السَّلْعَةَ ثُمَّ يَسْتَعْلِيهَا قَالَ: لَا بَأْسَ أَنْ يَرُدَّهَا، وَيَرُدَّ مَعَهَا دِرْهَمًا

[20426] Abū Bakr said: Wakī' told us from Sufyān, from Manṣūr, from Ibrāhīm, who said: "If its condition has changed, there is no harm."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا تَغَيَّرَتْ عَنْ حَالِهَا فَلَا بَأْسَ

[20427] Abū Bakr said: 'Alī ibn Mushir and Ibn Abī Zā'idah told us from Ṣadaqah ibn al-Muthannā, from his grandfather Riyāḥ ibn al-Ḥārith, from 'Ammār ibn Yāsir, who said: "A slave is better than two slaves, a camel is better than two camels, and a garment is better than two garments; there is no harm in it hand to hand. Usury is only in delay (credit), except for what is measured and weighed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَلِيُّ بْنُ مُسْهِرٍ، وَابْنُ أَبِي زَائِدَةَ، عَنْ صَدَقَةَ بْنِ الْمُثَنَّى، عَنْ جَدِّهِ رِيَّاحِ بْنِ الْحَارِثِ عَنْ عَمَّارِ بْنِ يَاسِرٍ، قَالَ: الْعَبْدُ خَيْرٌ مِنَ الْعَبْدَيْنِ، وَالْبَعِيرُ خَيْرٌ مِنَ الْبَعِيرَيْنِ، وَالثَّوبُ خَيْرٌ مِنَ الثَّوْبَيْنِ، لَا بَأْسَ بِهِ يَدًا بِيَدٍ، إِنَّمَا الرِّبَا فِي النَّسَاءِ، إِلَّا مَا كِيلَ وَوُزِنَ

[20428] Abū Bakr said: Hushaym told us from Abū Bishr, from Nāfi‘, from Ibn ‘Umar, that he bought a she-camel for four camels at Al-Rabadhah, and said to its owner: “Go and look, if you are satisfied, the sale is binding.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ أَبِي بَشْرٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، أَنَّهُ اشْتَرَى نَاقَةً بِأَرْبَعَةِ أُمُحِرَةٍ بِالرَّيْدَةِ، فَقَالَ لِصَاحِبِهِ: اذْهَبْ فَانْظُرْ، فَإِنْ رَضِيتَ فَقَدْ وَجَبَ الْبَيْعُ

[20429] Abū Bakr said: Jarīr told us from ‘Abd al-‘Azīz ibn Rufay‘, from Muḥammad ibn ‘Alī ibn al-Ḥanafīyah, who said: I said to him: “Can I sell a camel for two camels on credit?” He said: “No, but there is no harm in it hand to hand.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرٌ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ، عَنْ مُحَمَّدِ بْنِ عَلِيٍّ ابْنِ الْحَنْفِيَّةِ، قَالَ: قُلْتُ لَهُ: أَبِيعْ بَعِيرًا بِبَعِيرَيْنِ إِلَى أَجَلٍ؟ قَالَ: لَا، وَلَا بَأْسَ بِهِ يَدًا بِيَدٍ

[20430] Abū Bakr said: Ḥafṣ ibn Ghiyāth told us from Ḥajjāj, from Abū al-Zubayr, from Jābir, who said: The Messenger of Allah ﷺ said: “Animals, one for two, is not proper” meaning on credit.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَفْصُ بْنُ غِيَاثٍ، عَنْ حَجَّاجٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْحَيَوَانُ وَاحِدٌ بِاثْنَيْنِ لَا يَصْلُحُ يَعْنِي نَسِيئَةً

[20431] Abū Bakr said: Ḥafṣ ibn Ghiyāth told us from Al-Ḥajjāj, from Al-Ḥakam, who said: “The Messenger of Allah ﷺ forbade animals, one for two, meaning on credit.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَفْصُ بْنُ غِيَاثٍ، عَنِ الْحَجَّاجِ، عَنِ الْحَكَمِ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْحَيَوَانِ وَاحِدٌ بِاثْنَيْنِ، يَعْنِي نَسِيئَةً

[20432] Abū Bakr said: ‘Abdah ibn Sulaymān told us from Muḥammad ibn Ishāq, from Yazīd ibn ‘Abd Allāh ibn Qusayṭ, who said: ‘Alī sold a camel for two camels. The one who bought it from him said: “Hand over my camel so I can bring you your two camels.” ‘Alī said: “Its rein shall not leave my hands until you bring my two camels.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُهُ بْنُ سُلَيْمَانَ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ قُسَيْطٍ، قَالَ: "بَاعَ عَلِيٌّ بَعِيرًا بِبَعِيرَيْنِ، فَقَالَ لَهُ الَّذِي اشْتَرَاهُ مِنْهُ: "سَلِّمْ لِي بَعِيرِي حَتَّى آتِيكَ بِبَعِيرَيْكَ، فَقَالَ عَلِيٌّ: لَا تُفَارِقْ يَدَيَّ خِطَامَهُ حَتَّى تَأْتِيَ بِبَعِيرَيَّ

[20433] Abū Bakr said: Abū Dāwūd al-Ṭayālīsī told us from Jarīr ibn Ḥāzim, from Qays ibn Sa‘d, from ‘Aṭā’, from Jābir: “That he saw no harm in a camel for two camels.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو دَاوُدَ الطَّيَالِسِيُّ، عَنْ جَرِيرِ بْنِ حَازِمٍ، عَنْ قَيْسِ بْنِ سَعْدٍ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ: أَنَّهُ لَمْ يَرَ بَأْسًا بِالْبَعِيرِ بِالْبَعِيرَيْنِ

[20434] Abū Bakr said: Ḥammād ibn Khālīd told us from Ibn Abī Dhi‘b, from Al-Zuhri, from Sa‘īd ibn al-Musayyib, who said: “There is no harm in a camel for two camels.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَمَّادُ بْنُ خَالِدٍ، عَنْ ابْنِ أَبِي ذُنُبٍ، عَنْ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: لَا بَأْسَ بِالْبَعِيرِ بِالْبَعِيرَيْنِ

[20435] Abū Bakr said: Wakī' told us from Sufyān, from Mughīrah, from Ibrāhīm and Al-Sha'bī, who said: I said to them: "What do you think about a shawl for two shawls, and a fur coat (mustaqah) for two fur coats?" Al-Sha'bī said: "There is no harm in it," but Ibrāhīm disliked it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، وَالشَّعْبِيِّ، قَالَ: قُلْتُ لَهُمَا: مَا تَرَيَانِ فِي طَيْلَسَانٍ بِطَيْلَسَانَيْنِ، وَفِي مُسْتَقَّةٍ بِمُسْتَقَّتَيْنِ؟ فَقَالَ الشَّعْبِيُّ: لَا بَأْسَ بِهِ، وَكَرِهَهُ إِبْرَاهِيمُ

[20436] Abū Bakr said: Wakī' told us from Sufyān, from Ismā'il ibn Umayyah, from a man, from Sa'id ibn al-Musayyib, who said: "There is no harm in a Coptic garment for two Coptic garments."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ إِسْمَاعِيلَ، عَنْ بَنِي أُمَيَّةَ، عَنْ رَجُلٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: لَا بَأْسَ بِالْقِبْطِيَّةِ بِالْقِبْطِيَّتَيْنِ

[20437] Abū Bakr said: Wakī' told us from Isrā'il, from Jābir, from Abū Ja'far, from 'Alī, who said: "There is no harm in a suit for two suits."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ أَبِي جَعْفَرٍ، عَنْ عَلِيٍّ، قَالَ: لَا بَأْسَ بِالْحُلَّةِ بِالْحُلَّتَيْنِ

[20438] Abū Bakr said: Mushir told us from Al-Shaybānī, from Al-Sha'bī, who said: "Anything that is not measured or weighed, there is no harm in giving one for two, or three, or less, or more, hand to

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا مُشِيرٌ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، قَالَ: كُلُّ شَيْءٍ لَا يُكَالُ، وَلَا يُوزَنُ، فَلَا بَأْسَ أَنْ يُعْطَى وَاحِدًا بِثَنَيْنِ، أَوْ ثَلَاثَةٍ، أَوْ أَقَلٍّ، أَوْ أَكْثَرَ يَدًا بِيَدٍ

[20439] Abū Bakr said: Ibn Abī Zā'idah told us from Ḥajjāj, from Abū al-Zubayr, from Jābir, who said: The Messenger of Allah ﷺ said:

“Animals, two for one, there is no harm in it hand to hand, but there is no good in it on credit.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا ابْنُ أَبِي زَائِدَةَ، عَنْ حَجَّاجٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "الْحَيَوَانُ اثْنَانِ بَوَاجِدٍ لَا بَأْسَ بِهِ، يَدًا بِيَدٍ، وَلَا خَيْرَ فِيهِ نَسًا

[20440] Abū Bakr said: Ibn Abī Zā'idah told us from Ibn 'Awn, from Anas ibn Sīrīn, who said: I said to Ibn 'Umar: “A camel for two camels on credit?” He disliked it.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا ابْنُ أَبِي زَائِدَةَ، عَنِ ابْنِ عَوْنٍ، عَنْ أَنَسِ بْنِ سِيرِينَ، قَالَ: قُلْتُ لِابْنِ عُمَرَ: الْبَعِيرُ بِالْبَعِيرَيْنِ إِلَى أَجَلٍ؟ فَكَرِهَهُ

[20441] Abū Bakr said: Ḥammād ibn Khālīd told us from Mālīk ibn Anas, from Al-Zuhri, who said: “There is no harm in a camel for two camels on credit.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا حَمَّادُ بْنُ خَالِدٍ، عَنْ مَالِكِ بْنِ أَنَسٍ، عَنِ الزُّهْرِيِّ، قَالَ: لَا بَأْسَ بِالْبَعِيرِ بِالْبَعِيرَيْنِ نَسِيئَةً

[20442] Abū Bakr said: ‘Abd al-Raḥīm ibn Sulaymān told us from Mujālid, from Qays, from Al-Ṣunābiḥī al-Aḥmasī, who said: The Prophet ﷺ saw an aged she-camel and said: “What is this she-camel?” He said: O Messenger of Allah, I exchanged it for two camels from the stray camels. He said: “Then yes.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ مُجَالِدٍ، عَنْ قَيْسٍ، عَنِ الصُّنَابِحِيِّ الْأَحْمَسِيِّ، قَالَ: أَبْصَرَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَاقَةً مُسِنَّةً فَقَالَ: مَا هَذِهِ النَّاقَةُ؟ فَقَالَ: يَا رَسُولَ اللَّهِ، إِنِّي ارْتَجَعْتُهَا بِبَعِيرَيْنِ مِنْ حَوَاشِي الْإِبِلِ، قَالَ: فَنَعَمْ إِذَنْ

[20443] Abū Bakr said: Yazīd ibn Hārūn told us from Sa‘īd, from Qatādah, from Al-Ḥasan, from Samurah, who said: “The Messenger of Allah ﷺ forbade animals for animals on credit.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنْ سَمُرَةَ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْحَيَوَانِ بِالْحَيَوَانِ نَسِيئَةً

[20444] Abū Bakr said: Wakī‘ told us: Ibn Abī Dhi’b told us from Yazīd ibn ‘Abd Allāh ibn Qusayt, from Abū al-Ḥasan al-Barrād, from ‘Alī, who said: “Animals for two animals is not proper, nor a sheep for two sheep, unless it is hand to hand.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكَيْعٌ، قَالَ: نَا ابْنُ أَبِي ذُنُبٍ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ قُسَيْطٍ، عَنْ أَبِي الْحَسَنِ الْبَرَادِ، عَنْ عَلِيٍّ، قَالَ: لَا يَصْلُحُ الْحَيَوَانُ بِالْحَيَوَانَيْنِ، وَلَا الشَّاةُ بِالشَّاتَيْنِ، إِلَّا يَدًا بِيَدٍ

[20445] Abū Bakr said: ‘Abdah ibn Sulaymān told us from Sa‘īd, from Qatādah, from Sa‘īd ibn al-Musayyib, who said: “Here ‘Umar was asked about a sheep for two sheep deferred until life (fertility/spring) meaning abundance, and he disliked that.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: سُئِلَ عُمَرُ عَنِ الشَّاةِ بِالشَّائَتَيْنِ، إِلَى الْحَيَا يُعْنِي الْخُصْبُ، فَكَرِهَ ذَلِكَ

[20446] Abū Bakr said: Wakī‘ told us from Isrā’īl, from Ibrāhīm ibn ‘Abd al-A‘lā, from Suwayd ibn Ghafalah, who said: “There is no harm in a horse for two horses, and a beast for two beasts, hand to hand.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكَيْعٌ، عَنْ إِسْرَائِيلَ، عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْأَعْلَى، عَنْ سُوَيْدِ بْنِ غَفَلَةَ، قَالَ: لَا بَأْسَ بِالْفَرَسِ بِالْفَرَسَيْنِ، وَالدَّابَّةِ بِالدَّابَّتَيْنِ، يَدًا بِيَدٍ

[20447] Abū Bakr said: Ibn ‘Uyaynah told us: I asked Ayyūb about a garment for two garments on credit. He said: “Muḥammad used to dislike it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُيَيْنَةَ، قَالَ: سَأَلْتُ أَيُّوبَ عَنِ الثَّوبِ بِالثَّوْبَيْنِ نَسِيئَةً، قَالَ: كَانَ مُحَمَّدٌ يَكْرَهُهُ

[20448] Abū Bakr said: ‘Affān told us: Ḥammād ibn Salamah told us from Thābit, from Anas: “That the Prophet ﷺ bought Ṣafiyyah for seven heads (slaves).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَفَّانُ، قَالَ: نَا حَمَّادُ بْنُ سَلَمَةَ، عَنْ ثَابِتٍ، عَنْ أَنَسٍ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ اشْتَرَى صَفِيَّةَ بِسَبْعَةِ أَرُوسٍ

[20449] Abū Bakr said: Wakī‘ told us: Sufyān told us from Abū al-Wāzi‘, who said: I heard Ibn ‘Umar saying: “Who will sell me a camel for two camels? Who will sell me a she-camel for two she-camels?”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا وَكِيعٌ، قَالَ: نَا سُفْيَانُ، عَنْ أَبِي الْوَازِعِ، قَالَ: سَمِعْتُ ابْنَ عُمَرَ، يَقُولُ: مَنْ يَبِيعُنِي بَعِيرًا بِبَعِيرَيْنِ، وَمَنْ يَبِيعُنِي نَاقَةً بِنَاقَتَيْنِ

[20450] Abū Bakr said: ‘Abbād told us from Hishām, from Ibn Sīrīn, who said: “There is no harm in an egg for two eggs, and a walnut for two walnuts.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا عَبَّادٌ، عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ، قَالَ: لَا بَأْسَ بِالْبَيْضَةِ بِالْبَيْضَتَيْنِ، وَالْجَوْرَةِ بِالْجَوْرَتَيْنِ

[20451] Abū Bakr said: Wakī‘ told us: Sufyān told us from ‘Abd Allāh, the client of Mujāhid, from Mujāhid, who said: “There is no harm in an egg for two eggs, hand to hand.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا وَكِيعٌ، قَالَ: نَا سُفْيَانُ، عَنْ عَبْدِ اللَّهِ، مَوْلَى مُجَاهِدٍ، عَنْ مُجَاهِدٍ، قَالَ: لَا بَأْسَ بِالْبَيْضَةِ بِالْبَيْضَتَيْنِ، يَدًا بِيَدٍ

[20452] Abū Bakr said: Mulāzim ibn ‘Amr told us from Zufar ibn Yazīd, from his father, who said: I asked Abū Hurayrah about buying a sheep for two sheep on credit. He forbade me and said: “No, except hand to hand.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا مُلَازِمُ بْنُ عَمْرٍو، عَنْ زُفَرَ بْنِ يَزِيدَ، عَنْ أَبِيهِ قَالَ: سَأَلْتُ أَبَا هُرَيْرَةَ عَنْ شِرَاءِ الشَّاةِ بِالشَّاتَيْنِ، إِلَى أَجَلٍ فَنَهَانِي، وَقَالَ: لَا، إِلَّا يَدًا بِيَدٍ

[20453] Abū Bakr said: Yaḥyā ibn Zakariyyā ibn Abī Zā'idah told us from Ash'ath, from 'Ikrimah, from Ibn 'Abbās, who said: "There is no harm if he says regarding the commodity: 'It is for such-and-such cash, and for such-and-such credit', but they must not separate except upon mutual agreement [on one price]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا يَحْيَى بْنُ زَكَرِيَّا بْنِ أَبِي زَائِدَةَ، عَنْ أَشْعَثَ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: "لَا بَأْسَ أَنْ يَقُولَ لِلسُّلْعَةِ: هِيَ بِنَقْدٍ بَكْدًا وَبِنَسِيئَةٍ بَكْدًا، وَلَكِنْ لَا يَفْتَرِقَا إِلَّا عَنْ رِضَا

[20454] Abū Bakr said: Abū al-Aḥwaṣ told us from Simāk, from Abū 'Ubaydah, or from 'Abd al-Raḥmān ibn 'Abd Allāh, from Ibn Mas'ūd, who said: "Two deals in one deal is usury (Riba); [that is] for a man to say: 'If it is for cash, it is for such amount, and if it is on credit, it is for such amount.'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: ثنا أَبُو الْأَحْوَصِ، عَنْ سِمَاكٍ، عَنْ أَبِي عُبَيْدَةَ، أَوْ عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدِ اللَّهِ، عَنْ ابْنِ مَسْعُودٍ، قَالَ: "صَفَقَتَانِ فِي صَفَقَةٍ رِبَا، أَنْ يَقُولَ الرَّجُلُ: إِنْ كَانَ بِنَقْدٍ فَبَكْدًا، وَإِنْ كَانَ بِنَسِيئَةٍ فَبَكْدًا

[20455] Abū Bakr said: Wakī' told us: Sufyān told us from Simāk, from 'Abd al-Raḥmān ibn 'Abd Allāh, from his father, similar to it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكَيْعٌ، قَالَ: نَا سُفْيَانُ، عَنْ سِمَاكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ، بِمِثْلِهِ

[20456] Abū Bakr said: Al-Thaqafī told us from Ayyūb, from Muḥammad: “That he used to dislike for a man to bargain over a commodity saying: ‘It is for cash at this price, and on credit at this price.’”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا الثَّقَفِيُّ، عَنْ أَيُّوبَ، عَنْ مُحَمَّدٍ: "أَنَّهُ كَانَ يَكْرَهُ أَنْ يَسْتَأْمَ الرَّجُلُ بِالسَّلْعَةِ، يَقُولُ: هِيَ بِنَقْدٍ بَكَدًا، وَبِنَسِيئَةٍ بَكَدًا

[20457] Abū Bakr said: Abū Dāwūd told us from Zam‘ah, from Al-Zuhri, from Sa‘īd ibn al-Musayyib: “That he heard him forbid two sales that lead to one deal.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو دَاوُدَ، عَنْ زَمْعَةَ، عَنْ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ: أَنَّهُ سَمِعَهُ يَنْهَى عَنِ الْبَيْعَتَيْنِ يَجْرُهُمَا الصَّفَقَةُ

[20458] Abū Bakr said: Ḥafṣ ibn Ghiyāth told us from Layth, from Ṭāwūs, that he heard him say: “There is no harm in it if he takes it based on one of the two types.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَفْصُ بْنُ غِيَاثٍ، عَنْ لَيْثٍ، عَنْ طَاوُسٍ، أَنَّهُ سَمِعَهُ قَالَ: لَا بَأْسَ بِهِ إِذَا أَخَذَهُ عَلَى أَحَدِ النَّوعَيْنِ

[20459] Abū Bakr said: Wakī‘ told us from Sufyān, from Layth, from Ṭāwūs, and from ‘Abd al-Raḥmān ibn ‘Amr al-Awzā‘ī, from ‘Aṭā’, who said: “There is no harm if he says: ‘This garment is for cash at this price, and on credit at this price,’ and he goes away with it based on one of them.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ لَيْثٍ، عَنْ طَاوُسٍ، وَعَنْ عَبْدِ الرَّحْمَنِ بْنِ عَمْرٍو الْأَوْزَاعِيِّ، عَنْ عَطَاءٍ، قَالَا: لَا بَأْسَ أَنْ يَقُولَ: هَذَا الثَّوبُ بِالنَّقْدِ بَكَدًا، وَبِالنَّسِيئَةِ بَكَدًا، وَيَذْهَبُ بِهِ عَلَى أَحَدِهِمَا

[20460] Abū Bakr said: Yahyā ibn Abī Zā'idah told us from 'Abd al-Malik, from 'Atā', regarding a man who bought a commodity then said: "I do not have the cash for this, I will buy it on credit." He said: "If it becomes like a sale [agreed upon], he buys it if he wishes."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا يَحْيَى بْنُ أَبِي زَائِدَةَ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، فِي رَجُلٍ اشْتَرَى مَبِيعًا ثُمَّ قَالَ: لَيْسَ عِنْدِي نَقْدٌ هَذَا، اشْتَرِيهِ بِالنَّسيئةِ قَالَ: إِذَا صَارَ كَالْبَيْعِ اشْتَرَاهُ إِنْ شَاءَ

[20461] Abū Bakr said: Ibn Abī Zā'idah told us from Muḥammad ibn 'Amr, from Abū Salamah, from Abū Hurayrah, who said: The Messenger of Allah ﷺ said: "Whoever sells two sales in one sale, he shall have the lesser of the two or it is usury."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ أَبِي زَائِدَةَ، عَنْ مُحَمَّدِ بْنِ عَمْرٍو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ بَاعَ بَيْعَتَيْنِ فِي بَيْعَةٍ فَلَهُ أَوْكُسُهُمَا أَوْ الرَّبَا

[20462] Abū Bakr said: Ibn Fuḍayl told us from Dāwūd, from 'Amr ibn Shu'ayb, that his grandfather: "Used to forbid them, when he sent a trading party, from two conditions in one sale."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ فُضَيْلٍ، عَنْ دَاوُدَ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، أَنَّ جَدَّهُ: كَانَ إِذَا بَعَثَ تِجَارَةً نَهَاهُمْ عَنْ شَرْطَيْنِ فِي بَيْعٍ

[20463] Abū Bakr said: Hāshim ibn al-Qāsim told us: Shu‘bah told us, he said: I asked Al-Ḥakam and Ḥammād about a man who buys something from another man, saying: “If it is for cash, it is for this much, and if it is until a deadline, it is for this much.” He said: “There is no harm if he leaves settled on one of them.” Shu‘bah said: I mentioned that to Mughīrah, so he said: Ibrāhīm “saw no harm in that if they separated settled on one of them.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هَاشِمُ بْنُ الْقَاسِمِ، قَالَ: نَا شُعْبَةُ، قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَّادًا عَنِ الرَّجُلِ يَشْتَرِي مِنَ الرَّجُلِ الشَّيْءَ فَيَقُولُ: إِنْ كَانَ يَنْقَدُ فَبِكَذَا، وَإِنْ كَانَ إِلَى أَجَلٍ فَبِكَذَا، قَالَ: لَا بَأْسَ إِذَا انْصَرَفَ عَلَى أَحَدِهِمَا قَالَ: شُعْبَةُ، فَذَكَرْتُ ذَلِكَ لَمُغِيرَةَ، فَقَالَ: كَانَ إِبْرَاهِيمُ: لَا يَرَى بِذَلِكَ بَأْسًا إِذَا تَفَرَّقَ عَلَى أَحَدِهِمَا

[20464] Abū Bakr said: Ibn ‘Uyaynah told us from ‘Abd Allāh ibn Dinār, from Ibn ‘Umar, who said: “The Messenger of Allah ﷺ forbade selling Wala' (clientage/loyalty) and gifting it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُيَيْنَةَ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ ابْنِ عُمَرَ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ الْوَلَاءِ وَهَبْتِهِ

[20465] Abū Bakr said: Jarīr, Ḥafṣ, and Abū Khālīd told us from ‘Abd al-Malik ibn Abī Sulaymān, from ‘Aṭā’, from Ibn ‘Abbās, who said: “Wala' is not sold and is not gifted.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرٌ، وَحَفْصٌ، وَأَبُو خَالِدٍ، عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي سُلَيْمَانَ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: الْوَلَاءُ لَا يُبَاعُ، وَلَا يُوهَبُ

[20466] Abū Bakr said: Jarīr told us from Mughīrah, from Ibrāhīm, who said: ‘Abd Allāh said: “Wala’ is only like lineage; does a man sell his lineage?”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: قَالَ عَبْدُ اللَّهِ: إِنَّمَا الْوَلَاءُ كَالنَّسَبِ أَيْبِيعُ الرَّجُلُ نَسَبَهُ

[20467] Abū Bakr said: Ibn ‘Uyaynah told us from Ibn Abī Najīh, from Mujāhid, who said: ‘Alī said: “Wala’ is like an alliance; it is not sold nor gifted. Leave it where Allah placed it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُيَيْنَةَ، عَنْ ابْنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ، قَالَ: قَالَ عَلِيٌّ: الْوَلَاءُ بِمَنْزِلَةِ الْحِلْفِ لَا يُبَاعُ، وَلَا يُوهَبُ، أَفَرُّوهُ حَيْثُ جَعَلَهُ اللَّهُ

[20468] Abū Bakr said: Muḥammad ibn Yazīd told us from Ayyūb Abū al-‘Alā’, from Qatādah, from ‘Amr, who said: “Wala’ is like kinship; it is not sold nor gifted.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدَ، عَنْ أَيُّوبَ أَبِي الْعَلَاءِ، عَنْ قَتَادَةَ، عَنْ عَمْرٍو، قَالَ: الْوَلَاءُ كَالرَّجْمِ، لَا يُبَاعُ، وَلَا يُوهَبُ

[20469] Abū Bakr said: Abū Khālīd told us from Dāwūd, from Sa‘īd ibn al-Musayyib, who said: “Wala’ is like lineage; it is not sold nor gifted.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو خَالِدٍ، عَنْ دَاوُدَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: الْوَلَاءُ كَالنَّسَبِ، لَا يُبَاعُ، وَلَا يُوهَبُ

[20470] Abū Bakr said: Wakī‘ told us from Sufyān, from Abū Miskīn, from Ibrāhīm, who said: “Wala’ is not sold nor gifted.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي مَسْكِينٍ، عَنْ إِبْرَاهِيمَ، قَالَ: الْوَلَاءُ لَا يُبَاعُ، وَلَا يُوهَبُ

[20471] Abū Bakr said: Ismā‘īl ibn Ibrāhīm told us from Layth, from Ṭāwūs, who said: “Wala' is not sold, nor gifted, nor given as charity.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ لَيْثٍ، عَنْ طَاوُسٍ، قَالَ: لَا يُبَاعُ الْوَلَاءُ، وَلَا يُوهَبُ، وَلَا يُنْصَقُ بِهِ

[20472] Abū Bakr said: ‘Abbād ibn al-‘Awwām told us from Hishām, from Al-Ḥasan and Muḥammad, who said: “Wala' is a bond like the bond of lineage; it is not sold nor gifted.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا عَبَّادُ بْنُ الْعَوَّامِ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، وَمُحَمَّدٍ، قَالَا: الْوَلَاءُ لِحِمَّةٍ كُلِّحِمَةِ النَّسَبِ، لَا يُبَاعُ وَلَا يُوهَبُ

[20473] Abū Bakr said: Ibn ‘Ulayyah told us from Ibn Abī ‘Arūbah, from Qatādah, from Sa‘īd ibn al-Musayyib, who said: “He used to see no harm in selling Wala' if it was from a Mukatabah (contract of freedom), but he disliked it if it was (pure) manumission.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا ابْنُ عُليَّةٍ، عَنْ ابْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: كَانَ لَا يَرَى بَأْسًا بِبَيْعِ الْوَلَاءِ، إِذَا كَانَ مِنْ مُكَاتَبَةٍ وَيَكْرَهُهُ، إِذَا كَانَ عِتْقًا

[20474] Abū Bakr said: Wakī‘ told us from Isrā‘īl, from Jābir, from ‘Āmir, who said: “Wala' is not sold nor gifted.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا وَكَيْعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: الْوَلَاءُ لَا يُبَاعُ، وَلَا يُوهَبُ

[20475] Abū Bakr said: Sufyān ibn ‘Uyaynah told us from ‘Amr, who said: “Maymūnah gifted the Wala' of Sulaymān ibn Yasār to Ibn ‘Abbās.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنْ عَمْرِو، قَالَ: وَهَبَتْ مَيْمُونَةُ وَلَاءَ سُلَيْمَانَ بْنِ يَسَارٍ لِابْنِ عَبَّاسٍ

[20476] Abū Bakr said: Jarīr told us from Manṣūr, who said: I asked Ibrāhīm about a man who freed a man (slave), then the freedman went and allied (gave loyalty) to someone else. He said: “He does not have that right unless the emancipator gifts it.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا جَرِيرٌ، عَنْ مَنْصُورٍ، قَالَ: سَأَلْتُ إِبْرَاهِيمَ عَنْ رَجُلٍ أَعْتَقَ رَجُلًا فَأَنْطَلَقَ الْمُعْتَقُ فَوَالَى غَيْرَهُ، قَالَ: لَيْسَ لَهُ ذَلِكَ إِلَّا أَنْ يَهَبَهُ الْمُعْتِقُ

[20477] Abū Bakr said: Abū Khālīd al-Aḥmar told us from Yaḥyā ibn Saʿīd, from Abū Bakr ibn ʿAmr ibn Ḥazm, that a woman from the settlers of Muḥārib gifted her Wala' of her slave to himself [the slave] and freed him, so he freed himself. He said: Then he gifted himself [his loyalty] to ʿAbd al-Raḥmān ibn ʿAmr ibn Ḥazm. He said: She died, and the [original] patron disputed before ʿUthmān ibn ʿAffān. ʿUthmān asked for proof of what he said. He brought him proof, so ʿUthmān said to him: “Go and ally yourself with whom you wish.” So he allied with ʿAbd al-Raḥmān ibn ʿAmr ibn Ḥazm.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَبِي بَكْرِ بْنِ عَمْرِو بْنِ حَزْمٍ، أَنَّ امْرَأَةً مِنْ حَاضِرِ مُحَارِبٍ وَهَبَتْ وَلَاءَهَا عَبْدَهَا لِنَفْسِهِ وَأَعْتَقَتْهُ، وَأَعْتَقَ نَفْسَهُ، قَالَ: فَوَهَبَ نَفْسَهُ لِعَبْدِ الرَّحْمَنِ بْنِ عَمْرِو بْنِ حَزْمٍ، قَالَ: وَمَاتَتْ، وَخَاصَمَ الْمَوْلَى إِلَى عُثْمَانَ بْنِ عَفَّانٍ فَدَعَا عُثْمَانُ بِالْبَيِّنَةِ عَلَى مَا قَالَ، فَأَتَاهُ بِالْبَيِّنَةِ فَقَالَ لَهُ عُثْمَانُ: اذْهَبْ فَوَالِ مَنْ شِئْتَ فَوَالِي عَبْدَ الرَّحْمَنِ بْنِ عَمْرِو بْنِ حَزْمٍ

[20478] Abū Bakr said: Ghundar told us from Shuʿbah, from Maṣṣūr, from Ibrāhīm and Al-Shaʿbī, who said: “There is no harm in selling the Wala' of a Sāʾibah (slave freed without specific loyalty ties) or gifting it.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، وَالشَّعْبِيِّ، قَالَا: لَا بَأْسَ بِبَيْعِ وَلَاءِ السَّائِبَةِ وَهَبَتِهِ

[20479] Abū Bakr said: ‘Abd al-Ṣamad ibn ‘Abd al-Wārith told us from Ḥammād ibn Salamah, from Qatādah, that a woman gifted the Wala' of her freed slaves to her husband. Hishām ibn Hubayrah said: “As for me, I consider it belonging to her husband as long as he lives, and when he dies, I return it to the woman's heirs.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ قَتَادَةَ، أَنَّ امْرَأَةً وَهَبَتْ وَلَاءَ مَوَالِيهَا لِزَوْجِهَا، فَقَالَ هِشَامُ بْنُ هُبَيْرَةَ: أَمَّا أَنَا فَأَرَاهُ لِزَوْجِهَا مَا عَاشَ، وَإِذَا مَاتَ رَدَدْتُهُ إِلَى وَرَثَةِ الْمَرْأَةِ

[20480] Abū Bakr said: Hushaym told us from Mughīrah, from Ibrāhīm, who said: “Salaf (advance payment) is disliked for something which has no root (availability/source) in people's hands.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: يُكْرَهُ السَّلَفُ فِي الشَّيْءِ الَّذِي لَيْسَ لَهُ فِي أَيْدِي النَّاسِ أَصْلٌ

[20481] Abū Bakr said: Ibn Abī Zā'idah told us from Yaḥyā ibn Sa'īd, from Nāfi', who said: When Ibn ‘Umar was asked about a man buying something from another man for a deadline while he does not have its source (stock), he “saw no harm in it.” Yaḥyā said: But Sa'īd ibn al-Musayyib “disliked it.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا ابْنُ أَبِي زَائِدَةَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ نَافِعٍ، قَالَ: كَانَ ابْنُ عُمَرَ إِذَا سُئِلَ عَنِ الرَّجُلِ يَبْتَاعُ مِنَ الرَّجُلِ شَيْئًا إِلَى أَجَلٍ وَلَيْسَ عِنْدَهُ أَصْلُهُ: لَا يَرَى بِهِ بَأْسًا قَالَ يَحْيَى: وَكَانَ سَعِيدُ بْنُ الْمُسَيَّبِ يَكْرَهُهُ

[20482] Abū Bakr said: Ibn ‘Ulayyah told us from Ayyūb, from ‘Ikrimah, “That he used to dislike Salaf except in something of which he had the source (stock).” Ayyūb said: “And I was informed of the same from Ṭāwūs.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا ابْنُ عُليَّةَ، عَنْ أَيُّوبَ، عَنْ عِكْرِمَةَ، أَنَّهُ كَانَ يَكْرَهُ السَّلَفَ إِلَّا فِي شَيْءٍ عِنْدَهُ أَصْلُهُ قَالَ أَيُّوبُ: وَنُبِّئْتُ عَنْ طَاوُسٍ مِثْلَ ذَلِكَ

[20483] Abū Bakr said: Abū Usāmah told us from Hishām, from Al-Ḥasan, that he “saw no harm in Salaf until a known deadline, whether he had the source of it or not.” He said: But Muḥammad “disliked Salaf except in something of which its owner had the source.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا أَبُو أُسَامَةَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، أَنَّهُ كَانَ لَا يَرَى بَأْسًا بِالسَّلَفِ إِلَى أَجَلٍ مَعْلُومٍ، كَانَ أَصْلُهُ عِنْدَهُ أَوْ لَمْ يَكُنْ قَالَ: وَكَانَ مُحَمَّدٌ يَكْرَهُ السَّلَفَ إِلَّا فِي شَيْءٍ عِنْدَ صَاحِبِهِ أَصْلُهُ

[20484] Abū Bakr said: Yaḥyā ibn Abī Zā‘idah told us from Ibn Sālim, from Al-Sha‘bī, who said: “Do not make Salaf in anything unless there is something of it in hands (available in market) that can be seen.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا يَحْيَى بْنُ أَبِي زَائِدَةَ، عَنْ ابْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ، قَالَ: لَا تُسَلِّمَ فِي شَيْءٍ إِلَّا وَفِيهِ شَيْءٌ فِي الْأَيْدِي يُنْظَرُ

[20485] Abū Bakr said: Sharīk told us from Hishām, from Simāk, from ‘Ubayd ibn al-Abraṣ, that ‘Alī: “Held a carpenter liable.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ هِشَامٍ، عَنْ سِمَاكٍ، عَنْ عُبَيْدِ بْنِ الْأَبْرَصِ، أَنَّ عَلِيًّا: ضَمَّنَ نَجَّارًا

[20486] Abū Bakr said: ‘Abbād ibn al-‘Awwām told us from Ḥajjāj, from Ḥuṣayn al-Ḥārithī, from Al-Sha‘bī, from Al-Ḥārith, from ‘Alī, who said: “Whoever hires a worker, he (the worker) is liable (for damage).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَّامِ، عَنْ حَجَّاجٍ، عَنْ حُصَيْنِ الْحَارِثِيِّ، عَنِ الشَّعْبِيِّ، عَنِ الْحَارِثِ، عَنْ عَلِيٍّ، قَالَ: مَنْ أَجَرَ أَعْبَرًا، فَهُوَ ضَامِنٌ

[20487] Abū Bakr said: ‘Abbād told us from Ḥajjāj, from Al-Ḥakam, from ‘Alī, similar to it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادٌ، عَنْ حَجَّاجٍ، عَنِ الْحَكَمِ، عَنْ عَلِيٍّ، مِثْلَهُ

[20488] Abū Bakr said: Jarīr told us from Maṣṣūr, from Khālīd al-Aḥwal, from ‘Abd Allāh ibn ‘Utbah ibn Mas‘ūd, who said: “The hired worker is guaranteed his wage, but he is liable for what he was entrusted with.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنصُورٍ، عَنْ خَالِدِ الْأَحْوَلِ، عَنْ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، قَالَ: الْأَجِيرُ مَضْمُونٌ لَهُ أَجْرُهُ، ضَامِنٌ لِمَا اسْتَوْدِعَ

[20489] Abū Bakr said: Jarīr told us from Maṣṣūr, from Ibrāhīm, who said: “If a shared worker takes something, he is liable.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا أَخَذَ الْأَجِيرُ الْمُشْتَرَكُ شَيْئًا ضَمِنَ

[20490] Abū Bakr said: Wakī‘ told us from Shu‘bah, from Al-Ḥakam, from ‘Abd al-Raḥmān ibn Yazīd, who said: “When he bought something, he would hire someone to carry it for him.” Al-Ḥakam said: “He [the carrier] is liable.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ، قَالَ: كَانَ إِذَا اشْتَرَى الشَّيْءَ اسْتَأْجَرَ لَهُ مَنْ يَحْمِلُهُ قَالَ الْحَكَمُ: يَضْمَنُ

[20491] Abū Bakr said: Shabābah ibn Sawwār told us: Shu‘bah told us from Maṣṣūr, from Ibrāhīm, from ‘Abd al-Raḥmān ibn Yazīd, similar to the hadith of Wakī‘.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا شَبَابَةُ بْنُ سَوَّارٍ، قَالَ: حَدَّثَنَا شُعْبَةُ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ، بِخَوِ مِنْ حَدِيثِ وَكَيْعٍ

[20492] Abū Bakr said: Azhar al-Sammān told us from Ibn ‘Awn, from Muḥammad: “That he did not hold the hired worker liable except for negligence.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَزْهَرُ السَّمَّانُ، عَنِ ابْنِ عَوْنٍ، عَنْ مُحَمَّدٍ: أَنَّهُ كَانَ لَا يُضْمَنُ الْأَجِيرَ، إِلَّا مِنْ تَضْيِيعٍ

[20493] Abū Bakr said: Ibn Idrīs told us from Hishām, from Ibn Sīrīn, who said: “Every hired worker who takes a wage is liable, except for an overpowering enemy or a hired worker whose hand is with your hand [working together].”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنِ ابْنِ سِيرِينَ، قَالَ: كُلُّ أَجِيرٍ أَخَذَ أَجْرًا فَهُوَ ضَامِنٌ، إِلَّا مِنْ عَدُوٍّ مُكَابِرٍ، أَوْ أَجِيرٍ يَدُهُ مَعَ يَدِكَ

[20494] Abū Bakr said: Hushaym told us from Ismā‘īl ibn Sālim, from Al-Sha‘bī, who said: “There is no liability on a worker hired by the month.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ إِسْمَاعِيلَ بْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ، قَالَ: لَيْسَ عَلَى أَجِيرِ الْمَشَاهِرَةِ ضَمَانٌ

[20495] Abū Bakr said: Ḥafṣ told us from Ash‘ath, from Ibn Sīrīn, from Shurayḥ: “That he did not hold the sailor liable for drowning or burning.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ ابْنِ سِيرِينَ، عَنْ شُرَيْحٍ، أَنَّهُ كَانَ لَا يُضْمَنُ الْمَلَّاحُ غَرَقًا، وَلَا حَرَقًا

[20496] Abū Bakr said: Wakī‘ told us: Ḥasan told us from Muṭarrif, from Ṣāliḥ ibn Dinār, “That ‘Alī, may Allah be pleased with him, did not hold the shared worker liable.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، قَالَ: حَدَّثَنَا حَسَنٌ، عَنْ مُطَرِّفٍ، عَنْ صَالِحِ بْنِ دِينَارٍ، أَنَّ عَلِيًّا رَضِيَ اللَّهُ عَنْهُ، كَانَ لَا يُضْمَنُ الْأَجِيرَ الْمُشْتَرَكَ

[20497] Abū Bakr said: Wakī‘ told us: Al-A‘mash told us from Abū al-Haytham al-Qaṭṭān, who said: I hired a porter to carry something for me and he broke it. I took the dispute to Shurayḥ and he held him liable, saying: “He only hired you to deliver it, not to break it.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا وَكَيْعٌ، نَا الْأَعْمَشُ، عَنْ أَبِي الْهَيْثَمِ الْقَطَّانِ، قَالَ: اسْتَأْجَرْتُ حَمَلًا يَحْمِلُ لِي شَيْئًا فَكَسَرَهُ، فَخَاصَمْتُهُ إِلَى شُرَيْحٍ فَضَمَّنَهُ، وَقَالَ: إِنَّمَا اسْتَأْجَرَكَ لِتُبَلِّغَهُ، وَلَمْ يَسْتَأْجِرْكَ لِتَكْسِرَهُ

[20498] Abū Bakr said: Wakī‘ told us: Ḥasan ibn Ṣālīḥ told us from Zuhayr al-‘Ansī, that a man hired a man to work on a camel, so he beat it and blinded its eye. He took the dispute to Shurayḥ and he held him liable, saying: “He only hired you to improve, not to corrupt.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، قَالَ: حَدَّثَنَا حَسَنُ بْنُ صَالِحٍ، عَنْ زُهَيْرِ الْعَنْسِيِّ، أَنَّ رَجُلًا اسْتَأْجَرَ رَجُلًا يَعْمَلُ عَلَى بَعِيرٍ فَضَرَبَهُ فَفَقَأَ عَيْنَهُ فَخَاصَمَهُ إِلَى شُرَيْحٍ فَضَمَمَنَهُ وَقَالَ: إِنَّمَا اسْتَأْجَرَكَ لِتُصْلِحَ، وَلَمْ يَسْتَأْجِرَكَ لِتُفْسِدَ

[20499] Abū Bakr said: Hushaym told us from Abū Bishr, from Yūsuf ibn Māhak, from Ḥakīm ibn Ḥizām, who said: I said: O Messenger of Allah, a man comes to me asking to buy something I do not have; shall I sell it to him then buy it for him from the market? He said: “Do not sell what is not with you [what you do not possess].”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ أَبِي بَشْرٍ، عَنْ يُونُسَ بْنِ مَاهَكَ، عَنْ حَكِيمِ بْنِ حَزَامٍ، قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ، الرَّجُلُ يَأْتِينِي وَيَسْأَلُنِي الْبَيْعَ لَيْسَ عِنْدِي، أَبِيعُهُ مِنْهُ، أَتَبَاغُهُ لَهُ مِنَ السُّوقِ؟ قَالَ: فَقَالَ: لَا تَبِيعْ مَا لَيْسَ عِنْدَكَ

[20500] Abū Bakr said: Yaḥyā ibn Zakariyyā told us from Ḥajjāj, from Al-Ḥakam, from Abū Razīn, who said: I said to Masrūq: A man comes to me asking for ghee (clarified butter) which I do not have; shall I buy it then invite him to it? He said: “No, but buy it and place it with you, then when he comes to you, sell it to him.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا يَحْيَى بْنُ زَكَرِيَّا، عَنْ حَجَّاجٍ، عَنِ الْحَكَمِ، عَنْ أَبِي رَزِينٍ، قَالَ: قُلْتُ لِمَسْرُوقٍ: يَأْتِينِي الرَّجُلُ يَطْلُبُ مِنِّي السَّمْنَ وَلَيْسَ عِنْدِي، أَشْتَرِيهِ ثُمَّ أَدْعُوهُ لَهُ؟ قَالَ: لَا، وَلَكِنْ اشْتَرِهِ فَضَعُهُ عِنْدَكَ، فَإِذَا جَاءَكَ فَبِعْهُ مِنْهُ

[20501] Abū Bakr said: Ibn Abī Zā'idah told us from Ḥajjāj, from ‘Abd al-Malik ibn Iyās, that ‘Āmir and Ibrāhīm met, and he asked them about a man who asks another man for goods he does not have, so he buys them then invites him to it. Ibrāhīm said: “That is disliked.” ‘Āmir said: “There is no harm; if he wishes to leave it, he leaves it.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ حَجَّاجٍ، عَنْ عَبْدِ الْمَلِكِ بْنِ إِيَّاسٍ، أَنَّ عَامِرًا، وَإِبْرَاهِيمَ اجْتَمَعَا فَسَأَلَهُمَا عَنْ رَجُلٍ يَطْلُبُ مِنَ الرَّجُلِ الْمَتَاعَ وَلَيْسَ عِنْدَهُ فَيَشْتَرِيهِ ثُمَّ يَدْعُوهُ إِلَيْهِ، فَقَالَ إِبْرَاهِيمُ: يُكْرَهُ ذَلِكَ وَقَالَ عَامِرٌ لَا بَأْسَ، إِنْ شَاءَ أَنْ يَتْرُكَهُ تَرَكَهُ

[20502] Abū Bakr reported: Ibn Abī Zā'idah reported from 'Abd al-Malik from 'Aṭā' regarding a man who wants to buy something from another man which he does not have, so if they agree on the price, he buys it? He said: "He should not buy it except upon a mutual agreement from its owner."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ فِي رَجُلٍ يُرِيدُ مِنَ الرَّجُلِ الْبَيْعَ لَيْسَ عِنْدَهُ، فَإِنْ تَوَاطَا عَلَى التَّمَنِ اشْتَرَاهُ؟ قَالَ: لَا يَشْتَرِيهِ إِلَّا عَلَى مُوَاطَاةٍ مِنْ صَاحِبِهِ

[20503] Abū Bakr reported: Ibn al-Mubārak reported from Al-Zuhri from Sa'id ibn al-Musayyib: "That he used to dislike the sale of Muwāṣafah (description). Muwāṣafah is that you describe a commodity to a man which you do not possess. And he disliked that you show a man a garment that does not belong to you and say: 'Do you need this?' [then] you buy it to sell it to him."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ الْمُبَارَكِ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، "أَنَّهُ كَانَ يَكْرَهُ بَيْعَ الْمُوَاصَفَةِ، وَالْمُوَاصَفَةُ: أَنْ تُوَاصِفَ الرَّجُلَ بِالسَّلْعَةِ لَيْسَتْ عِنْدَكَ، وَكَرِهَ أَنْ تُرِيَ لِلرَّجُلِ الثَّوبَ لَيْسَ لَكَ فَتَقُولَ: مَنْ حَاجَبَكَ هَذَا؟ تَشْتَرِيهِ لِتَبِيعَهُ مِنْهُ

[20504] Abū Bakr reported: Wakī' reported from Al-Ḥakam ibn Abī al-Faḍl who said: I said to Al-Ḥasan: "A man comes to me and bargains with me for silk which I do not have." He said: "So I go to the market, then sell it to him." He [Al-Ḥasan] said: "This is Muwāṣafah," so he disliked it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنِ الْحَكَمِ بْنِ أَبِي الْفَضْلِ، قَالَ: قُلْتُ لِلْحَسَنِ: الرَّجُلُ يَأْتِينِي فَيَسْأَلُونِي بِالْحَرِيرِ لَيْسَ عِنْدِي، قَالَ: فَأَتِيَ السَّوْمَ، ثُمَّ أْبَيْعُهُ قَالَ: هَذِهِ الْمَوَاصِفَةُ، فَكَرِهْتُهَا

[20505] Abū Bakr reported: Wakī' reported from Muḥammad ibn Sharīk from Ibn Abī Mulaykah who said: A man bought food from another man, some of it he possessed and some he did not. He asked Ibn 'Abbās and Ibn 'Amr. He said: "What he possessed is valid, and what he did not possess is nothing (invalid)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ مُحَمَّدِ بْنِ شَرِيكٍ، عَنِ ابْنِ أَبِي مُلَيْكَةَ، قَالَ: اشْتَرَى رَجُلٌ مِنْ رَجُلٍ طَعَامًا، بَعْضُهُ عِنْدَهُ، وَبَعْضُهُ لَيْسَ عِنْدَهُ، فَسَأَلَ ابْنَ عَبَّاسٍ، وَابْنَ عَمْرٍو، قَالَ: مَا كَانَ عِنْدَهُ فَهُوَ جَائِزٌ، وَمَا كَانَ لَيْسَ عِنْدَهُ فَلَيْسَ بِشَيْءٍ

[20506] Abū Bakr reported: Ḥātim ibn Ismā'īl reported from Jahdam ibn 'Abdullāh from Muḥammad ibn Ibrāhīm from Muḥammad ibn Zayd from Shahr ibn Ḥawshab from Abū Sa'īd who said: "The Messenger of Allah ﷺ forbade buying what is in the wombs of livestock until they give birth, and what is in their udders unless by measure, and buying a slave while he is a fugitive, and buying spoils of war until they are divided, and buying charities (Zakat) until they are received, and the catch of the diver."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ جَهْضَمِ بْنِ عَبْدِ اللَّهِ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ مُحَمَّدِ بْنِ زَيْدٍ، عَنْ شَهْرِ بْنِ حَوْشَبٍ، عَنْ أَبِي سَعِيدٍ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ شِرَاءِ مَا فِي بُطُونِ الْأَنْعَامِ حَتَّى تَضَعَ، وَعَمَّا فِي ضُرُوعِهَا إِلَّا بِكَيْلٍ، وَعَنْ شِرَاءِ الْعَبْدِ وَهُوَ آبِقٌ، وَعَنْ شِرَاءِ الْمَغَانِمِ حَتَّى تُقَسَمَ، وَعَنْ شِرَاءِ الصَّدَقَاتِ حَتَّى تُقْبَضَ، وَعَنْ ضَرْبَةِ الْغَائِصِ

[20507] Abū Bakr reported: Abū al-Aḥwaṣ reported from Abū Ishāq from 'Ikrimah who said: Ibn 'Abbās said: "Do not sell wool on the backs of sheep, nor milk in the udders."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ أَبِي إِسْحَاقَ، عَنْ عِكْرِمَةَ، قَالَ: قَالَ ابْنُ عَبَّاسٍ: لَا تَبَايعُوا الصُّوفَ عَلَى ظُهُورِ الْغَنَمِ، وَلَا اللَّبَنَ فِي الضُّرُوعِ

[20508] Abū Bakr reported: Ibn al-Mubārak reported from Yahyā ibn Bishr that he heard ‘Ikrimah saying: "Do not buy Gharar (uncertainty) [such as] a stray beast, nor a fugitive slave, for you do not know, perhaps you will never find them, and your capital will be consumed in vain."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ الْمُبَارَكِ، عَنْ يَحْيَى بْنِ بَشِيرٍ، أَنَّهُ سَمِعَ عِكْرِمَةَ، يَقُولُ: لَا يُشْتَرَى الْغَرَرُ مِنَ الذَّائِبَةِ الضَّالَّةِ، وَلَا الْعَبْدُ الْأَبْقَى، فَإِنَّكَ لَا تَدْرِي لَعَلَّكَ لَا تَجِدُهُمَا أَبَدًا، وَيُؤْكَلُ رَأْسُ مَالِكَ بَاطِلًا

[20509] Abū Bakr reported: Ibn Idrīs reported from ‘Ubaydullāh ibn ‘Umar from Abū al-Zinād from Al-A’raj from Abū Hurayrah: "That the Prophet ﷺ forbade the sale of Gharar."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْ بَيْعِ الْغَرَرِ

[20510] Abū Bakr reported: Abū Khālīd al-Aḥmar reported from Ash‘ath from Al-Ḥasan from Shaybān ibn Salamah: "That a man bought a fugitive slave from another man, so he returned (annulled) the sale."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، عَنْ شَيْبَانَ بْنِ سَلَمَةَ أَنَّ رَجُلًا اشْتَرَى مِنْ رَجُلٍ عَبْدًا أَبَقًا فَرَدَّ الْبَيْعَ

[20511] Abū Bakr reported: Wakī‘ reported: Mūsā ibn ‘Ubaydah told us about the sale of Gharar.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ قَالَ: حَدَّثَنَا مُوسَى بْنُ عُبَيْدَةَ عَنِ بَيْعِ الْغَرَرِ

[20512] Abū Bakr reported: Wakī' reported: Ibn Abī Laylā reported from Al-Sha'bī who said: "The Messenger of Allah ﷺ forbade the sale of Gharar."

حَدَّثَنَا أَبُو بَكْرٍ، قَالَ: حَدَّثَنَا وَكَيْعٌ، قَالَ: حَدَّثَنَا ابْنُ أَبِي لَيْلَى، عَنِ الشَّعْبِيِّ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ الْغَرَرِ

[20513] Abū Bakr reported: Al-Faḍl ibn Dukayn reported from Sufyān from Maṣṣūr from Ibrāhīm who said: "They used to dislike the sale of Gharar."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: كَانُوا يَكْرَهُونَ بَيْعَ الْغَرَرِ

[20514] Abū Bakr reported: Abū Khālīd al-Aḥmar reported from Ash'ath from Ibn Sīrīn and Al-Sha'bī, who both said: "Its sale is not valid until the seller knows what the buyer knows."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ أَشْعَثَ، عَنِ ابْنِ سِيرِينَ، وَالشَّعْبِيِّ، قَالَا: لَا يَجُوزُ بَيْعُهُ حَتَّى يَعْلَمَ الْبَائِعُ مَا يَعْلَمُ الْمُشْتَرِي

[20515] Abū Bakr reported: Jarīr reported from Muḡhīrah from Al-Sha'bī who said: A man came to Shurayḥ and said: "I have a fugitive slave, and a man is bargaining with me for him; should I sell him to him?" He said: "Yes, for when you see him, you have the option. If you wish, you validate the sale, and if you wish, you do not validate it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنِ الشَّعْبِيِّ، قَالَ: أَتَى رَجُلٌ شُرَيْحًا، فَقَالَ: إِنَّ لِي عَبْدًا أَبَقَا، وَإِنَّ رَجُلًا يُسَاوِمُنِي بِهِ، فَأَبِيعُهُ مِنْهُ؟ قَالَ: نَعَمْ، فَإِنَّكَ إِذَا رَأَيْتَهُ فَأَنْتَ بِالْخِيَارِ، فَإِنْ شِئْتَ أَجَرْتَ الْبَيْعَ، وَإِنْ شِئْتَ لَمْ تُجْزِهِ

[20516] Abū Bakr reported: Jarīr reported from Mughīrah from Al-Sha‘bī who said: "If he informs him about him [the slave] of what he knows about him, his sale is valid, and he has no option [to cancel]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنِ الشَّعْبِيِّ، قَالَ: إِذَا أَعْلَمَهُ مِنْهُ مَا كَانَ يَعْلَمُ مِنْهُ جَاَزَ بَيْعُهُ، وَلَمْ يَكُنْ لَهُ خِيَارٌ

[20517] Abū Bakr reported: Wakī‘ reported from Zakariyyā from Al-Sha‘bī regarding a man who buys a fugitive slave, whether he finds him or does not find him. He disliked it and said: "It is Gharar."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ زَكَرِيَّا، عَنِ الشَّعْبِيِّ، فِي رَجُلٍ اشْتَرَى عَبْدًا أَبَقًا وَجَدَهُ، أَوْ لَمْ يَجِدْهُ، فَكَرِهَهُ وَقَالَ: هُوَ غَرَرٌ

[20518] Abū Bakr reported: Ibn ‘Ulayyah reported from Ibn ‘Awn from Ibn Sīrīn who said: "I do not know of any harm in the sale of Gharar."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُليَّةَ، عَنِ ابْنِ عَوْنٍ، عَنِ ابْنِ سِيرِينَ، قَالَ: لَا أَعْلَمُ بِبَيْعِ الْغَرَرِ بَأْسًا

[20519] Abū Bakr reported: ‘Abdah ibn Sulaymān reported from ‘Ubaydullāh ibn ‘Umar from Nāfi‘ from Ibn ‘Umar: "That he bought a camel while it was straying."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّهُ اشْتَرَى بَعِيرًا، وَهُوَ شَارِدٌ

[20520] Abū Bakr reported: Abū Saʿīd reported from Ibn Jurayj from Ibn Ṭāwūs from his father: "That he saw no harm in a man buying an absent beast if he had seen it, and saying: 'If it is healthy, then it is mine.'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو سَعِيدٍ، عَنِ ابْنِ جُرَيْجٍ،
عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، أَنَّهُ كَانَ لَا يَرَى بَأْسًا أَنْ
يَشْتَرِيَ الرَّجُلُ الدَّابَّةَ الْغَائِبَةَ إِذَا كَانَ قَدْ رَاهَا، وَيَقُولُ:
إِنْ كَانَتْ صَحِيحَةً فَهِيَ لِي

[20521] Abū Bakr reported: ‘Abd al-A‘lā reported from Ma‘mar from Al-Zuhri from Sa‘id ibn al-Musayyib that the people said: "If only we could see a sale between ‘Abd al-Raḥmān ibn ‘Awf and ‘Uthmān so we could see which of them is greater in commercial acumen." So ‘Abd al-Raḥmān bought horses from ‘Uthmān for forty thousand, and stipulated that if the deal reached them while they were alive, gathered with the shepherd, and not straying, then the sale is binding. Then he passed a bit and ‘Abd al-Raḥmān said: "What have I done?" So he returned to him and said: "I will increase you by six thousand on the condition that if the messenger reaches them while they are alive, they are my responsibility." The messenger reached them and they had perished, so ‘Abd al-Raḥmān was released from the liability by the last condition.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ النَّاسَ قَالُوا: لَيْتَنَا قَدْ رَأَيْنَا بَيْنَ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، وَعُثْمَانَ بَيْعًا حَتَّى نَنْظُرَ أَيُّهُمَا أَعْظَمُ جِدًّا فِي التَّجَارَةِ، "فَاشْتَرَى عَبْدُ الرَّحْمَنِ مِنْ عُثْمَانَ أَفْرَاسًا بِأَرْبَعِينَ أَلْفًا، وَاشْتَرَطَ عَلَيْهِ إِنْ كَانَتْ الصَّفَقَةُ أَدْرَكَتْهَا وَهِيَ حَيَّةٌ مَجْمُوعَةٌ إِلَى الرَّاعِي لَيْسَتْ بِضَالَّةٍ فَقَدْ وَجَبَ الْبَيْعُ، ثُمَّ جَاوَزَ شَيْئًا، فَقَالَ عَبْدُ الرَّحْمَنِ: مَا صَنَعْتُ، فَرَجَعَ إِلَيْهِ فَقَالَ: أَزِيدُكَ سِتَّةَ أَلْفٍ عَلَى إِنْ أَدْرَكَتْهَا الرَّسُولُ وَهِيَ حَيَّةٌ فَعَلَيْ، فَأَدْرَكَتْهَا الرَّسُولُ وَقَدْ نَفَقَتْ فَخَرَجَ عَبْدُ الرَّحْمَنِ مِنَ الضَّمَانِ بِالْشَّرْطِ الْآخِرِ

[20522] Abū Bakr reported: ‘Abbād ibn al-‘Awwām reported from Hishām from Ibn Sirīn from Shurayḥ: "That he saw no harm in the sale of Gharar (uncertainty) if their knowledge regarding it was equal."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَّامِ، عَنْ هِشَامٍ، عَنِ ابْنِ سِيرِينَ، عَنْ شُرَيْحٍ، أَنَّهُ كَانَ لَا يَرَى بَأْسًا بِبَيْعِ الْغَرَرِ، إِذَا كَانَ عِلْمُهُمَا فِيهِ سَوَاءً

[20523] Abū Bakr reported: Ibn ‘Ulayyah reported from Ibn Abī Najīḥ from Mujāhid: "That the Prophet ﷺ forbade the sale of Gharar."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُليَّةَ، عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنِ بَيْعِ الْغَرَرِ

[20524] Abū Bakr reported: Ḥafṣ ibn Ghiyāth reported from Ibn Jurayj who said: I asked ‘Aṭā’: "Did Ibn ‘Umar use to have intercourse with his Mudabbarah (slave woman promised freedom upon death)?" He said: "Yes, and Ibn ‘Abbās [too]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنِ ابْنِ جُرَيْجٍ، قَالَ: سَأَلْتُ عَطَاءً: أَكَانَ ابْنُ عُمَرَ يَطْأُ مُدَبَّرَتَهُ؟ فَقَالَ: نَعَمْ وَابْنُ عَبَّاسٍ

[20525] Abū Bakr reported: Ibn Idrīs reported from Yaḥyā ibn Sa‘īd from Muṭarrif from Al-Sha‘bī who said: "If a man makes his slave woman a Mudabbarah, he may have intercourse with her."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُطَرِّفٍ، عَنِ الشَّعْبِيِّ، قَالَ: إِذَا دَبَّرَ الرَّجُلُ مَمْلُوكَتَهُ فَلَهُ أَنْ يَطْأَهَا

[20526] Abū Bakr reported: Ibn Idrīs reported from Yaḥyā ibn Saʿīd from Saʿīd ibn al-Musayyib who said: "He may have intercourse with her."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: لَهُ أَنْ يَطَّأَهَا

[20527] Abū Bakr reported: Hushaym reported from Yūnus from Al-Ḥasan: "That he saw no harm in a man having intercourse with his Mudabbarah."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنِ الْحَسَنِ: أَنَّهُ كَانَ لَا يَرَى بَأْسًا أَنْ يَطَّأَ الرَّجُلُ مُدَبَّرَتَهُ

[20528] Abū Bakr reported: Muʿtamir ibn Sulaymān reported from Layth from ʿAtāʾ and Ṭāwūs: "They did not see any harm in the Mudabbarah being had intercourse with."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ لَيْثٍ، عَنْ عَطَاءٍ، وَطَاوُسٍ: لَمْ يَرَوْا بَأْسًا أَنْ تُوطَأَ الْمُعْتَقَةُ عَنْ دُبُرٍ

[20529] Abū Bakr reported: Abū Usāmah reported from Hishām from Al-Ḥasan and Ibn Sirīn: "That they did not see any harm in a man freeing his slave woman upon death (Mudabbarah), then having intercourse with her."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، وَابْنِ سِيرِينَ أَنَّهُمَا كَانَا لَا يَرَيَانِ بَأْسًا أَنْ يُعْتَقَ الرَّجُلُ أَمَّتَهُ عَنْ دُبُرٍ، ثُمَّ يَطَّأَهَا

[20530] Abū Bakr reported: حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حَنْظَلَةَ، عَنْ وَكِيعٍ، قَالَ: لَا بَأْسَ أَنْ يَسْتَمْتَعَ الرَّجُلُ مِنْ مُدَبَّرَتِهِ الْقَاسِمِ، قَالَ: لَا بَأْسَ أَنْ يَسْتَمْتَعَ الرَّجُلُ مِنْ مُدَبَّرَتِهِ Al-Qāsim who said: "There is no harm in a man enjoying [intercourse] with his Mudabbarah."

[20531] Abū Bakr reported: حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ زَكَرِيَّا، عَنْ وَكِيعٍ، قَالَ: لَا بَأْسَ أَنْ يَقَعَ عَلَيْهَا الشَّعْبِيُّ، قَالَ: لَا بَأْسَ أَنْ يَقَعَ عَلَيْهَا Wakī' reported from Zakariyyā from Al-Sha'bī who said: "There is no harm in him having intercourse with her."

[20532] Abū Bakr reported: حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَّابِ بْنُ عَطَاءٍ، عَنْ عَبْدِ الْوَهَّابِ بْنِ عَطَاءٍ، عَنْ ابْنِ أَبِي عَرُوبَةَ، عَنْ بُرْدٍ، عَنْ الزُّهْرِيِّ: أَنَّهُ كَرِهَ أَنْ يَغْشَى الرَّجُلُ أَمَّتَهُ، وَقَدْ أَعْتَقَهَا عَنْ دُبْرِ Ibn Abī 'Arūbah from Burd from Al-Zuhrī: "That he disliked that a man covers (has intercourse with) his slave woman after he has freed her upon death (made her Mudabbarah)."

[20533] Abū Bakr reported: حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، وَعَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ عُثْمَانَ بْنِ حَكِيمٍ، قَالَ: سَأَلْتُ سَالِمَ بْنَ عَبْدِ اللَّهِ: أَيُّطَأُ الرَّجُلُ مُدَبَّرَتَهُ؟ فَقَالَ: هِيَ عِنْدِي الْآنَ 'Isā ibn Yūnus and 'Abdah ibn Sulaymān reported from 'Uthmān ibn Ḥakīm who said: I asked Sālim ibn 'Abdullāh: "Can a man have intercourse with his Mudabbarah?" He said: "She is with me right now."

[20534] Abū Bakr reported: ‘Abdullāh ibn al-Mubārak reported from Usāmah ibn Zayd from Nāfi‘ from Ibn ‘Umar who said: "If a man dies and owes debt and his wife's dower, she is like the creditors. If there is oil, wheat, or otherwise in his house, it belongs to the heirs, unless he designated it for the one he consummated marriage with while he was healthy."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ، عَنْ أُسَامَةَ بْنِ زَيْدٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، قَالَ: إِذَا تَوَفَّى الرَّجُلُ وَعَلَيْهِ دَيْنٌ، وَصَدَاقُ امْرَأَتِهِ فِيهِ أَسْوَةُ الْغُرَمَاءِ، فَإِنْ كَانَ فِي بَيْتِهِ زَيْتٌ، أَوْ قَمْحٌ، أَوْ غَيْرُ ذَلِكَ فَهُوَ لِلْوَرَثَةِ، إِلَّا أَنْ يَكُونَ سَمَاءً لِلَّتِي دَخَلَ بِهَا، وَهُوَ صَحِيحٌ

[20535] Abū Bakr reported: Ismā‘īl ibn ‘Ayyāsh reported from Sawādah ibn Ziyād and ‘Amr ibn Muhājir that ‘Umar ibn ‘Abd al-‘Azīz wrote to the governors regarding debt and women's dowers, that they are like the creditors.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عِيَّاشٍ، عَنْ سَوَادَةَ بْنِ زِيَادٍ، وَعَمْرِو بْنِ مُهَاجِرٍ، أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، كَتَبَ إِلَى الْوُلَاةِ فِي الدَّيْنِ وَمُهورِ النِّسَاءِ أَنَّهُنَّ أَسْوَةُ الْغُرَمَاءِ

[20536] Abū Bakr reported: Jarīr reported from Manṣūr from Ibrāhīm regarding a group who enter a Mukātabah (contract of manumission) together, then some of them die. He said: "The remaining ones strive (work to pay) for what they all contracted for."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، فِي النَّفَرِ يُكَاتِبُونَ جَمِيعًا فَيَمُوتُ بَعْضُهُمْ، قَالَ: يَسْعَى الْبَاقُونَ فِيمَا كَاتَبُوا عَلَيْهِ جَمِيعًا

[20537] Abū Bakr reported: Ḥaḥṣ ibn Ghiyāth said: I asked ‘Amr: "What did Al-Ḥasan say regarding a man who contracts Mukātabah with all his slaves, then some of them die?" He said: "He removes from them [the payment] according to the share [of the deceased]."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، قَالَ: سَأَلْتُ عَمْرًا: مَا كَانَ الْحَسَنُ يَقُولُ فِي الرَّجُلِ كَاتِبَ مَمَالِيكِهِ جَمِيعًا فَيَمُوتُ بَعْضُهُمْ؟ قَالَ: يَرْفَعُ عَنْهُمْ بِالْحِصَّةِ

[20538] Abū Bakr reported: Wakī‘ reported from Al-A‘mash from Al-Sha‘bī regarding a man who contracted Mukātabah with two of his slaves, then one of them died. He said: "He removes from him [the survivor] according to the share."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنِ الْأَعْمَشِ، عَنِ الشَّعْبِيِّ، فِي رَجُلٍ كَاتِبَ عَبْدَيْنِ لَهُ فَمَاتَ أَحَدُهُمَا قَالَ: يَرْفَعُ عَنْهُ بِالْحِصَّةِ

[20539] Abū Bakr reported: Al-Faḍl ibn Dukayn reported from Ibn Abī Ghaniyyah from Al-Ḥakam regarding a man who contracts Mukātabah with a whole household, then some of them die. He said: "He removes from him according to the share."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، عَنِ ابْنِ أَبِي غَنِيَّةٍ، عَنِ الْحَكَمِ، فِي الرَّجُلِ يُكَاتِبُ أَهْلَ الْبَيْتِ جَمِيعًا فَيَمُوتُ بَعْضُهُمْ، قَالَ: يَرْفَعُ عَنْهُ بِالْحِصَّةِ

[20540] Abū Bakr reported: Abū Bakr ibn ‘Ayyāsh reported from Muṭarrif from ‘Āmir from ‘Alī regarding a man who bought a slave girl and she bore children from him, then a man established proof that she was his. He said: "She is returned to him, and her children are evaluated against him [the buyer], and he fines the one who sold it to him for whatever is valuable or insignificant [i.e., total damages]."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو بَكْرِ بْنُ عَيَّاشٍ، عَنْ مُطَرِّفٍ، عَنْ عَامِرٍ، عَنْ عَلِيٍّ، فِي رَجُلٍ اشْتَرَى جَارِيَةً فَوَلَدَتْ مِنْهُ أَوْلَادًا، ثُمَّ أَقَامَ الرَّجُلُ الْبَيْتَةَ أَنَّهَا لَهُ، قَالَ: تُرَدُّ عَلَيْهِ وَيَقُومُ عَلَيْهِ وَلَدُهَا، فَيَغْرُمُ الَّذِي بَاعَهُ بِمَا عَزَّ وَهَانَ

[20541] Abū Bakr reported: Hushaym reported from Mughīrah from Ibrāhīm regarding a man who found his slave girl with a man who had bought her, and she had borne children from him. He said: "He takes [her] and takes the value of the children from their father, and something is deducted from the value for him."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ فِي رَجُلٍ وَجَدَ أَمَتَهُ عِنْدَ رَجُلٍ اشْتَرَاهَا، وَقَدْ وَلَدَتْ مِنْهُ، قَالَ: يَأْخُذُ وَيَأْخُذُ قِيمَةَ الْوَلَدِ مِنْ أَبِيهِمْ، وَيُضْمُّ عَنْهُ مِنَ الْقِيَمَةِ شَيْءٌ

[20542] Abū Bakr reported: حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ
Hushaym reported from Mughīrah قَالَ: قَالَ أَبُو مَيْسَرَةَ: مَكَانَ كُلِّ وَصِيفٍ
from Al-Sha‘bī who said: Abū وَوَصِيفٍ فَرِيضَةٌ، فَدَخَلْنَا وَصْرًا
Maysarah said: "In place of every
servant boy and servant boy, there
is an obligatory portion..." [Meaning
obscure without full context, likely
related to compensation/blood
money].

[20543] Abū Bakr reported: حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنْ
Hushaym reported from Yūnus from مُحَمَّدِ بْنِ سَالِمٍ، عَنْ الشَّعْبِيِّ، قَالَ: قُلْتُ لَهُ: مَتَى يُقَوَّمُ
Muḥammad ibn Sālim from Al- الْوَلَدُ؟ قَالَ: يَوْمَ وَلِدُوا
Sha‘bī who said: I said to him:
"When are the children evaluated?"
He said: "The day they were born."

[20544] Abū Bakr reported: حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ عَبْدِ
al-Aḥwaṣ reported from ‘Abd al-‘Azīz الْعَزِيزِ بْنِ رُفَيْعٍ، عَنْ ابْنِ أَبِي مُلَيْكَةَ، قَالَ: كَتَبَ إِلَيَّ
ibn Rufay‘ from Ibn Abī Mulaykah ابْنُ عَبَّاسٍ أَنْ ضَمَّنَ الْعَارِيَّةَ إِنْ شَاءَ صَاحِبُهَا
who said: Ibn ‘Abbās wrote to me:
"Guarantee the borrowed item if its
owner wishes."

[20545] Abū Bakr reported: Ismā‘īl ibn ‘Ayyāsh reported from Sawādah ibn Ziyād who said: I wrote to ‘Umar ibn ‘Abd al-‘Azīz regarding a woman who borrowed wedding jewelry and the jewelry was destroyed. ‘Umar ibn ‘Abd al-‘Azīz wrote: "There is no liability upon her unless she was treacherous/negligent."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عِيَّاشٍ، عَنْ سَوَادَةَ بْنِ زِيَادٍ، قَالَ: كَتَبْتُ إِلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ فِي امْرَأَةٍ اسْتَعَارَتْ حُلِيَّ الْعُرْسِ فَهَلَكَ الْحُلِيُّ، فَكَتَبَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ: لَا ضَمَانَ عَلَيْهَا إِلَّا أَنْ تَكُونَ نَفَقَةً عَائِلَةً

[20546] Abū Bakr reported: Ḥafṣ ibn Ghiyāth reported from Ḥajjāj from Al-Ḥakam that ‘Alī said regarding the borrowed item: "He [the borrower] is trusted [i.e., not liable unless negligent]."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ حَجَّاجٍ، عَنِ الْحَكَمِ، أَنَّ عَلِيًّا، قَالَ فِي الْعَارِيَةِ: هُوَ مُؤْتَمَنٌ

[20547] Abū Bakr reported: Jarīr reported from Mughīrah from Simāk who said: A woman borrowed rings, then she wanted to perform ablution, so she put them in her lap and they were lost. They took the matter to Shurayḥ. He said: "She only borrowed them to return them, so she violated [safe keeping]." So Shurayḥ held her

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ سِمَاكِ، قَالَ: اسْتَعَارَتِ امْرَأَةٌ خَوَاتِيمَ، فَأَرَادَتْ أَنْ تَوَضَّأَ فَوَضَعْنَهَا فِي جَبْرِهَا فَضَاعَتْ، فَأَرْتَفَعُوا إِلَيَّ شُرَيْحٍ، فَقَالَ: إِنَّمَا اسْتَعَارَتْ لِتَرُدَّهَا، فَخَالَفَتْ فَضَمَّنَهَا شُرَيْحٌ

[20548] Abū Bakr reported: Jarīr reported from Mughīrah from Ibrāhīm who said: "There is no liability upon the renter or the borrower unless they violate [the terms]."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ
إِبْرَاهِيمَ، قَالَ: لَيْسَ عَلَى الْمُسْتَكْرِى، وَالْمُسْتَعِيرِ
ضَمَانٌ إِلَّا أَنْ يُخَالَفَا

[20549] Abū Bakr reported: Yaḥyā ibn ‘Abd al-Malik ibn Abī Ghaniyyah reported from his father from Al-Ḥakam and Ḥammād: "That they used to not hold the borrower liable."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا يَحْيَى بْنُ عَبْدِ الْمَلِكِ بْنِ أَبِي
غَنِيَّةٍ، عَنْ أَبِيهِ، عَنِ الْحَكَمِ، وَحَمَّادٍ: أَنَّهُمَا كَانَا لَا
يُضَمَّنَانِ الْمُسْتَعِيرَ

[20550] Abū Bakr reported: Yazīd ibn Hārūn reported from Hishām from Al-Ḥasan who said: "If he opposes the owner of the loan [instructions], he is liable."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ هِشَامٍ،
عَنِ الْحَسَنِ، قَالَ: إِذَا خَالَفَ صَاحِبَ الْعَارِيَةِ ضَمِنَ

[20551] Abū Bakr reported: Ibn Mahdī reported from Sufyān from Abū Ishāq from ‘Atā’ who said: "The borrowed item is guaranteed [liable]."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ
أَبِي إِسْحَاقَ، عَنْ عَطَاءٍ، قَالَ: الْعَارِيَةُ مَضْمُونَةٌ

[20552] Abū Bakr reported: Wakī' reported from Ibn Jurayj and Ibn Sharīk from Ibn Abī Mulaykah: "That Ibn 'Abbās used to hold the borrowed item liable." Ibn Jurayj added: "If its owner sold it."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنِ ابْنِ جُرَيْجٍ، وَابْنِ شَرِيكٍ، عَنِ ابْنِ أَبِي مُلَيْكَةَ، أَنَّ ابْنَ عَبَّاسٍ كَانَ يُضَمِّنُ الْعَارِيَّةَ وَزَادَ ابْنُ جُرَيْجٍ: إِذَا بَاعَهَا صَاحِبُهَا

[20553] Abū Bakr reported: Wakī' reported from 'Alī ibn Ṣāliḥ from 'Abd al-A'lā from Muḥammad ibn al-Ḥanafīyyah from 'Alī who said: "The loan is not a sale, nor is it guaranteed; it is only a kindness, unless he violates [terms], then he is made liable."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ عَلِيِّ بْنِ صَالِحٍ، عَنْ عَبْدِ الْأَعْلَى، عَنْ مُحَمَّدِ بْنِ الْحَنْفِيَّةِ، عَنْ عَلِيٍّ، قَالَ: الْعَارِيَّةُ لَيْسَتْ بَبَيْعًا، وَلَا مَضْمُونَةً، إِنَّمَا هُوَ مَعْرُوفٌ، إِلَّا أَنْ يُخَالَفَ فَيُضَمَّنَ

[20554] Abū Bakr reported: Jarīr reported from Mughīrah from Ibrāhīm regarding a man who borrowed a horse from another man and galloped it until it died. He said: "He is not liable, because a man gallops his horse."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ فِي رَجُلٍ اسْتَعَارَ مِنْ رَجُلٍ فَرَسًا، فَرَكَضَهُ حَتَّى مَاتَ، قَالَ: لَيْسَ عَلَيْهِ ضَمَانٌ، لِأَنَّ الرَّجُلَ يَرْكُضُ فَرَسَهُ

[20555] Abū Bakr reported: Al-Faḍl ibn Dukayn reported from Isrā'īl from Abū Ishāq from Al-Sha'bī from Masrūq: "That he used to hold the borrowed item guaranteed."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، عَنْ إِسْرَائِيلَ، عَنْ أَبِي إِسْحَاقَ، عَنِ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ: أَنَّهُ كَانَ يُضَمِّنُ الْعَارِيَّةَ

[20556] Abū Bakr reported: Ibn Abī Zā'idah reported from Al-Ḥasan who said: "If he borrows an animal and rents it out, he is liable."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنِ الْحَسَنِ، قَالَ: إِذَا اسْتَعَارَ دَابَّةً، فَأُكْرَاهَا ضَمِنَ

[20557] Abū Bakr reported: Jarīr reported from ‘Abd al-‘Azīz ibn Rufay’ from Iyās ibn ‘Abdullāh ibn Ṣafwān that Ṣafwān fled from the Messenger of Allah ﷺ, so the Messenger of Allah ﷺ sent to him. The Messenger of Allah ﷺ intended to go to Ḥunayn, so he said: "O Ṣafwān, do you have any weapons?" He said: "Is it a loan or by force?" He said: "No, rather a loan." So he lent him between thirty to forty shields. The Messenger of Allah ﷺ fought at Ḥunayn, and when the polytheists were defeated, Ṣafwān's shields were gathered, and some shields were missing from them. The Messenger of Allah ﷺ said to him: "O Ṣafwān, we have lost some of your shields, so shall we compensate you?" He said: "No, O Messenger of Allah ﷺ, for in my heart today is what was not there before."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ، عَنْ إِيَّاسِ بْنِ عَبْدِ اللَّهِ بْنِ صَفْوَانَ، أَنَّ صَفْوَانَ هَرَبَ مِنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَأُرْسِلَ إِلَيْهِ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَكَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يُرِيدُ حُنَيْنًا فَقَالَ: يَا صَفْوَانُ هَلْ عِنْدَكَ مِنْ سِلَاحٍ؟ قَالَ: عَارِيَّةٌ، أَمْ غَصْبًا؟ قَالَ: لَا، بَلْ عَارِيَّةٌ فَأَعَارَهُ مَا بَيْنَ الثَّلَاثِينَ إِلَى الْأَرْبَعِينَ دِرْعًا، وَغَزَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حُنَيْنًا، فَلَمَّا هُزِمَ الْمُشْرِكُونَ جُمِعَتْ دُرُوعُ صَفْوَانَ، فَفَقَدَ مِنْهَا أَدْرَاعًا، فَقَالَ لَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: يَا صَفْوَانُ، إِنَّا قَدْ فَقَدْنَا مِنْ أَدْرَاعِكَ أَدْرَاعًا فَهَلْ نَغْرُمُ لَكَ؟ فَقَالَ: لَا يَا رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، إِنَّ فِي قَلْبِي الْيَوْمَ مَا لَمْ يَكُنْ

[20558] Abū Bakr reported: Wakī' reported from Shu'bah from Al-Ḥakam from Ibrāhīm who said: "Shurayḥ did not guarantee a loan except a woman who borrowed a ring, put it in her washing place, and untied it, so he made her liable."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، قَالَ: مَا ضَمَّنَ شُرَيْحٌ عَارِيَّةً إِلَّا امْرَأَةً اسْتَعَارَتْ خَاتَمًا، فَوَضَعَتْهُ فِي مَغْسِلِهَا، فَحَلَّتْ فَضَمَّنَهَا

[20559] Abū Bakr reported: Wakī' reported: Isrā'il reported from Ash'ath ibn Abī al-Sha'thā' from Shurayḥ: "That he used to hold the loan liable."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ أَشْعَثَ بْنِ أَبِي الشَّعْثَاءِ، عَنْ شُرَيْحٍ، "أَنَّهُ كَانَ يُضَمِّنُ الْعَارِيَّةَ

[20560] Abū Bakr reported: Ibn Idrīs reported from Al-Shaybānī from Al-Sha'bī who said: Shurayḥ did not hold loans and deposits liable until Ziyād ordered him. I said: "How did he do that?" He said: "He continued to hold them liable until he died."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، قَالَ: كَانَ شُرَيْحٌ لَا يُضَمِّنُ الْعَارِيَّةَ، وَالْوَدِيعَةَ، حَتَّى أَمَرَهُ زِيَادٌ، قَالَ: فَقُلْتُ لَهُ: فَكَيْفَ كَانَ يَصْنَعُ ذَلِكَ؟ قَالَ: مَا زَالَ يُضَمِّنُهَا، حَتَّى مَاتَ

[20561] Abū Bakr reported: Ibn ‘Uyaynah reported from ‘Amr from ‘Abd al-Raḥmān ibn al-Sā’ib that a man borrowed a camel from another man, and the camel perished. Marwān asked Abū Hurayrah, and he said: "He is

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ عَبْدِ الرَّحْمَنِ بْنِ السَّائِبِ، أَنَّ رَجُلًا اسْتَعَارَ مِنْ رَجُلٍ بَعِيرًا، فَعَطِبَ الْبَعِيرُ، فَسَأَلَ مَرْوَانَ أَبَا هُرَيْرَةَ، فَقَالَ: يَضْمَنُ

[20562] Abū Bakr reported: Ismā‘īl ibn ‘Ayyāsh reported from Shuraḥbīl ibn Muslim al-Khawḷānī who said: I heard Abū Umāmah al-Bāhilī say: I heard the Prophet ﷺ saying in the Farewell Pilgrimage: "The loan must be returned, the debt must be paid, and the guarantor is liable (debtor)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ شُرَحْبِيلِ بْنِ مُسْلِمٍ الْخَوْلَانِيِّ، قَالَ: سَمِعْتُ أَبَا أُمَامَةَ الْبَاهِلِيَّ قَالَ: سَمِعْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ فِي حَجَّةِ الْوَدَاعِ: الْغَارِيَّةُ مُوَدَّاةٌ، وَالذَّيْنُ مُوَدَّى، وَالزَّعِيمُ غَارِمٌ، يَغْنِي الْكَفِيلُ

[20563] Abū Bakr reported: ‘Abdah ibn Sulaymān reported from Sa‘īd from Qatādah from Al-Ḥasan from Samurah from the Prophet ﷺ who said: "The hand is liable for what it took until it returns it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، عَنْ سَمُرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: عَلَى الْيَدِ مَا أَخَذَتْ حَتَّى تُؤَدِّيَهُ

[20564] Abū Bakr reported: Ismā‘īl ibn ‘Ulayyah reported from Ayyūb from Nāfi‘ from Ibn ‘Umar who said: "The Mukātab is a slave as long as a dirham remains upon him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عُيَيْنَةَ، عَنْ أَيُّوبَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، قَالَ: الْمُكَاتَبُ عَبْدٌ مَا بَقِيَ عَلَيْهِ دِرْهَمٌ

[20565] Abū Bakr reported: ‘Alī ibn Mushir reported from ‘Ubaydullāh from Nāfi‘ from Ibn ‘Umar who said: "The Mukātab is a slave as long as a dirham remains from his Mukātabah."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ عَبْدِ اللَّهِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، قَالَ: الْمُكَاتَبُ عَبْدٌ مَا بَقِيَ عَلَيْهِ مِنْ كِتَابَتِهِ دِرْهَمٌ

[20566] Abū Bakr reported: Wakī‘ reported from Ismā‘īl from Al-Sha‘bī; and from Sufyān from Ibn Abī Najīh from Mujāhid from Zayd who said: "The Mukātab is a slave as long as a dirham remains upon him."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، وَعَنْ سُفْيَانَ، عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ، عَنْ زَيْدٍ، قَالَ: قَالَ: الْمُكَاتَبُ عَبْدٌ مَا بَقِيَ عَلَيْهِ دِرْهَمٌ

[20567] Abū Bakr reported: Ḥaḥṣ ibn Ghiyāth reported from ‘Amr ibn Maymūn from Sulaymān ibn Yasār who said: I asked for permission to enter upon ‘Ā’ishah. She said: "Sulaymān?" I said: "Sulaymān." She said: "Have you paid what remains of your writing (of manumission) and settled it?" I said: "Yes, except for a small amount." She said: "Enter, for you are a slave as long as anything remains upon you."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ عَمْرِو بْنِ مَيْمُونٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، قَالَ: اسْتَأْذَنْتُ عَلَى عَائِشَةَ، فَقَالَتْ: سُلَيْمَانُ؟ فَقُلْتُ: سُلَيْمَانُ، فَقَالَتْ: أَذْنَيْتَ مَا بَقِيَ عَلَيْكَ مِنْ كِتَابَتِكَ، وَقَاطَعْتَ عَلَيْهَا قَالَ: قُلْتُ: نَعَمْ، إِلَّا شَيْئًا يَسِيرًا، قَالَتْ: ادْخُلْ، فَإِنَّكَ عَبْدٌ مَا بَقِيَ عَلَيْكَ شَيْءٌ

[20568] Abū Bakr reported: Ḥafṣ reported from Layth from Mujāhid who said: "The Mothers of the Believers used to not screen themselves from the Mukātab as long as a mithqal or dinar remained upon him from his Mukātabah."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، قَالَ: كَانَتْ أُمَّهَاتُ الْمُؤْمِنِينَ: لَا يَحْتَجِبْنَ مِنَ الْمُكَاتِبِ مَا بَقِيَ عَلَيْهِ مِنْ مِّثْقَالٍ أَوْ دِينَارٍ

[20569] Abū Bakr reported: Wakī' reported from Ja'far ibn Barqān from Maymūn that 'Ā'ishah said to a Mukātab of hers kunya-ed Abū Maryam: "Enter, even if only four dirhams remain upon you."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ جَعْفَرِ بْنِ بَرْقَانَ، عَنْ مَيْمُونٍ، أَنَّ عَائِشَةَ قَالَتْ لِمُكَاتِبٍ لَهَا يُكْنَى أَبَا مَرْيَمٍ: ادْخُلْ، وَإِنْ لَمْ يَبْقَ عَلَيْكَ إِلَّا أَرْبَعَةُ دِرَاهِمٍ

[20570] Abū Bakr reported: Wakī' reported from 'Alī ibn Mubārak from Yaḥyā from 'Ikrimah from Ibn 'Abbās who said: "The Ḥadd (punishment) of the Mukātab is the Ḥadd of the slave."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ عَلِيِّ بْنِ مُبَارَكٍ، عَنْ يَحْيَى، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: حَدُّ الْمُكَاتِبِ حَدُّ الْمَمْلُوكِ

[20571] Abū Bakr reported: Ibn Sulaymān reported from Ṣāliḥ ibn Ḥayy from Al-Sha'bī who said: "The punishment of the slave is the punishment of the Mukātab as long as a dirham remains upon him."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ سُلَيْمَانَ، عَنْ صَالِحِ بْنِ حَيٍّ، عَنِ الشَّعْبِيِّ، قَالَ: حَدُّ الْمَمْلُوكِ حَدُّ الْمُكَاتِبِ مَا بَقِيَ عَلَيْهِ دِرْهَمٌ

[20572] Abū Bakr reported: Yaḥyā ibn Yamān reported from Isrā'īl from 'Abbād ibn Maṣṣūr from Ḥammād from Ibrāhīm from 'Uthmān who said: "The Mukātab is a slave as long as a dirham remains upon him."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا يَحْيَى بْنُ يَمَانَ، عَنْ إِسْرَائِيلَ، عَنْ عَبَّادِ بْنِ مَنْصُورٍ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، عَنْ عُثْمَانَ، قَالَ: الْمُكَاتَبُ عَبْدٌ مَا بَقِيَ عَلَيْهِ دِرْهَمٌ

[20573] Abū Bakr reported: Zayd ibn Khabbāb reported from Dāwūd ibn Abī al-Furāt from Ibrāhīm al-Šā'igh from 'Aṭā', 'Abdullāh ibn 'Ubayd ibn 'Umayr, and Nāfi', who said: "The Mukātab is a slave as long as a dirham remains upon him."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا زَيْدُ بْنُ خَبَّابٍ، عَنْ دَاوُدَ بْنِ أَبِي الْفُرَاتِ، عَنْ إِبْرَاهِيمَ الصَّائِغِ، عَنْ عَطَاءٍ، وَعَبْدِ اللَّهِ بْنِ عُبَيْدِ بْنِ عُمَيْرٍ، وَنَافِعٍ، قَالُوا: الْمُكَاتَبُ عَبْدٌ مَا بَقِيَ عَلَيْهِ دِرْهَمٌ

[20574] Abū Bakr reported: 'Alī ibn Mushir reported from Al-Shaybānī from Al-Sha'bī who said: 'Abdullāh said: "If the Mukātab pays from his neck (value), there is no returning him to slavery."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، قَالَ: قَالَ عَبْدُ اللَّهِ: إِذَا أَدَّى الْمُكَاتَبُ مِنْ رَقَبَتِهِ فَلَا رَدَّ عَلَيْهِ فِي الرِّقِّ

[20575] Abū Bakr reported: Ḥaḥṣ ibn Ghiyāth reported from Al-A'mash from Ibrāhīm; and from Ash'ath from Al-Sha'bī; both said: 'Abdullāh said: "If the Mukātab pays one-third of his Mukātabah, he is a debtor."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، وَعَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، قَالَا: قَالَ عَبْدُ اللَّهِ: إِذَا آدَى الْمُكَاتَبُ ثُلُثَ مُكَاتَبَتِهِ فَهُوَ غَرِيمٌ

[20576] Abū Bakr reported: 'Abd al-Wahhāb al-Thaqafī reported from Yahyā ibn Sa'īd from 'Urwah that Marwān used to judge that if the Mukātab paid half his Mukātabah, it is a debt he is pursued for. "I mentioned that to 'Abd al-Malik ibn Marwān, and he refused to accept it."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَّابِ الثَّقَفِيُّ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عُرْوَةَ، أَنَّ مَرْوَانَ كَانَ يَقْضِي إِذَا آدَى الْمُكَاتَبُ نِصْفَ مُكَاتَبَتِهِ فَهُوَ دَيْنٌ يُتْبَعُ بِهِ فَذَكَرْتُ ذَلِكَ لِعَبْدِ الْمَلِكِ بْنِ مَرْوَانَ فَأَبَى أَنْ يَأْخُذَ بِهِ

[20577] Abū Bakr reported: Ibn Abī Zā'idah and Wakī' reported from Al-Mas'ūdī from Al-Qāsim from Jābir ibn Samurah who said: 'Umar said: "You are contracting Mukātabah with Mukātab, so if he pays half, there is no returning him to slavery."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، وَوَكَيْعٌ، عَنِ الْمَسْعُودِيِّ، عَنِ الْقَاسِمِ، عَنْ جَابِرِ بْنِ سَمُرَةَ، قَالَ: قَالَ عُمَرُ: إِنَّكُمْ تُكَاتِبُونَ مُكَاتِبِينَ، فَإِذَا آدَى النِّصْفَ فَلَا رَدَّ عَلَيْهِ فِي الرِّقِّ

[20578] Abū Bakr reported: Wakī' reported from Al-Mas'ūdī from Al-Ḥakam from 'Alī who said: "Manumission runs in him with the first installment."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنِ الْمَسْعُودِيِّ، عَنِ الْحَكَمِ، عَنْ عَلِيٍّ، قَالَ: تَجْرِي فِيهِ الْعَتَاقَةُ فِي أَوَّلِ نَجْمِ

[20579] Abū Bakr reported: 'Abd al-A'lā reported from Hishām from Al-Ḥasan that he said regarding a Mukātab who became unable to pay, and had paid some of his Mukātabah, and they had stipulated he would be returned? He said: "If he paid half, he is a debtor."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، أَنَّهُ قَالَ فِي مُكَاتَبٍ عَجَزَ، وَقَدْ آدَى بَعْضَ مُكَاتَبَتِهِ، وَقَدْ شَرَطُوا عَلَيْهِ فَهُوَ رَدُّ؟ قَالَ: إِذَا آدَى النِّصْفَ فَهُوَ غَرِيمٌ

[20580] Abū Bakr reported: 'Abd al-A'lā reported from Hishām from Al-Ḥasan that he said regarding a Mukātab who became unable to pay: "If he paid half, he is a debtor."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنِ الْحَسَنِ أَنَّهُ قَالَ فِي مُكَاتَبٍ عَجَزَ: إِذَا آدَى النِّصْفَ فَهُوَ غَرِيمٌ

[20581] Abū Bakr reported: Ghundar reported from Shu'bah from Manṣūr from Ibrāhīm who said: "If he pays the third, or the quarter, or the half, they do not have the right to re-enslave him."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ مَنصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا آدَى الثُّلُثَ، أَوِ الرَّبْعَ، أَوِ النِّصْفَ، فَلَيْسَ لَهُمْ أَنْ يَسْتَرْقُوهُ

[20582] Abū Bakr reported: Ibn ‘Uyaynah reported from Al-Zuhri from Nabhān from Umm Salamah who said: The Messenger of Allah ﷺ said: "If one of you has a Mukātab and he has enough to pay, let her screen herself from him."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ نُبَيْهَانَ، عَنْ أُمِّ سَلَمَةَ، قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا كَانَ لِإِحْدَاكُنَّ مُكَاتَبٌ، وَكَانَ عِنْدَهُ مَا يُؤَدِّي فَلْتَحْتَجِبْ مِنْهُ

[20583] Abū Bakr reported: Wakī‘ reported: Sufyān reported from Manṣūr from Ibrāhīm who said: It used to be said: "If he pays the third, or the quarter, he is a debtor."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: كَانَ يُقَالُ: إِذَا أَدَّى الثُّلُثَ، أَوِ الرَّبْعَ، فَهُوَ غَرِيمٌ

[20584] Abū Bakr reported: Wakī‘ reported: Sufyān reported from Ṭāriq from Al-Sha‘bī from ‘Alī who said: "The Mukātab is freed in proportion to what he has paid."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ طَارِقٍ، عَنِ الشَّعْبِيِّ، عَنْ عَلِيٍّ، قَالَ: يَغْتَقُ مِنْ الْمُكَاتَبِ بِقَدْرِ مَا أَدَّى

[20585] Abū Bakr reported: Jarīr reported from Mughīrah from Al-Ḥārith and his companions from ‘Abaydah from Ibrāhīm who said: "The loan is due immediately, even if it was for a set term."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنِ الْحَارِثِ، وَأَصْحَابِهِ، عَنْ عُبَيْدَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: وَالْقَرْضُ خَالٌ، وَإِنْ كَانَ إِلَى أَجَلٍ

[20586] Abū Bakr reported: Hushaym reported from Mughīrah from Ibrāhīm who said regarding one who sells a pregnant slave or frees her and excepts what is in her womb: "His exception applies to what has a distinct creation. If the creation is not distinct, he has nothing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: مَنْ بَاعَ حُبْلَى، أَوْ أَعْتَقَهَا وَاسْتَنْتَى مَا فِي بَطْنِهَا قَالَ لَهُ: تُنْيَاهُ فِيمَا قَدْ اسْتَبَانَ خَلْقُهُ، وَإِنْ لَمْ يَسْتَبِنْ خَلْقُهُ فَلَا شَيْءَ لَهُ

[20587] Abū Bakr reported: Hushaym reported from Yūnus from Al-Ḥasan: "That he used to validate his exception in sale, but not in manumission."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، أَنَّهُ كَانَ يُجِيزُ تُنْيَاهُ فِي الْبَيْعِ، وَلَا يُجِيزُ فِي الْعِنَقِ

[20588] Abū Bakr reported: Yaḥyā ibn Saʿīd reported from Hishām from Muḥammad regarding a man who frees a slave girl and excepts what is in her womb. He said: "He has his exception."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ، فِي الرَّجُلِ يُعْتِقُ الْأَمَةَ، وَيَسْتَنْتِي مَا فِي بَطْنِهَا، قَالَ: لَهُ تُنْيَاهُ

[20589] Abū Bakr reported: ‘Abd al-Aʿlā reported from Maʿmar from Al-Zuhrī who said: "They are both free."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ قَالَ: هُمَا حُرَّانِ

[20590] Abū Bakr reported: Yaḥyā ibn Yamān reported from Sufyān from Ibn Jurayj from ‘Aṭā’; and from Sufyān from Jābir from Al-Sha‘bī; and from Sufyān from Maṣṣūr from Ibrāhīm; they said: "If he frees her and excepts what is in her womb, he has his exception."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا يَحْيَى بْنُ يَمَانَ، عَنْ سُفْيَانَ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، وَعَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنِ الشَّعْبِيِّ، وَعَنْ سُفْيَانَ، عَنْ مَصُورٍ، عَنْ إِبْرَاهِيمَ، قَالُوا: إِذَا أَعْتَقَهَا وَاسْتَنْتَى مَا فِي بَطْنِهَا فَلَهُ تَنْبِأُهُ

[20591] Abū Bakr reported: Ḥaramī ibn ‘Umārah ibn Abī Ḥaṣṣah reported from Shu‘bah who said: I asked Al-Ḥakam and Ḥammād, and they said: "That is for him [valid]."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حَرَمِيُّ بْنُ عُمَارَةَ بْنِ أَبِي حَفْصَةَ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَّادًا، فَقَالَا: ذَلِكَ لَهُ

[20592] Abū Bakr reported: Qurrah ibn Sulaymān reported from Muḥammad ibn al-Faḍḍā’ from his father from Ibn ‘Umar regarding a man who sells a slave girl and excepts what is in her womb. He said: "He has his exception."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا قُرَّةُ بْنُ سُلَيْمَانَ، عَنْ مُحَمَّدٍ بْنِ الْقَضَاءِ، عَنْ أَبِيهِ، عَنِ ابْنِ عُمَرَ، فِي الرَّجُلِ يَبِيعُ الْأَمَةَ وَيَسْتَنْتَى مَا فِي بَطْنِهَا، قَالَ: لَهُ تَنْبِأُهُ

[20593] Abū Bakr reported: Jarīr reported from Mughīrah from Al-Ḥārith regarding a man who claims a beast in another man's possession and says: "It strayed from me." He said: "I do not say to the witnesses: 'He did not sell nor give it,' but if the witnesses testify that it is his beast that strayed from him, I make him swear by Allah that he did not sell nor give it as a gift."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنِ الْحَارِثِ فِي الرَّجُلِ يَدَّعِي الدَّابَّةَ فِي يَدِ الرَّجُلِ فَيَقُولُ: ضَلَّتْ مِنِّي، قَالَ: "لَا أَقُولُ لِلشُّهُودِ: إِنَّهُ لَمْ يَبِعْ، وَلَمْ يَهَبْ وَلَكِنْ إِذَا شَهِدَتِ الشُّهُودُ أَنَّهَا دَابَّتُهُ، ضَلَّتْ مِنْهُ، أَحْلَفُهُ بِاللَّهِ، مَا بَاعَ، وَلَا وَهَبَ

[20594] Abū Bakr reported: Jarīr reported from Ash‘ath from Ibn Sīrīn from Shurayḥ who said: "If witnesses testify it is his beast, I make him swear by Allah: 'I did not destroy (abandon) it, nor order a destroyer.'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ أَشْعَثَ، عَنِ ابْنِ سِيرِينَ، عَنْ شُرَيْحٍ، قَالَ: "إِذَا شَهِدَتِ الشُّهُودُ أَنَّهَا دَابَّتُهُ، أَحْلَفُهُ بِاللَّهِ: مَا أَهْلَكْتُ، وَلَا أَمَرْتُ مُهْلِكًا

[20595] Abū Bakr reported: Ḥumayd ibn ‘Abd al-Raḥmān reported from Ḥasan ibn Ṣāliḥ from Al-Aswad ibn Qays from Ḥassān ibn Thumāmāh that Ḥudhayfah recognized a camel of his and disputed regarding it before one of the Muslim judges. An oath became incumbent upon Ḥudhayfah in the judgment, so he swore by Allah besides Whom there is no god: "He did not sell nor give it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنِ الْأَسْوَدِ بْنِ قَيْسٍ، عَنْ حَسَّانَ بْنِ ثُمَامَةَ، أَنَّ حُدَيْفَةَ عَرَفَ جِمْلًا لَهُ فَخَاصَمَ فِيهِ إِلَى قَاضٍ مِنْ قُضَاةِ الْمُسْلِمِينَ، فَصَارَتْ عَلَى حُدَيْفَةَ يَمِينٌ فِي الْقَضَاءِ، "فَحَلَفَ بِاللَّهِ الَّذِي لَا إِلَهَ إِلَّا هُوَ: مَا بَاعَ، وَلَا وَهَبَ

[20596] Abū Bakr reported: Jarīr reported from Mughīrah who said: Al-Ḥajjāj used to give people provisions, and he would say to the recipients of provisions: "Whoever wishes may take four Jaribs of barley for two Jaribs of wheat that is his (due)." They asked Ibrāhīm and Al-Sha‘bī, and they said: "There is no harm in it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، قَالَ: كَانَ الْحَجَّاجُ يُعْطِي النَّاسَ الرِّزْقَ، فَيَقُولُ لِأَصْحَابِ الرِّزْقِ: مَنْ شَاءَ أَخَذَ أَرْبَعَةَ أَجْرَبَةِ شَعِيرٍ، بِجَرِيْبَيْنِ مِنْ حِنْطَةٍ الَّتِي لَهُ فَسَأَلُوا إِبْرَاهِيمَ، وَالشَّعْبِيَّ، فَقَالَا: لَا بَأْسَ بِهِ

[20597] Abū Bakr reported: Ibn Fuḍayl reported from Ash‘ath from Abū al-Zubayr from Jābir who said: "If the types differ, there is no harm in the excess (unequal exchange) hand to hand."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ أَشْعَثَ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ، قَالَ: إِذَا اخْتَلَفَ النَّوعَانِ فَلَا بَأْسَ بِالْفَضْلِ يَدًا بِيَدٍ

[20598] Abū Bakr reported: ‘Abd al-A‘lā reported from Ma‘mar from Al-Zuhri from Sālim: "That Ibn ‘Umar used to see no harm in what is measured hand to hand, one for two, if its types differed."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، عَنْ سَالِمٍ، أَنَّ ابْنَ عُمَرَ: كَانَ لَا يَرَى بَأْسًا فِيمَا يُكَالُ يَدًا بِيَدٍ، وَاحِدًا بِاثْنَيْنِ، إِذَا اخْتَلَفَتِ الْوَأْنَةُ

[20599] Abū Bakr reported: ‘Abd al-Wahhāb al-Thaqafī reported from Khālid from Abū Qilābah who said: "If the types differ, sell as you wish."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَّابِ الثَّقَفِيُّ، عَنْ خَالِدٍ، عَنْ أَبِي قِلَابَةَ، قَالَ: إِذَا اخْتَلَفَ النَّوعَانِ، فَبِعْ كَيْفَ شِئْتَ

[20600] Abū Bakr reported: ‘Abd al-A‘lā reported from Ma‘mar from Al-Zuhri: "That he saw no harm in selling wheat for barley hand to hand, one of them being more than the other."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ أَنَّهُ كَانَ لَا يَرَى بَأْسًا بِبَيْعِ الْبُرِّ بِالشَّعِيرِ يَدًا بِيَدٍ، أَحَدُهُمَا أَكْثَرُ مِنَ الْآخَرِ

[20601] Abū Bakr reported: Yazīd ibn Hārūn reported from Ibn Abī ‘Arūbah from Qatādah from Muslim ibn Yasār from Abū al-Ash‘ath al-Ṣan‘ānī that ‘Ubādah ibn al-Ṣāmit said: "There is no harm in selling wheat for barley, with the barley being more, hand to hand, but it is not valid on credit."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ ابْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، عَنْ مُسْلِمِ بْنِ يَسَارٍ، عَنْ أَبِي الْأَشْعَثِ الصَّنَعَانِيِّ، أَنَّ عُبَادَةَ بْنَ الصَّامِتِ، قَالَ: لَا بَأْسَ بِبَيْعِ الحِنْطَةِ بِالشَّعِيرِ، وَالشَّعِيرُ أَكْثَرُ مِنْهُ يَدًا يَدًا، وَلَا يَصْلَحُ نَسِيئَةً

[20602] Abū Bakr reported: Al-Faḍl ibn Dukayn reported from Unays ibn Khālīd al-Tamīmī who said: I asked ‘Aṭā’ about barley for wheat, two for one, hand to hand. He said: "There is no harm in it."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، عَنْ أَنَيْسِ بْنِ خَالِدٍ التَّمِيمِيِّ، قَالَ: سَأَلْتُ عَطَاءَ عَنِ الشَّعِيرِ بِالحِنْطَةِ اثْنَيْنِ بِوَاحِدٍ يَدًا يَدًا، قَالَ: لَا بَأْسَ بِهِ

[20603] Abu Bakr said: Ibn Fudayl told us from his father, from Abu Hazim, from Abu Hurayrah, who said: The Messenger of Allah (saw) said: "Wheat for wheat, barley for barley, hand to hand, measure for measure, weight for weight. Whoever adds or asks for more has committed usury, except what differs in type."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ فَضِيلٍ، عَنْ أَبِيهِ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الحِنْطَةُ بِالحِنْطَةِ، وَالشَّعِيرُ بِالشَّعِيرِ، يَدًا يَدًا كَيْلًا بِكَيْلٍ، وَزَنًا بِوَزْنٍ، فَمَنْ زَادَ أَوْ اسْتَزَادَ فَقَدْ أَرَبَى إِلَّا مَا اخْتَلَفَتْ أَلْوَانُهُ

[20604] Abu Bakr said: Waki' told us: Sufyan told us from Khalid, from Abu Qilabah, from Abu al-Ash'ath al-San'ani, from 'Ubadah ibn al-Samit, who said: The Messenger of Allah (saw) said: “Gold for gold, silver for silver, wheat for wheat, barley for barley, like for like, hand to hand. If these types differ, then sell as you wish if it is hand to hand.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، قَالَ: حَدَّثَنَا سُفْيَانٌ، عَنْ خَالِدٍ، عَنْ أَبِي قِلَابَةَ، عَنْ أَبِي الْأَشْعَثِ الصَّنَعَانِيِّ، عَنْ عُبَادَةَ بْنِ الصَّامِتِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الذَّهَبُ بِالذَّهَبِ، وَالْفِضَّةُ بِالْفِضَّةِ، وَالْبُرُّ بِالْبُرِّ، وَالشَّعِيرُ بِالشَّعِيرِ، مِثْلًا بِمِثْلٍ، يَدًا بِيَدٍ، فَإِذَا اخْتَلَفَتْ هَذِهِ الْأَصْنَافُ، فَبِيعُوا كَيْفَ شِئْتُمْ إِذَا كَانَ يَدًا بِيَدٍ

[20605] Abu Bakr said: Abu Dawud al-Tayalisi told us from Hisham al-Dastuwa'i, from Yahya ibn Abi Kathir, that 'Umar sent a boy or slave of his with a Sa' of wheat to buy a Sa' of barley for him, and he forbade him from accepting more if they offered more.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو دَاوُدَ الطَّيَالِسِيُّ، عَنْ هِشَامِ الدَّسْتَوَائِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، أَنَّ عُمَرَ أَرْسَلَ غُلَامًا لَهُ، أَوْ عَبْدًا لَهُ بِصَاعٍ مِنْ بُرٍّ يَشْتَرِي لَهُ بِهِ صَاعًا مِنْ شَعِيرٍ، وَزَجَرَهُ أَنْ زَادُوهُ أَنْ يَزَادَ

[20606] Abu Bakr said: Ghundar told us from Shu'bah, from Abu Ishaq, from Abu 'Abd al-Rahman, that he used to dislike [exchanging] a Qafiz of wheat for two Qafiz of barley.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي عَبْدِ الرَّحْمَنِ، أَنَّهُ كَانَ يَكْرَهُ قَفِيزًا مِنْ بُرٍّ بِقَفِيزَيْنِ مِنْ شَعِيرٍ

[20607] Abu Bakr said: Shababah told us from Layth, from Nafi', from Sulayman ibn Yasar, from 'Abd al-Rahman ibn al-Aswad ibn 'Abd Yaghuth al-Zuhri, that he came to his riding beast and was told that its barley was finished. He ordered to take his family's wheat and buy barley for it, but to take only like for like. Nafi' said: Sulayman ibn Yasar informed me of the same from Sa'd ibn Abi Waqqas.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَبَابَةُ، عَنْ لَيْثٍ، عَنْ نَافِعٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْأَسْوَدِ بْنِ عَبْدِ يَغُوثَ الزُّهْرِيِّ أَنَّهُ أَتَى دَابَّتَهُ فَأَخْبَرَ بِأَنَّ دَابَّتَهُ قَدْ فَنِيَ شَعِيرُهَا، فَأَمَرَ أَنْ يَأْخُذَ حِنْطَةً أَهْلِهِ فَيَشْتَرِيَ لَهَا شَعِيرًا، وَلَا يَأْخُذُ إِلَّا مِثْلًا بِمِثْلِ. قَالَ نَافِعٌ: وَأَخْبَرَنِي سُلَيْمَانُ بْنُ يَسَارٍ بِمِثْلِهَا عَنْ سَعْدِ بْنِ أَبِي وَقَّاصٍ

[20608] Abu Bakr said: 'Abd al-A'la told us from Burd, from Sulayman ibn Musa, who said: The Messenger of Allah (saw) passed by a man selling food mixed with barley. He said: "Separate this from that, and that from this, then sell this however you wish, and sell that however you wish, for there is no cheating in our religion."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ بُرْدٍ، عَنْ سُلَيْمَانَ بْنِ مُوسَى، قَالَ: مَرَّ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى رَجُلٍ يَبِيعُ طَعَامًا مَلْعُوثًا فِيهِ شَعِيرٌ، فَقَالَ: اعْزِلْ هَذَا مِنْ هَذَا، وَهَذَا مِنْ هَذَا، ثُمَّ بَعْ هَذَا كَيْفَ شِئْتَ، ثُمَّ بَعْ دَا كَيْفَ شِئْتَ، فَإِنَّهُ لَيْسَ فِي دِينِنَا غِشٌّ

[20609] Abu Bakr said: Waki' told us from Shu'bah, from Yaman Abu Hudhayfah, from Ziyad, the client of Ibn 'Abbas, from Ibn 'Abbas that he was asked about a man who mixes barley with wheat then sells it. He said: "There is no harm in it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ يَمَانَ أَبِي حُدَيْفَةَ، عَنْ زِيَادٍ، مَوْلَى ابْنِ عَبَّاسٍ، عَنْ ابْنِ عَبَّاسٍ أَنَّهُ سُئِلَ عَنِ الرَّجُلِ يَخْلُطُ الشَّعِيرَ بِالْحِنْطَةِ ثُمَّ يَبِيعُهُ، قَالَ: لَا بَأْسَ بِهِ

[20610] Abu Bakr said: Waki' told us from Shu'bah, from Yaman Abu Hudhayfah, that he asked Al-Sha'bi about it, and he disliked it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ يَمَانَ أَبِي حُدَيْفَةَ، أَنَّهُ سَأَلَ الشَّعْبِيَّ: عَنْهُ فَكَرِهَهُ

[20611] Abu Bakr said: 'Abd al-A'la told us from Hisham, from Muhammad, that he used to dislike for a man to buy good food and bad food, mix them all together, and then sell them. [However] if the difference between them was close (negligible), there is no harm.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ: أَنَّهُ كَانَ يَكْرَهُ أَنْ يَشْتَرِيَ الرَّجُلُ الطَّعَامَ الْجَيِّدَ وَالرَّدِيءَ، فَيَخْلُطُهُمَا جَمِيعًا ثُمَّ يَبِيعُهُمَا، فَإِنْ كَانَ الَّذِي بَيْنَهُمَا قَرِيبًا فَلَا بَأْسَ

[20612] Abu Bakr said: 'Abd al-Samad ibn 'Abd al-Warith told us from Jarir ibn Hazim, from Hammad, who was asked about wheat being mixed with barley, and wheat being mixed with what is worse than it, and he disliked it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ، عَنْ جَرِيرِ بْنِ حَازِمٍ، عَنْ حَمَّادٍ، سُئِلَ عَنِ الْبُرِّ يَخْلُطُ بِالشَّعِيرِ، وَالْبُرُّ يَخْلُطُ بِأَرْدَأَ مِنْهُ فَكَرِهَهُ

[20613] Abu Bakr said: 'Abd al-Salam ibn Harb told us from Mughirah, from Ibrahim, regarding a man who marries his Umm al-Walad (slave mother of his child) to his slave, and she bears him children. He said: "They are in the same status as their mother; they are freed by her freedom and enslaved by her slavery. If their master dies, they are freed."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامِ بْنُ حَرْبٍ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ فِي الرَّجُلِ يُزَوِّجُ أُمَّ وَلَدِهِ عَبْدَهُ فَتَلِدُ لَهُ أَوْلَادًا، قَالَ: هُمْ بِمَنْزِلَةِ أُمَّهُمْ، يُعْتَقُونَ بِعِتْقِهَا، وَيُرَقُّونَ بِرِقِّهَا، فَإِذَا مَاتَ سَيِّدُهُمْ عِتُّوا

[20614] Abu Bakr said: Ibn Mushir and Ibn Abi Za'idah told us from Dawud, from Al-Sha'bi, regarding the children of the Umm al-Walad: "They are freed by her freedom and enslaved by her slavery."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مُسْهِرٍ، وَابْنُ أَبِي زَائِدَةَ، عَنْ دَاوُدَ، عَنْ الشَّعْبِيِّ فِي وَلَدِ أُمِّ الْوَلَدِ: يُعْتَقُونَ بِعِتْقِهَا، وَيُرَقُّونَ بِرِقِّهَا

[20615] Abu Bakr said: Ibn 'Ulayyah told us from Yunus, from Al-Hasan, who said: "If the Umm al-Walad marries and gives birth, her child is of her status."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، قَالَ: إِذَا تَزَوَّجَتْ أُمُّ الْوَلَدِ فَوَلَدَتْ، فَوَلَدُهَا بِمَنْزِلَتِهَا

[20616] Abu Bakr said: Jarir told us from Mughirah, from Hammad, who said: "Her child is of her

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَّادٍ، قَالَ: وَلَدُهَا بِمَنْزِلَتِهَا

[20617] Abu Bakr said: Ibn Mahdi told us from Al-'Umari, from Nafi', from Ibn 'Umar, who said: “The child of the Umm al-Walad is of her status.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنِ الْعُمَرِيِّ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، قَالَ: وَلَدُ أُمِّ الْوَلَدِ بِمَنْزِلَتِهَا

[20618] Abu Bakr said: Ibn Mahdi told us from Sufyan, from Al-Zubayr ibn 'Adi, from Hawt, that a man forced (or bound) himself to an Umm al-Walad of his, and she bore him children. Shurayh said: “Her children are of her status; he may use their service but not sell them.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنِ الزُّبَيْرِ بْنِ عَدِيٍّ، عَنْ حَوْطٍ، أَنَّ رَجُلًا أَغْصَبَ رَجُلًا أُمَّ وَلَدٍ لَهُ فَوَلَدَتْ لَهُ أَوْلَادًا، فَقَالَ شُرَيْحٌ: أَوْلَادُهَا بِمَنْزِلَتِهَا، يَسْتَعْدِمُهُمْ وَلَا يَبِيعُهُمْ

[20619] Abu Bakr said: Ma'n ibn 'Isa told us from Ibn Abi Dhi'b, from Al-Zuhri, who said: “The child of the Umm al-Walad is of her status; they are freed by her freedom and enslaved by her slavery.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنِ ابْنِ أَبِي ذَيْبٍ، عَنِ الزُّهْرِيِّ، قَالَ: وَلَدُ أُمِّ الْوَلَدِ بِمَنْزِلَتِهَا، يُعْتَقُونَ بِعِتْقِهَا، وَيُرْقُونَ بِرِقِّهَا

[20620] Abu Bakr said: 'Abd al-A'la told us from Burd, from Mak'hul, who said: “The child of the Umm al-Walad is of her status; their owner may sell them if he wishes.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ، قَالَ: وَلَدُ أُمِّ الْوَلَدِ بِمَنْزِلَتِهَا يَبِيعُهُمْ صَاحِبُهُمْ إِنْ شَاءَ

[20621] Abu Bakr said: Ibn 'Ulayyah told us from Dawud, from Riyah ibn 'Ubaydah, from 'Umar ibn 'Abd al-'Aziz, that he enslaved the child of the Umm al-Walad.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عَلِيَّةَ، عَنْ دَاوُدَ، عَنْ رِيَّاحِ بْنِ عُبَيْدَةَ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، أَنَّهُ أَرَقَ وَلَدَ أُمِّ الْوَلَدِ

[20622] Abu Bakr said: Abu Mu'awiyah told us from Yahya ibn Sa'id, from Sa'id ibn al-Musayyib, who said: “The child of the Mudabbara (slave promised freedom upon owner's death) is of her status.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: وَلَدُ الدَّبْرَةِ بِمَنْزِلَتِهَا

[20623] Abu Bakr said: Ibn Abi Za'idah and Ibn al-Musayyib told us from 'Ubayd Allah, from Nafi', from Ibn 'Umar, who said: “The child of the woman freed upon death (Mudabbara) born from her is enslaved by her slavery and freed by her freedom.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، وَابْنُ الْمُسَيَّبِ، عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: وَلَدُ الْمُعْتَقَةِ عَنْ دُبُرٍ مِنْهَا يُرَقُّونَ بِرِقِّهَا، وَيُعْتَقُونَ بِعِتْقِهَا

[20624] Abu Bakr said: Abu Khalid al-Ahmar told us from Ash'ath, from Ibn Sirin, from Shurayh, who said: “The child of the Mudabbara is part of her (follows her status).”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ أَشْعَثَ، عَنْ ابْنِ سِيرِينَ، عَنْ شُرَيْحٍ، قَالَ: وَلَدُ الْمُدَبَّرَةِ مِنْهَا

[20625] Abu Bakr said: Ibn 'Ulayyah told us from Yunus, from Al-Hasan, who used to say: “The child of the woman freed upon death is of her status; they and their mother are from the third [of the estate].”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عَلِيَّةَ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، قَالَ: كَانَ يَقُولُ: وَلَدُ الْمُعْتَقَةِ عَنْ دَبْرِ بِمَنْزِلَتِهَا، هُمْ وَأُمُّهُمْ مِنَ الثَّلَاثِ

[20626] Abu Bakr said: Ibn 'Ulayyah told us from Dawud, from Riyah ibn 'Ubaydah, from 'Umar ibn 'Abd al-'Aziz, that he made them of the same status as their mother.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عَلِيَّةَ، عَنْ دَاوُدَ، عَنْ رِيَّاحِ بْنِ عُبَيْدَةَ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ أَنَّهُ جَعَلَهُمْ بِمَنْزِلَةِ أُمِّهِمْ

[20627] Abu Bakr said: 'Ali ibn Mushir and Ibn Abi Za'idah told us from Al-Sha'bi, who said: “Her child is of her status.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، وَابْنُ أَبِي زَائِدَةَ، عَنِ الشَّعْبِيِّ، قَالَ: وَلَدُهَا بِمَنْزِلَتِهَا

[20628] Abu Bakr said: Ibn Abi Za'idah told us from Isma'il ibn Abi Khalid, from Isma'il, who said: “Everything she gives birth to from the day she was made Mudabbara is of her status; they are freed by her freedom and enslaved by her slavery.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنْ إِسْمَاعِيلَ، قَالَ: كُلُّ شَيْءٍ وَلَدَتْ مِنْ يَوْمٍ وَلَدَ فَإِنَّهُمْ بِمَنْزِلَتِهَا، يُعْتَقُونَ بِعِتْقِهَا، وَيُرْقَوْنَ بِرِقْقِهَا

[20629] Abu Bakr said: Ibn Abi Za'idah told us from Ibn 'Awn, who said: It was said to Al-Qasim ibn Muhammad that 'Umar ibn 'Abd al-'Aziz said that. Al-Qasim said: “This is my opinion, and I do not see his opinion on this except as isolated.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنِ ابْنِ عَوْنٍ، قَالَ: قِيلَ لِقَاسِمِ بْنِ مُحَمَّدٍ إِنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ قَالَ ذَلِكَ، فَقَالَ الْقَاسِمُ: هَذَا رَأْيِي، وَمَا أَرَى رَأْيَهُ فِي هَذَا إِلَّا مُعْتَزِلًا

[20630] Abu Bakr said: Ghundar told us from Ma'mar, from Al-Zuhri, who said: “The child of the Mudabbara is of the status of their mother.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا غُنْدَرٌ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: وَلَدُ الْمُدَبَّرَةِ بِمَنْزِلَةِ أُمِّهِمْ

[20631] Abu Bakr said: Isma'il ibn 'Ayyash told us from 'Abd al-'Aziz ibn 'Ubayd Allah, from 'Amir, from Ibn Mas'ud, who said: “The child of the Mudabbara is of her status; they are freed by her freedom and enslaved by her slavery.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ عَبْدِ الْعَزِيزِ بْنِ عَبْدِ اللَّهِ، عَنْ عَامِرٍ، عَنِ ابْنِ مَسْعُودٍ، قَالَ: "وَلَدُ الْمُدَبَّرَةِ بِمَنْزِلَتِهَا، يُعْتَقُونَ بِعِتْقِهَا، وَيُرْقَوْنَ بِرِقِّهَا

[20632] Abu Bakr said: Isma'il ibn 'Ayyash told us from 'Abd al-'Aziz, from Al-Sha'bi, Shurayh, and Masruq, similar to it.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ عَبْدِ الْعَزِيزِ، عَنِ الشَّعْبِيِّ وَشُرَيْحٍ، وَمَسْرُوقٍ بِمِثْلِهِ

[20633] Abu Bakr said: Ibn Idris told us from Hisham, from Al-Hasan and Muhammad, who said: “The child of the Mudabbara is of her status.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، وَمُحَمَّدٍ، قَالَ: وَلَدُ الْمُدَبَّرَةِ بِمَنْزِلَتِهَا

[20634] Abu Bakr said: Ibn Fudayl told us from Husayn, from 'Amir, who said: “If there is a woman [Mudabbara] and she bears children, her children are of her status; if she is freed, they are freed.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ حُصَيْنٍ، عَنْ عَامِرٍ، قَالَ: إِذَا كَانَتْ امْرَأَةٌ قَوْلَتْ أَوْلَادًا قَوْلُهَا بِمَنْزِلَتِهَا، إِذَا أُعْتِقَتْ عُتِقُوا

[20635] Abu Bakr said: Abu Dawud al-Tayalisi told us from 'Abd al-'Aziz ibn Muslim, from Ibn Abi Najih, from 'Ata', Tawus, Mujahid, and Sa'id ibn Jubayr, that they said: “The child of the Mudabbara is of the status of their mother.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو دَاوُدَ الطَّيَالِسِيُّ، عَنْ عَبْدِ الْعَزِيزِ بْنِ مُسْلِمٍ، عَنْ ابْنِ أَبِي نَجِيحٍ، عَنْ عَطَاءٍ، وَطَاوُسٍ، وَمُجَاهِدٍ، وَسَعِيدِ بْنِ جُبَيْرٍ أَنَّهُمْ قَالُوا: وَلَدُ الْمُدَبَّرَةِ بِمَنْزِلَةِ أُمِّهِمْ

[20636] Abu Bakr said: 'Abdah ibn Sulaymān told us from 'Abd al-Malik, from 'Ata', regarding a woman who freed a slave girl of hers upon death (Tadbir), then she [the slave girl] gave birth to children after that. He said: “They are of the status of their mother; if she is freed, they are freed.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ: فِي امْرَأَةٍ أَعْتَقَتْ جَارِيَةً لَهَا عَنْ دَبْرِ، فَوَلَدَتْ بَعْدَ ذَلِكَ أَوْلَادَهَا، هُمْ بِمَنْزِلَةِ أُمَّهُمْ إِذَا أُعْتِقَتْ عَتَقُوا

[20637] Abu Bakr said: Al-Dahhak ibn Makhlad told us from Ibn Jurayj, from Abu al-Zubayr, from Jabir, who said: “I do not see the children of the Mudabbara except as being of the status of their mother.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلَدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ، قَالَ: مَا أَرَى أَوْلَادَ الْمُدَبَّرَةِ، إِلَّا بِمَنْزِلَةِ أُمَّهُمْ

[20638] Abu Bakr said: 'Abd al-A'la told us from Burd, from Mak'hul, who said: “The child of the Mudabbara, their owner may sell them if he wishes.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ، قَالَ: وَلَدُ الْمُدَبَّرَةِ يَبِيعُهُمْ صَاحِبُهُمْ إِنْ شَاءَ

[20639] Abu Bakr said: Al-Dahhak ibn Makhlad told us from 'Amr ibn Dinar, from Jabir ibn Zayd, who said: “The child of the Mudabbara is a slave.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلَدٍ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ جَابِرِ بْنِ زَيْدٍ، قَالَ: وَلَدُ الْمُدَبَّرَةِ عَبْدٌ

[20640] Abu Bakr said: 'Ali ibn Mushir told us from Al-Shaybani, from Al-Sha'bi, from 'Amr ibn Hurayth, that a man bought a slave girl for sixty dinars, paid thirty in cash, and the seller held her as collateral for the remainder. He stayed for some days then the buyer came with her price, but found she had died. He said: "What the seller took is his, and the remainder belongs to the buyer."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، عَنْ عَمْرِو بْنِ حُرَيْثٍ، أَنَّ رَجُلًا اشْتَرَى جَارِيَةً بِسِتِينَ دِينَارًا، فَتَقَدَّ ثَلَاثِينَ، وَارْتَهَنَهَا الْبَائِعُ بِالْبَقِيَّةِ، فَمَكَثَ أَيَّامًا ثُمَّ أَتَى الْمُشْتَرِيَ بِثَمَنِهَا، فَوَجَدَهَا قَدْ مَاتَتْ فَقَالَ: مَا أَخَذَ الْبَائِعُ فَلَهُ، وَأَمَّا الْبَقِيَّةُ فَلِلْمُشْتَرِي

[20641] Abu Bakr said: 'Ali ibn Mushir told us from Al-Shaybani, from Muhammad ibn 'Ubayd Allah al-Thaqafi, that Shurayh said regarding it: "The seller returns what he took of her price, and he buries his carcass."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ الثَّقَفِيِّ، أَنَّ شُرَيْحًا، قَالَ فِيهَا: يَرُدُّ الْبَائِعُ مَا أَخَذَ مِنْ ثَمَنِهَا، وَيُدْفِنُ جِيفَتَهُ

[20642] Abu Bakr said: Hafs told us from Al-Shaybani, from Al-Sha'bi, that the saying of 'Amr ibn Hurayth was more pleasing to him.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، أَنَّ قَوْلَ عَمْرِو بْنِ حُرَيْثٍ كَانَ أَغْجَبَ إِلَيْهِ

[20643] Abu Bakr said: Yahya ibn Sa'id told us from Sufyan, from Mansur, from Ibrahim, regarding a man who buys a slave girl from a man, pays part of her price, and the seller withholds her for the remainder, and she dies. He said: "He returns to the buyer what he took, and she is from the wealth of the seller."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، فِي رَجُلٍ اشْتَرَى مِنْ رَجُلٍ جَارِيَةً فَتَقَدَّ بَعْضُ ثَمَنِهَا، وَأَمْسَكَهَا الْبَائِعُ بِالْبَقِيَّةِ، فَمَاتَتْ قَالَ: يَرُدُّ عَلَى الْمُشْتَرِي مَا أَخَذَ، وَهِيَ مِنْ مَالِ الْبَائِعِ

[20644] Abu Bakr said: 'Abd al-A'la told us from Hisham, from Al-Hasan and Muhammad, who said: "If he paid part of the price and [the seller] held the goods as collateral for the remainder, and the goods perished, then it goes for what it was held as collateral for, and he [the seller] keeps what he had taken. If the sale was of something measured or weighed, judgment is passed against the seller until he fulfills [the measure/weight] to the buyer."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، وَمُحَمَّدٍ، قَالَا: إِنْ كَانَ تَقَدَّ بَعْضُ الثَّمَنِ، وَارْتَهَنَ الْمَتَاعَ بِالْبَقِيَّةِ، فَهَلَكَ الْمَتَاعُ، فَهُوَ بِمَا ارْتَهَنَهُ، وَلَهُ مَا كَانَ قَدْ أَخَذَ، فَإِنْ كَانَ بَيْعًا مِمَّا يُكَالُ، وَيُوزَنُ يُفْضَى بِهِ عَلَى الْبَائِعِ، حَتَّى يُوفِّيَهُ الْمُشْتَرِي

[20645] Abu Bakr said: Ibn 'Ulayyah told us from Ibn Abi Najih, from 'Ata', Tawus, and Mujahid, who said: “If the slanderer repents, his testimony is permissible.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُليَّةَ، عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ عَطَاءٍ، وَطَاوُسٍ، وَمُجَاهِدٍ، قَالُوا: الْقَافِئُ إِذَا تَابَ جَازَتْ شَهَادَتُهُ

[20646] Abu Bakr said: Humayd ibn 'Abd al-Rahman told us from Hasan, from Mujalid, from Al-Sha'bi, from Masruq, who said: “His testimony is permissible if he repents.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنِ، عَنْ مُجَالِدٍ، عَنِ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، قَالَ: تَجُوزُ شَهَادَتُهُ إِذَا تَابَ

[20647] Abu Bakr said: Ibn Idris told us from Mutarrif, from Abu 'Uthman, from Shurayh, who said: “It is permissible if he repents.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ مُطَرِّفٍ، عَنْ أَبِي عُثْمَانَ، عَنْ شُرَيْحٍ، قَالَ: تَجُوزُ إِذَا تَابَ

[20648] Abu Bakr said: Ibn 'Uyaynah told us from Al-Zuhri, I think from Sa'id, who said: 'Umar said to Abu Bakrah: “If you repent, I will accept your testimony.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، أَظُنُّهُ عَنْ سَعِيدٍ، قَالَ: قَالَ عُمَرُ لِأَبِي بَكْرَةَ: إِنْ يَتُوبَ أَقْبِلْ شَهَادَتَهُ

[20649] Abu Bakr said: Ibn Idris and Waki' told us from Mis'ar, from 'Imran ibn 'Umayr, from 'Abd Allah ibn 'Utbah, who said: “It is permissible if he repents.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، وَوَكَيْعٌ، عَنْ مِسْعَرٍ، عَنْ عِمْرَانَ بْنِ عُمَيْرٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُتْبَةَ، قَالَ: تَجُوزُ إِذَا تَابَ

[20650] Abu Bakr said: Yazid ibn Harun told us from Sufyan ibn Husayn, from Al-Zuhri, who said: “It is permissible if he repents.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ سُفْيَانَ بْنِ حُسَيْنٍ، عَنْ الزُّهْرِيِّ، قَالَ: تَجُوزُ إِذَا تَابَ

[20651] Abu Bakr said: Waki' told us from Ibn Abi Khalid, from Al-Sha'bi, who said: “It is permissible.” And he said: “Allah accepts his testimony, and I do not permit his testimony.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ ابْنِ أَبِي خَالِدٍ، عَنِ الشَّعْبِيِّ، قَالَ: تَجُوزُ وَقَالَ: يَقْبَلُ اللَّهُ شَهَادَتَهُ، وَلَا أُجِيزُ أَنَا شَهَادَتَهُ

[20652] Abu Bakr said: 'Ali ibn Mushir told us from Al-Shaybani, from Al-Sha'bi, from Shurayh, who said: “If the Hadd punishment for slander is established against a man, his testimony is never accepted, and his repentance is between him and Allah.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، قَالَ: إِذَا أُقِيمَ عَلَى الرَّجُلِ الْحَدُّ فِي الْقَذْفِ لَمْ تُقْبَلْ لَهُ شَهَادَةٌ أَبَدًا، وَتَوْبَتُهُ فِيمَا بَيْنَهُ، وَبَيْنَ اللَّهِ

[20653] Abu Bakr said: Waki' told us from Isma'il ibn Abi Khalid, from Abu al-Duha, from Shurayh, who said: “The testimony of the slanderer is not permissible, and his repentance is between him and Allah.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنْ أَبِي الضُّحَى، عَنْ شُرَيْحٍ، قَالَ: لَا تَجُوزُ شَهَادَةُ الْقَاذِفِ، وَتَوْبَتُهُ فِيمَا بَيْنَهُ، وَبَيْنَ اللَّهِ

[20654] Abu Bakr said: Waki' told us from Sufyan, from Abu al-Haytham, who said: I heard Ibrahim and Al-Sha'bi discussing that. Ibrahim said: "It is not permissible." Al-Sha'bi said: "Why?" Ibrahim said: "Because you do not know if he repented or did not repent."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي الْهَيْثَمِ، قَالَ: سَمِعْتُ إِبْرَاهِيمَ، وَالشَّعْبِيَّ، يَتَذَكَّرَانِ ذَلِكَ فَقَالَ إِبْرَاهِيمُ: لَا تَجُوزُ، فَقَالَ الشَّعْبِيُّ: لِمَ؟ فَقَالَ إِبْرَاهِيمُ: لِأَنَّكَ لَا تَدْرِي تَابَ، أَوْ لَمْ يَتُبْ

[20655] Abu Bakr said: 'Abd al-A'la told us from Yunus, from Al-Hasan, that he used to say regarding the slanderer: "His repentance is between him and Allah, but his testimony is not permissible."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ الْحَسَنِ، أَنَّهُ كَانَ يَقُولُ فِي الْقَافِظِ: تَوْبَتُهُ فِيمَا بَيْنَهُ وَبَيْنَ اللَّهِ، وَلَا تَجُوزُ شَهَادَتُهُ

[20656] Abu Bakr said: Abu Dawud al-Tayalisi told us from Hammad ibn Salamah, from Qatadah, from Al-Hasan and Sa'id ibn al-Musayyib, who said: "He has no testimony [accepted], and his repentance is between him and Allah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو دَاوُدَ الطَّيَالِسِيُّ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، وَسَعِيدِ بْنِ الْمُسَيَّبِ، قَالَا: لَا شَهَادَةَ لَهُ، وَتَوْبَتُهُ فِيمَا بَيْنَهُ وَبَيْنَ اللَّهِ

[20657] Abu Bakr said: 'Abd al-Rahim ibn Sulayman told us from Hajjaj, from 'Amr ibn Shu'ayb, from his father, from his grandfather, who said: The Messenger of Allah (saw) said: “Muslims are just witnesses against one another, except one who has been punished (received Hadd) for slander.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ حَجَّاجٍ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْمُسْلِمُونَ غَدُولٌ بَعْضُهُمْ عَلَى بَعْضٍ، إِلَّا مَحْدُودًا فِي فِرْيَةٍ

[20658] Abu Bakr said: Waki' told us from Sufyan, from Wasil, from Ibrahim, who said: “The testimony of the slanderer is not permissible, and his repentance is between him and Allah.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ وَاصِلٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا تَجُوزُ شَهَادَةُ الْقَاضِفِ، وَتَوْبَتُهُ فِيمَا بَيْنَهُ، وَبَيْنَ اللَّهِ

[20659] Abu Bakr said: Hafs told us from Layth, from Tawus, who said: “His repentance is that he belies himself.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ لَيْثٍ، عَنْ طَاوُسٍ، قَالَ: تَوْبَتُهُ أَنْ يُكَذِّبَ نَفْسَهُ

[20660] Abu Bakr said: Ibn Abi Za'idah told us from Mujalid, from 'Amir, who said: “His repentance is that he stands in the same place (where he slandered) and belies himself.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ مُجَالِيدٍ، عَنْ عَامِرٍ، قَالَ: تَوْبَتُهُ أَنْ يَفُومَ مِثْلَ مَقَامِهِ، فَيُكَذِّبَ نَفْسَهُ

[20661] Abu Bakr said: Hafs and Abu Khalid told us from Hajjaj, from Al-Hasan ibn al-Hakam, from Zayd ibn Thabit, and Hajjaj from Al-Hakam from Shurayh, both said: “The Mudabbara (slave woman freed upon owner's death) is not to be sold.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حَفْصٌ، وَأَبُو خَالِدٍ، عَنْ حَجَّاجٍ، عَنِ الْحَسَنِ بْنِ الْحَكَمِ، عَنْ زَيْدِ بْنِ ثَابِتٍ، وَحَجَّاجٍ، عَنِ الْحَكَمِ، عَنْ شُرَيْحٍ، قَالَا: الْمُدَبَّرَةُ لَا تُبَاعُ

[20662] Abu Bakr said: Abu Khalid and Abu Mu'awiyah told us from Yahya ibn Sa'id, from Sa'id ibn al-Musayyib, who said: “The Mudabbara is not sold by her master, nor married off (by him), nor gifted, and her child is of her status.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، وَأَبُو مُعَاوِيَةَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: الْمُدَبَّرَةُ لَا يَبِيعُهَا سَيِّدُهَا، وَلَا يُزَوِّجُهَا، وَلَا يَهَبُهَا، وَلَوْلَدُهَا بِمَنْزِلَتِهَا

[20663] Abu Bakr said: 'Isa ibn Yunus told us from 'Uthman ibn Hakim, who said: I asked Salim: “Is it lawful for me to sell her?” He said: “No.” I said: “Can I use her as a dowry?” He said: “No.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ عُثْمَانَ بْنِ حَكِيمٍ، قَالَ: سَأَلْتُ سَالِمًا: "أَيَحِلُّ لِي أَنْ أَبِيعَهَا؟" قَالَ: لَا قُلْتُ: أَمهرُها؟ قَالَ: لَا

[20664] Abu Bakr said: Ibn Fudayl told us from Husayn, from Al-Sha'bi, who said: “The one freed upon death (Mudabbar) is like a slave, except that he is not sold or gifted; if his master dies, he is freed.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ حُصَيْنٍ، عَنِ الشَّعْبِيِّ، قَالَ: الْمُعْتَقُ عَنْ دُبْرٍ، بِمَنْزِلَةِ الْمَمْلُوكِ، إِلَّا أَنَّهُ لَا يُبَاعُ وَلَا يُوهَبُ، فَإِنْ مَاتَ مَوْلَاهُ عُتِقَ

[20665] Abu Bakr said: Ibn 'Ulayyah told us from Yunus, from Al-Hasan, that he disliked selling the one freed upon death, unless extreme poverty afflicts his owner.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، أَنَّهُ كَرِهَ بَيْعَ الْمُعْتَقِ عَنْ دُبْرٍ، إِلَّا أَنْ يُصِيبَ، صَاحِبَهُ فَقَرٌّ شَدِيدٌ

[20666] Abu Bakr said: Ya'la told us from 'Abd al-Malik, from 'Ata', who said: “He does not sell her unless he needs her price.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا يَعْلَى، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، قَالَ: لَا يَبِيعُهَا إِلَّا أَنْ يَحْتَاجَ إِلَى ثَمَنِهَا

[20667] Abu Bakr said: Ibn 'Uyaynah told us from 'Amr, from Jabir that a man declared a slave of his Mudabbar (freed upon death). The Messenger of Allah (saw) sold him to Ibn al-Nahham—a Coptic slave, who died the first year of Ibn al-Zubayr's emirate.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ جَابِرٍ أَنَّ رَجُلًا دَبَّرَ غُلَامًا، فَبَاعَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنْ ابْنِ النَّحَّامِ غُلَامًا قِبْطِيًّا، مَاتَ عَامَ أَوَّلِ فِي إِمَارَةِ ابْنِ الزُّبَيْرِ

[20668] Abu Bakr said: Waki' told us from Hammad ibn Salamah, from Ayyub, from Nafi', that Ibn 'Umar disliked the sale of the Mudabbar.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ أَيُّوبَ، عَنْ نَافِعٍ، أَنَّ ابْنَ عُمَرَ: كَرِهَ بَيْعَ الْمُدَبَّرِ

[20669] Abu Bakr said: Isma'il ibn Ibrahim (who is Ibn 'Ulayyah) told us from Yahya ibn Yazid al-Huna'i, who said: I asked Anas ibn Malik about a man whose debtor gives him a gift. He said: “If he used to give him gifts before that, then there is no harm. But if he did not use to give him gifts before that, then it is not proper.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ وَهُوَ ابْنُ عَلِيَّةَ، عَنْ يَحْيَى بْنِ يَزِيدَ الْهُنَائِيِّ، قَالَ: سَأَلْتُ أَنَسَ بْنَ مَالِكٍ عَنِ الرَّجُلِ يُهْدِي لَهُ غَرِيمُهُ، فَقَالَ: إِنْ كَانَ يُهْدِي لَهُ قَبْلَ ذَلِكَ فَلَا بَأْسَ، وَإِنْ لَمْ يَكُنْ يُهْدِي لَهُ قَبْلَ ذَلِكَ فَلَا يَصْلُحُ

[20670] Abu Bakr said: Isma'il ibn Ibrahim told us from Ayyub, from 'Ikrimah, who said: Ibn 'Abbas said: “If you have given a loan, do not accept a gift of a trotter (or sheep's leg) nor the riding of a beast.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ أَيُّوبَ، عَنْ عِكْرِمَةَ، قَالَ: قَالَ ابْنُ عَبَّاسٍ: إِذَا أُقْرِضْتَ قَرْضًا، فَلَا تُهْدِيَنَّ هَدِيَّةً كُرَاعًا، وَلَا رُكُوبَ ذَابِيَةٍ

[20671] Abu Bakr said: Abu al-Ahwas told us from Al-Aswad ibn Qays, from Kulthum ibn al-Aqmar, from Zirr ibn Hubaysh, who said: Ubayy said: “If you gave a loan, and the owner of the loan comes carrying it and with him is a gift, take your loan from him and return his gift to him.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنِ الْأَسْوَدِ بْنِ قَيْسٍ، عَنْ كُثْلُومِ بْنِ الْأَقْمَرِ، عَنْ زَيْرِ بْنِ حُبَيْشٍ، قَالَ: قَالَ أَبِي: إِذَا أَقْرَضْتَ قَرْضًا وَجَاءَ صَاحِبُ الْقَرْضِ يَحْمِلُهُ وَمَعَهُ هَدِيَّةٌ فَخُذْ مِنْهُ قَرْضَهُ وَرُدَّ عَلَيْهِ هَدِيَّتَهُ

[20672] Abu Bakr said: Jarir told us from Mansur, from Ibrahim, from 'Alqamah, who said: “If a man has a debt owed by another man, and he [the debtor] gives him a gift to delay him, let him count it as part of his debt.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، قَالَ: إِذَا كَانَ لِلرَّجُلِ عَلَى الرَّجُلِ الدَّيْنُ فَأَهْدَى إِلَيْهِ لِيُؤَخَّرَ عَنْهُ، فَلْيَحْسِبْهُ مِنْ دَيْنِهِ

[20673] Abu Bakr said: Jarir told us from Mansur and Mughirah, from Ibrahim, who said: “If that used to occur between them before the debt, where one invites the other and he reciprocates, then there is no harm in that, and he does not count it from his debt.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، وَمُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا كَانَ ذَلِكَ قَدْ جَرَى بَيْنَهُمَا قَبْلَ الدَّيْنِ يَدْعُوهُ الْآخَرُ فَيُكَافِئُهُ فَلَا بَأْسَ بِذَلِكَ، وَلَا يَحْسِبْهُ مِنْ دَيْنِهِ

[20674] Abu Bakr said: Waki' told us from Sufyan, from Ibn Jurayj, from 'Ata', who said: “If they were exchanging gifts before that, then there is no harm.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: إِذَا كَانَا يَتَهَادِيَانِ قَبْلَ ذَلِكَ، فَلَا بَأْسَ

[20675] Abu Bakr said: Hafs ibn Ghiyath told us from 'Asim, from Ibn Sirin, that Ubayy had a debt owed by Umar, so he gave him a gift which he returned. Umar said: “Usury is only on one who intends to increase or delay.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ عَاصِمٍ، عَنْ ابْنِ سِيرِينَ، أَنَّ أَبِيًّا، كَانَ لَهُ عَلَى عُمَرَ دَيْنٌ فَأَهْدَى إِلَيْهِ هَدِيَّةً فَرَدَّهَا، فَقَالَ عُمَرُ: إِنَّمَا الرَّبَا عَلَى مَنْ أَرَادَ أَنْ يُزِيحَ، أَوْ يُنْسِيَّ

[20676] Abu Bakr said: Kathir ibn Hisham told us from Ja'far ibn Burqan, from Zayd ibn Abi Unaysah, that 'Ali was asked about a man who lends a loan to another man and [the debtor] gives him a gift. He said: “That is hasty usury.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا كَثِيرُ بْنُ هِشَامٍ، عَنْ جَعْفَرِ بْنِ بُرْقَانَ، عَنْ زَيْدِ بْنِ أَبِي أَنْيَسَةَ، أَنَّ عَلِيًّا سُئِلَ عَنِ الرَّجُلِ يَفْرِضُ الرَّجُلَ الْقَرْضَ وَيُهْدِي إِلَيْهِ، قَالَ: ذَلِكَ الرَّبَا الْعَجَلَانُ

[20677] Abu Bakr said: Yahya ibn 'Abd al-Malik ibn Abi Ghuniyyah told us from his father, from Al-Hakam, who said: “He used to dislike for a man to eat from the house of a man who owes him a debt, unless he counts it from his debt.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ عَبْدِ الْمَلِكِ بْنِ أَبِي غَنْيَةَ، عَنْ أَبِيهِ، عَنِ الْحَكَمِ، قَالَ: كَانَ يَكْرَهُ أَنْ يَأْكُلَ الرَّجُلُ مِنْ بَيْتِ الرَّجُلِ، وَلَهُ عَلَيْهِ دَيْنٌ إِلَّا أَنْ يَحْسِبَهُ مِنْ دَيْنِهِ

[20678] Abu Bakr said: Waki' told us from Shu'bah, from Abu Ishaq, from Abu 'Umar, who said: “He offsets it [deducts from debt].”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ شُعْبَةَ، عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي عُمَرَ، قَالَ: يُقَاصُّهُ

[20679] Abu Bakr said: Ibn Abi Za'idah and 'Abdah ibn Sulayman told us from Salih ibn Hayy, from 'Amir, who said: “If you have a debt owed by a man, do not be his guest.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، وَعَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ صَالِحِ بْنِ حَيٍّ، عَنْ عَامِرٍ، قَالَ: إِنْ كَانَ لَكَ عَلَى الرَّجُلِ الدَّيْنُ، فَلَا تُضَيِّفْهُ

[20680] Abu Bakr said: Ibn Abi Za'idah told us from Ibn Sirin, who said: It was mentioned to Ibn Mas'ud that a man lent another man a dirham and stipulated [the use of] his horse's back. He said: “Whatever he obtained from his horse's back is usury.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ ابْنِ سِيرِينَ، قَالَ: ذُكِرَ لِابْنِ مَسْعُودٍ رَجُلٌ أَقْرَضَ رَجُلًا دِرْهَمًا، وَاشْتَرَطَ ظَهْرَ فَرَسِهِ، قَالَ: مَا أَصَابَ مِنْ ظَهْرِ فَرَسِهِ فَهُوَ رِبَا

[20681] Abu Bakr said: Shihab ibn Muhammad al-'Amiri told us from 'Uthman ibn al-Aswad, from Mujahid, who said: I said to him: “If I have a dirham [owed] by a man, can I borrow a beast from him or ask him for a favor?” He said: “There is no harm.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا شِهَابُ بْنُ مُحَمَّدٍ الْأَمِيرِيُّ، عَنْ عُثْمَانَ بْنِ الْأَسْوَدِ، عَنْ مُجَاهِدٍ، قَالَ: قُلْتُ لَهُ: "إِذَا كَانَ لِي عَلَى رَجُلٍ دِرْهَمٌ أَسْتَعِيرُ مِنْهُ دَابَّةً، أَوْ أَطْلُبُ مِنْهُ مَعْرُوفًا قَالَ: لَا بَأْسَ

[20682] Abu Bakr said: Ibn Idris told us from Hisham, from Ibn Sirin, who said: “They used to say: ‘Repayment and donkeys [meaning gifts/benefits].’”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ، قَالَ: "كَانُوا يَقُولُونَ: قَضَاءٌ وَحَمِيرٌ

[20683] Abu Bakr said: Ibn Idris told us from Layth, from Mujahid, from Ibn 'Umar, who said: “One should not buy from a desperate person.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، عَنْ ابْنِ عُمَرَ، قَالَ: لَا يُبَاغُ مِنْ مُضْطَرٍّ

[20684] Abu Bakr said: Ibn Idris told us from Hisham, from Muhammad ibn Sirin, who said: “Shurayh used to not validate the sale of coercion (pressure/duress).”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، قَالَ: كَانَ شُرَيْحٌ لَا يُجِيزُ بَيْعَ الضُّعْفَةِ

[20685] Abu Bakr said: Waki' told us from Hasan ibn Salih, from 'Abd al-A'la, from Abu Mughaffal, who said: “The sale of the desperate person is usury.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ عَبْدِ الْأَعْلَى، عَنْ أَبِي مُعْفَلٍ، قَالَ: بَيْعُ الْمُضْطَرِّ رِبًا

[20686] Abu Bakr said: Waki' told us from Isra'il and 'Ali ibn Salih, from Abu al-Haytham, who said: I said to Ibrahim: “A man is being tortured; can I buy from him?” He said: “No.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، وَعَلِيِّ بْنِ صَالِحٍ، عَنْ أَبِي الْهَيْثَمِ، قَالَ: قُلْتُ لِإِبْرَاهِيمَ: "الرَّجُلُ يُعَذَّبُ أَشْتَرِي مِنْهُ؟" قَالَ: لَا

[20687] Abu Bakr said: Waki' told us from Hasan, from Layth, from Mujahid, who said: “Do not buy anything from a desperate person.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حَسَنِ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، قَالَ: لَا تَشْتَرِ مِنْ مُضْطَرٍّ شَيْئًا

[20688] Abu Bakr said: Waki' told us from 'Ubayd Allah ibn al-Walid, from Salim, who said: “Selling of the desperate was forbidden.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ عُبَيْدِ اللَّهِ بْنِ الْوَلِيدِ، عَنْ سَالِمٍ، قَالَ: نُهِيَ عَنْ بَيْعِ الْمُضْطَرِّ

[20689] Abu Bakr said: Abu Khalid al-Ahmar told us from Hajjaj, from 'Ata', who said: “They used to dislike every loan that drew a benefit.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ حَجَّاجٍ، عَنْ عَطَاءٍ، قَالَ: كَانُوا يَكْرَهُونَ كُلَّ قَرْضٍ جَرَّ مَنْفَعَةً

[20690] Abu Bakr said: Hafs told us from Ash'ath, from Al-Hakam, from Ibrahim, who said: “Every loan that draws a benefit is usury.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، قَالَ: كُلُّ قَرْضٍ جَرَّ مَنْفَعَةً، فَهُوَ رِبًا

[20691] Abu Bakr said: Ibn Idris told us from Hisham, from Al-Hasan and Muhammad: “That they used to dislike every loan that drew a benefit.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، وَمُحَمَّدٍ: أَنَّهُمَا كَانَا يَكْرَهُانِ كُلَّ قَرْضٍ جَرَّ مَنْفَعَةً

[20692] Abu Bakr said: Waki' told us: Ibn 'Awn told us from Ibn Sirin, who said: A man lent another man five hundred dirhams and stipulated [the use of] his horse's back. Ibn Mas'ud said: “Whatever he obtained from his horse's back is usury.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، قَالَ: حَدَّثَنَا ابْنُ عَوْنٍ، عَنِ ابْنِ سِيرِينَ، قَالَ: أَقْرَضَ رَجُلٌ رَجُلًا خَمْسِمِائَةَ دِرْهَمٍ وَاشْتَرَطَ عَلَيْهِ ظَهْرَ فَرَسِهِ، فَقَالَ ابْنُ مَسْعُودٍ: مَا أَصَابَ مِنْ ظَهْرِ فَرَسِهِ فَهُوَ رِبًا

[20693] Abu Bakr said: Waki' told us: Sufyan told us from Mughirah, from Ibrahim: “That he disliked every loan that drew a benefit.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، قَالَ: حَدَّثَنَا سُفْيَانٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ: أَنَّهُ كَرِهَ كُلَّ قَرْضٍ جَرَّ مَنْفَعَةً

[20694] Abu Bakr said: Abu al-Ahwas told us from Tariq, from Musa ibn Tariq, from Sa'id ibn al-Musayyib: "That he disliked [exchanging] fresh dates for dried dates, like for like."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: أَنَا أَبُو الْأَحْوَصِ، عَنْ طَارِقٍ، عَنْ مُوسَى بْنِ طَارِقٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ: أَنَّهُ كَرِهَ الرُّطْبَ بِالتَّمْرِ مِثْلًا بِمِثْلٍ

[20695] Abu Bakr said: Jarir told us from Mughirah, from Ibrahim, who said: "Do not buy fresh dates for dried ones."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا تَشْتَرِ الرُّطْبَ بِالْيَابِسِ

[20696] Abu Bakr said: Ibn Abi Za'idah told us from 'Ubayd Allah ibn 'Umar, from Nafi', from Ibn 'Umar: "That the Prophet (saw) forbade selling dried dates for dried dates by measure, and selling grapes for raisins by measure, and selling crops for wheat by measure."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْ بَيْعِ التَّمْرِ بِالتَّمْرِ كَيْلًا، وَعَنْ بَيْعِ الْعِنَبِ بِالزَّبِيبِ كَيْلًا، وَعَنْ بَيْعِ الزَّرْعِ بِالْحِنْطَةِ كَيْلًا

[20697] Abu Bakr said: Abu Dawud al-Tayalisi told us from Za'idah ibn Qudamah, from Simak, from 'Ikrimah, from Ibn 'Abbas, that he disliked [exchanging] fresh dates for dried dates, and said: "It is the lesser of the two in measure, or in the Qafiz."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو دَاوُدَ الطَّيَالِسِيُّ، عَنْ زَائِدَةَ بْنِ قُدَامَةَ، عَنْ سِمَاكٍ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، أَنَّهُ "كَرِهَ الرُّطْبَ بِالتَّمْرِ، وَقَالَ: هُوَ أَقْلُهُمَا فِي الْمِكْيَالِ، أَوْ فِي الْقَفِيزِ

[20698] Abu Bakr said: Waki' told us from Malik ibn Anas, from 'Abd Allah ibn Yazid, from Zayd Abu 'Ayyash, who said: I asked Sa'd about [exchanging] Sult (a type of barley) for Dhura (corn/sorghum), and he disliked it. He said: The Messenger of Allah (saw) was asked about fresh dates for dried dates, so he said: “Does it decrease when it dries?” They said: “Yes.” So he disliked it (or forbade it).

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مَالِكِ بْنِ أَنَسٍ، عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ، عَنْ زَيْدِ أَبِي عَيَّاشٍ، قَالَ: سَأَلْتُ سَعْدًا عَنِ السُّلْتِ بِالدُّرَةِ فَكَرِهَهُ، قَالَ: سُئِلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الرُّطْبِ بِالتَّمْرِ، فَقَالَ: يَنْقُصُ إِذَا جَفَ؟ فَقَالُوا: نَعَمْ فَكَرِهَهُ

[20699] Abu Bakr said: Asbat ibn Muhammad told us from Ash'ath, from Al-Hakam, that he disliked [exchanging] fresh dates for dried dates, like for like.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَسْبَاطُ بْنُ مُحَمَّدٍ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ أَنَّهُ كَرِهَ الرُّطْبَ بِالتَّمْرِ، الْيَاسِ مِثْلًا بِمِثْلٍ

[20700] Abu Bakr said: Jarir told us from Aban ibn Taghlib, from Al-Harith ibn Ibrahim and others, from Ibrahim, who said: “Whoever frees a share of his in a slave belonging to him—whether he owned him entirely or partially—then he is entirely free.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ أَبَانَ بْنِ تَغْلِبٍ، عَنِ الْحَارِثِ بْنِ إِبْرَاهِيمَ، وَغَيْرِهِ عَنْ إِبْرَاهِيمَ، قَالَ: مَنْ أَعْتَقَ شِفْصًا لَهُ فِي مَمْلُوكٍ لَهُ فَكَانَ لَهُ كُلُّهُ، أَوْ بَعْضُهُ فَهُوَ عَتِيقُ كُلِّهِ

[20701] Abu Bakr said: Hafs ibn Ghiyath told us from Layth, from 'Asim, from Ibn 'Abbas, regarding a man who said to his slave girl: “Your private part is free.” He said: “She is free; if any part of her is freed, she is free.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ لَيْثٍ، عَنْ عَاصِمٍ، عَنِ ابْنِ عَبَّاسٍ، فِي "رَجُلٍ قَالَ لِجَارِيَّتِهِ: فَرِّجْكِ حُرًّا قَالَ: هِيَ حُرَّةٌ، وَإِذَا عَتَقَ مِنْهَا شَيْءٌ فَهِيَ حُرَّةٌ

[20702] Abū Bakr reported: Wakī‘ reported from Sufyān from Khālīd ibn Salamah who said: A man came to ‘Umar while he was at ‘Arafah and said: "I have freed one-third of my slave." ‘Umar said: "He is all free; he has no partner."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ خَالِدِ بْنِ سَلَمَةَ، قَالَ: جَاءَ رَجُلٌ إِلَى عُمَرَ وَهُوَ بِعَرَفَةَ فَقَالَ: إِنِّي أَعْتَقْتُ ثُلُثَ عَبْدِي "فَقَالَ عُمَرُ: هُوَ حُرٌّ كُلُّهُ، لَيْسَ لَهُ شَرِيكَ

[20703] Abū Bakr reported: Asbāt ibn Muḥammad reported from Muṭarrif from Al-Sha‘bī regarding a man who freed one-third of his slave. He said: "He strives (works) for him for the [remaining] two-thirds, and he does not guarantee the rest of him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَسْبَاطُ بْنُ مُحَمَّدٍ، عَنْ مُطَرِّفٍ، عَنِ الشَّعْبِيِّ، فِي رَجُلٍ أَعْتَقَ ثُلُثَ عَبْدِهِ قَالَ: يَسْعَى لَهُ فِي الثُّلُثَيْنِ وَلَا يَضْمَنُ لِبَقِيَّتِهِ

[20704] Abū Bakr reported: ‘Abbād ibn al-‘Awwām reported from Sa‘īd from Qatādah from Abū al-Malīḥ that a man freed one-third of a young slave of his. It was raised to the Prophet ﷺ, and he said: "He is free; he has no partner."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَّامِ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ أَبِي الْمَلِيحِ، أَنَّ رَجُلًا أَعْتَقَ ثُلُثَ غُلَامٍ لَهُ فَرَفَعَ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: هُوَ حُرٌّ، لَيْسَ لَهُ شَرِيكٌ

[20705] Abū Bakr reported: Ghundar reported from Shu‘bah who said: I asked Al-Ḥakam about a man who said to his slave: "Half of you is free." He said: "If it is as you say, 'the guarantee is true,' then he is free." It was Al-Ḥakam's opinion that he should free him. He said: I asked Ḥammād, and he said: "Half of him is freed, and he strives for the remaining half."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ عَنْ رَجُلٍ قَالَ لِغُلَامِهِ: نِصْفُكَ حُرٌّ، قَالَ: إِنْ كَانَ كَمَا تَقُولُونَ: الضَّمَانُ حَقٌّ فَهُوَ عَتِيقٌ وَكَانَ مِنْ رَأْيِ الْحَكَمِ أَنْ يُعْتِقَهُ، قَالَ: وَسَأَلْتُ حَمَّادًا، فَقَالَ: يَعْتِقُ نِصْفَهُ وَيَسْعَى فِي النِّصْفِ الْبَاقِي

[20706] Abū Bakr reported: Ḥafṣ reported from Ash‘ath from Al-Ḥasan who said: ‘Alī said: "A man frees whatever he wishes of his slave."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، قَالَ: قَالَ عَلِيٌّ: يَعْتِقُ الرَّجُلُ مَا شَاءَ مِنْ غُلَامِهِ

[20707] Abū Bakr reported: Ḥaṣṣ ibn Sulaymān reported from Ismā‘īl from Al-Ḥasan who said: "If he frees a little or a lot of his slave, he is free. And if he divorces a finger or more of his wife, she is divorced."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حَفْصُ بْنُ سُلَيْمَانَ، عَنْ إِسْمَاعِيلَ، عَنِ الْحَسَنِ، قَالَ: إِذَا أَعْتَقَ عَبْدَهُ قَلِيلًا أَوْ كَثِيرًا فَهُوَ عَتِيقٌ، وَإِذَا طَلَّقَ مِنْ أَمْرَاتِهِ إصْبَعًا أَوْ أَكْثَرَ مِنْ ذَلِكَ فَهِيَ طَالِقٌ

[20708] Abū Bakr reported: ‘Īsā ibn Yūnus reported from Al-Awzā‘ī from Al-Zuhrī who said: "The Sunnah has passed that the testimony of women is valid in matters that no one else can see, such as childbirth and women's defects. The testimony of the midwife alone is valid regarding the baby's cry (at birth), and two women regarding anything else."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنِ الْأَوْزَاعِيِّ، عَنِ الزُّهْرِيِّ، قَالَ: مَضَتْ السُّنَّةُ أَنْ تَجُوزَ شَهَادَةُ النِّسَاءِ فِيمَا لَا يَطَّلِعُ عَلَيْهِ غَيْرُهُنَّ مِنْ وَلَادَاتِ النِّسَاءِ وَعُيُوبِهِنَّ، وَتَجُوزُ شَهَادَةُ الْقَابِلَةِ وَحَدَّهَا فِي الْإِسْتِهْلَالِ، وَأَمْرَاتَانِ فِيمَا سِوَى ذَلِكَ

[20709] Abū Bakr reported: Abū Bakr ibn ‘Ayyāsh reported from Muṭarrif from Al-Sha‘bī regarding matters where the testimony of men is not valid: "Four [women]." Al-Ḥakam said: "Two women are sufficient."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو بَكْرِ بْنُ عَيَّاشٍ، عَنْ مُطَرِّفٍ، عَنِ الشَّعْبِيِّ، فِيمَا لَا تَجُوزُ فِيهِ شَهَادَاتُ الرِّجَالِ: أَرْبَعٌ، وَقَالَ الْحَكَمُ: امْرَأَتَانِ يُجْزِئَانِ

[20710] Abū Bakr reported: Ibn Abī Zā'idah reported from 'Abd al-Malik from 'Aṭā' who said: "The testimony of women regarding the baby's cry (at birth) is valid."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، قَالَ: تَجُوزُ شَهَادَةُ النِّسَاءِ عَلَى الْإِسْتِهْلَالِ

[20711] Abū Bakr reported: Ibn Abī Zā'idah reported from Ismā'il from 'Āmir who said: "Among testimonies is a testimony where only the testimony of women is valid."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ إِسْمَاعِيلَ، عَنْ عَامِرٍ، قَالَ: مِنَ الشَّهَادَاتِ شَهَادَةُ لَا يَجُوزُ فِيهَا إِلَّا شَهَادَاتُ النِّسَاءِ

[20712] Abū Bakr reported: Wakī' reported from Sufyān from Ḥammād from Ibrāhīm; and from Yūnus from Al-Ḥasan; and from Ash'ath from Al-Sha'bī; they said: "The testimony of one woman is valid in matters that men cannot see."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، وَعَنْ يُونُسَ، عَنِ الْحَسَنِ، وَعَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، قَالُوا: تَجُوزُ شَهَادَةُ امْرَأَةٍ وَاحِدَةٍ فِيمَا لَا يَطَّلِعُ عَلَيْهِ الرَّجَالُ

[20713] Abū Bakr reported: Wakī' reported from Sufyān from Ibn Jurayj from 'Aṭā' who said: "Less than the testimony of four women is not valid in matters where the testimony of men is not valid."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: لَا يَجُوزُ أَقْلُ مِنْ شَهَادَةِ أَرْبَعِ نِسْوَةٍ فِيمَا لَا يَجُوزُ فِيهِ شَهَادَةُ الرِّجَالِ

[20714] Abū Bakr reported: Wakī' reported from Sufyān from 'Abd al-A'lā from Shurayḥ: That he accepted the testimony of a midwife.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَبْدِ الْأَعْلَى، عَنْ شُرَيْحٍ، أَنَّهُ أَجَازَ شَهَادَةَ قَابِلَةٍ

[20715] Abū Bakr reported: Wakī' reported from Sufyān from Jābir from 'Abdullāh ibn Najī from 'Alī: That he accepted the testimony of a midwife.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ عَبْدِ اللَّهِ بْنِ نَجِيٍّ، عَنْ عَلِيٍّ، أَنَّهُ أَجَازَ شَهَادَةَ قَابِلَةٍ

[20716] Abū Bakr reported: Ḥaṣṣ ibn Ghiyāth reported from Al-Shaybānī and Abū Ḥanīfah from Ḥammād who said: "The testimony of one midwife is valid." One of them said: "Even if she is a Jewess."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنِ الشَّيْبَانِيِّ، وَأَبِي حَنِيفَةَ، عَنْ حَمَّادٍ، قَالَ: تَجُوزُ شَهَادَةُ قَابِلَةٍ وَاحِدَةٍ، وَقَالَ أَحَدُهُمَا: وَإِنْ كَانَتْ يَهُودِيَّةً

[20717] Abū Bakr reported: Wakī' reported from Ismā'īl from Al-Sha'bī who said: "Among testimonies is a testimony where only the testimony of a woman is valid."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، قَالَ: مِنَ الشَّهَادَةِ شَهَادَةٌ لَا يَجُوزُ فِيهَا إِلَّا شَهَادَةُ امْرَأَةٍ

[20718] Abū Bakr reported: Sharīk reported from Jābir from a man from Shurayḥ regarding two witnesses differing, one testifying to twenty and the other to ten. He said: "The ten are accepted."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ جَابِرٍ، عَنْ رَجُلٍ عَنْ شُرَيْحٍ، فِي شَاهِدَيْنِ يَخْتَلِفَانِ فَشَهِدَ أَحَدُهُمَا عَلَى عَشْرِينَ وَالْآخَرُ عَلَى عَشْرَةٍ قَالَ: يُؤْخَذُ بِالْعَشْرَةِ

[20719] Abū Bakr reported: Abū Mu‘āwiyah reported from Ḥammād from Mis‘ar from ‘Umar ibn ‘Abdullāh ibn Wāthilah who said: "Two witnesses testified before Shurayḥ; one for more and the other for less. He accepted their testimony based on the lesser

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ حَمَّادٍ، عَنْ مِسْعَرٍ، عَنْ عُمَرَ بْنِ عَبْدِ اللَّهِ بْنِ وَائِلَةَ، قَالَ: شَهِدَ شَاهِدَانِ عِنْدَ شُرَيْحٍ أَحَدُهُمَا بِأَكْثَرٍ وَالْآخَرُ بِأَقَلٍّ، فَأَجَازَ شَهِادَتَهُمَا عَلَى الْأَقَلِّ

[20720] Abū Bakr reported: Abū Mu‘āwiyah reported from Al-Mukhtār ibn ‘Abdullāh ibn Malīḥ al-Thaqafī from ‘Umar ibn ‘Abdullāh ibn Wāthilah who said: "Two witnesses testified before Shurayḥ; one to a thousand and the other to five hundred. Shurayḥ accepted their testimony based on five hundred."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْمُخْتَارِ بْنِ عَبْدِ اللَّهِ بْنِ مَلِيحِ الثَّقَفِيِّ، عَنْ عُمَرَ بْنِ عَبْدِ اللَّهِ بْنِ وَائِلَةَ، قَالَ: شَهِدَ عِنْدَ شُرَيْحٍ شَاهِدَانِ أَحَدُهُمَا عَلَى أَلْفٍ وَالْآخَرُ عَلَى خَمْسِمِائَةٍ، فَأَجَازَ شُرَيْحٌ شَهِادَتَهُمَا عَلَى خَمْسِمِائَةٍ

[20721] Abū Bakr reported: Sahl ibn Yūsuf reported from ‘Amr from Al-Ḥasan who said: "He gets the lesser of the two."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُونُسَ، عَنْ عَمْرِو، عَنِ الْحَسَنِ، قَالَ: لَهُ أَوْكُسُهُمَا

[20722] Abū Bakr reported: Abū al-Aḥwaṣ reported from Mughīrah from Ibrāhīm who said: "Every assignment of debt (Ḥawālah) can be returned except if a man says to another: 'I sell you what so-and-so owes for such-and-such.' If he sells it, he cannot return."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: "كُلُّ حَوَالَةٍ يَرْجَعُ إِلَّا أَنْ يَقُولَ الرَّجُلُ لِلرَّجُلِ: أَبَيْعُكَ مَا عَلَى فُلَانٍ بَكْدًا وَكَدًّا، فَإِذَا بَاعَهُ فَلَا يَرْجَعُ

[20723] Abū Bakr reported: Yaḥyā ibn Abī Zā'idah reported from Ibn Abī Ghaniyyah from Al-Ḥakam ibn ‘Utaybah who said: "He does not return the assignment of debt to its owner until he becomes bankrupt or dies leaving nothing, for a man becomes wealthy at times and poor at times."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي زَائِدَةَ، عَنْ ابْنِ أَبِي غَنِيَّةٍ، عَنْ الْحَكَمِ بْنِ غُنَيْيَةَ، قَالَ: لَا يَرْجَعُ فِي الْحَوَالَةِ إِلَى صَاحِبِهِ حَتَّى يَفْلِسَ أَوْ يَمُوتَ وَلَا يَدْعُ، فَإِنَّ الرَّجُلَ يُوَسِّرُ مَرَّةً، وَيُعْسِرُ مَرَّةً

[20724] Abū Bakr reported: Wakī' reported from Shu'bah from Khulayd ibn Ja'far from Abū Iyās from 'Uthmān regarding assignment of debt: "He returns; there is no loss upon a Muslim."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ خُلَيْدِ بْنِ جَعْفَرٍ، عَنْ أَبِي إِيسَى، عَنْ عُثْمَانَ، فِي الْحَوَالَةِ: يَرْجِعُ، لَيْسَ عَلَى مُسْلِمٍ تَوَى

[20725] Abū Bakr reported: 'Abdah ibn Sulaymān reported from Ibn Abī 'Arūbah from Qatādah from Al-Ḥasan who said: "If he assigns the debt to a wealthy person, then he becomes bankrupt afterwards, it is binding on him."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ ابْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، قَالَ: إِذَا احْتَالَ عَلَى مَلِيٍّ، ثُمَّ أَفْلَسَ بَعْدَ فَهُوَ جَائِزٌ عَلَيْهِ

[20726] Abū Bakr reported: Wakī' reported from Khaṭṭāb al-'Uṣfurī who said: A man assigned me a debt to a Jew, but he delayed. I asked Al-Sha'bī, and he said: "Return to the first one."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ خَطَّابِ الْعُصْفُرِيِّ، قَالَ: أَحَالَ نِي رَجُلٌ عَلَى يَهُودِيٍّ فَتَوَانَى فَسَأَلْتُ الشَّعْبِيَّ، فَقَالَ: ارْجِعْ إِلَى الْأَوَّلِ

[20727] Abū Bakr reported: Wakī' reported from Shu'bah from Al-Ḥakam from Shurayḥ regarding a man who assigns a debt to another and it is lost. He said: "He does not return to the first one."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، عَنْ شُرَيْحٍ، فِي الرَّجُلِ يُحِيلُ الرَّجُلَ فَيَتَوَى قَالَ: لَا يَرْجِعُ عَلَى الْأَوَّلِ

[20728] Abū Bakr reported: حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ زَكَرِيَّا، عَنْ وَكِيعٍ، عَنْ شُرَيْحٍ، بِنَحْوِهِ
Wakī' reported from Zakariyyā from Al-Sha'bī from Shurayḥ similar to it.

[20729] Abū Bakr reported: حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي السَّفَرِ، عَنِ الشَّعْبِيِّ، أَنَّهُ كَرِهَ أَنْ يَقُولَ: اسْتَرِي مِنْكَ مَا عَلَى فُلَانٍ، وَقَالَ: هُوَ غَرَرٌ
Wakī' reported from Sufyān from 'Abdullāh ibn Abī al-Safar from Al-Sha'bī that he disliked saying: "I buy from you what so-and-so owes," and he said: "It is uncertainty (Gharar)."

[20730] Abū Bakr reported: حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعَاذٌ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ: أَنَّهُ كَانَ لَا يَرَى الْحَوَالَةَ بَرَاءً، إِلَّا أَنْ يُبْرِئَهُ فَإِذَا أَبْرَأَهُ فَقَدْ بَرِيَ
Mu'ādh reported from Ash'ath from Al-Ḥasan: "That he did not consider assignment of debt as acquittal unless he acquits him. If he acquits him, then he is acquitted."

[20731] Abū Bakr reported: حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنْ مُحَمَّدِ بْنِ عُبَيْدٍ اللَّهِ النَّقْفِيِّ، قَالَ: كَتَبَ عُمَرُ بْنُ الْخَطَّابِ أَنَّ النِّسَاءَ يُعْطِينَ أَزْوَاجَهُنَّ رَغْبَةً وَرَهْبَةً، فَأَيُّمَا امْرَأَةٍ أَعْطَتْ زَوْجَهَا شَيْئًا فَأَرَادَتْ أَنْ تَعْتَصِرَهُ فَهِيَ أَحَقُّ بِهِ
Alī ibn Mushir reported from Al-Shaybānī from Muḥammad ibn 'Ubaydullāh al-Thaqafī who said: 'Umar ibn al-Khaṭṭāb wrote: "Women give to their husbands out of desire and fear. So any woman who gives her husband something and wants to reclaim it, she has more right to it."

[20732] Abū Bakr reported: Abū Bakr ibn ‘Ayyāsh reported from Mughīrah from ‘Āmir who said: "A woman does not retract her gift, nor does a man retract his gift."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو بَكْرِ بْنُ عَيَّاشٍ، عَنْ مُغِيرَةَ، عَنْ عَامِرٍ، قَالَ: لَا تَرْجِعُ الْمَرْأَةُ فِي هِبَتِهَا، وَلَا يَرْجِعُ الرَّجُلُ فِي هِبَتِهِ

[20733] Abū Bakr reported: Wakī‘ reported from Sufyān from ‘Abd al-Karīm al-Jazarī from ‘Umar ibn ‘Abd al-‘Azīz: "Regarding husband and wife, neither of them has the right to retract what they gave to the other."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ عَبْدِ الْكَرِيمِ الْجَزَرِيِّ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، فِي الرُّوْجِ وَالْمَرْأَةِ لَيْسَ لِوَاحِدٍ مِنْهُمَا أَنْ يَرْجِعَ فِيمَا وَهَبَ لِصَاحِبِهِ

[20734] Abū Bakr reported: Ibn Abī Zā’idah reported from Ash’ath from Ibn Sīrīn who said: A woman came disputing with her husband to Shurayḥ regarding something she had given him. The man said: "Did not Allah Almighty say: {But if they give up willingly to you anything of it, then take it in satisfaction and ease} [An-Nisa: 4]?" Shurayḥ said: "If she had given it up willingly, you would not be disputing."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَشْعَثَ، عَنْ ابْنِ سِيرِينَ، قَالَ: جَاءَتْ مَرْأَةٌ تُخَاصِمُ زَوْجَهَا إِلَى شُرَيْحٍ فِي شَيْءٍ أَعْطَتْهُ إِيَّاهُ فَقَالَ الرَّجُلُ: أَلَيْسَ قَدْ قَالَ اللَّهُ تَعَالَى: {فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ} ، فَقَالَ شُرَيْحٌ: لَوْ طَابَتْ بِهِ [4: هَنِيئًا مَرِيئًا] [النساء نَفْسَهَا لَمَا تَخَاصَمْتُمَا

[20735] Abū Bakr reported: Ibn Abī Zā'idah reported from Ibn 'Awn from Ibn Sīrīn from Shurayḥ: "Two just witnesses that she left it without compulsion or humiliation."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنِ ابْنِ عَوْنٍ، عَنِ ابْنِ سِيرِينَ، عَنْ شُرَيْحٍ شَاهِدَانِ دَوَا عَدْلٍ أَنَّهَا تَرَكَتْهُ مِنْ غَيْرِ كُرْهِ، وَلَا هَوَانٍ

[20736] Abū Bakr reported: Ibn Maḥdī reported from Zam'ah from Ibn Ṭāwūs from his father Ṭāwūs who said: "If a woman gives a gift to her husband, then retracts it, it is returned to her."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ زَمْعَةَ، عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ طَاوُسٍ، قَالَ: إِذَا وَهَبَتِ الْمَرْأَةُ لِرَوْجِهَا، ثُمَّ رَجَعَتْ فِيهِ يَرُدُّ إِلَيْهَا

[20737] Abū Bakr reported: Ghundar reported from Shu'bah from Maṣṣūr from Ibrāhīm who said: "If a woman gives to her husband willingly, it is valid." Maṣṣūr said: "I do not like it."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ مَنصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِنْ أَعْطَتِ الْمَرْأَةُ رَوْجَهَا وَهِيَ طَيِّبَةُ النَّفْسِ فَهُوَ جَائِزٌ. وَقَالَ مَنصُورٌ: لَا يُعْجِبُنِي

[20738] Abū Bakr reported: Ibn Abī Zā'idah and Wakī' reported from Ismā'īl from 'Āmir who said: "What her husband gave her is permissible for her, but what she gave him is not permissible for him."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، وَوَكَيْعٌ، عَنْ إِسْمَاعِيلَ، عَنْ عَامِرٍ، قَالَ: يَجُوزُ لَهَا مَا أَعْطَاهَا رَوْجُهَا، وَلَا يَجُوزُ لَهُ مَا أَعْطَتْهُ

[20739] Abū Bakr reported: Abū al-Aḥwaṣ reported from Mughīrah from Ibrāhīm who said: "If a man holds land as a pledge, he does not have the right to work on it. If he does work on it, the equivalent rent should be deducted from the debt for the land owner."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا ارْتَهَنَ الرَّجُلُ الْأَرْضَ فَلَيْسَ لَهُ أَنْ يَعْمَلَ فِيهَا شَيْئًا، فَإِنْ عَمَلَ حَسَبَ لِسَابِجِ الْأَرْضِ مِنْ رَهْنِهِ أَجْرٌ مِثْلُهَا

[20740] Abū Bakr reported: Ibn al-Mubārak reported from Ma‘mar from Ibn Ṭāwūs from his father regarding a man who pledged land to his wife for her dower, and she consumed from its yield. He said: "It is counted against her."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ الْمُبَارَكِ، عَنْ مَعْمَرٍ، عَنْ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، فِي رَجُلٍ رَهَنَ امْرَأَتَهُ أَرْضًا بِصَدَاقِهَا، فَأَكَلَتْ مِنَ الْعَلَّةِ قَالَ: يُحْسَبُ عَلَيْهَا

[20741] Abū Bakr reported: Ibn Abī Zā'idah reported from Zakariyyā from ‘Āmir regarding a man who held a female slave as a pledge and she had a son whom she suckled for him. He said: "The equivalent wage for her suckling is calculated for him."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ زَكَرِيَّا، عَنْ عَامِرٍ، فِي رَجُلٍ ارْتَهَنَ مَمْلُوكَةً لَهَا ابْنٌ أَرْضَعَتْ لَهُ، قَالَ: يُحْسَبُ لَهُ أَجْرٌ مِثْلُهَا بِمَا أَرْضَعَتْ

[20742] Abū Bakr reported: Ibn Abī Zā'idah reported from Shu'bah from Al-Ḥakam from Ibrāhīm who said: "If he benefits from the pledge in any way, he deducts that amount."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا انْتَفَعَ مِنَ الرَّهْنِ بِشَيْءٍ فَاصْطِهِ بِقَدْرِ ذَلِكَ

[20743] Abū Bakr reported: Yahyā ibn Ādam reported: Ḥasan reported from Mughīrah from Ibrāhīm regarding a man who held a house or a boy as a pledge and utilized it. He said: "The yield is from the pledge."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ، قَالَ: حَدَّثَنَا حَسَنٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي رَجُلٍ ارْتَهَنَ دَارًا، أَوْ غُلَامًا فَاسْتَعْلَاهُ، قَالَ: الْعَلَّةُ مِنَ الرَّهْنِ

[20744] Abū Bakr reported: Ibn 'Ulayyah reported from Layth from Ṭāwūs who said: "If he acknowledges a debt to an heir, it is valid."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ لَيْثٍ، عَنْ طَاوُسٍ، قَالَ: إِذَا أَقْرَأَ لَوَارِثٍ بِدَيْنٍ جَازَ

[20745] Abū Bakr reported: Ibn 'Ulayyah reported from 'Āmir al-Aḥwal who said: Al-Ḥasan was asked about it, and he said: "I charge it to him, and I do not bear it for him."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ عَامِرِ الْأَحْوَلِ، قَالَ: سُئِلَ الْحَسَنُ عَنْهُ، فَقَالَ: أَحْمَلُهَا إِيَّاهُ، وَلَا أَتَحْمَلُهَا عَنْهُ

[20746] Abū Bakr reported: Wakī' reported from Sufyān from Ibn Abī Laylā from Al-Ḥakam; and from Maṣṣūr from Ibrāhīm; and from Sufyān from Jābir from Al-Sha'bī from Shurayḥ; they said: "If he acknowledges a debt to an heir during illness, it is not valid except with proof. If he acknowledges to a non-heir, it is valid."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ أَبِي لَيْلَى، عَنِ الْحَكَمِ، وَعَنْ مَنصُورٍ، عَنْ إِبْرَاهِيمَ، وَعَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ، قَالَا: إِذَا أَقَرَّ فِي مَرَضٍ لَوَارِثٍ بِدَيْنٍ لَمْ يَجْزِ إِلَّا بِبَيِّنَةٍ، فَإِذَا أَقَرَّ لِغَيْرِ وَارِثٍ جَازَ

[20747] Abū Bakr reported: Zayd ibn Ḥubāb reported: Ḥammād ibn Salamah reported from Qatādah from Ibn Udhaynah regarding a man acknowledging a debt to an heir. He said: "It is not valid."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، قَالَ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ، عَنْ قَتَادَةَ، عَنْ ابْنِ أُدَيْنَةَ، فِي الرَّجُلِ يُقَرُّ لَوَارِثٍ بِدَيْنٍ، قَالَ: لَا يَجُوزُ

[20748] Abū Bakr reported: Wakī' reported from Sufyān from Ibn Jurayj from 'Aṭā' who said: "The acknowledgment of a sick person is not valid."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: لَا يَجُوزُ إِقْرَارُ الْمَرِيضِ

[20749] Abū Bakr reported: Zayd ibn Ḥubāb reported: Ḥammād ibn Salamah reported from Qays ibn Sa'd from 'Aṭā' regarding a man acknowledging a debt to an heir. He said: "It is valid."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، قَالَ: حَدَّثَنَا
حَمَّادُ بْنُ سَلَمَةَ، عَنْ قَيْسِ بْنِ سَعْدٍ، عَنْ عَطَاءٍ، فِي
رَجُلٍ أَقْرَ لَوَارِثٍ بِدَيْنٍ، قَالَ: جَائِزٌ

[20750] Abū Bakr reported: Ismā'il ibn 'Ayyāsh reported from 'Abd al-'Azīz ibn 'Ubaydullāh from Al-Sha'bī from Shurayḥ: "That he used to validate a man's confession of debt at death to a non-heir, but would not validate it to an heir except with proof."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عِيَّاشٍ، عَنْ
عَبْدِ الْعَزِيزِ بْنِ عُبَيْدِ اللَّهِ، عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ أَنَّهُ
كَانَ يُجِيزُ اعْتِرَافَ الرَّجُلِ عِنْدَ مَوْتِهِ بِالْدَّيْنِ لِغَيْرِ
وَارِثٍ، وَلَا يُجِيزُهُ لَوَارِثٍ إِلَّا بِبَيِّنَةٍ

[20751] Abū Bakr reported: 'Umar ibn Ayyūb al-Mawṣilī reported from Ja'far from Maymūn who said: "If a man acknowledges a debt during his illness, I see that it should be binding on him, because if he acknowledged it while healthy it would be valid, and he is most truthful at his death."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عُمَرُ بْنُ أَيُّوبَ الْمَوْصِلِيُّ،
عَنْ جَعْفَرٍ، عَنْ مَيْمُونٍ، قَالَ: إِذَا أَقْرَ الرَّجُلُ بِدَيْنٍ فِي
مَرَضِهِ فَأَرَى أَنْ يَجُوزَ عَلَيْهِ، لِأَنَّهُ لَوْ أَقْرَ بِهِ وَهُوَ
صَحِيحٌ جَازٌ، وَأَصْدَقُ مَا يَكُونُ عِنْدَ مَوْتِهِ

[20752] Abū Bakr reported: Ibn ‘Uyaynah reported from ‘Amr from Ṭāwūs who said: "If you sell food on credit and the term expires, do not take food [in exchange]." He said: And Jābir ibn Zayd Abū al-Sha‘thā’ said: "If your debt becomes due, take whatever you wish for it."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ طَاوُسٍ، قَالَ: إِذَا بَعْتَ طَعَامًا إِلَى أَجَلٍ فَحَلَّ الْأَجَلُ، فَلَا تَأْخُذْ طَعَامًا قَالَ: وَقَالَ جَابِرُ بْنُ زَيْدٍ أَبُو الشَّعْثَاءِ: إِذَا حَلَّ دَيْنُكَ فَخُذْ بِهِ مَا شِئْتَ

[20753] Abū Bakr reported: Yahyā ibn Sa‘īd al-Qaṭṭān reported from Muḥammad ibn ‘Abdullāh ibn Abī Maryam who said: I said to Sa‘īd ibn al-Musayyib: "I sold dates to a man; can I take dates for the price of my dates?" He said: "Do not take food, anything measured or weighed."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ، عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي مَرْيَمَ، قَالَ: قُلْتُ لِسَعِيدِ بْنِ الْمُسَيَّبِ: بَعْتُ مِنْ رَجُلٍ تَمْرًا أَخَذُ مِنْ ثَمَنِ تَمْرِي تَمْرًا؟ قَالَ: لَا تَأْخُذَنَّ طَعَامًا، مَا يُكَالُ وَيُوزَنُ

[20754] Abū Bakr reported: Ibn Abī Zā‘idah reported from Ash‘ath from ‘Āmir who said: "If you sell food on credit and your money becomes due, take whatever goods you wish for it, but do not take food specifically."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَشْعَثَ، عَنْ عَامِرٍ، قَالَ: إِذَا بَعْتَ طَعَامًا إِلَى أَجَلٍ فَحَلَّ مَالُكَ فَخُذْ بِهِ مِنَ الْعُرُوضِ مَا شِئْتَ، لَا تَأْخُذْ طَعَامًا بِعَيْنِهِ

[20755] Abū Bakr reported: Wakī' reported from 'Alī ibn Mubārak from Yaḥyā ibn Abī Kathīr from Abū Salamah regarding a man who sold sheep to another man on credit, and when the term expired, he wanted to take sheep and offset it. He disliked it.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ عَلِيِّ بْنِ مُبَارَكٍ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ فِي رَجُلٍ بَاعَ مِنْ رَجُلٍ غَنَمًا إِلَى أَجَلٍ، فَلَمَّا حَلَّ الْأَجَلُ أَرَادَ أَنْ يَأْخُذَ غَنَمًا وَيُقَاصَّهُ فَكَرِهَهُ

[20756] Abū Bakr reported: Jarīr reported from Mughīrah from Al-Ḥārith and Ḥammād: "That they disliked a man selling broken food for forty on credit, then buying similar food from him for less than forty."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنِ الْحَارِثِ، وَحَمَّادٍ، أَنَّهُمَا كَانَا يَكْرَهُانِ أَنْ يَبِيعَ الرَّجُلُ طَعَامًا الْكَسْرَ بِأَرْبَعِينَ نَسَاءً، ثُمَّ يَشْتَرِيَ مِنْهُ طَعَامًا مِثْلَهُ بِدُونَ الْأَرْبَعِينَ

[20757] Abū Bakr reported: 'Abdah ibn Sulaymān reported from Sa'īd from Qatādah from Ṭāwūs who said: Ibn 'Abbās said: "If you sell something measured or weighed on credit and your term expires, do not take from what is found anything that differs from them."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ طَاوُسٍ، قَالَ: قَالَ ابْنُ عَبَّاسٍ: إِذَا بِعْتَ بَيْعًا مِمَّا يُكَالُ، وَيُوزَنُ إِلَى أَجَلٍ فَحَلَّ أَجْلُكَ فَلَا تَأْخُذْ مِمَّا وَجَدَ مَا خَالَفَاهُمَا

[20758] Abū Bakr reported: Hammād ibn Khālīd reported from Mālik ibn Anas from Abū al-Zinād from Sa'īd ibn al-Musayyib and Sulaymān ibn Yasār, who said: "Whoever sells food for gold on credit and the term expires, let him not take dates for it."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حَمَّادُ بْنُ خَالِدٍ، عَنْ مَالِكِ بْنِ أَنَسٍ، عَنْ أَبِي الزِّنَادِ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، وَسُلَيْمَانَ بْنِ يَسَارٍ، قَالَا: مَنْ بَاعَ طَعَامًا يَذْهَبُ إِلَى أَجَلٍ فَحَلَّ الْأَجَلَ، فَلَا تَأْخُذْ بِهِ تَمْرًا

[20759] Abū Bakr reported: Wakī' reported from Sufyān from Ibn Jurayj from 'Aṭā' who said: "Do not take by measure."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: لَا تَأْخُذْ كَيْلًا

[20760] Abū Bakr reported: Wakī' reported from Ibrāhīm ibn Nāfi' who said: I asked Ṭawūs about a man who sold wheat to another man on credit. When the term expired, can he take wheat instead of his dirhams? He said: "No."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِبْرَاهِيمَ بْنِ نَافِعٍ، قَالَ: سَأَلْتُ طَاوُسًا عَنْ رَجُلٍ بَاعَ رَجُلًا بُرًّا إِلَى أَجَلٍ، فَلَمَّا حَلَّ الْأَجَلُ أَيَاخُذُ بُرًّا مَكَانَ دِرَاهِمِهِ؟ قَالَ: لَا

[20761] Abū Bakr reported: Wakī' reported from 'Aṭā' from Ibn 'Abbās who said: "There is no harm in taking wheat in its place."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: لَا بَأْسَ أَنْ يَأْخُذَ بُرًّا مَكَانَهُ

[20762] Abū Bakr reported: Wakī' reported from Sufyān from Hishām from Ibn Sīrīn regarding a man who sells food on credit and it becomes due, but he finds no dirhams with him. He said: "Take whatever you wish."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ هِشَامٍ، عَنِ ابْنِ سِيرِينَ، فِي الرَّجُلِ يَبِيعُ الطَّعَامَ إِلَى أَجَلٍ فَيَجِلُّ فَلَا يَجِدُ عِنْدَهُ دَرَاهِمَهُ، قَالَ: خُذْ مَا شِئْتَ

[20763] Abū Bakr reported: Wakī' reported from Sufyān from Jābir from Al-Sha'bī who said: "That is food for food."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنِ الشَّعْبِيِّ، قَالَ: ذَلِكَ طَعَامٌ بِطَعَامٍ

[20764] Abū Bakr reported: Ibn 'Ulayyah reported from Ayyūb who said: Muḥammad was asked about a man who sells goods on credit and the term expires; can he take goods? He said: "A man used to come to his debtor and take from him." It was said to him: Can he sell food and take food? He said: "I do not say anything about it."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ أَيُّوبَ، قَالَ: سُئِلَ مُحَمَّدٌ عَنِ الرَّجُلِ يَبِيعُ الْمَتَاعَ إِلَى أَجَلٍ فَيَجِلُّ الْأَجَلُ، أَيَأْخُذُ مَتَاعًا؟ فَقَالَ: قَدْ كَانَ الرَّجُلُ يَأْتِي غَرِيمَهُ فَيَأْخُذُ مِنْهُ فَقِيلَ لَهُ: أَيَبِيعُ طَعَامًا، وَيَأْخُذُ طَعَامًا؟ قَالَ: فَإِنِّي لَا أَقُولُ فِيهِ شَيْئًا

[20765] Abū Bakr reported: Muḥammad ibn Muṣ‘ab reported from Al-Awzā‘ī from Yaḥyā ibn Abī Kathīr who said: ‘Umar ibn ‘Abd al-‘Azīz judged regarding the deceased's debt of food, saying: "He does not take food."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ مُصْعَبٍ، عَنِ الْأَوْزَاعِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، قَالَ: قَضَى عُمَرُ بْنُ عَبْدِ الْعَزِيزِ فِي دَيْنِ الْمُتَوَفَّى مِنْ طَعَامٍ، قَالَ: لَا يَأْخُذُ الطَّعَامُ

[20766] Abū Bakr reported: Ḥaṣḥ reported from Al-Shaybānī from Al-Sha‘bī regarding a man who buys a house and builds on it, then the pre-emptor comes. He said: "He takes it with its building or he buries it [demolishes?]." Ḥammād said: "He removes its building and takes it."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، فِي الرَّجُلِ يَشْتَرِي الدَّارَ فَيَبْنِيهَا ثُمَّ يَجِيءُ الشَّفِيعُ قَالَ: يَأْخُذُ بِبُنْيَانِهَا، أَوْ يَدْفِنُهَا وَقَالَ حَمَّادٌ: يَقْلَعُ بِنَاءَهَا وَيَأْخُذُهَا

[20767] Abū Bakr reported: Ibn ‘Ulayyah reported from Khālīd al-Ḥadhdhā’ that a man bought a house and built on it, then a man came and claimed right to it. It was written that the land be valued and the building be valued. If he wishes, he takes the building for its value, and if he refuses, he surrenders the land for its value.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ خَالِدِ الْجَدَاءِ: أَنَّ رَجُلًا اشْتَرَى دَارًا فَبَنَاهَا ثُمَّ جَاءَ رَجُلٌ فَاسْتَحَقَّهَا فَكَتَبَ أَنْ تُقَوَّمَ الْعَرْصَةُ، وَيُقَوَّمَ الْبِنَاءُ، فَإِنْ شَاءَ أَخَذَ الْبِنَاءَ بِقِيَمَتِهِ، وَإِنْ أَبَى سَلَّمَ الْعَرْصَةَ بِقِيَمَتِهَا

[20768] Abū Bakr said: Wakī' said: Sufyān said: "He removes his building."

[20769] Abū Bakr reported: Hushaym ibn Bashīr reported from Abū 'Ikrimah from Al-Ḥārith al-'Uklī regarding a man who married a woman for a house [as dower], and a pre-emptor demanded the house. He said: "He takes it for the dower of a woman of her status." Ibn Shubrumah said: "I do not see that, but the pre-emptor takes it for the value."

[20770] Abū Bakr reported: Abū Mu'āwiyah reported from Ya'qūb ibn 'Abdullāh from Al-Ḥasan who said: "There is no pre-emption in dower."

[20771] Abū Bakr reported: Wakī' reported from Sufyān from Manṣūr who said: I was told from Al-Sha'bī who said: "There is no pre-emption in dower."

[20772] Abū Bakr reported: Yaḥyā ibn Ādam reported: Ḥasan ibn Ṣāliḥ reported from Ibn Abī Laylā regarding a man who marries a woman for a house. He said: "The pre-emptor takes it for the value of the house."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ، قَالَ: حَدَّثَنَا حَسَنُ بْنُ صَالِحٍ، عَنِ ابْنِ أَبِي لَيْلَى، فِي الرَّجُلِ يَنْزَوِجُ الْمَرْأَةَ عَلَى الدَّارِ، قَالَ: يَأْخُذُهَا الشَّفِيعُ بِقِيَمَةِ الدَّارِ

[20773] Abū Bakr reported: Jarīr reported from Mughīrah from Ibrāhīm who said: "If you owe a debt to a man and do not know where he is or where his heir is, give it in charity on his behalf. If he comes, give him the choice."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِنْ كَانَ عَلَيْكَ دَيْنٌ لِرَجُلٍ فَلَمْ تَدْرِ أَيْنَ هُوَ، وَأَيْنَ وَارِثُهُ؟ فَتَصَدَّقْ بِهِ عَنْهُ، فَإِنْ جَاءَ فَخَيِّرْهُ

[20774] Abū Bakr reported: Ibn Idrīs reported from Shu‘bah from ‘Abdullāh ibn Ḥanash from Ibn ‘Umar regarding a man who perished owing a debt and the creditor is unknown. He ordered that the debt be given in charity on his behalf.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ شُعْبَةَ، عَنْ عَبْدِ اللَّهِ بْنِ حَنْشٍ، عَنْ ابْنِ عُمَرَ، فِي رَجُلٍ هَلَكَ وَعَلَيْهِ دَيْنٌ لَا يَعْرِفُ صَاحِبَ الدَّيْنِ، فَأَمَرَ أَنْ يُتَصَدَّقَ عَنْهُ بِذَلِكَ الدَّيْنِ

[20775] Abū Bakr reported: Ḥaḥṣ ibn Ghiyāth reported from Ash‘ath from Al-Ḥasan who said: "If a man dies owing a debt and his heir does not know [the creditor], let him put it in the way of Allah. If he was a Muslim and his heir does not know [the creditor], let him give it in charity on his behalf."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، قَالَ: إِذَا مَاتَ الرَّجُلُ وَعَلَيْهِ دَيْنٌ، فَلَمْ يَذَرِ وَارِثَهُ، فَلْيَجْعَلْهُ فِي سَبِيلِ اللَّهِ، فَإِنْ كَانَ مُسْلِمًا فَلَمْ يَذَرِ وَارِثَهُ، فَلْيَتَصَدَّقْ بِهِ عَنْهُ

[20776] Abū Bakr reported: Sharīk reported from ‘Āmir from Shaqīq from Abū Wā’il who said: ‘Abdullāh bought a slave girl for seven hundred dirhams, but her owner disappeared. He announced her for a year—or he said: a Ḥawl. Then he went out to the mosque and began giving charity, saying: "O Allah, [this charity] is for him; if he refuses, then it is upon me and for me." Then he said: "Do this with lost property or stray animals."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ عَامِرٍ، عَنْ شَقِيقٍ، عَنْ أَبِي وَائِلٍ، قَالَ: اشْتَرَى عَبْدُ اللَّهِ جَارِيَةً بِسَبْعِمِائَةِ دِرْهَمٍ فَغَابَ صَاحِبُهَا وَعَرَفَهَا سَنَةً، أَوْ قَالَ: حَوْلًا "ثُمَّ خَرَجَ إِلَى الْمَسْجِدِ وَجَعَلَ يَتَصَدَّقُ وَيَقُولُ: اللَّهُمَّ فَلَهُ فَإِنْ أَبَى فَعَلَيَّ، وَإِلَيَّ ثُمَّ قَالَ: هَكَذَا فَاصْنَعُوا بِاللُّقْطَةِ أَوْ بِالضَّالَّةِ

[20777] Abū Bakr reported: Abū al-Aḥwaṣ reported from Abū Ishāq from Muḥammad ibn Zayd who said: I bought a slave girl from a fifth that was divided, and I found fifteen dinars with her. I brought her to ‘Abd al-Raḥmān ibn Khālīd ibn al-Walīd, and he said: "It is yours."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ أَبِي إِسْحَاقَ، عَنْ مُحَمَّدِ بْنِ زَيْدٍ، قَالَ: اشْتَرَيْتُ جَارِيَةً مِنْ خُمْسٍ قُسِمَ، فَوَجَدْتُ مَعَهَا خَمْسَةَ عَشَرَ دِينَارًا فَأَتَيْتُ بِهَا عَبْدَ الرَّحْمَنِ بْنَ خَالِدِ بْنِ الْوَلِيدِ، فَقَالَ: هِيَ لَكَ

[20778] Abū Bakr reported: Abū Bakr ibn ‘Ayyāsh reported from Al-Shaybānī from Al-Sha‘bī regarding a man who bought a captive woman from the spoils and found silver with her. He said: "He returns it."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو بَكْرِ بْنُ عَيَّاشٍ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، فِي رَجُلٍ اشْتَرَى سَبْيَةً مِنْ الْمَغْنَمِ فَوَجَدَ مَعَهَا فِضَّةً، قَالَ: يَرُدُّهَا

[20779] Abū Bakr reported: Hushaym reported from Ḥuṣayn that a man bought a slave girl on the Day of al-Qādisiyyah from the Fay’ (spoils). She brought him jewelry she had with her. He went to Sa’d ibn Abī Waqqāṣ and informed him. He said: "Put it in the spoils of the Muslims."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ حُصَيْنٍ، أَنَّ رَجُلًا اشْتَرَى أَمَةً يَوْمَ الْقَادِسِيَّةِ مِنَ الْفَيْءِ فَأَتَتْهُ بِخُلْيٍّ كَانَ مَعَهَا، فَأَتَى سَعْدَ بْنَ أَبِي وَقَّاصٍ فَأَخْبَرَهُ فَقَالَ: اجْعَلْهُ فِي غَنَائِمِ الْمُسْلِمِينَ

[20780] Abū Bakr reported: Ibn ‘Ulayyah reported from Al-Jurayrī from Abū ‘Abdullāh al-Jasrī (of Jasr ‘Anazah) who said: I said to Ma‘qil ibn Yasār: "A man among us wants to free a slave." He said: "If you buy a slave intending to free him, do not stipulate emancipation to his people, for it is a knot of slavery. Rather, buy him silently; if you wish, keep him, and if you wish, free him."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُليَّةَ، عَنِ الْجُرَيْرِيِّ، عَنْ أَبِي عَبْدِ اللَّهِ الْجَسْرِيِّ، جَسْرٍ عَنَزَةَ قَالَ: قُلْتُ لِمَعْقِلِ بْنِ يَسَارٍ: الرَّجُلُ مِمَّا يُرِيدُ أَنْ يُعْتِقَ الْمُعْتَقَ، قَالَ: إِذَا اشْتَرَيْتَ مُعْتَقًا تُرِيدُ أَنْ تُعْتِقَهُ فَلَا تَشْتَرِطْ لِأَهْلِهِ الْعِتْقَ، فَإِنَّهَا عَقْدَةٌ مِنَ الرِّقِّ، وَلَكِنْ اشْتَرِهِ سَاكِنًا، إِنْ شِئْتَ أَمْسَكْتَ، وَإِنْ شِئْتَ أَعْتَقْتَ

[20781] Abū Bakr reported: Ibn ‘Ulayyah said: I narrated this Hadith to Ayyūb, and he said: "It is not complete."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُليَّةَ، قَالَ: حَدَّثْتُ بِهِذَا الْحَدِيثِ، أَيُّوبُ فَقَالَ: إِنَّهَا لَيْسَتْ بِتَامَةٍ

[20782] Abū Bakr reported: Hushaym reported from Al-Shaybānī from Al-Sha‘bī that he used to say regarding a man who owed a slave (emancipation) and bought one, with the condition that he free it: He disliked that and said: "It is not complete."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، أَنَّهُ كَانَ يَقُولُ فِي رَجُلٍ كَانَتْ عَلَيْهِ رَقَبَةٌ فَأَشْتَرَاهَا، وَاشْتَرَطَ عَلَيْهِ أَنْ يُعْتِقَهَا قَالَ: فَكَرِهَ ذَلِكَ وَقَالَ: لَيْسَتْ بِتَامَةٍ

[20783] Abū Bakr reported: Wakī' reported from Sufyān from Mughīrah from Ibrāhīm; and from Ibn Abī Khālid from Al-Sha'bī; they said: "If he buys her and stipulates her emancipation, they did not consider it sound."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، وَعَنِ ابْنِ أَبِي خَالِدٍ، عَنِ السَّعْبِيِّ، قَالَا: إِذَا اشْتَرَاهَا وَاشْتَرَطَ عِتْقَهَا، كَانَا لَا يَرَيَانِهَا سَلِيمَةً

[20784] Abū Bakr reported: Jarīr reported from Mughīrah from Ibrāhīm regarding a man upon whom emancipation is obligatory and he buys it. He should not stipulate that he is buying it for emancipation.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ فِي الرَّجُلِ يَكُونُ عَلَيْهِ الرَّقَبَةُ الْوَاجِبَةُ فَيَشْتَرِيهَا، فَلَا يَشْتَرِطُ أَنَّهُ يَشْتَرِيهَا لِلْعَنْقِ

[20785] Abū Bakr reported: 'Abbād ibn al-'Awwām reported from Hārūn ibn Mūsā who said: 'Alī ibn Zā'idah informed me from Nāfi' from Ibn 'Umar that he was asked about a man who buys a slave girl and her owner stipulates her emancipation. He said: "The reward is for her owner who stipulated it."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَّامِ، عَنْ هَارُونَ بْنِ مُوسَى قَالَ: أَخْبَرَنِي عَلِيُّ بْنُ زَائِدَةَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، أَنَّهُ سُئِلَ عَنِ الرَّجُلِ يَشْتَرِي الْجَارِيَةَ فَيَشْتَرِطُ مَوْلَاهَا عِتْقَهَا، قَالَ: الْأَجْرُ لِمَوْلَاهَا الَّذِي اشْتَرَطَ

[20786] Abū Bakr reported: ‘Abd al-Salām reported from Mughīrah from Ibrāhīm regarding people who share in a sack (of goods). He said: "There is no harm if some of them sell to others before they divide it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامِ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي الْقَوْمِ يَشْتَرِكُونَ فِي الْعَدْلِ قَالَ: لَا بَأْسَ أَنْ يَبِيعَ بَعْضُهُمْ مِنْ بَعْضٍ، قَبْلَ أَنْ يَقْتَسِمُوا

[20787] Abū Bakr reported: Muḥammad ibn Abī ‘Adī reported from Ibn ‘Awn from Ibn Sīrīn who said: I asked him about goods between two men, one of them selling his share before dividing it. He said: "There is no harm in it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنِ ابْنِ عَوْنٍ، عَنِ ابْنِ سِيرِينَ، قَالَ: سَأَلْتُهُ عَنْ مَتَاعٍ، بَيْنَ رَجُلَيْنِ، يَبِيعُ أَحَدُهُمَا نَصِيبَهُ مِنْ قَبْلِ أَنْ يُقَاسِمَهُ، قَالَ: لَا بَأْسَ بِهِ

[20788] Abū Bakr reported: Ibn ‘Uyaynah reported from ‘Amr ibn Dīnār from ‘Aṭā’ from Ibn ‘Abbās who said: "The two partners may mutually withdraw (buy each other out)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ عَطَاءٍ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: يَتَخَارَجُ الشَّرِيكَانِ

[20789] Abū Bakr reported: ‘Abd al-Wahhāb al-Thaqafī reported from Ayyūb from Muḥammad: "That he saw no harm in a man selling goods before dividing them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَّابِ الثَّقَفِيُّ، عَنْ أَيُّوبَ، عَنْ مُحَمَّدٍ، أَنَّهُ كَانَ لَا يَرَى بَأْسًا أَنْ يَبِيعَ الرَّجُلُ الْمَتَاعَ قَبْلَ أَنْ يَقْسِمَهُ

[20790] Abū Bakr reported: Sahl ibn Yūsuf reported from ‘Amr from Al-Ḥasan who said: "He used to dislike selling what can be divided until it is divided. But if it is something that cannot be divided, there is no harm in it."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُونُسَ، عَنْ عَمْرِو، عَنِ الْحَسَنِ، قَالَ: كَانَ يَكْرَهُ أَنْ يَبِيعَ مَا يَقْدِرُ عَلَى قِسْمَتِهِ، حَتَّى يَقْسِمَ، فَإِذَا كَانَ شَيْءٌ لَا يَقْدِرُ عَلَى قِسْمَتِهِ فَلَا بَأْسَ بِهِ

[20791] Abū Bakr reported: ‘Abd al-Wahhāb al-Khaffāf reported from Ibn Abī ‘Arūbah from Qatādah from Sa‘īd ibn al-Musayyib: "That he saw no harm in a partner selling to his partner what he had not divided, except for what is measured and weighed."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَّابِ الْخَفَّافُ، عَنِ ابْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ كَانَ لَا يَرَى بَأْسًا أَنْ يَبِيعَ الشَّرِيكَ مِنْ شَرِيكِهِ مَا لَمْ يَقَاسِمَهُ خَلَا الْكَيْلُ، وَالْوَزْنُ

[20792] Abū Bakr reported: Ḥafṣ reported from Mujālid from Al-Sha‘bī that Ibn Mas‘ūd bought Kharāj land.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ مُجَالِدٍ، عَنِ الشَّعْبِيِّ، أَنَّ ابْنَ مَسْعُودٍ، اشْتَرَى أَرْضَ خَرَاجٍ

[20793] Abū Bakr reported: Ḥafṣ reported from Ḥajjāj from Al-Qāsim from Ibn Mas‘ūd similarly.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَجَّاجٍ، عَنِ الْقَاسِمِ، عَنِ ابْنِ مَسْعُودٍ، بِمِثْلِهِ

[20794] Abū Bakr reported: ‘Abbād ibn al-‘Awwām reported from Ḥajjāj from Al-Ḥakam from Ibn Mughaffal who said: "Do not buy anything from the land of Al-Sawād except from the people of Bāniqyā, the people of Al-Ḥīrah, and the people of Ullays."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَّامِ، عَنْ حَجَّاجٍ، عَنِ الْحَكَمِ، عَنِ ابْنِ مُغَفَّلٍ، قَالَ: لَا تَشْتَرِينَ مِنْ أَرْضِ السَّوَادِ شَيْئًا إِلَّا مِنْ أَهْلِ بَانِيقْيَا، وَأَهْلِ الْحِيرَةِ، وَأَهْلِ أُلَيْسٍ

[20795] Abū Bakr reported: Abū Usāmah reported from Hishām from Al-Ḥasan and Muḥammad: "That they disliked buying Jizyah land from the ruler."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، وَمُحَمَّدٍ، أَنَّهُمَا كَرِهَا أَنْ يَشْتَرِيَ مِنَ السُّلْطَانِ مِنْ أَرْضِ الْجَزْيَةِ

[20796] Abū Bakr reported: Ibn Idrīs reported from Hishām from Al-Ḥasan and Muḥammad who said: ‘Umar wrote: "You have no right to buy any real estate of the People of the Covenant (Ahl al-Dhimmah), nor anything from their lands."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، وَمُحَمَّدٍ، قَالَا: كَتَبَ عُمَرُ: لَيْسَ لَكُمْ أَنْ تَشْتَرُوا مِنْ عَقَارِ أَهْلِ الذِّمَّةِ، وَلَا مِنْ بِلَادِهِمْ شَيْئًا

[20797] Abū Bakr reported: Zayd ibn Ḥubāb reported from Rajā’ ibn Abī Salamah who said: Nu‘aym ibn Salamah informed me that ‘Umar ibn ‘Abd al-‘Azīz gave a land to a man for which he pays Jizyah.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، عَنْ رَجَاءِ بْنِ أَبِي سَلَمَةَ، قَالَ: أَخْبَرَنِي نُعَيْمُ بْنُ سَلَامَةَ، أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ دَفَعَ إِلَى رَجُلٍ أَرْضًا يُؤَدِّي عَنْهَا الْجَزْيَةَ

[20798] Abū Bakr reported: Zayd ibn Khabbāb reported: A man informed me: Ibn ‘Awn narrated to us from Ibn Sīrīn who said: "They had land for which they paid Kharāj."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا زَيْدُ بْنُ خَبَّابٍ، قَالَ: أَخْبَرَنِي رَجُلٌ، قَالَ: حَدَّثَنَا ابْنُ عَوْنٍ، عَنِ ابْنِ سِيرِينَ، قَالَ: كَانَتْ لَهُمْ أَرْضٌ يُؤَدُّونَ عَنْهَا الْخَرَاجَ

[20799] Abū Bakr reported: Wakī‘ reported from Abān ibn Ṣam‘ah from Bakr ibn ‘Abdullāh al-Muzanī who said: I asked about buying Kharāj land with its water. He said: "The Messenger of Allah ﷺ forbade you from placing humiliation upon your necks after Allah has saved you from it."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ أَبَانَ بْنِ صَمْعَةَ، عَنْ بَكْرِ بْنِ عَبْدِ اللَّهِ الْمُزَنِيِّ، قَالَ: سَأَلْتُ عَنْ شِرَاءِ أَرْضِ الْخَرَاجِ بِمَائِهَا، فَقَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ تَجْعَلُوا فِي أَعْنَاقِكُمْ صَغَارًا، بَعْدَ أَنْ أَنْقَذَكُمُ اللَّهُ مِنْهُ

[20800] Abū Bakr reported: Yaḥyā ibn Sa‘īd reported from Muḥammad ibn ‘Ajlān from Nāfi‘ from Ibn ‘Umar that a man asked about buying Kharāj land—or something meaning this. He said: "He removes the humiliation from his neck and you place it on your neck."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ عَجْلَانَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، أَنَّ رَجُلًا سَأَلَ عَنْ شِرَاءِ أَرْضِ الْخَرَاجِ، أَوْ شَيْءٍ هَذَا مَعْنَاهُ فَقَالَ: يُخْرِجُ الصَّغَارَ مِنْ عُنُقِهِ، فَتَجْعَلُهُ فِي عُنُقِكَ

[20801] Abū Bakr reported: Wakī' reported from Sallām ibn Miskīn who said: A sheikh told me that he heard Ibn al-Zubayr disliking the purchase of Jizyah land (land subject to tax).

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سَلَامِ بْنِ مِسْكِينٍ، قَالَ: حَدَّثَنِي شَيْخٌ، أَنَّهُ سَمِعَ ابْنَ الزُّبَيْرِ يَكْرَهُ شِرَاءَ أَرْضِ الْجِزْيَةِ

[20802] Abū Bakr reported: 'Abdah ibn Sulaymān and Muḥammad ibn Bishr reported from Sa'īd ibn Abī 'Arūbah from Qatādah. Muḥammad ibn Bishr said: From Abū 'Iyāḍ from Sufyān al-'Uqaylī that 'Umar said: "Do not buy anything of the slaves of the People of the Covenant (Ahl al-Dhimmah), for they are the people of Kharāj selling one another, nor [buy] from their land."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدُ بْنُ سُلَيْمَانَ، وَمُحَمَّدُ بْنُ بَشْرٍ، عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، قَالَ مُحَمَّدُ بْنُ بَشْرٍ: عَنْ أَبِي عِيَّاضٍ، عَنْ سُفْيَانَ الْعُقَيْلِيِّ، أَنَّ عُمَرَ، قَالَ: لَا تَشْتَرُوا مِنْ رَقِيقِ أَهْلِ الدِّمَةِ شَيْئًا، فَإِنَّهُمْ أَهْلُ الْخَرَاجِ يَبِيعُ بَعْضُهُمْ بَعْضًا، وَلَا مِنْ أَرْضِهِمْ

[20803] Abū Bakr reported: 'Abdah ibn Sulaymān reported from Ibn Abī 'Arūbah from Qatādah from 'Alī that he disliked buying anything from the land, saying: "Upon it is the Kharāj (tax) of the Muslims."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدُ بْنُ سُلَيْمَانَ، عَنْ ابْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، عَنْ عَلِيٍّ أَنَّهُ كَانَ يَكْرَهُ أَنْ يَشْتَرِيَ مِنْ أَرْضِ شَيْئًا وَيَقُولُ: عَلَيْهَا خَرَاجُ الْمُسْلِمِينَ

[20804] Abū Bakr reported: Wakī' reported from Sharīk from Al-Shaybānī from 'Ikrimah from Ibn 'Abbās that he disliked the purchase of the land of Al-Sawād (fertile lands of Iraq).

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شَرِيكٍ، عَنْ الشَّيْبَانِيِّ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ: أَنَّهُ كَرِهَ شِرَاءَ أَرْضِ السَّوَادِ

[20805] Abū Bakr reported: Wakī' reported from Fuḍayl ibn Ghazwān from 'Abd al-Raḥmān ibn Ḥāzim from Mujāhid who said: I asked him about purchasing Kharāj land. He said: "Do not sell it, nor buy it."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ فَضِيلِ بْنِ غَزْوَانَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ حَازِمٍ، عَنْ مُجَاهِدٍ، قَالَ: سَأَلْتُهُ عَنْ شِرَاءِ أَرْضِ الْخَرَاجِ فَقَالَ: لَا تَبِعْهَا، وَلَا تَشْتَرِهَا

[20806] Abū Bakr reported: Ḥafṣ reported from Layth from Mujāhid that he used to dislike the purchase of Jizyah land.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ أَنَّهُ كَانَ يَكْرَهُ شِرَاءَ أَرْضِ الْجِزْيَةِ

[20807] Abū Bakr reported: Ibn 'Ayyāsh reported from Muṭarrif from Al-Sha'bī who said: Shurayḥ used to ask for an oath regarding a hidden defect based on [the seller's] knowledge, but required evidence for visible defects.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عِيَّاشٍ، عَنْ مُطَرِّفٍ، عَنِ الشَّعْبِيِّ، قَالَ: كَانَ شُرَيْحٌ يَسْتَحْلِفُ عَلَى الدَّاءِ الَّذِي لَا يُرَى عَلَى عِلْمِهِ، وَعَلَى الظَّاهِرِ الْبَيِّنَةِ

[20808] Abū Bakr reported: ‘Abbād ibn al-‘Awwām reported from Yaḥyā ibn Sa‘īd from Sālim that Ibn ‘Umar sold a slave for eight hundred dirhams. The buyer found a defect in him and took the dispute to ‘Uthmān. ‘Uthmān asked him (Ibn ‘Umar), and he replied: "I sold him with absolution (from defects)." ‘Uthmān said: "Will you swear to him that you sold him while he had no defect that you knew of?"

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبَّادُ بْنُ الْعَوَّامِ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَالِمٍ، أَنَّ ابْنَ عُمَرَ بَاعَ غُلَامًا بِثَمَانِمِائَةِ دِرْهَمٍ، فَوَجَدَ بِهِ الْمُشْتَرِي عَيْبًا، فَخَاصَمَهُ إِلَى عُثْمَانَ قَالَ: فَسَأَلَهُ عُثْمَانُ فَقَالَ: بَعْتُهُ بِالْبَرَاءَةِ، فَقَالَ: أَتُخْلِفُ لَهُ لَقَدْ بَعْتُهُ وَمَا بِهِ عَيْبٌ تَعْلَمُهُ

[20809] Abū Bakr reported: Al-Ḍaḥḥāk ibn Makhlad reported from Ibn Jurayj from ‘Aṭā’ regarding a man who buys goods or a commodity and a defect occurs [is found] in it. He said: "The buyer seeks proof that it existed while with the seller. If he finds [proof, good], otherwise the seller is asked to swear on his knowledge." ‘Amr ibn Dīnār said: "He swears on his knowledge."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلَدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، فِي الرَّجُلِ يَشْتَرِي الْمَتَاعَ، أَوْ السَّلْعَةَ فَيَحْدُثُ بِهِ الْعَيْبُ، قَالَ: يُلْتَمَسُ الْمُتَبَاعُ الْبَيِّنَةُ، أَنَّهُ كَانَ عِنْدَ الْبَائِعِ، فَإِنْ وَجَدَ وَإِلَّا اسْتُخْلِفَ الْبَائِعُ عَلَى عِلْمِهِ وَقَالَ عَمْرُو بْنُ دِينَارٍ: يَخْلِفُ عَلَى عِلْمِهِ

[20810] Abū Bakr reported: Wakī' reported: Zakariyyā reported from 'Āmir regarding a man who bought a slave girl who had leprosy (vitiligo), and there were no witnesses. He said: "The seller swears by Allah that he did not sell her while she had leprosy."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا زَكَرِيَّا، عَنْ عَامِرٍ فِي رَجُلٍ اشْتَرَى جَارِيَةً وَبِهَا بَرَصٌ، وَلَيْسَ لَهَا شُهُودٌ قَالَ: يَخْلِفُ الْبَائِعُ بِاللَّهِ مَا بَاعَهَا، وَبِهَا بَرَصٌ

[20811] Abū Bakr reported: Wakī' reported: 'Umar ibn Dharr said: Al-Qāsim ibn 'Abd al-Raḥmān used to make a man swear regarding what he is denying of a right he knows belongs to him (the claimant). Al-Sha'bī said regarding the unspecified oath: "Its sin and its righteousness depend on what he intended."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا عُمَرُ بْنُ ذَرٍّ، قَالَ: كَانَ الْقَاسِمُ بْنُ عَبْدِ الرَّحْمَنِ يَسْتَحْلِفُ الرَّجُلَ مَا يَدْفَعُهُ عَنْ حَقٍّ يَعْلَمُهُ لَهُ وَقَالَ الشَّعْبِيُّ: فِي الْيَمِينِ الْمُرْسَلَةِ إِنَّمَا إِثْمُهُ وَبِرُّهُ عَلَى مَا تَعَمَّدَ

[20812] Abū Bakr reported: Wakī' reported: Hammād ibn Salamah reported from Al-Ḥasan ibn 'Aṭā' al-Madīnī from his father that a man sold a commodity to another man. The buyer claimed a defect and took the dispute to 'Uthmān ibn 'Affān. The buyer said: "Swear by Allah you did not sell it to me [with a defect]." The seller said: "I swear by Allah, I sold it to you and I did not know of any defect in it." 'Uthmān said: "The man has treated you fairly."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ، عَنِ الْحَسَنِ بْنِ عَطَاءٍ الْمَدِينِيِّ، عَنْ أَبِيهِ، أَنَّ رَجُلًا بَاعَ رَجُلًا سِلْعَةً، فَادَّعَى الْمُشْتَرِي عَيْبًا، فَخَاصَمَهُ إِلَى عُثْمَانَ بْنِ عَفَّانَ، فَقَالَ الْمُشْتَرِي: أَخْلِفْ بِاللَّهِ مَا بَعْتَنِي فَقَالَ الْبَائِعُ: أَخْلِفْ بِاللَّهِ، لَقَدْ بَعْتُكَ وَمَا أَعْلَمُ بِهَا عَيْبًا، قَالَ: فَقَالَ عُثْمَانُ: أَنْصَفَكَ الرَّجُلُ

[20813] Abū Bakr reported: Zayd ibn Ḥubāb reported: Al-Zubayr ibn Junādah informed me, saying: I asked Sālim about barren land I bought from someone who owns its title, with nothing in it. He said: "There is no harm." I said: "He pays Kharāj on it." He said: "There is no harm." I said: "He acknowledged humiliation (Ṣaghār - paying tax)." He said: "That applies only to the heads of men (Jizyah)."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، قَالَ: أَخْبَرَنِي الرَّبِيعُ بْنُ جُنَادَةَ، قَالَ: سَأَلْتُ سَالِمًا عَنْ أَرْضٍ بَيْضَاءَ اشْتَرَيْتُهَا مِنْ يَمْلِكٍ رَقَبَتِهَا لَا شَيْءَ فِيهَا، قَالَ: لَا بَأْسَ، قَالَ: فَقُلْتُ: يُؤَدِّي عَنْهَا الْخَرَاجُ، قَالَ: لَا بَأْسَ قُلْتُ: أَقَرَّ بِالصَّغَارِ، قَالَ: إِنَّمَا ذَلِكَ فِي رُءُوسِ الرِّجَالِ

[20814] Abū Bakr reported: Abū Mu‘āwiyah reported from Al-A‘mash from Khaythamah from Al-Aswad who said: ‘Abdullāh said to me: "Beware of selling Muḥaffalāt (animals with unmilked udders to deceive buyers), for it is deception, and deception is not lawful for a Muslim."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ حَيْثَمَةَ، عَنِ الْأَسْوَدِ، قَالَ: قَالَ لِي عَبْدُ اللَّهِ: إِنَّاكُمْ وَبَيْعَ الْمُحَفَّلَاتِ فَإِنَّهَا خِلَابَةٌ، وَلَا تَحِلُّ الْخِلَابَةُ لِمُسْلِمٍ

[20815] Abū Bakr reported: Wakī‘ reported from Ismā‘īl ibn Abī Khālid from Qays ibn Abī Ḥāzim who said: It used to be said: "Taṣriyah (leaving the udder unmilked) is deception."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنْ قَيْسِ بْنِ أَبِي حَازِمٍ، قَالَ: كَانَ يُقَالُ: التَّصْرِيَةُ خِلَابَةٌ

[20816] Abū Bakr reported: Abū al-Aḥwaṣ reported from Simāk ibn Ḥarb from ‘Ikrimah from Ibn ‘Abbās who said: The Messenger of Allah ﷺ said: "Do not meet [the riders/merchants to buy before they reach the market] and do not retain milk in udders [to deceive buyers]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ سِمَاكِ بْنِ حَرْبٍ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا تَسْتَقْبِلُوا وَلَا تَسْتَحْفِلُوا

[20817] Abū Bakr reported: Wakī‘ reported from ‘Alī ibn Mubārak from Yaḥyā ibn Abī Kathīr from Abū Kathīr from Abū Hurayrah who said: The Messenger of Allah ﷺ said: "If one of you sells a milch camel or a sheep, do not retain milk in its udder."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ عَلِيِّ بْنِ مُبَارَكٍ، عَنْ وَكَيْعٍ، عَنْ أَبِي كَثِيرٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا بَاعَ أَحَدُكُمُ اللَّقْحَةَ، أَوْ الشَّاةَ فَلَا يُحَفِّلْهَا

[20818] Abū Bakr reported: Wakī‘ reported from Al-Mas‘ūdī from Jābir from Abū al-Ḍuḥā from Masrūq from ‘Abdullāh who said: The Messenger of Allah ﷺ, who is the Truthful and the Trusted, told us: "Selling animals with retained milk is deception, and deception is not lawful for a Muslim."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنِ الْمَسْعُودِيِّ، عَنْ جَابِرٍ، عَنْ أَبِي الضَّحَى، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ، قَالَ: حَدَّثَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَهُوَ الصَّادِقُ الْمَصْدُوقُ قَالَ: بَيْعُ الْمُحَفَّلَاتِ خِلَابَةٌ، وَلَا تَحِلُّ الْخِلَابَةُ لِمُسْلِمٍ

[20819] Abū Bakr reported: Ḥaḥṣ ibn Ghiyāth reported from Ḥajjāj from ‘Aṭā’ from Ibn ‘Abbās who said: "The manumission by a child is not valid, nor his selling, nor his buying."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ حَجَّاجٍ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: لَا يَجُوزُ عِتْقُ الصَّبِيِّ، وَلَا بَيْعُهُ، وَلَا شِرَاؤُهُ

[20820] Abū Bakr reported: Ibn al-Mubārak reported from Yūnus from Al-Zuhrī who said: "The buying of a boy (minor) is not valid, nor his selling, except with the permission of his guardian."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ الْمُبَارَكِ، عَنْ يُونُسَ، عَنِ الزُّهْرِيِّ، قَالَ: لَا يَجُوزُ شِرَى الْعِلَامِ وَلَا بَيْعُهُ، إِلَّا بِإِذْنِ وَلِيِّهِ

[20821] Abū Bakr reported: Ibn Idrīs reported from Muṭarrif who said: I said to Al-Sha‘bī: "Is his (the minor's) sale and purchase valid?" He said: "If his sale and purchase are valid, his manumission is valid."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ مُطَرِّفٍ، قَالَ: قُلْتُ لِلشَّعْبِيِّ: يَجُوزُ بَيْعُهُ وَشِرَاؤُهُ؟ قَالَ: إِذَا جَازَ بَيْعُهُ وَشِرَاؤُهُ، جَازَتْ عِتَاقَتُهُ

[20822] Abū Bakr reported: Ibn Idrīs reported from Hishām from Al-Ḥasan who said: "The sale by a child is not valid, nor is his purchase."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، قَالَ: لَا يَجُوزُ بَيْعُ الصَّبِيِّ وَلَا شِرَاؤُهُ

[20823] Abū Bakr reported: Ḥafṣ reported from Muḥammad ibn Zayd from Ṭalhah ibn ‘Abdullāh ibn ‘Awf who said: The Messenger of Allah ﷺ ordered a crier, so he cried out until he reached Al-Thaniyyah: "The testimony of an adversary is not valid, nor of a suspect person, and the oath is upon the defendant."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ مُحَمَّدِ بْنِ زَيْدٍ، عَنْ طَلْحَةَ بْنِ عَبْدِ اللَّهِ بْنِ عَوْفٍ، قَالَ: أَمَرَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مُنَادِيًا، فَنَادَى حَتَّى بَلَغَ الثَّنِيَّةَ: لَا تَجُوزُ شَهَادَةُ خَصْمٍ وَلَا ظَنِينٍ، وَإِنَّ الْيَمِينَ عَلَى الْمُدَّعَى عَلَيْهِ

[20824] Abū Bakr reported: Ibn Numayr reported from Ja'far ibn Burqān from Ma'mar al-Baṣrī from Abū al-'Awwām who said: 'Umar wrote to Abū Mūsā that the oath is upon the one who denies.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ جَعْفَرِ بْنِ بُرْقَانَ، عَنْ مَعْمَرِ الْبَصْرِيِّ، عَنْ أَبِي الْعَوَّامِ، قَالَ: كَتَبَ عُمَرُ إِلَى أَبِي مُوسَى أَنَّ الْيَمِينَ عَلَى مَنْ أَنْكَرَ

[20825] Abū Bakr reported: Abū Dāwūd al-Ṭayālīsī reported from Zam'ah from Al-Zuhri from Sa'id ibn al-Musayyib who said: "The Sunnah has passed that the oath is upon the defendant."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو دَاوُدَ الطَّيَالِيسِيُّ، عَنْ زَمْعَةَ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: مَضَتْ السُّنَّةُ أَنَّ الْيَمِينَ عَلَى الْمُدَّعَى عَلَيْهِ

[20826] Abū Bakr reported: Abū Mu'āwiyah reported from Al-A'mash from Ḥassān Abū al-Ashras from Shurayḥ: That a man came to him and said: "This man sold me a slave girl with a crooked neck." Shurayḥ said: "Your proof that he sold you this [defect], otherwise his oath by Allah that he did not sell you this."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ حَسَّانِ أَبِي الْأَشْرَسِ، عَنْ شُرَيْحٍ أَنَّهُ أَتَاهُ رَجُلٌ فَقَالَ: إِنَّ هَذَا بَاعَنِي جَارِيَةً مُلْتَوِيَةَ الْعُنُقِ فَقَالَ شُرَيْحٌ: بَيِّنْ لَكَ أَنَّهُ بَاعَكَ ذَا، وَإِلَّا فَيَمِينُهُ بِاللَّهِ مَا بَاعَكَ ذَا

[20827] Abū Bakr reported: Jarīr reported from Mughīrah and Abū Shubrumah from Al-Sha'bī that he said to a man: "Swear that he did not sell him this."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، وَأَبِي شُبْرُمَةَ، عَنِ الشَّعْبِيِّ، أَنَّهُ قَالَ لِرَجُلٍ: اخْلِفْ أَنَّهُ لَمْ يَبِعْهُ ذَا

[20828] Abū Bakr reported: حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَشِيرٍ، عَنْ نَافِعِ بْنِ عُمَرَ، عَنِ ابْنِ أَبِي مُلَيْكَةَ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَضَى بِالْيَمِينِ عَلَى الْمُدَّعَى عَلَيْهِ
Muḥammad ibn Bishr reported from Nāfi‘ ibn ‘Umar from Ibn Abī Mulaykah from Ibn ‘Abbās: "That the Messenger of Allah ﷺ ruled that the oath is upon the defendant."

[20829] Abū Bakr reported: حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَشِيرٍ، عَنْ حَجَّاجِ بْنِ أَبِي عُثْمَانَ، عَنْ حُمَيْدِ بْنِ هِلَالٍ، عَنْ زَيْدِ بْنِ ثَابِتٍ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَضَى بِالْيَمِينِ عَلَى الْمَطْلُوبِ
Muḥammad ibn Bashīr reported from Ḥajjāj ibn Abī ‘Uthmān from Ḥumayd ibn Hilāl from Zayd ibn Thābit from the Prophet ﷺ that he ruled that the oath is upon the sought (defendant).

[20830] Abū Bakr reported: Abū Mu‘āwiyah reported from Al-A‘mash from Shaqīq from ‘Abdullāh who said: "Whoever swears a false oath to misappropriate the property of a Muslim man will meet Allah while He is angry with him." Al-Ash‘ath said: "By Allah, it was revealed concerning me. There was a dispute between me and a Jewish man over land, and he denied my right. I took him to the Prophet ﷺ, and the Messenger of Allah ﷺ said to me: 'Do you have proof?' I said: 'No.' He said to the Jew: 'Swear.' I said: 'Then he will swear and take my property.' So Allah revealed: {Indeed, those who exchange the covenant of Allah and their [own] oaths for a small price will have no share in the Hereafter, and Allah will not speak to them or look at them on the Day of Resurrection, nor will He purify them; and they will have a painful punishment} [Al-Imran: 77]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ شَقِيقٍ، عَنْ عَبْدِ اللَّهِ، قَالَ: مَنْ حَلَفَ عَلَى يَمِينٍ وَهُوَ فِيهَا فَاجِرٌ لِيَقْتَطِعَ بِهَا مَالَ رَجُلٍ مُسْلِمٍ لَقِيَ اللَّهَ وَهُوَ عَلَيْهِ غَضَبَانُ قَالَ الْأَشْعَثُ: فِيَّ وَاللَّهِ نَزَلَتْ: كَانَ بَيْنِي وَبَيْنَ رَجُلٍ مِنَ الْيَهُودِ أَرْضٌ فَجَحَدَنِي، فَقَدَّمْتُهُ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَ لِي رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَلَاكَ بَيِّنَةٌ؟ فَقُلْتُ: لَا، فَقَالَ لِلْيَهُودِيِّ: احْلِفْ فَقُلْتُ: إِذَا يَحْلِفُ فَيَذْهَبُ بِمَالِي فَأَنْزَلَ اللَّهُ: {إِنَّ الَّذِينَ يَشْتَرُونَ بِعَهْدِ اللَّهِ وَأَيْمَانِهِمْ ثَمَنًا قَلِيلًا، أُولَئِكَ لَا خَلَاقَ لَهُمْ فِي الْآخِرَةِ، وَلَا يُكَلِّمُهُمُ اللَّهُ، وَلَا يَنْظُرُ إِلَيْهِمْ يَوْمَ الْقِيَامَةِ، وَلَا يُزَكِّيهِمْ وَلَهُمْ عَذَابٌ أَلِيمٌ} [77]: [آل عمران]

[20831] Abū Bakr reported: Ismā‘īl ibn ‘Ulayyah reported from Khālīd al-Ḥadhdhā’ who said: I asked Abū Qilābah about the teacher who teaches and takes a wage. He saw no harm in it.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَلِيَّةَ، عَنْ خَالِدِ الْحَدَّاءِ، قَالَ: سَأَلْتُ أَبَا قِلَابَةَ عَنِ الْمُعَلِّمِ يُعَلِّمُ، وَيَأْخُذُ أَجْرًا، فَلَمْ يَرِ بِهِ بَأْسًا

[20832] Abū Bakr reported: Mu‘tamir ibn Sulaymān reported from Ma‘mar from Ibn Ṭāwūs from his father: "That he saw no harm in a teacher teaching without making conditions; if he is given something, he takes it."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ مَعْمَرٍ، عَنْ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ أَنَّهُ كَانَ لَا يَرَى بَأْسًا أَنْ يُعَلِّمَ الْمُعَلِّمُ وَلَا يُشَارِطَ فَإِنْ أُعْطِيَ شَيْئًا أَخَذَهُ

[20833] Abū Bakr reported: Marwān ibn Mu‘āwiyah reported from ‘Uthmān ibn al-Ḥārith from Al-Sha‘bī who said: "The teacher should not set conditions, but if he is given something, let him accept it."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ، عَنْ عُثْمَانَ بْنِ الْحَارِثِ، عَنِ الشَّعْبِيِّ، قَالَ: لَا يَشْتَرِطُ الْمُعَلِّمُ، وَإِنْ أُعْطِيَ شَيْئًا فَلْيَقْبَلْهُ

[20834] Abū Bakr reported: Muḥammad ibn Maysar reported from Ibn Jurayj from ‘Aṭā’: "That he saw no harm in a man taking what he is given without his condition."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ مَيْسَرٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ أَنَّهُ كَانَ لَا يَرَى بَأْسًا أَنْ يَأْخُذَ الرَّجُلُ مَا أُعْطِيَ مِنْ غَيْرِ شَرْطِهِ

[20835] Abū Bakr reported: Wakī' reported from Ṣadaqah ibn Mūsā al-Dimashqī from Al-Waḍīn ibn 'Aṭā' who said: "There were three teachers in Medina teaching children, and 'Umar ibn al-Khaṭṭāb used to provide for each of them fifteen [dinars/dirhams] every month."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ صَدَقَةَ بْنِ مُوسَى الدِّمَشْقِيِّ، عَنِ الْوَضِيِّ بْنِ عَطَاءٍ، قَالَ: كَانَ بِالْمَدِينَةِ ثَلَاثَةُ مُعَلِّمِينَ يُعَلِّمُونَ الصَّبِيَّانَ، فَكَانَ عُمَرُ بْنُ الْخَطَّابِ يَرْزُقُ كُلَّ وَاحِدٍ مِنْهُمْ خَمْسَةَ عَشَرَ كُلَّ شَهْرٍ

[20836] Abū Bakr reported: Jarīr reported from Mughīrah from Ibrāhīm who said: "He used to dislike that the teacher sets conditions for teaching children the Qur'an."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: كَانَ يَكْرَهُ أَنْ يُشَارِطَ الْمُعَلِّمُ عَلَى تَعْلِيمِ الصَّبِيَّانِ الْقُرْآنَ

[20837] Abū Bakr reported: Wakī' reported from Ma'mar ibn Mūsā from Abū Ja'far: "That he disliked the teacher setting conditions."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مَعْمَرِ بْنِ مُوسَى، عَنْ أَبِي جَعْفَرٍ: أَنَّهُ كَرِهَ الْمُعَلِّمُ أَنْ يُشَارِطَ

[20838] Abū Bakr reported: Ḥaḥṣ reported from Ash'ath from Al-Ḥasan who said: "There is no harm in taking a wage for [teaching] writing, but he disliked the condition (stipulating a price beforehand)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، قَالَ: لَا بَأْسَ أَنْ يَأْخُذَ عَلَى الْكِتَابَةِ أَجْرًا، وَكَرِهَ الشَّرْطَ

[20839] Abū Bakr reported: Wakī' reported from Ibrāhīm ibn Nāfi' from Ibn Ṭāwūs from his father: "That he disliked teaching with a condition."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ إِبْرَاهِيمَ بْنِ نَافِعٍ، عَنْ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ أَنَّهُ كَرِهَ أَنْ يُعَلَّمَ بِشَرْطٍ

[20840] Abū Bakr reported: Yazīd reported: Shu'bah informed us from Mu'āwiyah ibn Qurrah who said: "I hope that Allah will take [account] of him disciplining and teaching them." (Note: The text implies hope that taking payment is acceptable or rewarded).

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدٌ، قَالَ: أَخْبَرَنَا شُعْبَةُ، عَنْ مُعَاوِيَةَ بْنِ قُرَّةَ، قَالَ: إِنِّي لَأَرْجُو أَنْ يَأْخُذَهُ اللَّهُ يُؤَدِّبُهُمْ وَيُعَلِّمُهُمْ

[20841] Abū Bakr reported: Wakī' reported: Sufyān reported from Ayyūb ibn 'Ā'idh al-Ṭā'i from 'Āmir who said: "The teacher does not set conditions, but if he is gifted something, let him accept it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، قَالَ: حَدَّثَنَا سُفْيَانٌ، عَنْ أَيُّوبَ بْنِ عَائِدٍ الطَّائِي، عَنْ عَامِرٍ، قَالَ: الْمُعَلَّمُ لَا يُشَارِطُ فَإِنْ أَهْدَى لَهُ شَيْئًا فَلْيَقْبَلْهُ

[20842] Abū Bakr reported: حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ مَهْدِيٍّ بْنِ مَيْمُونٍ، عَنْ ابْنِ سِيرِينَ، قَالَ: "كَانَ بِالْمَدِينَةِ مُعَلِّمٌ عِنْدَهُ مِنْ أَبْنَاءِ أَوْلِيَاءِ الْفَخَّامِ قَالَ: فَكَانُوا يَعْرِفُونَ حَقَّهُ فِي النَّيْرُوزِ وَالْمِهْرَجَانِ

Wakī‘ reported: Ibn Mahdī reported from Mahdī ibn Maymūn from Ibn Sīrīn who said: "There was a teacher in Medina who had children of noble families. He said: 'They used to recognize his right during Nayrūz and Mihrajān (Persian festivals/New Year).'"

[20843] Abū Bakr reported: Wakī' and Ḥumayd ibn 'Abd al-Raḥmān reported from Mughīrah ibn Ziyād from 'Ubādah ibn Nusayy from Al-Aswad ibn Tha'labah from 'Ubādah ibn al-Ṣāmit who said: I taught some people of Aṣ-Ṣuffah writing and the Qur'an. One of them gifted me a bow. I said: "It is not wealth, and I will shoot with it in the cause of Allah. I will surely go to the Messenger of Allah ﷺ and ask him." So I came to him and said: "O Messenger of Allah, a man whom I was teaching writing and the Qur'an gifted me a bow, and it is not wealth, and I will shoot with it in the cause of Allah." He said: "If you would like to be collared with a collar of fire because of it, then accept it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، وَحُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ مُغِيرَةَ بْنِ زِيَادٍ، عَنْ عَبْدِ عُبَادَةَ بْنِ نُسَيْيٍّ، عَنِ الْأَسْوَدِ بْنِ ثَعْلَبَةَ، عَنْ عَبْدِ عُبَادَةَ بْنِ الصَّامِتِ، قَالَ: عَلَّمْتُ نَاسًا مِنْ أَهْلِ الصُّفَّةِ الْكِتَابَةَ وَالْقُرْآنَ، فَأَهْدَى إِلَيَّ رَجُلٌ مِنْهُمْ قَوْسًا، فَقُلْتُ: لَيْسَ بِمَالٍ، وَأَرْمِي عَنْهَا فِي سَبِيلِ اللَّهِ، لَا تَبَيِّنَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَلَأَسْأَلَنَّهُ، فَأَتَيْتُهُ فَقُلْتُ: يَا رَسُولَ اللَّهِ، رَجُلٌ أَهْدَى لِي قَوْسًا مِمَّنْ كُنْتُ أُعَلِّمُهُ الْكِتَابَةَ وَالْقُرْآنَ، وَلَيْسَتْ بِمَالٍ، وَأَرْمِي عَنْهَا فِي سَبِيلِ اللَّهِ فَقَالَ: إِنْ كُنْتَ تُحِبُّ أَنْ تُطَوَّقَ بِهَا طَوْقًا مِنْ نَارٍ فَاقْبَلْهَا

[20844] Abū Bakr reported: Ibn ‘Ulayyah reported from Al-Jurayrī from ‘Abdullāh ibn Shaqīq al-Anṣārī who said: "The payment of the teacher is disliked, for the Companions of the Messenger of Allah ﷺ used to dislike it and view it as severe."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عَلِيَّةَ، عَنِ الْجُرَيْرِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ شَقِيقِ الْأَنْصَارِيِّ، قَالَ: يُكْرَهُ أَرْشُ الْمُعَلِّمِ فَإِنَّ أَصْحَابَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانُوا يَكْرَهُونَهُ وَيَرَوْنَهُ شَدِيدًا

[20845] Abū Bakr reported: Muḥammad ibn Maysar Abū Sa‘d reported from Mūsā ibn ‘Alī from his father that Ubayy ibn Ka‘b used to teach a blind man. Whenever he came to him, he would feed him. He said: "I found some hesitation in myself regarding that, so I asked the Messenger of Allah ﷺ. He said: 'If it is something he gifts you [specifically for teaching], there is no good in it. But if it is from his [usual] food and the food of his family, there is no harm.'"

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ مَيْسَرٍ أَبُو سَعْدٍ، عَنْ مُوسَى بْنِ عَلِيٍّ، عَنْ أَبِيهِ، أَنَّ أَبِي بَنَ كَعْبٍ كَانَ يُعَلِّمُ رَجُلًا مَكْفُوفًا، فَكَانَ إِذَا أَتَاهُ عَدَاهُ قَالَ: فَوَجَدْتُ فِي نَفْسِي مِنْ ذَلِكَ، فَسَأَلْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: إِنْ شَيْءٌ يُتْحِفُكَ بِهِ فَلَا خَيْرَ فِيهِ، وَإِنْ كَانَ مِنْ طَعَامِهِ وَطَعَامِ أَهْلِهِ، فَلَا بَأْسَ

[20846] Abū Bakr reported: Wakī' reported: Sufyān reported from Manṣūr from Ibrāhīm who said: "They used to dislike taking wages for [teaching] boys in the Maktab (school)."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: كَانُوا يَكْرَهُونَ أَنْ يَأْخُذُوا عَلَى الْعِلْمَانِ فِي الْكُتَّابِ أَجْرًا

[20847] Abū Bakr reported: Abū al-Aḥwaṣ reported from Simāk from 'Ikrimah from Ibn 'Abbās who said: "If you make a Salam transaction for food, do not take other food in its place. But if you want to take fodder in its place, take it if you wish."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ سِمَاكِ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: إِذَا أَسْلَمْتَ فِي طَعَامٍ، فَلَا تَأْخُذَنَّ مَكَانَهُ طَعَامًا غَيْرَهُ، وَإِنْ أَرَدْتَ أَنْ تَأْخُذَ مَكَانَهُ عِلْفًا فَخُذْ إِنْ شِئْتَ

[20848] Abū Bakr reported: Wakī' reported from Mis'ar from 'Abd al-Malik ibn Maysarah from Ṭawūs regarding a man who made a Salam transaction for something but could not find it. He asked Ibn 'Abbās, who said: "Take goods, take sheep."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مِسْعَرٍ، عَنْ عَبْدِ الْمَلِكِ بْنِ مَيْسَرَةَ، عَنْ طَاوُسٍ أَنَّ رَجُلًا أَسْلَمَ فِي شَيْءٍ فَلَمْ يَجِدْهُ، فَسَأَلَ ابْنَ عَبَّاسٍ، فَقَالَ: خُذْ عَرَضًا، خُذْ غَنَمًا

[20849] Abū Bakr reported: Jarīr reported from Maṣṣūr from Ibrāhīm who said: "If you make a Salam transaction, there is no harm in taking goods in exchange for your capital."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِنْ أَسْلَمْتَ سَلَمًا فَلَا بَأْسَ أَنْ تَأْخُذَ بَدَلَ رَأْسِ مَالِكَ عَرَضًا

[20850] Abū Bakr reported: Jarīr reported from Maṣṣūr from ‘Abd al-Salām from Abū Ḥamzah from Ibrāhīm who said: ‘Umar said: "If you make a Salam transaction for something, do not sell it until you possess it, and do not exchange it for something else."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، قَالَ: حَدَّثَنَا عَبْدُ السَّلَامِ، عَنْ أَبِي حَمَزَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: قَالَ عُمَرُ: إِذَا أَسْلَمْتَ فِي شَيْءٍ فَلَا تَبِعْهُ حَتَّى تَقْبِضَهُ، وَلَا تَصْرِفْهُ فِي غَيْرِهِ

[20851] Abū Bakr reported: Ibn Numayr reported from Ḥajjāj from ‘Aṭīyyah from Ibn ‘Umar who said: "There is no harm in Salam, but do not exchange it for something else, and do not sell it until you possess it."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ حَجَّاجٍ، عَنْ عَطِيَّةٍ، عَنْ ابْنِ عُمَرَ، قَالَ: لَا بَأْسَ بِالسَّلَمِ، وَلَا تَصْرِفْهُ إِلَى غَيْرِهِ، وَلَا تَبِعْهُ حَتَّى تَقْبِضَهُ

[20852] Abū Bakr reported: Ghundar reported from Hishām from Al-Ḥasan who said: "If you make a Salam transaction for something, do not take anything except what you made the Salam for, and do not make a loan (Salam) in something and then transfer it to something else."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا غُنْدَرٌ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، قَالَ: إِذَا أَسْلَمْتَ فِي شَيْءٍ فَلَا تَأْخُذْ إِلَّا مَا أَسْلَمْتَ فِيهِ، وَلَا تُسَلِّفْ فِي شَيْءٍ، ثُمَّ تُحَوِّلْهُ إِلَى شَيْءٍ آخَرَ

[20853] Abū Bakr reported: Ibn Mahdī reported from Abū ‘Awānah from Dāwūd ibn ‘Abdullāh from Abū al-Mukhāriq from Abū Hurayrah who said: "The Muslims made Salam transactions. So whoever makes Salam for wheat should not take barley, and whoever makes Salam for wheat, let it be for a known measure for a set term."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ أَبِي عَوَانَةَ، عَنْ دَاوُدَ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِي الْمُخَارِقِ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: سَلَّمَ الْمُسْلِمُونَ، فَمَنْ أَسْلَمَ فِي جَنْطَةٍ فَلَا يَأْخُذُ شَعِيرًا، وَمَنْ أَسْلَمَ فِي جَنْطَةٍ كَيْلًا مَعْلُومًا إِلَى أَجَلٍ

[20854] Abū Bakr reported: Wakī‘ reported: Sufyān reported from Yūnus from Al-Ḥasan who said: "Do not exchange your Salam for something else until you possess it."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، قَالَ: لَا تَصْرِفْ سَلَمَكَ فِي شَيْءٍ حَتَّى تَقْبِضَهُ

[20855] Abū Bakr reported: Ibn ‘Uyaynah and Yaḥyā ibn Sa‘īd reported from Muḥammad ibn ‘Ajlān from ‘Awn ibn ‘Abdullāh from Ibn Mas‘ūd who said: The Messenger of Allah ﷺ said: "If the two transactors differ, the statement is what the seller says, and the buyer has the option (to accept or cancel)."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، وَيَحْيَى بْنُ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ عَجَلَانَ، عَنْ عَوْنِ بْنِ عَبْدِ اللَّهِ، عَنْ ابْنِ مَسْعُودٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا اخْتَلَفَ الْبَيْعَانِ فَالْقَوْلُ مَا قَالَ الْبَائِعُ، وَالْمُتَبَاعُ بِالْخِيَارِ

[20856] Abū Bakr reported: Hushaym reported from Ismā‘īl ibn Sālim from Al-Sha‘bī who said: "If the two transactors differ and there is no proof between them, and the commodity stands intact, the statement is the statement of the seller, or they mutually cancel the sale. But if the commodity has been consumed, the statement is the statement of the buyer, and the burden of proof is on the seller."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ إِسْمَاعِيلَ بْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ، قَالَ: إِذَا اخْتَلَفَ الْبَيْعَانِ، وَلَيْسَ بَيْنَهُمَا بَيِّنَةٌ، وَالْبَيْعُ قَائِمٌ بَعَيْنِهِ، فَالْقَوْلُ قَوْلُ الْبَائِعِ، أَوْ يَتَرَادَانِ الْبَيْعَ، فَإِنْ كَانَ الْبَيْعُ قَدْ اسْتَهْلِكَ، فَالْقَوْلُ قَوْلُ الْمُشْتَرِي، وَالْبَيِّنَةُ عَلَى الْبَائِعِ

[20857] Abū Bakr reported: ‘Abbād ibn al-‘Awwām reported from Hishām from Ibn Sīrīn from Shurayḥ that he used to say regarding two transactors: "If they differ and the commodity stands intact, he asks them for proof. If one of them provides proof, he is given [judgement] by his proof. If neither has proof, he asks them to swear. If they both swear, he cancels the sale. If neither swears, he cancels the sale. If one swears and the other refuses, he gives [judgement] to the one who swore. If the commodity is not intact," or he said, "has been consumed, the seller is burdened with proof, and the oath is upon the buyer."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَّامِ، عَنْ هِشَامٍ، عَنِ ابْنِ سِيرِينَ، عَنْ شُرَيْحٍ أَنَّهُ كَانَ يَقُولُ فِي الْبَيْعَيْنِ إِذَا اخْتَلَفَا وَالْبَيْعُ قَائِمٌ بِعَيْنِهِ سَأَلَهُمَا الْبَيِّنَةَ، فَإِنْ أَقَامَ أَحَدُهُمَا الْبَيِّنَةَ أُعْطِيَ بِبَيِّنَتِهِ، وَإِنْ لَمْ يَكُنْ لَهُمَا بَيِّنَةٌ اسْتَحْلَفَهُمَا، فَإِنْ جَاءَا بِهَا جَمِيعًا رَدَّ الْبَيْعَ، وَإِنْ لَمْ يَحْلِفَا رَدَّ الْبَيْعَ، وَإِنْ حَلَفَ أَحَدُهُمَا وَنَكَلَ الْآخَرُ فَأُعْطِيَ الَّذِي حَلَفَ، وَإِنْ لَمْ يَكُنِ الْبَيْعُ قَائِمًا بِعَيْنِهِ، أَوْ قَالَ: قَدْ اسْتُهْلِكَ يُكَلَّفُ الْبَائِعُ الْبَيِّنَةَ، وَالْيَمِينُ عَلَى الْمُشْتَرِي

[20858] Abū Bakr reported: ‘Umar ibn Hārūn reported from Ibn Jurayj from ‘Aṭā’ who said: I said to him regarding two men who differ over a sale and there is no proof between them. He said: "The sale is returned (cancelled) if they do not agree, if they do not have proof."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُمَرُ بْنُ هَارُونَ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: قُلْتُ لَهُ رَجُلَانِ يَخْتَلِفَانِ فِي بَيْعٍ لَيْسَ بَيْنَهُمَا بَيِّنَةٌ قَالَ: يُرَدُّ الْبَيْعُ إِذَا لَمْ يَسْتَقِيمَا إِنْ لَمْ يَكُنْ لَهُمَا بَيِّنَةٌ

[20859] Abū Bakr reported: حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا هُشَيْمُ بْنُ بَشِيرٍ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، أَنَّهُ سُئِلَ عَنِ النُّحْلِ، عِنْدَ الْخُلُوةِ فَقَالَ: لَيْسَ بِشَيْءٍ
 Hushaym ibn Bashīr reported from Yūnus from Al-Ḥasan that he was asked about gifting (to the wife) at the time of seclusion (consummation/wedding night). He said: "It is nothing (not binding/not valid)."

[20860] Abū Bakr reported: Azhar: حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَزْهَرُ، عَنِ ابْنِ عَوْنٍ، قَالَ: كَانَ مُحَمَّدٌ يَكْرَهُ أَنْ يَنْحَلَ الشَّيْءَ الْمَرْأَةُ لَا يَفِي بِهِ
 reported from Ibn ‘Awn who said: Muḥammad used to dislike gifting something to a woman that he would not fulfill.

[20861] Abū Bakr reported: ‘Abd: حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ ابْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، أَنَّ أَبَا الْخَلِيلِ، أَوْصَى أَنْ يُدْفَعَ إِلَى امْرَأَتِهِ نُحْلًا كَانَ نَحَلَهَا إِيَّاهُ تَحَرُّجًا مِنْهُ
 al-A‘lā reported from Ibn Abī ‘Arūbah from Qatādah that Abū al-Khalīl bequeathed that a gift he had gifted to his wife be given to her, out of cautiousness (piety/fear of sin) regarding it.

[20862] Abū Bakr reported: Yazīd ibn Hārūn reported from Ḥajjāj from Makḥūl who said: The Messenger of Allah ﷺ said: "Any man who marries a woman for a dowry or a promise, it belongs to her if it was before the marriage contract. But if he gives a gift to her family after the marriage contract, it belongs to them. And the most deserving (person) for a man to be generous to is his daughter and his sister."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَجَّاجٍ، عَنْ مَكْحُولٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَيُّمَا رَجُلٍ تَزَوَّجَ امْرَأَةً عَلَى صَدَاقٍ أَوْ عِدَّةٍ فَهُوَ لَهَا إِذَا كَانَ قَبْلَ عَقْدِ النِّكَاحِ، فَإِنْ حَبَا أَهْلَهَا حَبَاءً بَعْدَ عَقْدِ النِّكَاحِ فَهُوَ لَهُمْ، وَأَحَقُّ مَا يُكْرَمُ بِهِ الرَّجُلُ ابْنَتُهُ، وَأُخْتُه.

[20863] Abū Bakr reported: Ibn Maḥdī reported from Ḥammād ibn Salamah from Qatādah from Khilās from ‘Abdullāh ibn Ma‘mar: "That he used to judge by it, and that Iyās used to judge by it."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ قَتَادَةَ، عَنْ خِلَاسٍ، عَنْ عَبْدِ اللَّهِ بْنِ مَعْمَرٍ أَنَّهُ كَانَ يَقْضِي بِهَا وَأَنَّ إِيَّاسًا كَانَ يَقْضِي بِهَا

[20864] Abū Bakr reported: Yazīd ibn Hārūn reported from Ḥammād ibn Salamah from Qatādah that Shurayḥ and Ibn Udhaynah did not validate (gifts given during) seclusion.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ قَتَادَةَ، أَنَّ شُرَيْحًا، وَابْنَ أُذَيْنَةَ كَانَا لَا يُجِيرَانِ الْخُلُوةَ

[20865] Abū Bakr reported: Muḥammad ibn Muṣ‘ab reported from Al-Awzā‘ī who said: I asked Qatādah about the gift of seclusion. He said: "That is for reputation (showing off) and is not valid."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ مُصْعَبٍ، عَنِ الْأَوْزَاعِيِّ، قَالَ: سَأَلْتُ قَتَادَةَ عَنْ عَطِيَّةِ الْخُلُوةِ، قَالَ: تِلْكَ سُمْعَةٌ لَا تَجُوزُ

[20866] Abū Bakr reported: Yazīd ibn Hārūn reported from Hishām from Al-Ḥasan regarding a man who comes to his wife (for consummation) and they (her family) say: "We will not leave you until you gift her something." He said: "It is obligatory upon him; he is held to it."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ فِي الرَّجُلِ يَجِيءُ عَلَى امْرَأَتِهِ فَيَقُولُونَ: لَا نَتْرُكَكَ حَتَّى تَنْحِلَهَا شَيْئًا، قَالَ: هِيَ وَاجِبَةٌ عَلَيْهِ، يُؤْخَذُ بِهَا

[20867] Abū Bakr reported: Abū Khālīd al-Aḥmar reported from Ibn ‘Awn from Ibn Sīrīn who said: ‘Uqbah ibn Mas‘ūd came to his family and saw a gift. He said: "What is this?" They said: "(From) the one you interceded for." He said: "Take it out! Shall I hasten the reward of my intercession in this world?"

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنِ ابْنِ عَوْنٍ، عَنِ ابْنِ سِيرِينَ، قَالَ: جَاءَ عُقْبَةُ بْنُ مَسْعُودٍ إِلَى أَهْلِهِ فَإِذَا هَدِيَّةٌ فَقَالَ: مَا هَذَا؟ فَقَالُوا: الَّذِي شَفَعْتَ لَهُ، فَقَالَ: أَخْرِجُوهَا، أَتَعْجَلُ أَجْرَ شَفَاعَتِي فِي الدُّنْيَا؟

[20868] Abū Bakr reported: Ghundar reported from Shu‘bah from ‘Ammār from Sālim from Masrūq who said: I asked ‘Abdullāh about Suht (illicit gain/bribe). He said: "A man seeks a need (intercession), so a gift is given to him, and he accepts it."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ عَمَّارٍ، عَنْ سَالِمٍ، عَنْ مَسْرُوقٍ، قَالَ: سَأَلْتُ عَبْدَ اللَّهِ عَنِ السُّحْتِ، فَقَالَ: الرَّجُلُ يَطْلُبُ الْحَاجَةَ فَيَهْدِي إِلَيْهِ، فَيَقْبَلُهَا

[20869] Abū Bakr reported: Abū al-Aḥwaṣ reported from Kulayb ibn Wā'il who said: I said to Ibn ‘Umar: "A Dehgan (landlord) with heavy tax liability came to me and said: 'Guarantee/Accept me from the collector.' I do not accept him to pay anything on his behalf, but only so his worker grants him security and he can move about for his needs. I did not wait but a little until he brought me my document (of release/guarantee). I said: 'May Allah reward you good.' He mounted me on a beast, gave me a dirham, and clothed me." He (Ibn ‘Umar) said: "Do you think if you had not accepted him, he would have given you?" I said: "No." He said: "It is not valid (lawful) for you."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ كُلَيْبِ بْنِ وَائِلٍ، قَالَ: قُلْتُ لَابْنِ عُمَرَ: أَتَانِي دِهْقَانٌ عَظِيمُ الْخَرَجِ فَقَالَ: تَقْبَلْنِي مِنَ الْعَامِلِ لَا أَتَقَبَّلُهُ لِأُعْطِيَ عَنْهُ شَيْئًا إِلَّا لِيُؤْمِنَهُ عَامِلُهُ، وَيَضْطَرِبَ فِي حَوَائِجِهِ، فَلَمْ أَلْبَثُ إِلَّا قَلِيلًا حَتَّى أَتَانِي بِصَحِيفَتِي فَقُلْتُ: جَزَاكَ اللَّهُ خَيْرًا، وَحَمَلَنِي عَلَى دَابَّةٍ، وَآتَانِي دِرْهَمًا، وَكَسَانِي، فَقَالَ: أَرَأَيْتَ لَوْ لَمْ تَتَقَبَّلْهُ كَانَ يُعْطِيكَ؟ قُلْتُ: لَا، قَالَ: لَا يَصِحُّ لَكَ

[20870] Abū Bakr reported: Yazīd ibn Hārūn reported from Hishām from Al-Ḥasan who said: A Dehgan from the Dehgans of the Sawad of Kufa came to ‘Abdullāh ibn Ja‘far asking for his help with ‘Alī regarding something. He spoke to ‘Alī for him, and he fulfilled his need. The Dehgan sent him forty thousand and something else with it –I don't know what it was. When it was placed before ‘Abdullāh ibn Ja‘far, he said: "What is this?" It was said to him: "The Dehgan whom you spoke for regarding his need to the Commander of the Faithful sent it." He said: "Return it to him, for we are a Household (Ahl al-Bayt) who do not sell kindness."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، قَالَ: أَتَى دَهْقَانٌ مِنْ دَهَاقِينَ سَوَادِ الْكُوفَةِ عَبْدَ اللَّهِ بْنَ جَعْفَرٍ يَسْتَعِينُ بِهِ فِي شَيْءٍ عَلَى عَلِيٍّ فَكَلَّمَ لَهُ عَلِيًّا فَقَضَى لَهُ حَاجَتَهُ، قَالَ: فَبَعَثَ إِلَيْهِ الدَّهْقَانُ بِأَرْبَعِينَ أَلْفًا وَبِشَيْءٍ مَعَهَا لَا أَدْرِي مَا هُوَ؟ فَلَمَّا وَضِعَتْ بَيْنَ يَدَيِ عَبْدِ اللَّهِ بْنِ جَعْفَرٍ قَالَ: مَا هَذَا؟ قِيلَ لَهُ: بَعَثَ بِهَا الدَّهْقَانُ الَّذِي كَلَّمْتَ لَهُ فِي حَاجَتِهِ أَمِيرَ الْمُؤْمِنِينَ، قَالَ: رُدُّوْهَا عَلَيْهِ، فَإِنَّا أَهْلُ بَيْتٍ لَا نَبِيعُ الْمَعْرُوفَ

[20871] Abū Bakr reported: Yaḥyā ibn Abī Zā'idah reported from Isrā'īl from Ṭāriq ibn 'Abd al-Raḥmān from Shurayḥ who said: I witnessed him (Shurayḥ) when a man came to him and said: "I wrote a contract against this man and two men with him, that I may take my right from whichever of them I wish." The man said: "My two companions are in the market." He (Shurayḥ) said: "Take whichever of them you wish."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي زَائِدَةَ، عَنْ إِسْرَائِيلَ، عَنْ طَارِقِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ شُرَيْحٍ، قَالَ: شَهِدْتُهُ وَجَاءَهُ رَجُلٌ فَقَالَ: "إِنِّي اكْتَتَبْتُ عَلَى هَذَا وَعَلَى رَجُلَيْنِ مَعَهُ، أَتِيهِمْ شَيْئٌ أَخَذْتُ بِحَقِّي، فَقَالَ الرَّجُلُ: إِنَّ صَاحِبِي فِي السُّوقِ، فَقَالَ: خُذْ أَتِيهِمْ شَيْئٌ

[20872] Abū Bakr reported: Muḥammad ibn Bukayr reported from Ibn Jurayj who said: I said to 'Aṭā': "I wrote a contract against two men, that the living of you is responsible for the dead of you, and the wealthy of you for the insolvent of you." He said: "It is valid." And 'Amr ibn Dīnār and Sulaymān ibn Mūsā said the same.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بُكَيْرٍ، عَنِ ابْنِ جُرَيْجٍ، قَالَ: قُلْتُ لِعَطَاءٍ: اكْتَتَبْتُ عَلَى رَجُلَيْنِ أَنْ حَيَّيْكُمَا عَلَى مَيِّتِكُمَا وَمَلِكِكُمَا عَلَى مُعْدِمِكُمَا، قَالَ: يَجُوزُ وَقَالَهُ عَمْرُو بْنُ دِينَارٍ، وَسُلَيْمَانُ بْنُ مُوسَى

[20873] Abū Bakr reported: Muḥammad ibn Fuḍayl reported from ‘Uyaynah from Ibrāhīm that he was asked about a group against whom a deed is written, that he may take his entire right from whichever of them he wishes. He said: "He is upon his condition; he takes his entire right from whichever of them he wishes." But Ibrāhīm used to prefer that he takes from each person among them according to his share, and that is

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنْ عُبَيْدَةَ، عَنْ إِبْرَاهِيمَ، أَنَّهُ سُئِلَ عَنِ النَّفَرِ، يُكْتَبُ عَلَيْهِمُ الصَّكُّ أَتِيهِمْ شَاءَ أَخَذَ بِجَمِيعِ حَقِّهِ قَالَ: هُوَ عَلَى شَرْطِهِ، أَتِيهِمْ شَاءَ أَخَذَ بِجَمِيعِ حَقِّهِ وَكَانَ إِبْرَاهِيمُ يَسْتَحِبُّ أَنْ يَأْخُذَ مِنْ كُلِّ إِنْسَانٍ مِنْهُمْ بِحِصَّتِهِ، وَهُوَ أَعْدَلُ

[20874] Abū Bakr reported: Ḥumayd ibn ‘Abd al-Raḥmān reported from Zuhayr from Jābir from Al-Ḥakam regarding a man who has a right against a group and says: "I will take my entire right from whichever of them I wish." He said: "This is like the guarantor."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ زُهَيْرٍ، عَنْ جَابِرٍ، عَنِ الْحَكَمِ فِي الرَّجُلِ يَكُونُ لَهُ الْحَقُّ عَلَى الْقَوْمِ يَقُولُ: أَتِيَهُمْ شِئْتُ أَخَذْتُ بِجَمِيعِ حَقِّي قَالَ: هَذَا بِمَنْزِلَةِ الْكَفِيلِ

[20875] Abū Bakr reported: Ḥaḥṣ reported from Ash'ath from Abū al-Jahm who said: I wrote a record of a right against several people, that I may take my right from whichever of them I wish. I brought them before Shurayḥ, and he said: "Take whichever of them you wish."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ أَبِي الْجَهْمِ، قَالَ: كَتَبْتُ ذِكْرَ حَقٍّ عَلَى عِدَّةٍ إِلَيْهِمْ شَيْئًا أَخَذْتُ بِحَقِّي، فَقَدَّمْتُهُمْ إِلَى شُرَيْحٍ، فَقَالَ: خُذْ أَيُّهُمْ شَيْئًا

[20876] Abū Bakr reported: Hushaym reported from Mughīrah from Ibrāhīm that he used to say regarding the slave permitted to trade: "If he has debt and his master frees him, the slave strives (earns) for them to pay their debt. The manumission only increased his goodness (status)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ أَنَّهُ كَانَ يَقُولُ فِي الْعَبْدِ الْمَأْدُونِ لَهُ فِي التَّجَارَةِ: إِذَا كَانَ عَلَيْهِ دَيْنٌ فَأَعْتَقَهُ مَوْلَاهُ يَسْعَى لَهُمُ الْعَبْدُ فِي دَيْنِهِمْ، لَمْ يَزِدْهُ الْعِنَقُ إِلَّا صَلَاحًا

[20877] Abū Bakr reported: Wakī' reported from Sufyān from Ḥammād regarding a man who permits his slave (to trade) and he incurs debt, then his master frees him. He said: "His master guarantees the value." Sufyān said: "He (the slave) is pursued by his creditors for what remains of the debt."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ حَمَّادٍ، فِي الرَّجُلِ يَأْذُنُ لِعَبْدِهِ فَيُذِنُ، ثُمَّ يُعْتِقُهُ مَوْلَاهُ، قَالَ: يَضْمَنُ مَوْلَاهُ الْقِيَمَةَ قَالَ سُفْيَانُ: يَتَّبَعُ غُرْمَاءَهُ بِمَا بَقِيَ مِنَ الدَّيْنِ

[20878] Abū Bakr reported: ‘Abd al-A‘lā ibn ‘Abd al-A‘lā reported from Ma‘mar from Al-Zuhrī regarding a man (slave) who goes bankrupt and his master frees him. His manumission is valid, and the master guarantees his price.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى بْنُ عَبْدِ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ: فِي الرَّجُلِ يُفْلِسُ فَيُعْتَقُهُ سَيِّدُهُ، أَنَّ عِتْقَهُ جَائِزٌ، وَيَضْمَنُ السَّيِّدُ ثَمَنَهُ

[20879] Abū Bakr reported: ‘Abd al-Ṣamad ibn ‘Abd al-Wārith reported from Jarīr ibn Ḥāzim from Ḥammād who said: "If his master frees him, the debt is upon his master."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ، عَنْ جَرِيرِ بْنِ حَازِمٍ، عَنْ حَمَّادٍ، قَالَ: إِنْ أَعْتَقَهُ سَيِّدُهُ، فَالْدَّيْنُ عَلَى سَيِّدِهِ

[20880] Abū Bakr reported: Wakī‘ reported from Sufyān from Maṣṣūr and Mughīrah from Ibrāhīm who said: "He strives for the others (creditors), as the manumission only increased his goodness."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، وَمُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: يَسْعَى لِلْغَيْرِ مَا لَمْ يَزِدْهُ الْعِتْقُ إِلَّا صَلَاحًا

[20881] Abū Bakr reported: Muḥammad ibn Abī ‘Adī reported from Ash‘ath from Al-Ḥasan who said: "If a slave incurs debt without the permission of his masters and is then freed, he is sold for that debt."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، قَالَ: إِذَا آذَانَ الْعَبْدُ بِغَيْرِ إِذْنٍ مَوْلَاهُ ثُمَّ أُعْتِقَ فَإِنَّهُ يُبَاعُ، بِذَلِكَ الدَّيْنِ

[20882] Abū Bakr reported: ‘Abd al-‘Alā reported from Ma‘mar from Al-Zuhri regarding the slave who buys and sells without his master's permission. He said: "There is nothing upon his master. It is in the slave's liability; when he is freed, it is upon him."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، فِي الْعَبْدِ يَبِيعُ وَيَشْتَرِي بغيرِ إِذْنِ سَيِّدِهِ، قَالَ: لَيْسَ عَلَى سَيِّدِهِ شَيْءٌ، هُوَ فِي ذِمَّةِ الْعَبْدِ إِذَا أُعْتِقَ فَعَلَيْهِ

[20883] Abū Bakr reported: ‘Abd al-Ṣamad ibn ‘Abd al-Wārith reported from Jarīr ibn Ḥāzim who said: Ḥammād was asked about a slave who bought without his master's permission and he freed him. He said: "There is nothing upon him (the master), and their wealth is upon the slave's neck (liability) when he is freed."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ، عَنْ جَرِيرِ بْنِ حَازِمٍ، قَالَ: سُئِلَ حَمَّادٌ عَنْ عَبْدٍ اشْتَرَى بِغَيْرِ إِذْنِ سَيِّدِهِ فَأَعْتَقَهُ، فَلَيْسَ عَلَيْهِ شَيْءٌ، وَأَمْوَالُهُمْ فِي رَقَبَةِ الْعَبْدِ إِذَا أُعْتِقَ

[20884] Abū Bakr reported: Sharik reported from Jābir from ‘Āmir that ‘Umar ibn al-Khaṭṭāb said: "If she is a matron (previously married/not virgin), he returns half of a tenth (of the value). If she is a virgin, he returns a tenth." (Referring to compensation for intercourse when returning a slave due to defect).

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ: إِنْ كَانَتْ ثَيِّبًا رَدَّ نِصْفَ الْعُشْرِ، وَإِنْ كَانَتْ بِكَرًّا رَدَّ الْعُشْرَ

[20885] Abū Bakr reported: Ḥaḥṣ reported from Ja'far from his father from his grandfather 'Alī ibn al-Ḥusayn from 'Alī who said: "He does not return her, but deducts and returns to him the value of the defect."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ جَعْفَرٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ عَلِيِّ بْنِ الْحُسَيْنِ، عَنْ عَلِيٍّ، قَالَ: لَا يَرُدُّهَا، وَلَكِنْ يَكْسِرُ فَيَرُدُّ عَلَيْهِ قِيَمَةَ الْعَيْبِ

[20886] Abū Bakr reported: 'Abd al-A'lā reported from Yūnus from Al-Ḥasan who said: If a man buys a slave girl and then a disease appears in her that existed with the seller. He said: "He used to make it binding on him, and the seller returns nothing to him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنْ الْحَسَنِ، قَالَ: إِذَا اشْتَرَى الرَّجُلُ الْجَارِيَةَ ثُمَّ ظَهَرَ بِهَا دَاءٌ كَانَ عِنْدَ الْبَائِعِ، قَالَ: كَانَ يُوجِبُهَا عَلَيْهِ، وَلَا يَرُدُّ عَلَيْهِ الْبَائِعُ شَيْئًا

[20887] Abū Bakr reported: 'Abd al-A'lā reported from Ma'mar from Al-Zuhri from 'Umar ibn 'Abd al-'Aziz: "That he enforced it upon him and did not return anything to him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ: أَنَّهُ أَمَضَاهَا عَلَيْهِ، وَلَمْ يَرُدَّ عَلَيْهِ شَيْئًا

[20888] Abū Bakr reported: ‘Abd al-Wahhāb reported from Ayyūb from Muḥammad regarding a man who buys a slave girl with a disease and has intercourse with her before discovering that. He said: "It is more beloved to me that (the price) be reduced for him by the amount of that (defect), and it be validated upon him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَّابِ، عَنْ أَيُّوبَ، عَنْ مُحَمَّدٍ، فِي الرَّجُلِ يَشْتَرِي الْجَارِيَةَ وَبِهَا دَاءٌ فَيَقَعُ عَلَيْهَا قَبْلَ أَنْ يَطْلُعَ عَلَى ذَلِكَ، قَالَ: أَحَبُّ إِلَيَّ أَنْ يُوَضَعَ عَنْهُ بِقَدْرِ ذَلِكَ، وَيُجَوَّزَ عَلَيْهِ

[20889] Abū Bakr reported: ‘Alī ibn Mushir reported from Al-Shaybānī from Al-Sha‘bī from Shurayḥ who said: "He did not set a specific time/amount for her; he would judge according to what he saw in the situation."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، قَالَ: مَا كَانَ يُوقَّتُ عَلَيْهَا شَيْئًا يَقْضِي عَلَى نَحْوِ مَا يَرَى مِنْ هَاهُنَا

[20890] Abū Bakr reported: Ibn ‘Ulayyah reported from Ayyūb from Abū Ma‘shar from Ibrāhīm who said: "If she is a virgin, he returns a tenth. If she is a matron, he returns half a tenth."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ أَيُّوبَ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِنْ كَانَتْ بَكْرًا رَدَّ الْعَشْرَ، وَإِنْ كَانَتْ نَيْبًا رَدَّ نِصْفَ الْعَشْرِ

[20891] Abū Bakr reported: ‘Abd al-A‘lā reported from Ma‘mar from Al-Zuhri from Sa‘id ibn al-Musayyib who said: "He returns ten dinars with her."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: يَرُدُّ مَعَهَا، عَشْرَةَ دِينَائِرَ

[20892] Abū Bakr reported: Ibn ‘Uyaynah reported from Al-Zuhri from Sa‘id from Abū Hurayrah who conveyed it from the Prophet ﷺ, saying: "A town dweller should not sell for a nomad."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ، يَبْلُغُ بِهِ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: لَا يَبِيعُ حَاضِرٌ لِبَادٍ

[20893] Abū Bakr reported: Ibn ‘Uyaynah reported from Abū al-Zubayr who heard Jābir say: The Messenger of Allah ﷺ said: "A town dweller should not sell for a nomad. Leave the people alone, Allah provides for some of them through others."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ أَبِي الزُّبَيْرِ، سَمِعَ جَابِرًا، يَقُولُ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا يَبِيعُ حَاضِرٌ لِبَادٍ، دَعَ النَّاسَ يَرْزُقُ اللَّهُ بَعْضُهُمْ مِنْ بَعْضٍ

[20894] Abū Bakr reported: Shabābah reported from Ibn Abi Dhi‘b: Muslim al-Khayyāt told me from Ibn ‘Umar who said: "The Messenger of Allah ﷺ forbade the sale of a town dweller for a nomad."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا شَبَابَةُ، عَنْ ابْنِ أَبِي ذَيْبٍ، حَدَّثَنِي مُسْلِمُ الْخَيَّاطُ، عَنِ ابْنِ عُمَرَ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ حَاضِرٍ لِبَادٍ

[20895] Abū Bakr reported: Abū Dāwūd reported from Abū Ḥurrah from Al-Ḥasan that he saw no harm in buying from a Bedouin for a Bedouin. It was said to him: "Can he buy from him for a Muhajir (town dweller/resident)?" He said: "No."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو دَاوُدَ، عَنْ أَبِي حُرَّةَ، عَنْ الْحَسَنِ، أَنَّهُ كَانَ لَا يَرَى بَأْسًا أَنْ يَشْتَرِيَ مِنَ الْأَعْرَابِيِّ لِلأَعْرَابِيِّ، قَالَ: فَقِيلَ لَهُ: فَيَشْتَرِي مِنْهُ لِلْمُهَاجِرِ؟ قَالَ: لَا

[20896] Abū Bakr reported: Ibn ‘Uyaynah reported from Muslim al-Khayyāṭ that he heard Abū Hurayrah saying: "It was forbidden for a town dweller to sell for a nomad." And ‘Umar was heard saying: "A town dweller does not sell for a nomad."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ مُسْلِمٍ الْخَيَّاطِ، أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ، يَقُولُ: نُهِيَ أَنْ يَبِيعَ حَاضِرٌ لِبَادٍ. وَسَمِعَ عُمَرَ يَقُولُ: لَا يَبِيعُ حَاضِرٌ لِبَادٍ

[20897] Abū Bakr reported: Jarīr reported from Maṣṣūr from Ibrāhīm from the Prophet ﷺ who said: "A town dweller should not sell for a nomad."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَاصُورٍ، عَنْ إِبْرَاهِيمَ، عَنِ النَّبِيِّ عَلَيْهِ السَّلَامُ قَالَ: لَا يَبِيعُ حَاضِرٌ لِبَادٍ

[20898] Abū Bakr reported: Ibn ‘Uyaynah reported from Ibn Abī Najīḥ from Mujāhid who said: "There is no harm in it today. The Prophet ﷺ only intended that the people benefit from the unawareness/inexperience of the people of the desert when he arrived in Medina." ‘Aṭā’ said: "It is not proper today."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ ابْنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ، قَالَ: لَيْسَ بِهِ بَأْسٌ الْيَوْمَ، إِنَّمَا أَرَادَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يُصِيبَ النَّاسُ غَرَّةَ أَهْلِ الْبَادِيَةِ لَمَّا قَدِمَ الْمَدِينَةَ. قَالَ عَطَاءٌ: لَا يَصْلُحُ الْيَوْمَ

[20899] Abū Bakr reported: Abū Usāmah reported from Ibn ‘Awn from Ibn Sīrīn from Anas who said: "A town dweller should not sell for a nomad."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ ابْنِ عَوْنٍ، عَنْ ابْنِ سِيرِينَ، عَنْ أَنَسٍ، قَالَ: لَا يَبِيعُ حَاضِرٌ لِبَادٍ

[20900] Abū Bakr reported: Wakī’ reported from Sufyān from Abū Mūsā from Al-Sha‘bī who said: "The Muhajirun used to dislike the sale of a town dweller for a nomad." Al-Sha‘bī said: "But I do it."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي مُوسَى، عَنِ الشَّعْبِيِّ، قَالَ: كَانَ الْمُهَاجِرُونَ يَكْرَهُونَ بَيْعَ حَاضِرٍ لِبَادٍ. قَالَ الشَّعْبِيُّ: وَإِنِّي لَأَفْعَلُهُ

[20901] Abu Bakr said: Waki' told us from Sufyan, from Abu Hamzah, from Ibrahim, who said: 'Umar said: "Guide them to the path and inform them of the price."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي حَمْزَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: قَالَ عُمَرُ: دَلُّوهُمْ عَلَى الطَّرِيقِ، وَأَخْبِرُوهُمْ بِالسَّعْرِ

[20902] Abu Bakr said: Abu Dawud told us from Iyas ibn Daghfal, who said: The letter of 'Umar ibn 'Abd al-'Aziz was read to us: “A city dweller must not sell for a Bedouin.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو دَاوُدَ، عَنْ إِيَّاسِ بْنِ دَغْفَلٍ، قَالَ: قُرِئَ عَلَيْنَا كِتَابُ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ: لَا يَبِيعُ حَاضِرٌ لِبَادٍ

[20903] Abu Bakr said: Waki' told us from Sufyan, from Ibn Khuthaym, who said: I said to 'Ata': “People from the Bedouins come to us, can I buy for them?” He said: “There is no harm.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ خُثَيْمٍ، قَالَ: قُلْتُ لِعَطَاءٍ: قَوْمٌ مِنَ الْأَعْرَابِ يَفْقَدُمُونَ عَلَيْنَا فَأَشْتَرِي لَهُمْ؟ قَالَ: لَا بَأْسَ

[20904] Abu Bakr said: Waki' told us from Sufyan, from Mughirah, from Ibrahim, who said: “They used to like obtaining things cheaply from the Bedouins.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: كَانَ يُعْجِبُهُمْ أَنْ يُصَيَّبُوا مِنَ الْأَعْرَابِ رُخْصَةً

[20905] Abu Bakr said: Waki' told us from Sufyan, from Yunus, from Al-Hasan, from Ibn Sirin, from Anas ibn Malik, who said: “We were forbidden for a city dweller to sell for a Bedouin, even if he was his brother by father and mother.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، عَنِ ابْنِ سِيرِينَ، عَنْ أَنَسِ بْنِ مَالِكٍ، قَالَ: نُهِنَا أَنْ يَبِيعَ حَاضِرٌ لِبَادٍ، وَإِنْ كَانَ أَخَاهُ لِأَبِيهِ وَأُمِّهِ

[20906] Abu Bakr said: Sufyan ibn 'Uyaynah told us from 'Amr, from 'Ata', from Sa'id, from Abu Hurayrah, who said: I heard him say: “The price of a dog is illicit gain (Suht).”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ عَطَاءٍ، عَنْ سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: سَمِعْتُهُ يَقُولُ: ثَمَنُ الْكَلْبِ سُحْتٌ

[20907] Abu Bakr said: Ibn 'Uyaynah told us from Al-Zuhri, from Abu Bakr, from Abu Mas'ud: “That the Prophet (saw) forbade the dowry of a prostitute and the price of a dog.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ أَبِي بَكْرٍ، عَنْ أَبِي مَسْعُودٍ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْ مَهْرِ الْبَغِيِّ، وَثَمَنِ الْكَلْبِ

[20908] Abu Bakr said: Waki' told us from Abu Bakr, from Ibn Abi Layla, from 'Ata', from Abu Hurayrah, who said: “The Messenger of Allah (saw) forbade the dowry of a prostitute, the earnings from stud fees, the earnings of a cupper, and the price of a dog.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَبِي بَكْرٍ، عَنِ ابْنِ أَبِي لَيْلَى، عَنْ عَطَاءٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ مَهْرِ الْبَغِيِّ، وَعَسْبِ الْفَحْلِ، وَكَسْبِ الْحَجَّامِ، وَثَمَنِ الْكَلْبِ

[20909] Abu Bakr said from Al-A'mash, who said: Abu Sufyan told us, mentioning it from Jabir, who said: “The Messenger of Allah (saw) forbade the price of a dog.”

حَدَّثَنَا أَبُو بَكْرٍ عَنِ الْأَعْمَشِ، قَالَ: حَدَّثَنَا أَبُو سُفْيَانَ، ذَكَرَهُ عَنْ جَابِرٍ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ ثَمَنِ الْكَلْبِ

[20910] Abu Bakr said: Waki' told us from Hammad ibn Salamah, from Abu al-Zubayr, from Jabir, and from Abu al-Muhazzam, from Abu Hurayrah: “That both of them disliked the price of a dog except a hunting dog.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ، وَعَنْ أَبِي الْمُهَزَّمِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّهُمَا كَرِهَا تَمَنُّ الْكَلْبِ إِلَّا الْكَلْبَ صَيْدٍ

[20911] Abu Bakr said: Waki' told us from Yazid ibn Ziyad ibn Abi al-Ja'd, from Ibn Abi Juhayfah, from his father, who said: “The Messenger of Allah (saw) forbade the dowry of a prostitute, the earnings of a cupper, and the price of a dog.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ يَزِيدَ بْنِ زِيَادِ بْنِ أَبِي الْجَعْدِ، عَنِ ابْنِ أَبِي جُحَيْفَةَ، عَنْ أَبِيهِ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ مَهْرِ الْبَغِيِّ، وَكَسْبِ الْحَجَّامِ، وَتَمَنُّ الْكَلْبِ

[20912] Abu Bakr said: Waki' told us from Isra'il, from 'Abd al-Karim, from Qays ibn Habtar, from Ibn 'Abbas, attributing it (to the Prophet): “The price of a dog, the dowry of a prostitute, and the price of wine are Haram.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ عَبْدِ الْكَرِيمِ، عَنْ قَيْسِ بْنِ حَبْتَرٍ، عَنِ ابْنِ عَبَّاسٍ رَفَعَهُ قَالَ: تَمَنُّ الْكَلْبِ وَمَهْرُ الْبَغِيِّ، وَتَمَنُّ الْخَمْرِ حَرَامٌ

[20913] Abu Bakr said: Ibn Idris told us from Ash'ath, from Ibn Sirin, who said: “The most vile earnings are the earnings of a prostitute and the price of a dog.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ أَشْعَثَ، عَنْ ابْنِ سِيرِينَ، قَالَ: أَخْبَثُ الْكَسْبِ كَسْبُ الزَّمَّارَةِ، وَتَمَنُّ الْكَلْبِ

[20914] Abu Bakr said: Yunus ibn Muhammad told us: Sharik told us from Abu Farwah, who said: I heard 'Abd al-Rahman ibn Abi Layla say: “I do not care whether I ate the price of a dog or the price of a pig.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا يُونُسُ بْنُ مُحَمَّدٍ، قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ أَبِي فَرَوَةَ، قَالَ: سَمِعْتُ عَبْدَ الرَّحْمَنِ بْنَ أَبِي لَيْلَى، يَقُولُ: مَا أَبَالِي تَمَنَ كَلْبٍ أَكَلْتُ، أَوْ تَمَنَ خَنْزِيرٍ

[20915] Abu Bakr said: Ibn Idris told us from Shu'bah, who said: I heard Al-Hakam and Hammad disliking the price of a dog.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ شُعْبَةَ، قَالَ: سَمِعْتُ الْحَكَمَ، وَحَمَّادًا يَكْرَهُانِ تَمَنَ الْكَلْبِ

[20916] Abu Bakr said: 'Affan told us: Aban al-'Attar informed us from Yahya ibn Abi Kathir, from Ibrahim ibn 'Abd Allah, from Al-Sa'ib ibn Yazid, from Rafi' ibn Khadij that the Prophet (saw) said: “The earnings of a cupper are vile, and the price of a dog is vile.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا عَفَّانُ، قَالَ: أَخْبَرَنَا أَبَانُ الْعَطَّارُ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ اللَّهِ، عَنِ السَّائِبِ بْنِ يَزِيدَ، عَنْ رَافِعِ بْنِ خَدِيجٍ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: كَسَبُ الْحَجَّامِ خَبِيثٌ، وَتَمَنُ الْكَلْبِ خَبِيثٌ

[20917] Abu Bakr said: Waki' told us from Sufyan, from Sa'id, from Ibrahim, who said: “There is no harm in the price of a hunting dog.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ سَعِيدٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ بِتَمَنِ كَلْبِ الصَّيِّدِ

[20918] Abu Bakr said: Waki' told us from Isra'il, from Jabir, from 'Ata', who said: “There is no harm in the price of a Saluqi (hunting) dog.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَطَاءٍ، قَالَ: لَا بَأْسَ بِثَمَنِ الْكَلْبِ السَّلُوقِيِّ

[20919] Abu Bakr said: Yahya ibn Zakariyya ibn Abi Za'idah told us from Ibn Jurayj, from 'Ata', who said: “If you kill a dog that is not aggressive, compensate its owners for its value.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ زَكَرِيَّا بْنِ أَبِي زَائِدَةَ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: إِنْ قَتَلْتَ كَلْبًا لَيْسَ بِعَفُورٍ، فَاعْرِمْ لِأَهْلِهِ ثَمَنَهُ

[20920] Abu Bakr said: Ibn Fudayl told us from Yahya ibn Sa'id, from Muhammad ibn Yahya ibn Hibban, who said: “People used to judge the compensation for a dog at forty Dirhams.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانٍ، قَالَ: كَانَ النَّاسُ يَقْضُونَ بِالْكَلْبِ بِأَرْبَعِينَ دِرْهَمًا

[20921] Abu Bakr said: Hushaym told us from Ya'la ibn 'Ata', from Isma'il ibn Jassas, from 'Abd Allah ibn 'Amr, who said: “He judged forty Dirhams for a hunting dog, a sheep for a herding dog, a measure of food for a farming dog, and a measure of soil for a house dog. It is a duty on the one who harmed it to give it, and a duty on the owner of the house to accept it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ يَعْلَى بْنِ عَطَاءٍ، عَنْ إِسْمَاعِيلَ بْنِ جَسَّاسٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو، قَالَ: قَضَى فِي كَلْبِ الصَّيْدِ بِأَرْبَعِينَ دِرْهَمًا، وَفِي كَلْبِ الْمَاشِيَةِ شَاةً مِنَ الْغَنَمِ، وَفِي كَلْبِ الْحَرْثِ فَرْقٌ مِنْ طَعَامٍ، وَفِي كَلْبِ الدَّارِ فَرْقٌ مِنْ تُرَابٍ، حَقٌّ عَلَى الَّذِي أَصَابَهُ أَنْ يُعْطِيَهُ، وَحَقٌّ عَلَى صَاحِبِ الدَّارِ أَنْ يَقْبَلَهُ

[20922] Abu Bakr said: Ibn Fudayl told us from Mughirah, from Ibrahim, who said: “There is no harm in the price of a hunting dog.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ بِثَمَنِ كَلْبِ الصَّيْدِ

[20923] Abu Bakr said: Jarir told us from Talq ibn Mu'awiyah, who said: A man owed me three hundred Dirhams, so I disputed with him before Shurayh. The man said: 'They promised me they would be good to me.' Shurayh said: {Indeed, Allah commands you to render trusts to whom they are due} [An-Nisa: 58]. He said: 'And he ordered his imprisonment, and I did not ask him to imprison him, until he reconciled with me for one hundred and fifty Dirhams.'

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ طَلْقِ بْنِ مُعَاوِيَةَ، قَالَ: كَانَ لِي عَلَى رَجُلٍ ثَلَاثُمِائَةِ دِرْهَمٍ فَخَاصَمْتُهُ إِلَى شُرَيْحٍ، فَقَالَ الرَّجُلُ: إِنَّهُمْ وَعَدُونِي أَنْ يُحْسِنُوا إِلَيَّ، فَقَالَ شُرَيْحٌ: {إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَى قَالٍ: وَأَمَرَ بِحَبْسِهِ، وَمَا طَلَبْتُ [58: أَهْلِهَا] [النساء] إِلَيْهِ أَنْ يَحْبِسَهُ حَتَّى صَالَحَنِي عَلَى مِائَةِ وَخَمْسِينَ دِرْهَمًا

[20924] Abu Bakr said: Waki' told us from Abu Hilal, from Ibn Sirin, from Shurayh, that he used to imprison for debt.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَبِي هِلَالٍ، عَنْ ابْنِ سِيرِينَ، عَنْ شُرَيْحٍ، أَنَّهُ كَانَ يَحْبِسُ فِي الدِّينِ

[20925] Abu Bakr said: Waki' told us from Malik ibn Mighwal, from a concubine of Al-Sha'bi called Umm Ja'far, from Al-Sha'bi, who said: "If I do not imprison for debt, I would have wasted his right."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مَالِكِ بْنِ مِغْوَلٍ، عَنْ سُرَيَّةِ الشَّعْبِيِّ يُقَالُ لَهَا أُمُّ جَعْفَرٍ، عَنِ الشَّعْبِيِّ، قَالَ: إِذَا أَنَا لَمْ أَحْبِسْ فِي الدِّينِ، فَأَنَا أَتَوَيْتُ حَقَّهُ

[20926] Abu Bakr said: Zayd ibn Hubab and 'Ubayd Allah told us from Abu Hilal, from Ghalib al-Qattan, from Abu al-Muhazzam, that a man came to Abu Hurayrah regarding a debtor of his and said: 'Imprison him.' Abu Hurayrah said: 'Do you know of any specific property he has so I can seize it?' He said: 'No.' He said: 'Do you know of any real estate he has so I can break (sell) it?' He said: 'No.' He said: 'Then what do you want?' He said: 'Imprison him.' He said: 'No, but I will let him go so he can seek earnings for you, for himself, and for his family.'

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، وَعُبَيْدُ اللَّهِ، عَنْ أَبِي هِلَالٍ، عَنْ غَالِبِ الْقَطَّانِ، عَنْ أَبِي الْمُهَزَّمِ، أَنَّ رَجُلًا أَتَى أَبَا هُرَيْرَةَ فِي غَرِيمٍ لَهُ فَقَالَ: احْبِسْهُ، قَالَ: قَالَ أَبُو هُرَيْرَةَ: هَلْ تَعْلَمُ لَهُ عَيْنًا فَاخْذْهُ بِهِ؟ قَالَ: لَا، قَالَ: فَهَلْ تَعْلَمُ لَهُ عَقَارًا أَكْسِرُهُ؟ قَالَ: لَا، قَالَ: فَمَا تُرِيدُ؟ قَالَ: احْبِسْهُ، قَالَ: لَا، وَلَكِنِّي أَدْعُهُ يَطْلُبُ لَكَ، وَلِنَفْسِهِ، وَلِعِيَالِهِ.

[20927] Abu Bakr said: 'Ubayd Allah ibn Musa and Zayd ibn al-Hubab told us from Abu Hilal, from Ghalib, from Al-Hasan, that he judged similarly to Abu Hurayrah.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُوسَى، وَزَيْدُ بْنُ الْحُبَابِ، عَنْ أَبِي هِلَالٍ، عَنْ غَالِبٍ، عَنْ الْحَسَنِ، قَضَى بِمِثْلِ أَبِي هُرَيْرَةَ

[20928] Abu Bakr said: Waki' told us from 'Ali ibn Salih, from 'Abd al-A'la, who said: I witnessed Shurayh imprisoning Rustam the blind for debt. Waki' said: “We have not known any of our judges, Ibn Abi Layla or others, except that they imprison for debt.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ عَلِيِّ بْنِ صَالِحٍ، عَنْ عَبْدِ الْأَعْلَى، قَالَ: شَهِدْتُ شُرَيْحًا حَبَسَ رُسْتَمَ الضَّرِيرَ فِي دَيْنٍ. قَالَ وَكَيْعٌ: مَا أَدْرَكْنَا أَحَدًا مِنْ قُضَاتِنَا ابْنَ أَبِي لَيْلَى، وَغَيْرِهِ إِلَّا، وَهُوَ يَحْبِسُ فِي الدَّيْنِ

[20929] Abu Bakr said: Hushaym told us from Isma'il ibn Abi Khalid, from Al-Sha'bi, who said: 'Ali said: “There is no Habus (endowment) withheld from Allah's obligatory shares (inheritance), except what consists of weapons or horses.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنِ الشَّعْبِيِّ، قَالَ: قَالَ عَلِيٌّ: لَا حَبْسَ عَنْ فَرَائِضِ اللَّهِ، إِلَّا مَا كَانَ مِنْ سِلَاحٍ أَوْ كُرَاعٍ

[20930] Abu Bakr said: Ibn Fudayl told us from Mutarrif, from a man, from Al-Qasim, who said: 'Abd Allah said: “There is no Habus except in horses or weapons.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ مُطَرِّفٍ، عَنْ رَجُلٍ، عَنِ الْقَاسِمِ، قَالَ: قَالَ عَبْدُ اللَّهِ: لَا حَبْسَ إِلَّا فِي كُرَاعٍ أَوْ سِلَاحٍ

[20931] Abu Bakr said: Waki' and Ibn Abi Za'idah told us from Mis'ar, from Abu 'Awn, from Shurayh, who said: “Muhammad came with the prohibition of Habus (withholding property from inheritance).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، وَابْنُ أَبِي زَائِدَةَ، عَنْ مِسْعَرٍ، عَنْ أَبِي عَوْنٍ، عَنْ شُرَيْحٍ، قَالَ: جَاءَ مُحَمَّدٌ بِمَنْعِ الْحَبْسِ

[20932] Abu Bakr said: Humayd ibn 'Abd al-Rahman told us from Hasan, from Mughirah, from Ibrahim, who said: “They used to dedicate horses and weapons as Habus in the way of Allah.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنِ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: كَانُوا يَحْبِسُونَ الْفَرَسَ وَالسَّلَاحَ فِي سَبِيلِ اللَّهِ

[20933] Abu Bakr said: Hafs told us from Hisham ibn 'Urwah, from his father, that Al-Zubayr endowed a house of his for his divorced daughters.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ الزُّبَيْرَ وَقَفَ دَارًا لَهُ عَلَى الْمَرْدُودَةِ مِنْ بَنَاتِهِ

[20934] Abu Bakr said: Waki' told us from Al-Qasim ibn Fudayl, from Abu Ja'far, that 'Ali and 'Umar endowed land belonging to them at Tabatla.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنِ الْقَاسِمِ بْنِ فُضَيْلٍ، عَنْ أَبِي جَعْفَرٍ، أَنَّ عَلِيًّا، وَعُمَرَ وَقَفَا أَرْضًا لَهُمَا بِتَابَتَلَا

[20935] Abu Bakr said: Ibn 'Ulayyah told us from Sawwar, from Al-Walid ibn Abi Hisham, who said: 'Uthman said: “My properties in Mecca shall be inhabited by my sons, and they may let whoever they wish inhabit them.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُليَّةٍ، عَنْ سَوَّارٍ، عَنِ الْوَلِيدِ بْنِ أَبِي هِشَامٍ، قَالَ: قَالَ عُثْمَانُ: رَبَاعِي الَّتِي بِمَكَّةَ يَسْكُنُهَا بَنِيَّ، وَيُسْكِنُونَهَا مَنْ أَحَبُّوا

[20936] Abu Bakr said: Waki' told us from Isra'il, from Jabir, from 'Amir, who said: “Endowment (Habs) is like manumission; it is for Allah regarding houses and real estate.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: الْحَبْسُ بِمَنْزِلَةِ الْعَتَقِ، هُوَ لِلَّهِ فِي الدَّارِ وَالْعَقَارِ

[20937] Abu Bakr said: Ibn 'Ulayyah told us from Ibn 'Awn, from Nafi', from Ibn 'Umar, who said: 'Umar acquired land in Khaybar, so he came to the Prophet (saw) and said: “I have acquired land in Khaybar, and I have never acquired wealth more precious to me than it. What do you command me?” He said: “If you wish, you can keep its original title (as an endowment) and give its yield as charity.” So 'Umar gave it as charity on the condition that its original title not be sold, gifted, or inherited.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ ابْنِ عَوْنٍ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: أَصَابَ عُمَرُ أَرْضًا بِخَيْبَرَ، فَأَتَى النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَ: أَصَبْتُ أَرْضًا بِخَيْبَرَ لَمْ أَصِبْ مَالًا قَطُّ أَنْفَسَ مِنْهُ عِنْدِي، فَمَا تَأْمُرُنِي؟ قَالَ: إِنْ شِئْتَ حَبَسْتُ أَصْلَهَا، وَتَصَدَّقْتَ بِهَا قَالَ: فَتَصَدَّقَ بِهَا عُمَرُ أَنَّهُ لَا يُبَاعُ أَصْلُهَا، وَلَا يُوهَبُ، وَلَا يُورَثُ

[20938] Abu Bakr said: Abu Khalid and Hafs told us from Humayd, from Anas, that Abu Talhah came to the Prophet (saw) and said: “I have made my garden for Allah, and if I could hide it, I would not reveal it.” The Prophet (saw) said: “Assign it to the poor of your family.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، وَحَفْصٌ، عَنْ حُمَيْدٍ، عَنْ أَنَسٍ، أَنَّ أَبَا طَلْحَةَ، أَتَى النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: إِنِّي جَعَلْتُ حَائِطِي لِلَّهِ، وَلَوْ اسْتَطَعْتُ أَنْ أُخْفِيهِ فَمَا أَظْهَرُ بِهِ، فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: اجْعَلْهُ فِي فَقَرَاءِ أَهْلِكَ

[20939] Abu Bakr said: Ibn 'Uyaynah told us from Ibn Tawus, from his father, who said: Did you not see that Hujr al-Madani informed me that concerning the charity of the Messenger of Allah (saw): “His family eats from it in a reasonable manner, without excess.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ قَالَ: أَلَمْ تَرَ أَنَّ حُجْرًا الْمَدَنِيَّ أَخْبَرَنِي، أَنَّ فِي صَدَقَةِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: يَأْكُلُهُ أَهْلُهُ بِالْمَعْرُوفِ غَيْرِ الْمُنْكَرِ

[20940] Abu Bakr said: Mu'tamir ibn Sulayman told us from Salam ibn Abi al-Dhayyal, who said: I asked Al-Hasan about a man who has land but no water; can he buy it for his land? He said: “Yes, there is no harm in that.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ سَلَمِ بْنِ أَبِي الدِّيَالِ، قَالَ: سَأَلْتُ الْحَسَنَ عَنِ الرَّجُلِ تَكُونُ لَهُ الْأَرْضُ، وَلَا يَكُونُ لَهُ مَاءٌ يَشْتَرِيهِ لِأَرْضِهِ؟ فَقَالَ: نَعَمْ، لَا بَأْسَ بِذَلِكَ

[20941] Abu Bakr said: Ibn Mubarak told us from Ibn Jurayj, in what was read to him, from 'Ata', who said: I said to him: “Selling water in waterskins?” He said: “There is no harm in it, as he draws it and carries it; it is not like surplus water that flows into the ground.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ ابْنِ جُرَيْجٍ، فِيمَا قُرِئَ عَلَيْهِ، عَنْ عَطَاءٍ، قَالَ: قُلْتُ لَهُ: بَيْعُ الْمَاءِ فِي الْقَرَبِ؟ قَالَ: لَا بَأْسَ بِهِ وَهُوَ يَسْتَقْبِيهِ وَيَحْمِلُهُ لَيْسَ كَفَضْلِ الْمَاءِ الَّذِي يَذْهَبُ فِي الْأَرْضِ

[20942] Abu Bakr said: Waki' told us from Ibn Jurayj, from Abu al-Zubayr, from Jabir, who said: “The Messenger of Allah (saw) forbade the selling of surplus water.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ ابْنِ جُرَيْجٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ فَضْلِ الْمَاءِ

[20943] Abu Bakr said: Ibn 'Ulayyah told us from Ayyub, from Abu Qilabah, who said: The Messenger of Allah (saw) said: “Whoever withholds surplus water to withhold thereby surplus pasture, Allah will withhold His surplus from him on the Day of Resurrection.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةٍ، عَنْ أَيُّوبَ، عَنْ أَبِي قِلَابَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ مَنَعَ فَضْلَ مَاءٍ لِيَمْنَعَ بِهِ فَضْلَ الْكَلْبِ، مَنَعَهُ اللَّهُ فَضْلَهُ يَوْمَ الْقِيَامَةِ

[20944] Abu Bakr said: Waki' told us: Al-Mas'udi told us from 'Imran ibn 'Umayr, who said: My neighbor withheld his surplus water from me, so I asked 'Ubayd Allah ibn 'Abd Allah ibn 'Utba ibn Mas'ud. He said: I heard Abu Hurayrah say: “Selling surplus water is not lawful.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْمَسْعُودِيُّ، عَنْ عِمْرَانَ بْنِ عُمَيْرٍ، قَالَ: مَنَعَنِي جَارِي فَضْلُ مَائِهِ، فَسَأَلْتُ عُبَيْدَ اللَّهِ بْنَ عَبْدِ اللَّهِ بْنِ عُثَيْبَةَ بْنِ مَسْعُودٍ، فَقَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ، يَقُولُ: لَا يَحِلُّ بَيْعُ فَضْلِ الْمَاءِ

[20945] Abu Bakr said: Waki' told us: Mis'ar told us from Ibrahim ibn Muhammad ibn al-Muntashir, from his father, who said: “Masruq used to like the price of water.” Waki' said: “Meaning providing water by carrying it, and using a beast to sell it.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مِسْعَرٌ، عَنْ إِبْرَاهِيمَ بْنِ مُحَمَّدٍ بْنِ الْمُنْتَشِرِ، عَنْ أَبِيهِ، قَالَ: كَانَ مَسْرُوقٌ يُعْجِبُهُ ثَمَنُ الْمَاءِ. قَالَ وَكِيعٌ: يَعْنِي السَّقَايَةَ عَنِ الْحَمَلِ، وَالظَّهْرِ بِبَيْعِهِ

[20946] Abu Bakr said: Ibn Abi Za'idah told us from Zakariyya, from Yahya ibn Sa'id, from Al-Qasim, who said: “Selling surplus water is disliked.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ زَكَرِيَّا، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنِ الْقَاسِمِ، قَالَ: يُكْرَهُ بَيْعُ فَضْلِ الْمَاءِ

[20947] Abu Bakr said: Yahya ibn Adam told us: Zuhayr told us from Abu al-Zubayr, from 'Amr ibn Shu'ayb, from his father, from his grandfather, that a servant of theirs sold surplus water from a spring of theirs for twenty thousand. 'Abd Allah ibn 'Amr said to him: “Do not sell it, for its sale is not lawful.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ، قَالَ: حَدَّثَنَا زُهَيْرٌ، عَنْ أَبِي الزُّبَيْرِ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ غُلَامًا لَهُمْ بَاعَ فَضْلَ مَاءٍ لَهُمْ مِنْ عَيْنٍ لَهُمْ بَعِثَرَيْنِ أَلْفًا، فَقَالَ لَهُ عَبْدُ اللَّهِ بْنُ عَمْرِو: لَا تَبِعْهُ، فَإِنَّهُ لَا يَحِلُّ بَيْعُهُ

[20948] Abu Bakr said: Ibn 'Uyaynah told us from 'Amr, from Abu al-Minhal, who said: I heard Iyas ibn 'Abd al-Muzani when he saw people selling water. He said: Do not sell water, for I heard the Messenger of Allah (saw) forbidding water to be sold.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ أَبِي الْمِنْهَالِ، قَالَ: سَمِعْتُ إِيَّاسَ بْنَ عَبْدِ الْمُزَنِيِّ وَرَأَى أَنَسًا يَبِيعُونَ الْمَاءَ، فَقَالَ: لَا تَبِيعُوا الْمَاءَ، فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَنْهَى أَنْ يُبَاعَ الْمَاءُ

[20949] Abu Bakr said: Sufyan told us from Abu al-Zinad, from Al-A'raj, from Abu Hurayrah, who said: “The Messenger of Allah (saw) forbade the selling of surplus water to prevent thereby surplus pasture.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَبِي الزِّنَادِ، عَنْ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ فَضْلِ الْمَاءِ لِيُمنَعَ بِهِ فَضْلُ الْكَلْبِ

[20950] Abu Bakr said: Waki' told us: Al-A'mash told us, perhaps from Abu Salih, from Abu Hurayrah - because Al-A'mash narrated it from Abu Hurayrah, and Abu Bakr included this in his Musnad. He said: Abu Mu'awiyah told us from Al-A'mash, mentioning its meaning, from Abu Hurayrah, who said: The Messenger of Allah (saw) said: "Three people Allah will not speak to on the Day of Resurrection: A man who withheld surplus water from a wayfarer; a man who swore an oath regarding his commodity after 'Asr [lying]; and a man who pledged allegiance to an Imam, fulfilling it if given something, but not fulfilling it if not given."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْأَعْمَشُ، لَعَلَّهُ عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ، لِأَنَّهُ حَدَّثَهُ الْأَعْمَشُ، عَنْ أَبِي هُرَيْرَةَ، خَرَجَهُ أَبُو بَكْرٍ هَذَا فِي مُسْنَدِهِ، قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ الْأَعْمَشِ، فَذَكَرَهُ بِمَعْنَاهُ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "ثَلَاثَةٌ لَا يُكَلِّمُهُمُ اللَّهُ يَوْمَ الْقِيَامَةِ: رَجُلٌ مَنَعَ ابْنَ السَّبِيلِ فَضْلَ مَاءٍ عِنْدَهُ، وَرَجُلٌ حَلَفَ عَلَى سِلْعَتِهِ بَعْدَ الْعَصْرِ، يَعْنِي: كَاذِبًا، وَرَجُلٌ بَايَعَ إِمَامًا، فَإِذَا أُعْطَاهُ وَفَى، وَإِنْ لَمْ يُعْطِهِ مِنْهَا لَمْ يَفِ"

[20951] Abu Bakr said: Yazid ibn Harun told us: Ibn Ishaq told us from Muhammad ibn 'Abd al-Rahman, from his mother 'Amrah, from 'Aishah, who said: "The Messenger of Allah (saw) forbade withholding the surplus water of a well."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: حَدَّثَنَا ابْنُ إِسْحَاقَ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أُمِّهِ عَمْرَةَ، عَنْ عَائِشَةَ، قَالَتْ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يُمْنَعَ نَقْعُ الْبُيْرِ يَعْنِي: فَضْلُ الْمَاءِ

[20952] Abu Bakr said: Hafs ibn Ghiyath told us from Ash'ath, from Al-Hasan, who used to say: “The testimony of a blind person is not valid unless he had seen him before losing his sight.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، قَالَ: كَانَ يَقُولُ: لَا يَجُوزُ شَهَادَةُ الْأَعْمَى إِلَّا أَنْ يَكُونَ قَدْ رَأَاهُ قَبْلَ أَنْ يَذْهَبَ بَصَرُهُ

[20953] Abu Bakr said: Waki' told us from Al-Aswad ibn Qays: “That Abu Basir testified against 'Ali while he was blind, so he rejected his testimony.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنِ الْأَسْوَدِ بْنِ قَيْسٍ: أَنَّ أَبَا بَصِيرٍ شَهِدَ عَلَى عَلِيٍّ وَهُوَ أَعْمَى فَرَدَّ شَهَادَتَهُ

[20954] Abu Bakr said: Mu'adh ibn Mu'adh told us from Ash'ath, from Al-Hasan and Ibn Sirin, who said: “The testimony of a blind person is valid.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا مُعَاذُ بْنُ مُعَاذٍ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، وَابْنِ سِيرِينَ، قَالَا: شَهَادَةُ الْأَعْمَى جَائِزَةٌ

[20955] Abu Bakr said: Abu Usamah told us from 'Abd al-Wahid ibn Ziyad, from Mujalid, from Al-Sha'bi, who said: Shurayh used to validate the testimony of a blind person along with a just man if he recognized the voice.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ عَبْدِ الْوَاحِدِ بْنِ زِيَادٍ، عَنْ مُجَالِدٍ، عَنِ الشَّعْبِيِّ، قَالَ: كَانَ شُرَيْحٌ يُجِيزُ شَهَادَةَ الْأَعْمَى مَعَ الرَّجُلِ الْعَدْلِ إِذَا عَرَفَ الصَّوْتَ

[20956] Abu Bakr said: Ibn Mahdi told us from Sufyan, from Ibn Abi Dhi'b, from Al-Zuhri, that he used to validate the testimony of a blind person.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ ابْنِ أَبِي ذَيْبٍ، عَنِ الزُّهْرِيِّ، أَنَّهُ كَانَ يُجِيزُ شَهَادَةَ الْأَعْمَى

[20957] Abu Bakr said: Waki' told us from Al-Hasan ibn Salih and Isra'il, from 'Isa ibn Abi 'Azzah, from Al-Sha'bi, that he validated the testimony of a blind person.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنِ الْحَسَنِ بْنِ صَالِحٍ، وَإِسْرَائِيلَ، عَنْ عَيْسَى بْنِ أَبِي عَزَّةَ، عَنِ الشَّعْبِيِّ، أَنَّهُ أَجَازَ شَهَادَةَ الْأَعْمَى

[20958] Abu Bakr said: Waki' told us from Sufyan, from Jabir, who said: “The testimony of a blind person is valid if he is just.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، قَالَ: شَهَادَةُ الْأَعْمَى جَائِزَةٌ إِذَا كَانَ عَدْلًا

[20959] Abu Bakr said: Waki' told us from Sufyan, that Qatadah testified before Iyas ibn Mu'awiyah while he was blind, and he rejected his testimony.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، أَنَّ قَتَادَةَ، شَهِدَ عِنْدَ إِيَّاسِ بْنِ مُعَاوِيَةَ وَهُوَ أَعْمَى فَرَدَّ شَهَادَتَهُ

[20960] Abu Bakr said: Waki' told us from Sharik, from Mughirah, who said: I asked Ibrahim about the testimony of a blind person, so he narrated a Hadith from which we thought he disliked it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكَيْعٌ، عَنْ شَرِيكِ، عَنْ مُغِيرَةَ، قَالَ: سَأَلْتُ إِبْرَاهِيمَ، عَنْ شَهَادَةِ الْأَعْمَى، فَحَدَّثَ بِحَدِيثٍ ظَنَّنَا أَنَّهُ كَرِهَهُ

[20961] Abu Bakr said: Ibn Fudayl told us from Yahya ibn Sa'id, who said: I asked Al-Hakam ibn 'Utaybah and Al-Qasim ibn Muhammad about the blind person: Is his testimony valid and can he lead people in prayer? They said: "What prevents him from leading the people and testifying?"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، قَالَ: سَأَلْتُ الْحَكَمَ بْنَ عَتِيبَةَ، وَالْقَاسِمَ بْنَ مُحَمَّدٍ عَنِ الْأَعْمَى تَجُوزُ شَهَادَتُهُ وَيَوْمُ الْقَوْمِ؟ قَالَا: وَمَا يَمْنَعُهُ أَنْ يَوْمَ الْقَوْمِ وَيَشْهَدَ؟

[20962] Abu Bakr said: 'Ali ibn Mushir and Abu Mu'awiyah told us from Al-Shaybani, from Al-Sha'bi, from Shurayh that he saw no harm in buying the hundred in the stipend with goods. He said: Al-Sha'bi said: "It should not be bought with goods nor anything else."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، وَأَبُو مُعَاوِيَةَ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ أَنَّهُ كَانَ لَا يَرَى بَأْسًا فِي شَرَى الْمِائَةِ فِي الْعَطَاءِ بِالْعَرَضِ. قَالَ: وَقَالَ الشَّعْبِيُّ: لَا يُشْتَرَى بِعَرَضٍ وَلَا بغيره

[20963] Abu Bakr said: Waki' told us from Hisham, from Qatadah, from Zurarah ibn Awfa, from Ibn 'Abbas that he disliked selling the hundred in the stipend except for goods.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ هِشَامٍ، عَنْ قَتَادَةَ، عَنْ زُرَّارَةَ بْنِ أَوْفَى، عَنِ ابْنِ عَبَّاسٍ أَنَّهُ كَرِهَ بَيْعَ الْمِائَةِ فِي الْعَطَاءِ إِلَّا بِالْعَرَضِ

[20964] Abu Bakr said: Yahya ibn Sa'id told us from Salih ibn Muslim, who said: I asked Al-Sha'bi about buying the increase in the stipend. He said: "I do not command it nor forbid it, but I forbid myself and my son from it. Yet one who is better than me has done it." I said: "Who?" He said: "The Commander of the Believers."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ صَالِحِ بْنِ مُسْلِمٍ، قَالَ: سَأَلْتُ الشَّعْبِيَّ عَنْ شِرَى الزِّيَادَةِ فِي الْعَطَاءِ، قَالَ: لَا أَمُرُ بِهَا، وَلَا أَنْهَى، وَأَنْهَى عَنْهَا نَفْسِي وَوَلَدِي، وَقَدْ فَعَلَ ذَلِكَ مَنْ هُوَ خَيْرٌ مِنِّي قُلْتُ: مَنْ؟ قَالَ: أَمِيرُ الْمُؤْمِنِينَ

[20965] Abu Bakr said: Zayd ibn Hubab told us from Hammad ibn Zayd, from Bakr ibn 'Uthman, who said: I used to buy the increase in stipend in Khorasan with silk and Dirhams. Then I performed Hajj and asked Salim. He said: "I dislike it with Dirhams, but there is no harm in it with goods." I asked Muhammad ibn Ka'b al-Qurazi, and he said the same. I asked 'Ata', and he said the same. I asked Al-Hasan and Ibn Sirin, and they said: "We dislike it with Dirhams, but we see no harm in it with goods."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، عَنْ حَمَّادِ بْنِ زَيْدٍ، عَنْ بَكْرِ بْنِ عُثْمَانَ، قَالَ: كُنْتُ أَشْتَرِي الزِّيَادَةَ فِي الْعَطَاءِ بِخُرَاسَانَ بِالْحَرِيرِ وَالذَّرْهَمِ فَحَجَجْتُ، فَسَأَلْتُ سَالِمًا، فَقَالَ: أَكْرَهُهُ بِالذَّرْهَمِ، وَلَيْسَ بِهِ بَأْسٌ بِالْعُرُوضِ وَسَأَلْتُ مُحَمَّدَ بْنَ كَعْبٍ الْقُرَظِيَّ، فَقَالَ مِثْلَهُ، وَسَأَلْتُ عَطَاءً فَقَالَ مِثْلَهُ، وَسَأَلْتُ الْحَسَنَ وَابْنَ سِيرِينَ، فَقَالَا: نَكْرَهُهَا بِالذَّرْهَمِ، وَلَا نَرَى بِهَا بَأْسًا بِالْعُرُوضِ

[20966] Abu Bakr said: Abu Dawud al-Tayalisi told us from Ibrahim ibn Dawud, who said: I asked Al-Hasan and Muhammad about selling the stipend. They said: “Sell it for goods.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا أَبُو دَاوُدَ الطَّيَالِسِيُّ، عَنْ
إِبْرَاهِيمَ بْنِ دَاوُدَ، قَالَ: سَأَلْتُ الْحَسَنَ، وَمُحَمَّدًا عَنْ بَيْعِ
الْعَطَاءِ، فَقَالَا: بِعْهُ بِعَرَضٍ

[20967] Abu Bakr said: Hafs told us from Dawud, from Al-Sha'bi, and from Sa'id, from Abu Ma'shar, from Ibrahim, who said regarding the mudarib (speculator) who contravenes: “They should abstain from the profit and give it as charity.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ دَاوُدَ، عَنْ
الشَّعْبِيِّ، وَعَنْ سَعِيدٍ، عَنْ أَبِي مُعَشَّرٍ، عَنْ إِبْرَاهِيمَ،
قَالَا: فِي الْمُضَارِبِ يُخَالَفُ قَالَا: يُنْزَهُانِ عَنِ الرَّبْحِ،
وَيَنْصَدَّقَانِ بِهِ

[20968] Abu Bakr said: Jarir told us from Mughirah, from Hammad, who said: “They give the profit as charity.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ
حَمَّادٍ، قَالَ: يَنْصَدَّقَانِ بِالرَّبْحِ

[20969] Abu Bakr said: Isma'il ibn 'Ulayyah told us from Ayyub, from Abu Qilabah, who said: “If he contravenes, he is liable, and the profit belongs to the owner of the capital.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَلِيَّةَ، عَنْ
أَيُّوبَ، عَنْ أَبِي قِلَابَةَ، قَالَ: إِذَا خَالَفَ فَهُوَ ضَامِنٌ،
وَالرَّابِحُ لِصَاحِبِ الْمَالِ

[20970] Abu Bakr said: Al-Thaqafi told us from Khalid, from Abu Qilabah, who said: “The profit is according to what they stipulated.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الثَّقَفِيُّ، عَنْ خَالِدٍ، عَنْ أَبِي قِلَابَةَ، قَالَ: الرِّبْحُ عَلَى مَا اشْتَرَطَا عَلَيْهِ

[20971] Abu Bakr said: 'Abd al-Wahhab al-Thaqafi told us from Ayyub, from Abu Qilabah, who said: “He is liable, and the profit is between them.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَّابِ الثَّقَفِيُّ، عَنْ أَيُّوبَ، عَنْ أَبِي قِلَابَةَ، قَالَ: هُوَ ضَامِنٌ، وَالرِّبْحُ بَيْنَهُمَا

[20972] Abu Bakr said: Abu Mu'awiyah told us from Hajjaj, from Fudayl ibn 'Amr, from Shurayh, who said: “Whoever guarantees wealth, the profit is his.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ حَجَّاجٍ، عَنْ فُضَيْلِ بْنِ عَمْرٍو، عَنْ شُرَيْحٍ، قَالَ: مَنْ ضَمِنَ مَالاً فَهُوَ رِبْحُهُ

[20973] Abu Bakr said: Abu Mu'awiyah told us from Dawud, from Al-Sha'bi, from Shurayh, similar to it. He said: Al-Sha'bi said: “They should give the surplus as charity.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ دَاوُدَ، عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ، مِثْلَهُ قَالَ: وَقَالَ الشَّعْبِيُّ: يَتَصَدَّقَانِ بِالْفَضْلِ

[20974] Abu Bakr said: Ibn 'Ulayyah told us from Dawud ibn Abi Hind, from Rabah ibn 'Ubaydah, that a man sent merchandise with him. When he was on some roads, he saw something for sale, so he testified that he was liable for the merchandise, then bought that thing with it. When he arrived in Medina, he sold what he bought and made a profit. He asked Ibn 'Umar about that, and he said: “The profit belongs to the owner of the capital.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عَلِيَّةَ، عَنْ دَاوُدَ بْنِ أَبِي هِنْدٍ، عَنْ رَبَاحِ بْنِ عُبَيْدَةَ، أَنَّ رَجُلًا بَعَثَ مَعَهُ بِيضَاعَةً، فَلَمَّا كَانَ بِبَعْضِ الطُّرُقِ رَأَى شَيْئًا يُبَاعُ، فَأَشْهَدَ أَنَّهُ ضَامِنٌ لِلْبِيضَاعَةِ، ثُمَّ اشْتَرَى بِهَا ذَلِكَ الشَّيْءَ، فَلَمَّا قَدِمَ الْمَدِينَةَ بَاعَ الَّذِي اشْتَرَى فَرَبِحَ، فَسَأَلَ ابْنَ عُمَرَ عَنْ ذَلِكَ، فَقَالَ: الرَّبْحُ لِصَاحِبِ الْمَالِ

[20975] Abu Bakr said: Mu'tamir ibn Sulayman told us from his father, who said: I said to 'Ikrimah: “Why is the earnings of a cupper disliked?” He said: “It is not disliked.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ أَبِيهِ، قَالَ: قُلْتُ لِعِكْرِمَةَ: لِمَ كُرِهَ كَسْبُ الْحَجَّامِ، قَالَ: لَا يُكْرَهُ

[20976] Abu Bakr said: Mu'tamir told us from his father, from a man, from Abu Qilabah, who said: “Were it not that the cupper sucks blood, I would see no harm in it.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا مُعْتَمِرٌ، عَنْ أَبِيهِ، عَنْ رَجُلٍ، عَنْ أَبِي قِلَابَةَ، قَالَ: لَوْلَا أَنَّ الْحَجَّامَ يُلْصُقُ الدَّمَ لَمْ أَرِ بِهِ بَأْسًا

[20977] Abu Bakr said: Abu Usamah told us from Zayd Abu Usamah, who said: I asked Salim and Al-Qasim about the earnings of a cupper. They saw no harm in it and recited: {Say, "I do not find within that which was revealed to me [anything] forbidden to one who would eat it..."} [Al-An'am: 145].

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ زَيْدِ أَبِي أُسَامَةَ، قَالَ: سَأَلْتُ سَالِمًا، وَالْقَاسِمَ عَنْ كَسْبِ الْحَجَّامِ، "فَلَمْ يَرَيَا بِهِ بَأْسًا، وَتَلَّوْا: {قُلْ لَا أَجِدُ فِي مَا أُوحِيَ إِلَيَّ الْآيَةُ [145]: مُحَرَّمًا عَلَى طَاعِمٍ يَطْعَمُهُ} [الأنعام

[20978] Abu Bakr said: Ibn Abi Za'idah told us from Al-Walid ibn 'Isa, from his father, that 'Uthman ibn 'Affan said: "I do not like the earnings of the cupper and the bathhouse."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنِ الْوَلِيدِ بْنِ عَيْسَى، عَنْ أَبِيهِ، أَنَّ عُثْمَانَ بْنَ عَفَّانَ، قَالَ: مَا يُعْجِبُنِي غَلَّةُ الْحَجَّامِ وَالْحَمَّامِ

[20979] Abu Bakr said: Ghundar told us from Shu'bah, from Mughirah, who said: "Al-Harith had a slave who was a cupper."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ مُغِيرَةَ، قَالَ: كَانَ لِلْحَارِثِ غُلَامٌ حَجَّامٌ

[20980] Abu Bakr said: Ghundar told us from Shu'bah, from 'Abd al-Rahman ibn al-Qasim, from his father, that he was asked about the earnings of a cupper and he saw no harm in it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، أَنَّهُ سُئِلَ عَنْ كَسْبِ الْحَجَّامِ فَلَمْ يَرِ بِهِ بَأْسًا

[20981] Abu Bakr said: Ibn 'Uyaynah told us from Al-Zuhri, from Haram ibn Sa'd ibn Muhayyisah, that his father asked the Prophet (saw) about the earnings of a cupper, and he forbade him from it. He kept speaking to him until he said: “Feed it to your camel or feed it to your slaves.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ حَرَامِ بْنِ سَعْدِ بْنِ مُحَيَّصَةَ، أَنَّ أَبَاهُ، سَأَلَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ كَسْبِ الْحَجَّامِ، فَنَهَاهُ عَنْهُ، فَلَمْ يَزَلْ يُكَلِّمُهُ حَتَّى قَالَ: اْعْلِفْهُ نَاضِحَكَ أَوْ أَطْعِمْهُ رَقِيقَكَ

[20982] Abu Bakr said: Ibn Abi Za'idah told us from Humayd, from Anas, who said: Abu Taybah cupped the Prophet (saw), so he gave him two Sa' of food and spoke to his masters, so they reduced his tax.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ حُمَيْدٍ، عَنْ أَنَسٍ، قَالَ: حَجَّمَ أَبُو طَيْبَةَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَأَعْطَاهُ صَاعَيْنِ مِنْ طَعَامٍ، وَكَلَّمَ أَهْلَهُ، فَخَفَّفَ عَنْهُ مِنْ غَلَّتِهِ

[20983] Abu Bakr said: 'Ali ibn Mushir told us from Ibn Abi Layla and Nafi', from Ibn 'Umar, that Abu Taybah cupped the Prophet (saw), and he asked him: “How much is your tax?” He said: “Three Sa's.” He said: “So he reduced one Sa' from his tax and gave him a wage.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنِ ابْنِ أَبِي لَيْلَى، وَنَافِعٍ، عَنِ ابْنِ عُمَرَ، أَنَّ أَبَا طَيْبَةَ حَجَّمَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَسَأَلَهُ: كَمْ خَرَجُكَ؟ قَالَ: ثَلَاثَةُ أَصْعٍ، قَالَ: فَوَضَعَ عَنْهُ مِنْ خَرَجِهِ صَاعًا، وَأَعْطَاهُ أَجْرًا

[20984] Abu Bakr said: Ghundar told us from Hisham al-Dastuwa'i, from Yahya ibn Abi Kathir, from 'Ata', who said: “He saw no harm in the earnings of a cupper.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرٌ، عَنْ هِشَامِ الدَّسْتَوَائِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ عَطَاءٍ، قَالَ: كَانَ لَا يَرَى بِكَسْبِ الْحَجَّامِ بَأْسًا

[20985] Abu Bakr said: Ibn Abi Za'idah told us from Ash'ath, from Ibn Sirin, from Ibn 'Abbas, who said: “The Prophet (saw) was cupped and paid the cupper; if it were Haram, he would not have given him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَشْعَثَ، عَنِ ابْنِ سِيرِينَ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: اخْتَجَمَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَاجَرَ الْحَجَّامَ، وَلَوْ كَانَ حَرَامًا لَمْ يُعْطِهِ

[20986] Abu Bakr said: Muhammad ibn Muyassar told us from Ibn Jurayj, from 'Ata', who said: I entered upon Ibn 'Abbas while his slave was cupping him. I said: “O Ibn 'Abbas, what do you do with his earnings?” He said: “I eat it and feed it,” and he pointed with his hand to his mouth.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ مُيَسَّرٍ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: دَخَلْتُ عَلَى ابْنِ عَبَّاسٍ، وَغُلَامٌ لَهُ يَحْجُمُهُ، قَالَ: يَا ابْنَ عَبَّاسٍ، مَا تَصْنَعُ بِخَرَاجِ هَذَا؟ قَالَ: أَكَلُهُ وَأُوكِلُهُ، وَأَشَارَ بِيَدِهِ إِلَى فِيهِ

[20987] Abu Bakr said: Waki' told us: Abu Janab told us from Abu Jamilah al-Tahawi, who said: I heard 'Ali say: The Messenger of Allah (saw) was cupped, then he said to the cupper when he finished: “How much is your tax?” He said: “Two Sa's.” He said: So he reduced one Sa' for him. He said: “Then he ordered me, and I gave him a Sa'.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا أَبُو جَنَابٍ، عَنْ أَبِي جَمِيلَةَ الطُّهَوِيِّ، قَالَ: سَمِعْتُ عَلِيًّا، يَقُولُ: احْتَجَمَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، ثُمَّ قَالَ لِلْحَجَّامِ حِينَ فَرَغَ: كَمْ خَرَجُكَ؟ قَالَ: صَاعَانِ، قَالَ: فَوَضَعَ عَنْهُ صَاعًا قَالَ: فَأَمَرَنِي، فَأَعْطَيْتُهُ صَاعًا

[20988] Abu Bakr said: Waki' told us from Yazid ibn Ibrahim, from Ibn 'Abbas, who said: “The Messenger of Allah (saw) was cupped and paid him; if there was any harm in it, he would not have given him.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ يَزِيدَ بْنِ إِبْرَاهِيمَ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: احْتَجَمَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَجَرَهُ، وَلَوْ كَانَ بِهِ بَأْسٌ لَمْ يُعْطِهِ

[20989] Abu Bakr said: Waki' told us: Musa ibn 'Ali ibn Rabah told us from his father, who said: I was with Ibn 'Abbas when a woman came to him and said: “I am a woman from the people of Iraq, and I have a slave who is a cupper. The people of Iraq claim that I am eating the price of blood.” He said: “They claim nothing. You are only eating the earnings of your slave, and you are not eating the price of blood.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مُوسَى بْنُ عَلِيٍّ بْنِ رَبَاحٍ، عَنْ أَبِيهِ، قَالَ: كُنْتُ عِنْدَ ابْنِ عَبَّاسٍ فَأَتَتْهُ امْرَأَةٌ فَقَالَتْ: إِنِّي امْرَأَةٌ مِنْ أَهْلِ الْعِرَاقِ وَلِي غُلَامٌ حَجَّامٌ، وَيَزْعُمُ أَهْلُ الْعِرَاقِ أَنِّي أَكُلُ ثَمَنَ الدَّمِ، فَقَالَ: إِنَّهُمْ لَا يَزْعُمُونَ شَيْئًا، إِنَّمَا تَأْكُلِينَ خِرَاجَ غُلَامِكَ، وَلَسْتَ تَأْكُلِينَ ثَمَنَ الدَّمِ

[20990] Abu Bakr said: Waki' told us: 'Umar ibn Farrukh told us from Habib ibn al-Zubayr, from 'Ikrimah, who said: “The Messenger of Allah (saw) was cupped and gave the cupper his fee, a Dinar.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا عُمَرُ بْنُ فَرُّوخٍ، عَنْ حَبِيبِ بْنِ الزُّبَيْرِ، عَنْ عِكْرِمَةَ، قَالَ: احْتَجَّمَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَأَعْطَى الْحَجَّامَ عَمَلَتَهُ دِينَارًا

[20991] Abu Bakr said: Waki' told us: Mu'tamir ibn Sulayman told us from Abu Ja'far, who said: “There is no harm in a man being cupped without stipulating a price.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ أَبِي جَعْفَرٍ، قَالَ: لَا بَأْسَ أَنْ يَحْتَجَّمَ الرَّجُلُ، وَلَا يُسَارِطُ

[20992] Abu Bakr said: Ibn 'Uyaynah told us from 'Amr, from 'Ata', from Sa'id, who said: I heard Abu Hurayrah say: “It is illicit gain (Suht).”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ عَطَاءٍ، عَنْ سَعِيدٍ، قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ، يَقُولُ: هُوَ سُحْتٌ

[20993] Abu Bakr said: Yahya ibn Sa'id al-Qattan told us from Sa'id, from Mansur, from Ibrahim, who said: “They used to dislike the earnings of a cupper.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ، عَنْ سَعِيدٍ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: كَانُوا يَكْرَهُونَ كَسْبَ الْحَجَّامِ

[20994] Abu Bakr said: Ibn Abi Layla told us from 'Ata', from Abu Hurayrah, who said: “The Messenger of Allah (saw) forbade the earnings of a cupper.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ أَبِي لَيْلَى، عَنْ عَطَاءٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ كَسْبِ الْحَجَّامِ

[20995] Abu Bakr said: Ibn Abi Za'idah told us from 'Abd al-Jabbar ibn 'Abbas, from 'Awn ibn Abi Juhayfah, that his father bought a slave who was a cupper, so he broke his cupping instruments and said: “The Prophet (saw) forbade the price of blood.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ عَبْدِ الْجَبَّارِ بْنِ عَبَّاسٍ، عَنْ عَوْنِ بْنِ أَبِي جُحَيْفَةَ، أَنَّ أَبَاهُ اشْتَرَى غُلَامًا لَهُ حَجَّامًا، فَكَسَرَ مَحَاجِمَهُ وَقَالَ: نَهَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ ثَمَنِ الدَّمِ

[20996] Abu Bakr said: Hushaym told us from Hisham ibn 'Urwah, from his father, that some young men of the Ansar had a slave who was a cupper. The Prophet (saw) ordered them to use his earnings for feeding the water-drawing camel.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ غُلَمَةً مِنَ الْأَنْصَارِ كَانُوا لَهُمْ غُلَامٌ حَجَّامٌ، فَأَمَرَهُمُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يَجْعَلَ كَسْبُهُ فِي عِلْفِ النَّاصِحِ

[20997] Abu Bakr said: 'Affan told us: Aban al-'Attar told us from Yahya ibn Abi Kathir, from Ibrahim ibn 'Abd Allah ibn Qariz, from Al-Sa'ib ibn Yazid, from Rafi' ibn Khadij, from the Prophet (saw), who said: “The earnings of a cupper are vile, the dowry of a prostitute is vile, and the price of a dog is vile.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَفَّانُ، قَالَ: حَدَّثَنَا أَبَانُ الْعَطَّارُ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ اللَّهِ بْنِ قَارِظٍ، عَنِ السَّائِبِ بْنِ يَزِيدَ، عَنْ رَافِعِ بْنِ خَدِيجٍ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: كَسْبُ الْحَجَّامِ خَبِيثٌ، وَمَهْرُ الْبَغِيِّ خَبِيثٌ، وَثَمَنُ الْكَلْبِ خَبِيثٌ

[20998] Abu Bakr said: Waki' told us: Sufyan told us from Mansur and Abu Hashim, from Ibrahim, that he disliked the earnings of a cupper.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مَنْصُورٍ، وَأَبِي هَاشِمٍ، عَنْ إِبْرَاهِيمَ، أَنَّهُ كَرِهَ كَسْبَ الْحَجَّامِ

[20999] Abu Bakr said: 'Abd Allah ibn Numayr told us from 'Abd Allah ibn 'Ata', from Ibn Buraydah, from his father, who said: A woman came to the Prophet (saw) and said: “I gave my mother a slave girl as charity, then my mother died and the slave girl remained.” He said to her: “Your reward is established, and she has returned to you in inheritance.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَطَاءٍ، عَنِ ابْنِ بُرَيْدَةَ، عَنْ أَبِيهِ، قَالَ: جَاءَتْ امْرَأَةً إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَتْ: إِنِّي تَصَدَّقْتُ عَلَى أُمِّي بِجَارِيَةٍ، فَمَاتَتْ أُمِّي، وَبَقِيَتِ الْجَارِيَةُ فَقَالَ لَهَا: وَجِبَ أَجْرُكَ، وَرَجَعْتُ إِلَيْكَ فِي الْمِيرَاثِ

[21000] Abu Bakr said: Ibn 'Ulayyah told us from Ayyub, from Humayd ibn Hilal, that a man among them gave his mother a slave girl as charity. She [the mother] entered into a contract of Kitabah with her [the slave girl], then his mother died. He asked 'Imran ibn Husayn, who said: “You inherit your mother, and if you wish, direct her [the charity] in the way she had directed it.” Humayd said: “I saw her being called 'for his sons'.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ أَيُّوبَ، عَنْ حُمَيْدِ بْنِ هِلَالٍ، أَنَّ رَجُلًا مِنْهُمْ تَصَدَّقَ عَلَى أُمِّهِ بِأَمَةٍ، فَكَاتَبَتْهَا، ثُمَّ تُوفِّيَتْ أُمُّهُ، فَسَأَلَ عِمْرَانُ بْنُ حُصَيْنٍ، فَقَالَ: أَنْتَ تَرِثُ أُمَّكَ، وَإِنْ شِئْتَ وَجَّهْتَهَا فِي الْوَجْهِ الَّذِي كَانَتْ وَجَّهَتْهَا فِيهِ، قَالَ حُمَيْدٌ: فَلَقَدْ رَأَيْتُهَا يُقَالُ لَهَا لِبَنِيهِ