

مصنف ابن أبي شيبة

Musannaf Ibn Abi Shaybah

VOLUME [23]

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Note

Muṣannaf Ibni Abī Shaybah—formally titled “al-Kitāb al-Muṣannaf fī al-Āḥādīth 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 Ibni 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, Ibni 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 (maqtū'). 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 Ibni 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.

[22001] Abu Bakr said: Waki' told us: "The consumer of Riba, the payer, the scribe, and the witness are cursed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: لِعَنْ أَكْلِ الرِّبَا
وَمُؤْكِلِهِ وَكَاتِبِهِ وَشَاهِدِهِ

[22002] Abu Bakr said: Waki' told us: Sufyan told us from 'Amr ibn Murrah, from Murrah al-Hamdani, who said: 'Umar said: "Three things, had the Messenger of Allah (saw) clarified them for us, would have been dearer to me than the world and what is in it: The Caliphate, Kalalah (inheritance where no parents or children survive), and Riba."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ عَمْرِو بْنِ مُرَّةَ، عَنْ مُرَّةَ الْهَمَدَانِيِّ، قَالَ: قَالَ
عُمَرُ: "إِلَّا تَلَمَّ لَأْنَ يَكُونَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ
وَسَلَّمَ بَيْتَهُنَّ لَنَا أَحَبُّ إِلَيَّ مِنَ الدُّنْيَا وَمَا فِيهَا: الْخِلَافَةُ،
وَالْكَلَالَةُ، وَالرِّبَا

[22003] Abu Bakr said: Zakariyya told us from 'Amir, who said: I heard Al-Nu'man ibn Bashir delivering a sermon and pointing his fingers to his ears, saying: I heard the Prophet (saw) say: "The lawful is clear and the unlawful is clear, and between them are doubtful matters. So whoever avoids doubtful matters clears himself in regard to his religion and his honor, but whoever falls into doubtful matters falls into the unlawful, like the shepherd who pastures around a sanctuary, all but grazing therein. Truly every king has a sanctuary, and truly Allah's sanctuary is His prohibitions. Truly in the body there is a morsel of flesh which, if it be whole, all the body is whole and which, if it be diseased, all the body is diseased. Truly it is

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَكَارِيَّا، عَنْ عَامِرٍ، قَالَ:
سَمِعْتُ النُّعْمَانَ بْنَ بَشِيرٍ، يَحْطُبُ وَيَهُوِي بِإِصْبَعِهِ إِلَى
أَذْنِيهِ يَقُولُ: سَمِعْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ:
الْحَلَالُ بَيْنَ وَالْحَرَامِ بَيْنَ، وَبَيْنَهُمَا أُمُورٌ مُشْبِهَاتُ،
فَمَنْ اتَّقَى الشُّبُهَاتِ اسْتَبَرَ لِدِينِهِ وَعَرْضِيهِ، وَمَنْ وَقَعَ
فِي الشُّبُهَاتِ وَقَعَ فِي الْحَرَامِ، كَالرَّاعِي يَرْغُى حَوْلَ
الْحَمَى يُوشِكُ أَنْ يَرْتَعَ فِيهِ، أَلَا إِنَّ لِكُلِّ مَلِكٍ حَمَى، وَإِنَّ
حَمَى اللَّهِ مَحَارِمُهُ، أَلَا وَإِنَّ فِي الْجَسَدِ مُضْغَةً إِذَا
صَلَحَتْ صَلَحَ الْجَسَدُ كُلُّهُ، وَإِذَا فَسَدَتْ فَسَدَ الْجَسَدُ كُلُّهُ،
أَلَا وَهِيَ الْقُلُبُ

[22004] Abu Bakr said: Ibn Fudayl told us from Layth, from Al-Hakam, from 'Ali, who said: "A Dirham of Riba is worse in the sight of Allah the Exalted than thirty-six acts of adultery."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ لَيْثٍ، عَنِ
الْحَكَمِ، عَنْ عَلِيٍّ، قَالَ: لَدِرْهَمٍ رِبَا أَشَدُ عِنْدَ اللَّهِ تَعَالَى
مِنْ سِتٌّ وَتَلْأَثِينَ زَنِيَّةٍ

[22005] Abu Bakr said: Ibn Abi Za'idah told us from 'Abd Allah ibn Sa'id al-Maqburi, from his grandfather, from Abu Hurayrah, that the Prophet (saw) said: "Riba is seventy sins, the least of which is like a man marrying his mother. And the worst Riba is a man's attacking his brother's honor."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ عَبْدِ اللَّهِ بْنِ سَعِيدِ الْمَقْبُرِيِّ، عَنْ جَدِّهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: الرِّبَا سَبْعُونَ حَوْبًا أَيْسَرُهَا نِكَاحُ الرَّجُلِ أُمَّهُ، وَأَرْبَى الرَّبَا اسْتِطَالُ الرَّجُلِ فِي عِرْضِ أَخِيهِ

[22006] Abu Bakr said: Ibn Abi Za'idah told us from Abu Hani', from 'Amir, who said: I read the treaty of the people of Najran and found in it: "If you consume Riba, there is no peace between us and you." The Prophet (saw) would not make peace with those who consume Riba.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَبِي هَانِيِّ، عَنْ عَامِرٍ، قَالَ: قَرَأْتُ كِتَابًا أَهْلَ نَجْرَانَ فَوَجَدْتُ فِيهِ: إِنْ أَكَلْتُمُ الرِّبَا فَلَا صُلْحٌ بَيْنَنَا وَبَيْنُكُمْ وَكَانَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَا يُصَالِحُ مَنْ يَأْكُلُ الرِّبَا

[22007] Abū Bakr reported: Jarīr reported from Ash'ath from Ja'far from Sa'id ibn Jubayr regarding: {Those who consume Riba will not stand except as one stands who is being beaten by Satan into insanity} [Al-Baqarah: 275]. He said: "He will be resurrected on the Day of Judgment insane, being strangled."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ أَشْعَثَ، عَنْ جَعْفَرٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، {الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يُقْوَمُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَحَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ} قَالَ: يُبَعَّثُ يَوْمَ الْقِيَامَةِ مَجْنُونًا يُخْنَقُ [275]: [البقرة]

[22008] Abū Bakr reported: Shabābah reported: Shu‘bah reported from ‘Awn ibn Abī Juḥayfah from his father who said: "The Prophet ﷺ cursed the consumer of Riba and the one who

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَبَابَةُ، قَالَ: حَدَّثَنَا شُعْبَهُ،
عَنْ عَوْنَ بْنِ أَبِي جُحَيْفَةَ، عَنْ أَبِيهِ قَالَ: لَعْنَ النَّبِيِّ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَكْلَ الرِّبَا وَمُؤْكِلُهُ

[22009] Abū Bakr reported: Ibn Idrīs reported from Ash‘ath and Dāwūd from Al-Sha‘bī who said: ‘Umar delivered a sermon, praising Allah and extolling Him, then said: "We command you with things that perhaps are not right for you, and forbid you from things that perhaps are not right for you. The last thing the Prophet ﷺ entrusted to us was the verse of Riba. The Prophet ﷺ passed away and he did not clarify them (all details) for you. It is but Riba and doubt (Rībah), so leave Riba and doubtful matters."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ أَشْعَثَ،
وَدَاؤُدَّ، عَنْ الشَّعْبِيِّ، قَالَ: حَطَبٌ عُمَرُ فَحَمِدَ اللَّهَ وَأَنْتَيِ
عَلَيْهِ، ثُمَّ قَالَ: إِنَّا نَأْمُرُكُمْ بِإِشْيَاء لَعَلَّهَا لَا تَصْلُحُ لَكُمْ،
وَنَنْهَاكُمْ عَنْ أَشْيَاء لَعَلَّهَا لَا تَصْلُحُ لَكُمْ، وَإِنَّ آخَرَ مَا
عَهْدَ إِلَيْنَا النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ آيَةً الرِّبَا، فَقُبِضَ
النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَلَمْ يُبَيِّنْ لَكُمْ، إِنَّمَا هُوَ
الرِّبَا وَالرِّبَيْةُ، فَدَعُوا الرِّبَا وَالرِّبَيْاتِ

[22010] Abū Bakr reported: Ibn Idrīs reported from ‘Isā ibn al-Mughīrah from Al-Sha‘bī who said: ‘Umar said: "I fear that we have added to Riba ten times its amount out of fear of it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ عِيسَى بْنِ
الْمُغِيرَةِ، عَنْ الشَّعْبِيِّ، قَالَ: قَالَ عُمَرُ: لَقَدْ خَفَتْ أَنْ
يَكُونَ ذَذِرْنَا فِي الرِّبَا عَشَرَةً أَضْعَافِهِ مَخَافَةً

[22011] Abū Bakr reported: Ibn Idrīs reported from Huṣayn from Al-Sha'bī who said: "Abdullāh ibn Yazīd al-Anṣārī gave his slave four thousand. He went to Isfahan and traded until it became twenty thousand, then he died. It was said to him: 'He was nearing Riba.' So he took four thousand and left the rest."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ حُصَيْنِ، عَنِ الشَّعْبِيِّ، قَالَ: "دَفَعَ عَبْدُ اللَّهِ بْنُ يَزِيدَ الْأَنْصَارِيُّ إِلَى غُلَامٍ لَهُ أَرْبَعَةُ آلَافٍ، فَلَحِقَ بِأَصْبَهَانَ، فَأَتَجَرَ حَتَّى صَارَتْ عِشْرِينَ آلَافًا ثُمَّ هَلَكَ، فَقِيلَ لَهُ: إِنَّهُ كَانَ يُقَارِبُ الرِّبَا، فَأَخَذَ أَرْبَعَةَ آلَافٍ وَتَرَكَ مَا سِوَى ذَلِكَ

[22012] Abū Bakr reported: Ibn Fuḍayl reported from Al-A'mash from 'Umārah from 'Abd al-Rahmān ibn Yazīd who said: 'Abdullāh said: "Riba has seventy-some doors, and Shirk is similar to that."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنِ الْأَعْمَشِ، عَنْ عُمَارَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ، قَالَ: قَالَ عَبْدُ اللَّهِ: الرِّبَا بِضُعْفٍ وَسَبْعُونَ بَابًا، وَالشَّرْكُ مِثْلُ ذَلِكَ

[22013] Abū Bakr reported: Yahyā ibn Abī Zā'idah reported from Abū Ya'fūr from Ayman who said: I heard Ya'lā say: I heard the Prophet ﷺ say: "Whoever takes land without right will be burdened to carry its soil to the Gathering Place."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي زَائِدَةَ، عَنْ أَبِي يَعْفُورَ، عَنْ أَيْمَنَ، قَالَ: سَمِعْتُ يَعْلَى، يَقُولُ: سَمِعْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: مَنْ أَخَذَ أَرْضًا بِغَيْرِ حَقِّهَا كُفَّأَ أَنْ يَحْمِلَ تُرَابَهَا إِلَى الْمَحْسَرِ

[22014] Abū Bakr reported: Ibn Abī Zā'īdah reported from Hishām from 'Urwah from Sa'īd ibn Zayd who said: I heard the Prophet ﷺ say: "Whoever takes a span of land unjustly, he will be collared with it from seven earths."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ هِشَامٍ، عَنْ عُرْوَةَ، عَنْ سَعِيدِ بْنِ زَيْدٍ، قَالَ: سَمِعْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: مَنْ أَخَذَ شِبْرًا مِنَ الْأَرْضِ ظُلْمًا فَإِنَّهُ يُطْوَفُهُ مِنْ سَبْعِ أَرْضِينَ

[22015] Abū Bakr reported: Ibn Abī Zā'īdah reported from Ismā'il from Abū 'Amr al-Shaybānī who said: "I was informed that no one steals land and finds repentance as long as he finds land to dig."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ إِسْمَاعِيلَ، عَنْ أَبِي عَمْرِو الشَّيْبَانِيِّ، قَالَ: "أَخْبَرْتُ أَنَّهُ مَا مِنْ أَحَدٍ يَسْرِقُ أَرْضًا يَكُونُ لَهُ تَوْبَةً مَا وَجَدَ أَرْضًا يَحْفَرُهَا

[22016] Abū Bakr reported: Khālid ibn Makhlad reported from Sulaymān ibn Bilāl who said: Muḥammad ibn 'Ajlān told me from his father from Abū Hurayrah who said: The Messenger of Allah ﷺ said: "Whoever takes a span of land unjustly will be collared with it on the Day of Resurrection from seven earths."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا خَالِدُ بْنُ مَحْلِدٍ، عَنْ سُلَيْمَانَ بْنِ بِلَالٍ، قَالَ: حَدَّثَنِي مُحَمَّدُ بْنُ عَجْلَانَ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ أَخَذَ شِبْرًا مِنَ الْأَرْضِ طُوقَ يَوْمَ الْقِيَامَةِ مِنْ سَبْعِ أَرْضِينَ

[22017] Abū Bakr reported: Marwān ibn Mu‘āwiyah reported from Maṇṣūr ibn Ḥayyān from Abū al-Tufayl who said: I was sitting with ‘Alī when a man came to him and said: "Did the Prophet ﷺ confide anything to you secretly?" He became angry and said: "The Prophet ﷺ did not confide anything to me secretly that he hid from the people, except that he told me four words." He asked: "What are they?" He said: "Allah has cursed the one who curses his father, Allah has cursed the one who slaughters for other than Allah, Allah has cursed the one who shelters an innovator, and Allah has cursed the one who changes the land markers."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ، عَنْ مَنْصُورٍ بْنِ حَيَّانَ، عَنْ أَبِي الطْفَلِ، قَالَ: كُنْتُ جَالِسًا عِنْدَ عَلَيِّ فَأَتَاهُ رَجُلٌ، فَقَالَ: هَلْ كَانَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يُسِرُّ إِلَيْكَ؟ فَعَصَبَ، فَقَالَ: مَا كَانَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يُسِرُّ إِلَيَّ شَيْئًا يَكْفُمُهُ النَّاسُ، غَيْرَ أَنَّهُ حَدَّثَنِي بِأَرْبَعَ كَلِمَاتٍ، قَالَ: مَا هُنَّ؟ قَالَ: لَعَنَ اللَّهِ مَنْ لَعَنَ وَالدَّهُ، وَلَعَنَ اللَّهِ مَنْ ذَبَحَ لِغَيْرِ اللَّهِ، وَلَعَنَ اللَّهِ مَنْ أَوْى مُحْدِثًا، وَلَعَنَ اللَّهِ مَنْ غَيَّرَ مَنَارَ الْأَرْضِ

[22018] Abū Bakr reported: Waki‘ reported from Sharīk from ‘Abdullāh ibn Ja‘far ibn ‘Atīk from ‘Atā’ ibn Yasār from Abū Mālik al-Ash‘arī who said: The Messenger of Allah ﷺ said: "The greatest betrayal in the sight of Allah on the Day of Resurrection is a cubit of land that a man steals—two men, neighbors, having land between them, and one steals from his companion, so he is collared with it from seven earths."

[22019] Abū Bakr reported: Abū al-Aḥwāṣ reported from Ṭāriq from Ibn Sābiṭ who said: "The Prophet ﷺ cursed four: Whoever slaughters for other than Allah, whoever shelters an innovator, whoever is disobedient to his parents, and whoever steals the markers." He said: I said: "What are the markers?" He said: "A man taking from his companion's land into his own land."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شَرِيكٍ، عَنْ عَبْدِ اللَّهِ بْنِ جَعْفَرٍ بْنِ عَتَيْكٍ، عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ أَبِي مَالِكِ الْأَشْعَرِيِّ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَعْظَمُ الْغُلُولِ إِلَى اللَّهِ يَوْمَ الْقِيَامَةِ ذِرَاعٌ أَرْضٌ يَسْرِفُهَا الرَّجُلُ، الرَّجُلُانِ وَالْجَارَانِ يَكُونُ بَيْنَهُمَا الْأَرْضُ فَيَسْرِقُ أَحَدُهُمَا مِنْ صَاحِبِهِ فَيُطْوَّفُهُ مِنْ سَبْعِ أَرْضِينَ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ طَارِقٍ، عَنْ ابْنِ سَابِطٍ، قَالَ: "أَعْنَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَرْبَعَةً: مَنْ أَهْلَ لِغَيْرِ اللَّهِ، وَمَنْ آتَى مُحْدِثًا، وَمَنْ عَقَ وَالْدَّيْهِ، وَمَنْ سَرَقَ الْمَئَارَ". قَالَ: قُلْتُ: وَمَا الْمَئَارُ؟ قَالَ: الرَّجُلُ يَأْخُذُ مِنْ أَرْضِ صَاحِبِهِ فِي أَرْضِهِ

[22020] Abū Bakr reported: Abū Mu‘āwiyah reported from Al-A‘mash from ‘Umārah ibn ‘Umayr from Masrūq who said: "Whoever usurps a span of land, the layers of the earth will collar him on the Day of Resurrection; it will not bear him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ،
عَنْ عُمَارَةَ بْنِ عُمَيْرٍ، عَنْ مَسْرُوقٍ، قَالَ: مِنْ ظَلَمَ
شِبْرًا مِنَ الْأَرْضِ فَطَوَّقَهُ دَوَاثُ الْأَرْضِ يَوْمَ الْقِيَامَةِ لَمْ
تَحْمِلْهُ

[22021] Abū Bakr reported: ‘Abd al-Rahīm ibn Sulaymān reported from Muḥammad ibn Kurayb who said: I heard Ibn ‘Abbās say: The Messenger of Allah ﷺ said: "Cursed is he who diminishes anything from the boundaries of the land without right."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ
مُحَمَّدِ بْنِ كُرَيْبٍ، قَالَ: سَمِعْتُ ابْنَ عَبَّاسَ، يَقُولُ: قَالَ
رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْمَلُوْنُونَ مَنْ انْتَقَصَ
شَيْئًا مِنْ تُخُومِ الْأَرْضِ بِغَيْرِ حَقٍّ

[22022] Abū Bakr reported: Yahyā ibn Abī Zā’idah reported from ‘Abd al-Malik from ‘Atā’ who said: It has reached us that the Prophet ﷺ said: "Muslims are bound by their conditions."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي زَائِدَةَ، عَنْ
عَبْدِ الْمَالِكِ، عَنْ عَطَاءٍ، قَالَ: بَلَغَنَا أَنَّ النَّبِيَّ صَلَّى اللَّهُ
عَلَيْهِ وَسَلَّمَ قَالَ: الْمُسْلِمُونَ عِنْدُ شُرُوطِهِمْ

[22023] Abū Bakr reported: Ibn Abī Zā'idah reported from Hajjāj from Khālid ibn Muḥammad from a Sheikh of Banū Kinānah who said: I heard ‘Umar say: "The Muslim is bound by his condition."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ حَاجَاجِ،
عَنْ خَالِدِ بْنِ مُحَمَّدٍ، عَنْ شِيْخٍ، مِنْ بَنِي كِنَانَةَ، قَالَ:
سَمِعْتُ عُمَرَ، يَقُولُ: الْمُسْلِمُ عِنْدَ شَرْطِهِ

[22024] Abū Bakr reported: Ibn Abī Zā'idah reported from Ash'ath from ‘Āmir from Shurayḥ who said: "Muslims are bound by their conditions as long as Allah is not disobeyed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَسْعَثِ،
عَنْ عَامِرٍ، عَنْ شُرَيْحٍ، قَالَ: الْمُسْلِمُونَ عِنْدَ شُرُوطِهِمْ
مَا لَمْ يُعْصِ اللَّهَ

[22025] Abū Bakr reported: Wakī‘ reported: Sufyān reported from Shabīb ibn Gharqadah who said: I heard Shurayḥ say: "For every Muslim is his condition."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ شَبِيبِ بْنِ غَرْقَادَةَ، قَالَ: سَمِعْتُ شُرَيْحًا، يَقُولُ: لِكُلِّ
مُسْلِمٍ شَرْطٌ

[22026] Abū Bakr reported: Wakī‘ reported: Ismā‘il ibn Abī Khālid reported: A woman came to Al-Sha'bī and said: "My daughter was sold on the condition that she would not be sold (again)." He said: "Your daughter is on her condition."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْمَاعِيلِ
بْنُ أَبِي خَالِدٍ، قَالَ: جَاءَتِ امْرَأَةٌ إِلَى الشَّعْبِيِّ، فَقَالَتْ:
إِنَّ ابْنَتِي بِيَعْتَذِرُ عَلَى شَرْطٍ أَنْ لَا تُبَاعَ، قَالَ: ابْنَكَ عَلَى
شَرْطِهَا

[22027] Abū Bakr reported: Waki‘ reported: Sufyān reported from Nusayr ibn Dhu‘lūq al-Thawrī from ‘Amr ibn Rāshid al-Ashja‘ī that a man bought a camel from another man while it was sick, and the seller excepted its hide (if it died). The camel recovered, so they disputed before ‘Umar, who sent them to ‘Alī. ‘Alī said: "The camel should be valued in the market, and he gets the equivalent value of its hide."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ نُسَيْرِ بْنِ دُعْلُوقِ التَّوْرِيِّ، عَنْ عَمْرِو بْنِ رَاشِدٍ الْأَشْجَعِيِّ، أَنَّ رَجُلًا اشترى مِنْ رَجُلٍ بَعِيرًا وَهُوَ مَرِيضٌ فَاسْتَشْتَنَى الْبَائِعُ جِلْدَهُ فَبَرِّئَ الْبَعِيرُ فَاحْتَصَمَ إِلَى عُمَرَ فَلَرْسَلُوهُمْ إِلَى عَلَيِّ، فَقَالَ عَلَيُّ: يُؤْمِنُ الْبَعِيرُ فِي السُّوقِ فَيُكُونُ لَهُ شَرْوَى جِلْدِهِ

[22028] Abū Bakr reported: Waki‘ reported: Sufyān reported from Jābir from ‘Āmir from Zayd regarding a man who sold a camel to another man and stipulated its head (for himself). He said: "He gets the equivalent value of the head."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، عَنْ زَيْدٍ، فِي رَجُلٍ بَاعَ مِنْ رَجُلٍ بَعِيرًا وَاشْتَرَطَ رَأْسَهُ، فَقَالَ: لَهُ شَرْوَى الرَّأْسِ

[22029] Abū Bakr reported: Ibn Abī Zā'īdah reported from Ash'ath from Muḥammad who said: A man sold a sick camel to another man and stipulated its head and kept it. The camel recovered and he did not slaughter it. Shurayḥ said to him: "Give him its equivalent value." I mentioned this to 'Āmir, and he said: "'Alī and Shurayḥ ruled with the equivalent value."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَشْعَثَ،
عَنْ مُحَمَّدٍ، قَالَ: بَاعَ رَجُلٌ مِنْ رَجُلٍ بَعِيرًا مَرِيضًا
وَأَشْتَرَطَ رَأْسَهُ وَأَمْسَكَهُ، فَبَرِئَ الْبَعِيرُ فَلَمْ يَتَحَرَّهُ، فَقَالَ
لَهُ شُرَيْحٌ: أَعْطِهِ شَرْوَاهُ، فَذَكَرْتُهُ لِعَامِرٍ، فَقَالَ: قَضَى
عَلِيٌّ وَشُرَيْحٌ بِالشَّرْوَاهِ

[22030] Abū Bakr reported: Ḥafṣ ibn Ghīyāth reported from Ja'far from his father from 'Alī who said: "Muslims are bound by their conditions."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غَيَاثٍ، عَنْ
جَعْفَرٍ، عَنْ أَبِيهِ، عَنْ عَلَيٍّ، قَالَ: الْمُسْلِمُونَ عِنْدُ
شُرُوطِهِمْ

[22031] Abū Bakr reported: Ibn 'Uyaynah reported from Yazīd ibn Yazīd from Jābir from Ismā'il ibn 'Ubaydullāh from 'Abd al-Rahmān ibn Ghanm who said: 'Umar said: "Indeed, rights are determined by conditions."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ يَزِيدَ بْنِ
يَزِيدَ، عَنْ جَابِرٍ، عَنْ إِسْمَاعِيلَ بْنِ عُبَيْدِ اللَّهِ، عَنْ عَبْدِ
الرَّحْمَنِ بْنِ غَنْمٍ، قَالَ: قَالَ عُمَرُ: إِنَّ مَقَالِطَ الْحُقُوقِ
عِنْدُ الشُّرُوطِ

[22032] Abū Bakr reported: Ibn Abī Zā'idah reported from Muḥammad ibn 'Amr from Abū Salamah who said: The Messenger of Allah ﷺ said: "Do not bid against one another (Najsh), do not hate one another, do not envy one another, and be servants of Allah as brothers."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ مُحَمَّدِ بْنِ عَمْرِو، عَنْ أَبِي سَلَمَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا تَنَاجِشُوا، وَلَا تَبَاغِضُوا، وَلَا تَحَاسِدُوا، وَكُونُوا عِبَادًا لِّلَّهِ إِخْرَانًا

[22033] Abū Bakr reported: Yazīd ibn Hārūn reported from Al-'Awwām from Ibrāhīm al-Saksakī from Ibñ Abī Awfā who said: I heard him say: "The one who bids up prices (Nājish) is a consumer of Riba, a traitor."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ الْعَوَامِ، عَنْ إِبْرَاهِيمَ السَّكْسَكِيِّ، عَنْ ابْنِ أَبِي أُوفَى، قَالَ: سَمِعْتُهُ يَقُولُ: النَّاجِشُ أَكْلُ الرِّبَا خَائِنٌ

[22034] Abū Bakr reported: Abū Khālid reported from Al-'Awwām from Ibrāhīm al-Saksakī from Ibñ Abī Awfā the like of it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنِ الْعَوَامِ، عَنْ إِبْرَاهِيمَ السَّكْسَكِيِّ، عَنْ ابْنِ أَبِي أُوفَى، مِثْلُهُ

[22035] Abū Bakr reported: 'Abd al-A'lā reported from Ma'mar from Al-Zuhrahī from Sa'īd ibn al-Musayyib from Abū Hurayrah who said: The Messenger of Allah ﷺ said: "Do not bid against one another (Najsh)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا تَنَاجِشُوا

[22036] Abū Bakr reported: Ismā‘il ibn ‘Ayyāsh reported from ‘Amr ibn Muḥājir that ‘Umar ibn ‘Abd al-‘Azīz said: "Najsh (bidding up prices falsely) is not lawful."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ عَمْرِو بْنِ مُهَاجِرٍ، أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، قَالَ: التَّجْشُّ لَا يَحِلُّ

[22037] Abū Bakr reported: Mu‘ādh ibn Mu‘ādh reported: Husayn al-Mu‘allim reported from Qays ibn Sa‘d from Mujāhid who said: I said to ‘Abd al-Rahmān ibn Abī Laylā: "Narrate to me a hadith that gathers for me the chapters of Riba." He said: "Do not consume the profit of something not guaranteed (by you)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعاذُ بْنُ مُعاذٍ، قَالَ: حَدَّثَنَا حُسَيْنُ الْمُعَلْمُ، عَنْ قَيْسِ بْنِ سَعْدٍ، عَنْ مُجَاهِدٍ، قَالَ: فُلِتُ لِعَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى: حَدَّثَنَا حَدِيبًا تَجَمَّعَ لِي فِيهِ أَبْوَابُ الرِّبَا، قَالَ: لَا تَأْكُلْ شَفَ شَيْءٍ لَيْسَ عَلَيْهِ ضَمَانٌ

[22038] Ibn Fuḍayl reported from Hajjāj from ‘Amr ibn Shu‘ayb from his father from his grandfather who said: The Prophet ﷺ sent ‘Attāb ibn Asīd to the people of Mecca and said: "Do you know where I have sent you? I have sent you to the people of Allah." Then he said: "Forbid them from four things: Sale combined with a loan, two conditions in a sale, profit on what is not guaranteed, and selling what you do not possess."

حَدَّثَنَا أَبْنُ فُضِيلٍ، عَنْ حَجَاجٍ، عَنْ عَمْرٍو بْنِ شَعِيبٍ،
عَنْ أَبِيهِ، عَنْ جَدِّهِ، قَالَ: بَعَثَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ
وَسَلَّمَ عَثَابَ بْنَ أَسَيْدٍ إِلَى أَهْلِ مَكَّةَ، فَقَالَ: تَدْرِي إِلَى
أَيْنَ بَعَثْتَنِي؟ بَعَثْتَنِي إِلَى أَهْلِ اللَّهِ ثُمَّ قَالَ: "إِنَّهُمْ عَنْ
أَرْبَعٍ: عَنْ بَيْعٍ وَسَلْفٍ، وَعَنْ شَرْطَيْنِ فِي بَيْعٍ، وَعَنْ
رِبْحٍ مَا لَمْ يُضْمَنْ، وَعَنْ بَيْعٍ مَا لَيْسَ عِنْدَكُمْ"

[22039] Abū Bakr reported: Ibn Fuḍayl reported from Dāwūd ibn Abī Hind from ‘Amr ibn Shu‘ayb that his grandfather used to forbid them, when he sent trade, from loan combined with sale, two conditions in a sale, and profit on what they did not guarantee.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبْنُ فُضِيلٍ، عَنْ دَاؤَدَ بْنِ أَبِي
هِنْدٍ، عَنْ عَمْرٍو بْنِ شَعِيبٍ، أَنَّ جَدَّهُ كَانَ إِذَا بَعَثَ
تِجَارَةً نَهَا هُمْ عَنْ سَلْفٍ وَبَيْعٍ، وَعَنْ شَرْطَيْنِ فِي بَيْعٍ،
وَعَنْ رِبْحٍ مَا لَمْ يَضْمَنُوا

[22040] Abū Bakr reported: Ibn Mubārak reported from Ya‘qūb ibn al-Qa‘qā‘ from Ma‘rūf ibn Sa‘īd that Jābir ibn Zayd advanced silk for a debt that befell them.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبْنُ مُبَارَكٍ، عَنْ يَعْقُوبَ بْنِ
الْقَعْقَاعِ، عَنْ مَعْرُوفِ بْنِ سَعِيدٍ، أَنَّ جَابِرَ بْنَ زَيْدٍ:
أَسْفَ حَرِيرًا فِي غُرْمٍ أَصَابَهُمْ

[22041] Abū Bakr reported: Jarīr reported from Mughīrah from Ibrāhīm who said: "There is no harm in 'Inah if it is done correctly." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ بِالْعِينَةِ إِذَا كَانَتْ عَلَى وَجْهِ الصَّحَّةِ

[22042] Abū Bakr reported: Waki‘ reported from Sufyān from Al-A‘mash from Ibrāhīm; and from Sufyān from Ismā‘il ibn Abī Khālid from Al-Sha‘bī; and from Sufyān from Jābir from Al-Qāsim; they said: "There is no harm in 'Inah." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، وَعَنْ سُفْيَانَ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي حَالِدٍ، عَنْ الشَّعْبِيِّ، وَعَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ الْفَاسِمِ، قَالُوا: لَا بَأْسَ بِالْعِينَةِ

[22043] Abū Bakr reported: Waki‘ reported: Sufyān reported from ‘Abd al-‘Azīz ibn Rufay‘ who said: Ibn Sīrīn was asked about 'Inah. He said: "A man would go out to the market for a while and sell for cash and sell on credit." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ، قَالَ: سُئِلَ أَبْنُ سِيرِينَ عَنِ الْعِينَةِ، قَالَ: كَانَ الرَّجُلُ يَخْرُجُ سَاعَةً إِلَى السُّوقِ فَيَبِيعُ بِالنَّقْدِ وَيَبِيعُ بِالنِّسِيَّةِ

[22044] Abū Bakr reported: Waki‘ reported: Abū Ka‘b ‘Abd Rabbih ibn ‘Ubayd reported: I asked Ibn Sīrīn about selling silk. He said: "A man would buy goods and display them. If he found profit in cash, he sold it, and if he found profit on credit, he sold it." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا أَبُو كَعْبٍ عَبْدُ رَبِّهِ بْنُ عُبَيْدٍ، قَالَ: سَأَلْتُ أَبْنَ سِيرِينَ عَنِ بَيْعِ الْحَرِيرِ، فَقَالَ: كَانَ الرَّجُلُ يَشْتَرِي الْمَتَاعَ ثُمَّ يَضَعُهُ، فَإِنْ وَجَدَ رِبْحًا بِالنَّقْدِ بَاعَهُ، وَإِنْ وَجَدَ رِبْحًا بِالنِّسِيَّةِ بَاعَهُ

[22045] Abū Bakr reported: Ḥammād ibn Khālid reported from Aflaḥ who said: I said to Al-Qāsim: "A man asks me for wheat and oil which I don't have, but he knows its price and I know it. Can I buy it then sell it to him on credit?" He said: "Yes."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَمَادُ بْنُ خَالِدٍ، عَنْ أَفْلَحٍ، قَالَ: فَلْتُ لِلْفَاسِمِ: الرَّجُلُ يَطْلُبُ مِنِي الْحِنْطَةَ وَالرَّيْتَ، وَلَيْسَ عِنْدِي، إِلَّا أَنَّهُ قَدْ عَرَفَ سِعْرَةً وَعَرْفَتُهُ، وَاسْتَرِيْتُهُ ثُمَّ أَبِيْعُهُ إِيَّاهُ إِلَى أَجْلٍ؟ قَالَ: نَعَمْ

[22046] Abū Bakr reported: Yazīd ibn Hārūn reported from Ḥajjāj from ‘Atā’ who said: "Take a pledge in ‘Inah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَجَّاجٍ، عَنْ عَطَاءٍ، قَالَ: حُذِّرْهُنَا فِي الْعِينَةِ

[22047] Abū Bakr reported: Wakī‘ reported: Badr ibn Ḥuwayzah reported: I asked Al-Sha'bī about pledging in ‘Inah. He said: "There is no harm in it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا بَدْرُ بْنُ حُوَيْرَةَ، قَالَ: سَأَلْتُ الشَّعْبِيَّ عَنِ الرَّهْنِ فِي الْعِينَةِ، فَقَالَ: لَا بَأْسَ بِهِ

[22048] Abū Bakr reported: Wakī‘ reported: Sufyān reported from Marzūq al-Taymī from Ibrāhīm who said regarding pledging in ‘Inah: "The Prophet ﷺ passed away while his armor was pledged."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانَ، عَنْ مَرْزُوقِ التَّيْمِيِّ، عَنْ إِبْرَاهِيمَ، قَالَ فِي الرَّهْنِ فِي الْعِينَةِ: ثُوْفَيِّ النَّبِيِّ عَلَيْهِ السَّلَامُ وَدِرْعَهُ مَرْهُونَةٌ

[22049] Abū Bakr reported: Al-Faḍl ibn Dukayn reported from Husayn ibn ‘Aqīl from Al-Dahhāk that he disliked it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنِ، عَنْ حُسَيْنِ
بْنِ عَقِيلٍ، عَنِ الصَّحَّاḥِ أَنَّهُ كَرِهَهُ

[22050] Abū Bakr reported: Ibn Fuḍayl reported from Yazīd ibn Abī Ziyād from Al-Musayyib ibn Rāfi‘ al-Kāhili from Ibn Mas‘ūd who said: "Do not buy fish in the water; for it is Gharar (uncertainty)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ يَزِيدَ بْنِ أَبِي
زِيَادٍ، عَنِ الْمُسَيْبِ بْنِ رَافِعٍ الْكَاهْلِيِّ، عَنْ ابْنِ مَسْعُودٍ،
قَالَ: لَا تَشْتَرُوا السَّمَكَ فِي الْمَاءِ؛ فَإِنَّهُ غَرَرٌ

[22051] Abū Bakr reported: Abū Bakr ibn ‘Ayyāsh reported from Mughīrah from Ibrāhīm that he disliked the cast of the net.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو بَكْرٌ يَعْنِي ابْنَ عَيَّاشٍ،
عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، أَنَّهُ كَرِهَ ضَرْبَةَ الْبَانَةِ

[22052] Abū Bakr reported: Ibn Mahdī reported from Sufyān from Al-Zubayr ibn ‘Adī from Ibrāhīm that he disliked the cast of the hunter.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ
الْزُّبَيْرِ بْنِ عَدِيٍّ، عَنْ إِبْرَاهِيمَ: أَنَّهُ كَرِهَ ضَرْبَةَ الْقَانِصِ

[22053] Abū Bakr reported: Wakī‘ reported: Isrā’il reported from Jābir from ‘Āmir and ‘Atā’ that they disliked the sale of reeds/thickets.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ،
عَنْ جَابِرٍ، عَنْ عَامِرٍ، وَعَطَاءٍ: أَنَّهُمْ كَرِهُونَا بَيْعَ الْأَجَامِ

[22054] Abū Bakr reported: Waki‘ reported: Sufyān reported from Ḥammād that ‘Umar ibn ‘Abd al-‘Azīz permitted (selling) reeds/thickets.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ حَمَادٍ، أَنَّ عُمَرَ بْنَ عَبْدِ الْغَزِيزِ رَحَّصَ فِي الْأَجَامِ

[22055] Abū Bakr reported: Waki‘ reported: Sufyān reported from Ibn Jurayj from ‘Aṭā: "The service of the Mudabbar is not sold except to himself."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ: لَا تُبَاعُ خِدْمَةُ الْمُدَبَّرِ إِلَّا
مِنْ نَفْسِهِ

[22056] Abū Bakr reported: Waki‘ reported: Ḥammād ibn Zayd reported from Ibn Abī Dhi’b from Qāriż ibn Shaybah from Sa‘īd ibn al-Musayyib who said: "There is no harm in the service of the Mudabbar." And Al-Zuhri used to say it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا حَمَادُ بْنُ
رَيْدٍ، عَنْ ابْنِ أَبِي ذُئْبٍ، عَنْ قَارَاطِنْ بْنِ شَيْبَةَ، عَنْ سَعِيدِ
بْنِ الْمُسَيْبِ، قَالَ: لَا بَأْسَ بِخِدْمَةِ الْمُدَبَّرِ. وَكَانَ
الرُّهْبَرِيُّ يَقُولُ

[22057] Abū Bakr reported: Ibn ‘Ulayyah reported from Ibn Yūnus that two men shared a slave, so they freed him on the condition that he serve them as long as they lived. One of them bought his partner's share. Ibn Sirīn was asked about that, and he saw no harm in it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ ابْنِ يُونُسَ،
أَنَّ رَجُلَيْنِ كَانَ بَيْنَهُمَا غُلَامٌ فَأَعْنَقَاهُ عَلَى أَنْ يَخْدُمَهُمَا
مَا عَاشَا، فَاسْتَرَى أَحَدُهُمَا مِنَ الْآخَرِ نَصِيبَ صَاحِبِهِ،
فَسُلِّلَ عَنْ ذَلِكَ ابْنُ سِيرِينَ فَلَمْ يَرَ بِهِ بَأْسًا

[22058] Abū Bakr reported: Abū Khālid al-Āḥmar reported from Shu‘bah from Al-Ḥakam from Abū Ja‘far who said: "The Prophet ﷺ sold the service of the Mudabbar."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو حَالِدٍ الْأَحْمَرُ، عَنْ شُعْبَةَ،
عَنِ الْحَكَمِ، عَنْ أَبِي جَعْفَرٍ، قَالَ: بَاعَ النَّبِيُّ صَلَّى اللَّهُ
عَلَيْهِ وَسَلَّمَ خَدْمَةَ الْمُدَبَّرِ

[22059] Abū Bakr reported: ‘Abbād ibn al-‘Awwām reported from Hishām from Al-Ḥasan who said: "If you enter the market of the city, buy what you find, as long as you do not know it to be treachery

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ هِشَامٍ،
عَنِ الْحَسَنِ، قَالَ: إِذَا دَخَلْتَ سُوقَ الْمَدِينَةِ فَاشْتَرِ مَا
وَجَدْتُ، مَا لَمْ تَعْلَمْ أَنَّهُ خِيَانَةً أَوْ سَرْقَةً

[22060] Abū Bakr reported: Waki‘ reported: Sufyān reported from Muṣ‘ab ibn Muḥammad from a man of the people of Medina who said: The Prophet ﷺ said: "Whoever buys stolen goods knowing they are stolen has shared in their disgrace and sin."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ مُصْعَبِ بْنِ مُحَمَّدٍ، عَنْ رَجُلٍ، مِنْ أَهْلِ الْمَدِينَةِ
قَالَ: قَالَ النَّبِيُّ عَلَيْهِ السَّلَامُ: مَنْ اشْتَرَى سَرْقَةً وَهُوَ
يَعْلَمُ أَنَّهَا سَرْقَةٌ فَقَدْ شَرَكَ فِي عَارِهَا وَإِنْمَا

[22061] Abū Bakr reported: Waki‘ reported from Al-Rabī‘ from Ibn Sīrīn who said: I said to ‘Abaydah: "Can I buy stolen goods knowing they are stolen?" He said: "No." I said: "Can I buy treacherous goods knowing they are treacherous?" He said: "No." I said: "Can I buy the earnings of work (jobs)?" He said: "Are you able to leave it?"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنِ الرَّبِيعِ، عَنْ ابْنِ سِيرِينَ، قَالَ: فُلْتُ لِعَيْدَةَ: أَسْتَرِي السَّرْقَةَ وَأَنَا أَعْلَمُ أَنَّهَا سَرْقَةٌ؟ قَالَ: لَا فُلْتُ: فَأَسْتَرِي الْخِيَانَةَ وَأَنَا أَعْلَمُ أَنَّهَا خِيَانَةٌ؟ قَالَ: لَا فُلْتُ: فَأَسْتَرِي نَيْلَ الْعَمَلِ؟ قَالَ: وَهَلْ تَسْتَطِعُ تَرْكَهُ؟

[22062] Abū Bakr reported: Abū Usāmah reported from Hishām from Ibn Sīrīn from ‘Abaydah, the like of it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنِ ابْنِ سِيرِينَ، عَنْ عَيْدَةَ، بِمِثْلِهِ

[22063] Abū Bakr reported: Hammād ibn Khālid reported from Sufyān from Hammād that he disliked the broker's fee unless it was a known fee.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَمَادُ بْنُ خَالِدٍ، عَنْ سُفْيَانَ، عَنْ حَمَادٍ: أَنَّهُ كَانَ يَكْرَهُ أَجْرَ السَّمْسَارِ إِلَّا بِأَجْرٍ مَعْلُومٍ

[22064] Abū Bakr reported: ‘Abd al-Razzāq reported from Ma‘mar from Ibn Ṭāwūs from his father who said: I asked Ibn ‘Abbās: "What is 'a settler should not sell for a bedouin'?" He said: "He should not be a broker for him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَاقِ، عَنْ مَعْمِرٍ،
عَنْ ابْنِ طَاؤُسٍ، عَنْ أَبِيهِ، قَالَ: فَلْتُ لَابْنِ عَبَّاسٍ: مَا
لَا يَبْيَعُ حَاضِرٌ لِبَادٍ؟ قَالَ: لَا يَكُونُ لَهُ سِمْسَارًا

[22065] Abū Bakr reported: Hafṣ reported from Ash‘ath from Al-Hakam and Ḥammād from Ibrāhīm and Ibn Sīrīn who said: "There is no harm in the broker's fee if the purchase is hand to hand."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ
الْحَكْمَ، وَحَمَادٌ، عَنْ إِبْرَاهِيمَ، وَابْنِ سِيرِينَ، قَالُوا: لَا
بَأْسَ بِأَجْرِ السِّمْسَارِ إِذَا اشْتَرَى يَدًا بِيَدٍ

[22066] Abū Bakr reported: Wakī‘ reported: Layth Abū ‘Abd al-Azīz reported: I asked ‘Atā‘ about brokerage. He said: "There is no harm in it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا لَيْثُ أَبْو
عَبْدِ الْعَزِيزِ، قَالَ: سَأَلْتُ عَطَاءً عَنِ السِّمْسَرَةِ، فَقَالَ: لَا
بَأْسَ بِهَا

[22067] Abū Bakr reported: Wakī‘ said: "Sufyān used to dislike the brokerage."

[22068] Abū Bakr reported: Ghundar reported from Shu‘bah who said: I asked Al-Ḥakam and Ḥammād: "Is there pre-emption (Shuf‘ah) in a slave?" They said: "No."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَادًا: فِي الْعَبْدِ شُفْعَةٌ؟ قَالَا: لَا

[22069] Abū Bakr reported: Abū Bakr ibn ‘Ayyāsh reported from ‘Abd al-‘Azīz ibn Rufay‘ from Ibn Abī Mulaykah who said: "The Prophet ﷺ decreed pre-emption in everything."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو بَكْرٍ بْنُ عَيَّاشٍ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ، عَنْ ابْنِ أَبِي مُلِيقَةَ، قَالَ: قَضَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالشُّفْعَةِ فِي كُلِّ شَيْءٍ

[22070] Abū Bakr reported: Mu‘ādh reported from Ash‘ath from Al-Ḥasan who said: He used to say: "There is no pre-emption in animals."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعَاذٌ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، قَالَ: كَانَ يَقُولُ: لَيْسَ فِي الْحَيَوانِ شُفْعَةً

[22071] Abū Bakr reported: Ibn Idrīs reported from Muḥammad ibn ‘Umārah from Abū Bakr ibn Muḥammad ibn ‘Amr ibn Ḥazm from Abān ibn ‘Uthmān who said: ‘Uthmān said: "There is no pre-emption in a well, nor in a stallion, and the division of boundaries cuts off all pre-emption."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ مُحَمَّدِ بْنِ عُمَارَةَ، عَنْ أَبِي بَكْرٍ بْنِ مُحَمَّدٍ بْنِ عَمْرُو بْنِ حَزْمٍ، عَنْ أَبَانَ بْنِ عُثْمَانَ، قَالَ: قَالَ عُثْمَانُ: لَا شُفْعَةٌ فِي بَئْرٍ، وَلَا فَحْلٍ، وَالْأَرْفُ يَقْطَعُ كُلَّ شُفْعَةٍ

[22072] Abū Bakr reported: Waki‘ reported: Abān ibn ‘Abdullāh al-Bajalī reported: I asked ‘Aṭā’: "Is there pre-emption in a garment?" He said: "Yes."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا أَبَا نَبِيلٍ بْنُ عَبْدِ اللَّهِ الْبَجَلِيِّ، قَالَ: سَأَلْتُ عَطَاءً فِي التَّوْبَةِ شُفْعَةً؟ قَالَ: نَعَمْ

[22073] Abū Bakr reported: ‘Abdah ibn Sulaymān reported from Ḥasan ibn Ṣāliḥ from Ibn Abī Laylā, Ibn Shubrumah, and Rabī‘at al-Ra‘y regarding two men who possess a bag (of money) between them. One says: "Half is mine," and the other says: "All of it is mine." Ibn Shubrumah said: "The one who said 'All of it is mine' gets half purely, and the remainder is shared between them." Ibn Abī Laylā said: "Two-thirds is half the money, because the owner of the half has acquitted himself of half. The one claiming half is given one-third, because the owner of two-thirds has acquitted himself of one-third. A sixth remains which both claim, so it is divided equally between them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ ابْنِ أَبِي لَيْلَى، وَابْنِ شُبْرُمَةَ، وَرَبِيعَةَ الرَّأْيِ، قَالُوا: "فِي رَجُلَيْنِ يَكُونُ بَيْنَهُمَا الْكِيسُ فَيَقُولُ هَذَا: لِي نِصْفُهُ، وَهَذَا: لِي كُلُّهُ" قَالَ ابْنُ شُبْرُمَةَ: لِلَّذِي قَالَ: هُوَ لِي كُلُّهُ نِصْفُهُ حَالِصًا، وَيَكُونُ مَا بَقَى بَيْنَهُمَا وَقَالَ ابْنُ أَبِي لَيْلَى: الْثَّلَاثُ نِصْفُ الْمَالِ، لِأَنَّ صَاحِبَ النِّصْفِ قَدْ بَرِئَ مِنَ النِّصْفِ، وَيُعْطَى الَّذِي يَدَعُ عِنِ الْنِّصْفِ الْثَّلَاثَ، لِأَنَّ صَاحِبَ الْثَّلَاثِ قَدْ بَرِئَ مِنَ الْثَّلَاثِ، وَبَقَى سُدُسٌ فَكُلَاهُمَا يَدَعُوهُ فَهُوَ بَيْنَهُمَا نِصْفَيْنِ

[22074] Abū Bakr reported: 'Abdullāh ibn al-Mubārak reported from Ma'mar from Ayyūb from Ibn Sīrīn who said: "The pledge is not sold except before a ruler."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُبَارَكٍ، عَنْ مَعْمَرٍ، عَنْ أَيُوبَ، عَنْ ابْنِ سِيرِينَ، قَالَ: لَا يُبَاعُ الرَّهْنُ إِلَّا عِنْدَ سُلْطَانٍ

[22075] Abū Bakr reported: Ibn Mahdī reported from Sufyān from Khālid who said: Muḥammad ibn Sīrīn sent me to Iyās ibn Mu'āwiya while he was a judge. He said: "Tell him: 'I have pledged yarn with me, and I fear it will spoil.'" He ordered me to sell it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيًّا، عَنْ سُفْيَانَ، عَنْ خَالِدٍ، قَالَ: بَعَثَنِي مُحَمَّدُ بْنُ سِيرِينَ إِلَى إِيَاسَ بْنِ مُعاوِيَةَ وَهُوَ عَلَى الْقَضَاءِ، فَقَالَ: قُلْ لَهُ: إِنَّ عِنْدِي غَزْلٌ رَهْنٌ قَدْ حَشِّيْتُ أَنْ يَقْسِدَ فَأَمْرَنِي أَنْ أَبِيعَهُ

[22076] Abū Bakr reported: 'Isā ibn Yūnus reported from Yahyā ibn Sa'īd from Sa'īd ibn al-Musayyib: "That he used to hoard oil."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ: أَنَّهُ كَانَ يَخْتَرُ الرِّزْقَ

[22077] Abū Bakr reported: Wakī' reported: Ibn Abī Dhi'b reported from Muslim al-Khayyāt who said: "I used to buy date stones, seeds, and beaten leaves for Sa'īd ibn al-Musayyib, and he would hoard them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ابْنُ أَبِي ذِئْبٍ، عَنْ مُسْلِمِ الْخَيَّاطِ، قَالَ: كُنْتُ أَبْنَاعُ لِسَعِيدِ بْنِ الْمُسَيْبِ التَّوَى وَالْعَجَمَ وَالْخَبَطَ فَيَحْتَرُهُ

[22078] Abū Bakr reported: Ibn Abī Zā'idah and Abū Mu'āwiyah reported from Al-A'mash from Shaqīq from Masrūq from 'Ā'ishah who said: The Messenger of Allah ﷺ said: "If a woman spends from her husband's house, she gets her reward, and he gets a similar reward for what he earned, and she for what she spent, and the treasurer gets the same." Abū Mu'āwiyah added: "Without diminishing anything from their rewards."

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، وَأَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ شَقِيقٍ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ، قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا أَنْفَقَتِ الْمَرْأَةُ مِنْ بَيْتِ زَوْجِهَا كَانَ لَهَا أَجْرٌ هَا، وَلَهُ مِثْلُ بِمَا أَكْتَسَبَ، وَلَهَا بِمَا أَنْفَقَتْ، وَلِلْخَازِنِ مِثْلُ ذَلِكَ. زَادَ أَبُو مُعَاوِيَةَ: مِنْ غَيْرِ أَنْ يُنَقْصَ مِنْ أَجُورِهِمْ شَيْئًا

[22079] Abū Bakr reported: Wakī' reported: Isrā'il reported from Simāk from 'Ikrimah from Ibn 'Abbās who said: A woman asked: "A poor person comes; can I give charity from my husband's wealth without his permission?" He disliked it and said to her: "Does he have the right to give your jewelry in charity without your permission?"

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ سِمَاكٍ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: سَأَلْتُ امْرَأَةً فَقَالَتْ: يَأْتِي الْمِسْكِينُ، أَفَتَصَدِّقُ مِنْ مَالِ زَوْجِي بِغَيْرِ إِذْنِهِ؟ فَكَرِهَهُ وَقَالَ لَهَا: اللَّهُ أَنْ يَنَصِّدَقَ بِحُلْيَكِ بِغَيْرِ إِذْنِكِ

[22080] Abū Bakr reported: Yahyā ibn Abī Zā'īdah reported from 'Abd al-Malik from 'Aṭā' from Abū Hurayrah who said: "A woman gives charity only from her own sustenance. As for her husband's wealth, it is not lawful for her except with his permission, and the reward is shared between them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي زَائِدَةَ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: لَا تَصَدِّقُ الْمَرْأَةُ إِلَّا مِنْ قُوَّتِهَا، فَمَمَّا مِنْ مَالٍ رَوْجُهَا فَلَا يَحِلُّ لَهَا إِلَّا بِإِذْنِهِ، وَيَكُونُ الْأَجْرُ بَيْنَهُمَا

[22081] Abū Bakr reported: Yahyā ibn Abī Zā'īdah reported from Al-Šalt ibn Bahrām from Umm Ṣalih that a woman asked 'Ā'ishah: "Is it proper for a woman to take something from her husband's house without his permission?" She said: "Is it the same whether she does that or breaks into her neighbor's house and steals it?"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي زَائِدَةَ، عَنِ الصَّلَتِ بْنِ بَهْرَامَ، عَنْ أُمِّ صَالِحٍ، أَنَّ امْرَأَةً قَالَتْ لِعَائِشَةَ: يَصْلُحُ لِلْمَرْأَةِ أَنْ تَأْخُذَ مِنْ بَيْتِ رَوْجُهَا الشَّيْءَ بِغَيْرِ إِذْنِهِ؟ فَقَالَتْ: مَا عَلَيْهَا إِنْ فَعَلْتُ ذَلِكَ أَمْ نَفَّبْتُ بَيْتَ جَارِتَهَا فَسَرَقْتُهُ

[22082] Abū Bakr reported: Waki‘ reported: Hishām ibn ‘Urwah reported from his father from ‘Āishah who said: Hind came to the Prophet ﷺ and said: "O Messenger of Allah, Abū Sufyān is a miserly man. He does not give me what suffices me and my child unless I take from his wealth without his knowledge." He said: "Take what suffices you and your child reasonably."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، قَالَتْ: جَاءَتْ هِنْدُ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَتْ: يَا رَسُولَ اللَّهِ، إِنَّ أَبَا سُفْيَانَ رَجُلٌ شَحِيفٌ، فَلَا يُعْطِينِي مَا يَكْهِنِي وَلَدِي إِلَّا مَا أَخْدُتُ مِنْ مَالِهِ وَهُوَ لَا يَعْلَمُ، قَالَ: حُذِّي مَا يَكْفِيكَ وَلَدَكَ بِالْمَعْرُوفِ

[22083] Abū Bakr reported: Waki‘ reported: Iyās ibn Daghfal reported from Al-Hasan who said: A man came to the Prophet ﷺ and said: "O Messenger of Allah, what about my affair and the affair of my wife?" He said: "Regarding what affair of yours?" He said: "She gives charity from my house without my permission." He said: "The reward is shared between you." He said: "What if I forbid her?" He said: "She gets [reward for] what she did good, and you get [burden for] what you withheld."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِيَّاسُ بْنُ دَغْفَلٍ، عَنْ الْحَسَنِ، قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَ: يَا رَسُولَ اللَّهِ، مَا أَمْرِي وَأَمْرُ صَاحِبِتِي؟ فَقَالَ: بِأَيِّ أَمْرٍ كُمَا قَالَ: تَصَدَّقَ مِنْ بَيْتِي بِغَيْرِ إِنْدِنِي، قَالَ: الْأَجْرُ بِيَنْكُمَا قَالَ: أَرَأَيْتَ إِنْ مَعْنَاهَا؟ قَالَ: لَهَا مَا أَحْسَنَتْ، وَلَكَ مَا بَخِلْتَ بِهِ

[22084] Abū Bakr reported: ‘Abd al-Salām reported from Yūnus from Ziyād ibn Jubayr from Sa‘d who said: When the Prophet ﷺ accepted the pledge of allegiance from women, a noble woman, appearing to be from the women of Muḍar, came to him and said: "O Messenger of Allah, we are dependent on our fathers, husbands, and sons. What is lawful for us from their wealth?" He said: "Fresh dates; you may eat them and gift them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ يُونُسَ، عَنْ زِيَادِ بْنِ جُبَيْرٍ، عَنْ سَعْدٍ، قَالَ: لَمَّا بَاتَعَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ النِّسَاءَ فَأَتَتْ إِلَيْهِ امْرَأٌ جَلِيلَةٌ كَانَتْ مِنْ نِسَاءِ مُضَرَّ، فَقَالَتْ: يَا رَسُولَ اللَّهِ، إِنَّ كُلَّ عَلَى آبَائِنَا وَأَزْوَاجِنَا وَأَبْنَائِنَا، فَمَا يَحِلُّ لَنَا مِنْ أَمْوَالِهِمْ؟ قَالَ: الرُّطُبُ تَأْكُلُهُنَّ وَتُهْدِيهُنَّ

[22085] Abū Bakr reported: Ismā‘il ibn ‘Ayyāsh reported from Shurahbīl ibn Muslim who said: I heard Abū Umāmah al-Bāhilī saying: I heard the Prophet ﷺ say during his pilgrimage in the Year of the Farewell Pilgrimage: "A woman should not spend anything from her husband's house except with his permission." It was said: "O Messenger of Allah, not even food?" He said: "That is the best of our wealth."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ شُرَحِيلِ بْنِ مُسْلِمٍ، قَالَ: سَمِعْتُ أَبَا أُمَّامَةَ الْبَاهِلِيَّ، يَقُولُ: سَمِعْتُ النَّبِيًّا صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ فِي حَجَّبِهِ عَامَ حَجَّةَ الْوَدَاعِ: لَا تُنْفِقُ امْرَأٌ شَيْئًا مِنْ بَيْتِ زَوْجِهَا إِلَّا بِإِذْنِهِ قِيلَ: يَا رَسُولَ اللَّهِ، وَلَا الطَّعَامُ؟ قَالَ: ذَلِكَ أَفْضَلُ أَمْوَالِنَا

[22086] Abū Bakr reported: Ibn ‘Ulayyah reported from Ash‘ath from Al-Sha‘bī, Muḥammad, and Shurayḥ, who said: "The sale of a partner is valid as long as he is not forbidden."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، وَمُحَمَّدًا، وَسُرَيْحًا، قَالُوا: بَيْعُ الشَّرِيكِ جَائِزٌ مَا لَمْ يُنْهِي

[22087] Abū Bakr reported: Hushaym reported from Sayyār from Al-Sha‘bī who said: "Every partner's sale in his partnership is valid except partnership of inheritance."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ سَيَّارٍ، عَنِ الشَّعْبِيِّ، قَالَ: كُلُّ شَرِيكٍ بَيْعُهُ فِي شِرْكَتِهِ جَائِزٌ إِلَّا شِرْكَةً مِيرَاثٍ

[22088] Abū Bakr reported: Wakī‘ reported: Sufyān reported from Simāk from Suwayd ibn Qays who said: Makhrafah al-‘Abdī and I imported cloth from Hajar. The Prophet ﷺ came to us and said to the weigher: "Weigh and give overweight."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِبِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ سِيمَاكٍ، عَنْ سُوَيْدِ بْنِ قَيْسٍ، قَالَ: جَلَبْتُ أَنَا وَمَخْرَفَةُ الْعَبْدِيُّ بَرَّا مِنْ هَجَرَ، فَجَاءَنَا النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَقَالَ لِلْوَزَانِ: زِنْ وَأَرْجِحْ

[22089] Abū Bakr reported: Waki‘ reported: Shu‘bah reported from Muḥārib ibn Dithār from Jābir who said: "Al-Ḥasan ibn ‘Alī owed me a debt. I went to him to demand payment, and found him coming out of the bath, with henna staining his nails, and his slave girl scraping the henna off him with a flask. He called for a container with dirhams and said: 'Take this.' I said: 'This is more than my right.' He said: 'Take it.' I took it and found it exceeded my right by sixty or seventy dirhams."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُعْبَةُ، عَنْ مُحَارِبِ بْنِ دِئْلَرٍ، عَنْ جَابِرٍ، قَالَ: "كَانَ لِي عَلَى الْحَسَنِ بْنِ عَلَيِّ دِينٌ، فَأَتَيْتُهُ أَنْقَاضَهُ، فَوَجَدْنَاهُ قَدْ خَرَجَ مِنَ الْحَمَامِ وَقَدْ أَتَرَ الْحِنَاءَ بِأَطْفَارِهِ وَجَارِيَّتُهُ تَحْكُمُ عَنْهُ الْحِنَاءَ بِقَارُورَةٍ فَذَعَا بِعِينِ فِيهِ إِبْرَاهِيمَ، فَقَالَ: هُذُّ هَذَا، فَقُلْتُ: هَذَا أَكْثَرُ مِنْ حَقِّي، قَالَ: هُذُّهُ، فَأَخْدُثُهُ فَوَجَدْنَاهُ يَرِيدُ عَلَى حَقِّي سِتِّينَ أَوْ سَبْعينَ دِرْهَمًا

[22090] Abū Bakr reported: Waki‘ reported: Sufyān reported from Mughīrah from Ibrāhīm who said: "There is no harm in giving overweight in weighing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ فِي الرُّجُحَانِ فِي الْوَزْنِ

[22091] Abū Bakr reported: Ibn Abī Zā'idah reported from Layth from Abū al-Khaṭṭāb from Abū Zur'ah from Abū Idrīs from Thawbān who said: "The Messenger of Allah ﷺ cursed the briber, the bribed, and the intermediary, meaning the one who walks between them."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ لَيْثٍ،
عَنْ أَبِي الْخَطَّابِ، عَنْ أَبِي زُرْعَةَ، عَنْ أَبِي إِدْرِيسَ،
عَنْ تَوْبَانَ، قَالَ: لَعْنَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
الرَّاشِيَ، وَالْمُرْتَشِيَ، وَالرَّائِشَ، يَعْنِي الَّذِي يَمْشِي
بَيْنَهُمَا

[22092] Abū Bakr reported: Waki' reported: Ibn Abī Dhi'b reported from his maternal uncle Al-Ḥārith ibn 'Abd al-Rahmān from Abū Salamah from 'Abdullāh ibn 'Amr who said: "The Messenger of Allah ﷺ cursed the briber and the bribed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ابْنُ أَبِي
ذِئْبٍ، عَنْ خَالِهِ الْحَارِثِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي
سَلَمَةَ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرُو، قَالَ: لَعْنَ رَسُولِ اللَّهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الرَّاشِيَ، وَالْمُرْتَشِيَ

[22093] Abū Bakr reported: Waki' reported: Sufyān reported from Abū Ḥuṣayn from Shurayh who said: "The briber, the bribed, and the deceived (Mughtarr)." Waki' said: "Meaning the Mughtarr who says: 'I bribe the judge'."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ أَبِي حُصَيْنٍ، عَنْ شُرَيْحٍ، قَالَ: الرَّاشِيَ،
وَالْمُرْتَشِيَ، وَالْمُغْتَرِّ. قَالَ وَكِيعٌ: "يَعْنِي الْمُغْتَرُ الَّذِي
يَقُولُ: أَرْتَشِي الْفَاضِيَ"

[22094] Abū Bakr reported: Waki‘ reported: Sufyān reported from ‘Āsim ibn Abī al-Najūd from Zirr ibn Ḥubaysh from Ibn Mas‘ūd who said: "Suḥt is bribery."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ عَاصِمِ بْنِ أَبِي الْجَوْدِ، عَنْ زِرِّ بْنِ حُبَيْشٍ، عَنْ
ابْنِ مَسْعُودٍ، قَالَ: السُّخْتُ الرِّشْوَةُ

[22095] Abū Bakr reported: Yahyā ibn Ādām reported: Isrā’il reported from Mughīrah from Ibrāhīm regarding a man who pledged a slave then freed him. He said: "The freeing of the slave is valid, and the pledge-holder pursues the pledger."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ، قَالَ: حَدَّثَنَا
إِسْرَائِيلُ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ فِي رَجُلٍ رَهَنَ عَبْدًا
فَأَعْنَقَهُ، قَالَ: عِنْقُ الْعَبْدِ جَائزٌ، وَبَيْنَ الْمُرْتَهِنِ الرَّاهِنِ

[22096] Abū Bakr reported: Yahyā ibn Ādām reported: I asked Al-Hasan ibn Ṣalih and Sharīk about a man who pledges his slave then frees him. They said: "His freeing is valid." Sharīk said: "The slave strives (earns) for the pledge-holder." Al-Hasan ibn Ṣalih said: "There is no striving upon him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ، قَالَ: سَأَلْتُ
الْحَسَنَ بْنَ صَالِحٍ، وَشَرِيكًا عَنْ رَجُلٍ يَرْهَنُ عَبْدًا ثُمَّ
يُعْنِقُهُ، قَالَا: عِنْقُهُ جَائزٌ. وَقَالَ شَرِيكٌ: يَسْعَى الْعَبْدُ
لِلْمُرْتَهِنِ وَقَالَ الْحَسَنُ بْنُ صَالِحٍ: لَيْسَ عَلَيْهِ سِعَاءٌ

[22097] Abū Bakr reported: Ibn Idrīs reported from ‘Abd al-Malik from ‘Atā’ regarding a man who bought a slave from another man but did not take possession of him before freeing him. He said: "His freeing is not valid until he takes possession of him or pays cash for him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِرْبِيسَ، عَنْ عَبْدِ الْمَالِكِ،
عَنْ عَطَاءٍ، فِي رَجُلٍ اشْتَرَى مِنْ رَجُلٍ عَبْدًا فَأُمِّلِيَّ قَاتِلُهُ
حَتَّى أَعْنَفَهُ قَالَ: لَا يَجُوزُ عِنْفُهُ حَتَّى يَقْبِضَهُ أَوْ يَنْفُذَهُ

[22098] Abū Bakr reported: Waki‘ reported: I heard Sufyān say: "If a man frees his slave, he is removed from the pledge. If he makes him Mudabbar (freed upon death), he is removed from the pledge. If it is a slave girl and he has intercourse with her and she bears a child, she is removed from the pledge. If the master is wealthy, the pledge-holder pursues the master for the pledge. If he is insolvent, these (slaves) strive for the lesser of their value or the pledge." Sufyān said: "He claims back what he strove for from the master if he becomes wealthy. The Umm al-Walad and the Mudabbar do not claim anything back from their master because their service belongs to the master."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: سَمِعْتُ سُفْيَانَ، يَقُولُ: إِذَا أَعْنَقَ الرَّجُلُ عَبْدَهُ خَرَجَ مِنَ الرَّهْنِ، وَإِذَا دَبَرَهُ خَرَجَ مِنَ الرَّهْنِ، وَإِذَا كَانَتْ أُمَّةٌ فَوَطِئَهَا فَجَاءَتْ بِوْلَدٍ خَرَجَتْ مِنَ الرَّهْنِ، وَإِنْ كَانَ السَّيِّدُ مُوسِرًا أَتَبَعَ الْمُرْتَهِنَ السَّيِّدَ بِالرَّهْنِ، وَإِنْ كَانَ مُغْسِرًا سَعَى هُوَ لِأَنْ فِي الْأَقْلَى مِنْ قِيمَتِهِمْ وَالرَّهْنِ وَقَالَ سُفْيَانُ: يَرْجُعُ بِمَا سَعَى فِيهِ عَلَى الْمَوْلَى إِذَا أَبْيَسَ، وَأُمُّ الْوَلَدِ وَالْمُدْبَرُ لَا يَرْجِعُانَ عَلَى مَوْلَاهُمَا بِشَيْءٍ، لِأَنَّ خَدْمَتَهُمَا لِلْمَوْلَى

[22099] Abū Bakr reported: Yazīd ibn Hārūn reported: Hushaym reported from Al-Hasan: "That he saw no harm in two men entering partnership where one brings dinars and the other dirhams." He said: "Dinars are all currency. If they want to separate, the owner of dinars takes dinars and the owner of dirhams takes dirhams, then they divide the profit." Hishām said: "Muhammad liked it to be dirhams with dirhams, and dinars with dinars."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنِ الْحَسَنِ: أَنَّهُ لَمْ يَكُنْ يَرَى بَاسًا بِالرَّجُلِينَ يَشْتَرِكَانِ فِي جِيَعٍ هَذَا بِذَنَابِيرَ، وَالْأُخْرُ بِذَرَاهِمَ وَقَالَ: الدَّنَابِيرُ عَيْنُ كُلُّهُ، فَإِذَا أَرَادَ أَنْ يَفْتَرَقَا أَخَذَ صَاحِبُ الدَّنَابِيرَ ذَنَابِيرَ، وَأَخَذَ صَاحِبُ الذَّرَاهِمَ ذَرَاهِمَ، لَمْ افْتَسَمَا الرِّبْحَ. قَالَ هِشَامٌ: وَكَانَ مُحَمَّدٌ يُحِبُّ أَنْ يَكُونَ ذَرَاهِمَ وَذَرَاهِمَ، وَذَنَابِيرَ وَذَنَابِيرَ

[22100] Abū Bakr reported: Ibn Abī Zā'idah reported from Ismā'il ibn Abī Khālid who said: "I saw Shurayh judging, and with him were Abū 'Amr al-Shaybānī and sheikhs like him sitting with him during the judgment."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، قَالَ: رَأَيْتُ شُرَيْحًا يَقْضِي وَعِنْدَهُ أَبُو عَمْرٍ وَالشَّيْبَانِيَّ وَشَيْخًا نَحْوَهُ يُجَالِسُونَهُ عَلَى الْقَضَاءِ

[22101] Abū Bakr reported: Ibn Idrīs reported from his father who said: "I saw Muḥārib ibn Dithār, Ḥammād, and Al-Ḥakam. One was on his right and the other on his left. He would look at Al-Ḥakam once and at Ḥammād once while the disputants were before him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ أَبِيهِ، قَالَ:
رَأَيْتُ مُحَارِبَ بْنَ دِيثَارٍ، وَحَمَادًا، وَالْحَكَمَ، وَاحْدَهُمَا
عَنْ يَمِينِهِ، وَالْأُخْرُ عَنْ يَسَارِهِ، يَنْظُرُ إِلَى الْحَكَمِ مَرَّةً،
وَإِلَى حَمَادٍ مَرَّةً وَالْخُصُومُ بَيْنَ يَدَيْهِ

[22102] Abū Bakr reported: Ḥafs reported from Al-A'mash who said: Al-Qāsim said to me: "Sit with me," while he was judging between people.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ الْأَعْمَشِ، قَالَ:
قَالَ لِي الْقَاسِمُ: اجْلِسْ إِلَيَّ، وَهُوَ يَقْضِي بَيْنَ النَّاسِ

[22103] Abū Bakr reported: Waki' reported: Hishām ibn 'Urwah reported from his father that the Prophet ﷺ bought a camel from a bedouin for a Wasq of dates. He sent me to Khawlah bint Ḥakīm, and she paid him in full. He said: "The best of you are those who fulfill

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا هِشَامُ بْنُ
عُرْوَةَ، عَنْ أَبِيهِ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ اشْتَرَى
مِنْ أَعْرَابِيِّ جَزُورًا بِوَسْقٍ مِنْ ثَمْرٍ، فَأَرْسَلَنِي إِلَى
خَوْلَةَ بْنَتِ حَكِيمٍ فَأَوْفَتُهُ، وَقَالَ: خِيَارُكُمُ الْمُؤْفَنُونَ
الطَّيِّبُونَ

[22104] Abū Bakr reported: Waki‘ reported: Yūnus ibn Abī Ishaq reported from Mujāhid who said: He bought a foal from a bedouin for a hundred Šā‘ of dates. The Prophet ﷺ said to the man: "Go and tell them: 'Eat until you are satisfied, and measure until you receive full measure.'" The man went out, pulling with his elbows, meaning running fast.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا يُونُسُ بْنُ أَبِي إِسْحَاقَ، عَنْ مُجَاهِدٍ، قَالَ: اشْتَرَى مُهْرًا مِنْ أَعْرَابِيٍّ بِمِائَةٍ صَاعٍ مِنْ ثَمَرٍ، فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِلرَّجُلِ: "اَنْطَلِقْ فَقُلْ لَهُمْ: يَا كُلُوا حَتَّى يَسْبَعُوا، وَيَكُلُوا حَتَّى يَسْتَوْفُوا، يَعْنِي الْكَلَيلَ" فَخَرَجَ الرَّجُلُ وَهُوَ يَجْهِدُ بِمِرْفَقَيْهِ، يَعْنِي يَسْتَدِّ

[22105] Abū Bakr reported: Muḥammad ibn Abī ‘Ubaydah reported: My father reported from Al-A‘mash from Abū Ṣalih from Abū Sa‘id who said: The Messenger of Allah ﷺ said: "A nation is not sanctified wherein the weak is not given his right without stuttering (hesitation/difficulty)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عُبَيْدَةَ قَالَ: حَدَّثَنَا أَبِي، عَنِ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي سَعِيدٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا قُدْسَتْ أُمَّةٌ لَا يُعْطَى الْضَّعِيفُ فِيهَا حَقٌّ غَيْرُ مُنْعَنِ

[22106] Abū Bakr reported: Hushaym reported from Ismā'īl ibn Sālim who said: I witnessed Al-Qāsim ibn 'Abd al-Rahmān when a man brought a dispute to him against one of Al-Ḥajjāj's workers who had usurped food belonging to him. Al-Qāsim asked him for proof. He brought his proof, and they testified that he took food belonging to him from his houses. Al-Qāsim said to them: "How much do you inform me was the measure of the food he took?"

[22107] Abū Bakr reported: Hushaym reported from Ismā'īl ibn Sālim from Al-Qāsim ibn 'Abd al-Rahmān who said: I witnessed him when two men disputed before him. One of them bought a beast from the other and said to Al-Qāsim: "Order him to give me a guarantor in case a claim overtakes me regarding this beast." He said: "Did you stipulate that on him at the contract of sale?" He said: "No." He said: "He does not have that."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ إِسْمَاعِيلَ بْنِ سَالِمٍ، قَالَ: شَهَدْتُ الْقَاسِمَ بْنَ عَبْدِ الرَّحْمَنِ وَخَاصَّمَ إِلَيْهِ رَجُلٌ عَامِلًا مِنْ عَمَالِ الْحَجَاجِ غَصِبَةً طَعَاماً كَانَ لَهُ، فَسَأَلَهُ الْقَاسِمُ الْبَيْنَةَ، فَجَاءَ بِبَيْنَتِهِ فَشَهَدُوا أَنَّهُ أَخْذَ طَعَاماً لَهُ مِنْ بُيُوتِهِ، فَقَالَ لَهُمُ الْقَاسِمُ: كَمْ ثُبِرُونِي بِكَيْنِيلَ ما أَخْذَ مِنَ الطَّعَامِ؟

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ إِسْمَاعِيلَ بْنِ سَالِمٍ، عَنِ الْقَاسِمِ بْنِ عَبْدِ الرَّحْمَنِ، قَالَ: شَهَدْتُهُ وَأَخْتَصَّمَ إِلَيْهِ رَجُلًا اشْتَرَى أَحْدُهُمَا مِنَ الْآخَرِ دَائِبًا فَقَالَ لِلْقَاسِمِ: مُرْهُ فَلْيُعْطِنِي كَفِيلًا إِذَا أُدْرَكْنِي فِي هَذِهِ الدَّائِبَةِ دَرَكًا، فَقَالَ: هَلْ كُنْتَ اشْتَرَطْتَ عَلَيْهِ ذَلِكَ عِنْدَ عُقْدَةِ الْبَيْنَعِ؟ قَالَ: لَا، قَالَ: أَيْسَ لَهُ ذَلِكَ

[22108] Abū Bakr reported: Khalaf ibn Khalīfah reported from Ḥassān ibn Bishr who said: I saw Sālim ibn ‘Abdullāh passing by a seller of Šir—meaning fish sauce. He took some from him, tasted it, and said: "How do you sell this?"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَلْفُ بْنُ حَلِيفَةَ، عَنْ حَسَانَ
بْنِ بِشْرٍ، قَالَ: رَأَيْتُ سَالِمَ بْنَ عَبْدِ اللَّهِ مَرَّ بِصَاحِبِ
صِيرِ - يَعْنِي صَحَّاهَا - فَأَخَذَ مِنْهُ فَدَاقَهُ فَقَالَ: كَيْفَ
تَبَيَّنُ هَذَا؟

[22109] Abū Bakr reported: Waki‘ reported: Sufyān reported from Maṇṣūr from Ibrāhīm who said: "There is no harm if a man buys fruit to eat from it, meaning taste it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفيَّاً،
عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ إِذَا اشْتَرَى
الرَّجُلُ الْفَاكِهَةَ أَنْ يَأْكُلَ مِنْهَا، يَعْنِي يَدُوْقُهَا

[22110] Abū Bakr reported: ‘Ubaydah ibn Ḥumayd reported from Maṇṣūr from Ibrāhīm who said: "There is no harm if one buys something to taste it before buying it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبِيدَةُ بْنُ حُمَيْدٍ، عَنْ
مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ إِذَا اشْتَرَى الشَّيْءَ
بِأَنْ يَدُوْقَهُ قَبْلَ أَنْ يَشْتَرِيهِ

[22111] Abū Bakr reported: Waki‘ reported from Sufyān from Layth and Al-Shaybānī from Al-Sha‘bī; and Sufyān from Al-A‘mash from Ibrāhīm regarding a man who sells a commodity for cash then buys it back for less than what he sold it for before receiving payment. They disliked that.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفِيَّانَ، عَنْ لَيْثٍ، وَالشَّيْبَانِيُّ، عَنِ الشَّعْبِيِّ، وَسُفِيَّانَ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، فِي الرَّجُلِ يَبْيَعُ السَّلْعَةَ بِالنَّقْدِ ثُمَّ يَشْتَرِيهَا بِأَقْلَى مِمَّا بَاعَهَا قَبْلَ أَنْ يَتَقْدِمَ فَكَرِهَا ذَلِكَ

[22112] Abu Bakr said: Waki' told us from Sufyan, from Ayyub, from Ibn Sirin, who said: “There is no harm if he sold it for cash and then bought it back for less than what he sold it for, if they offset the accounts.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفِيَّانَ، عَنْ أَبْيَوبَ، عَنْ ابْنِ سِيرِينَ، قَالَ: لَا بَأْسَ إِذَا بَاعَهَا بِالنَّقْدِ أَنْ يَشْتَرِيهَا بِدُونِ مَا بَاعَهَا إِذَا قَاصَهُ

[22113] Abu Bakr said: Hafs told us from Ash'ath, from Al-Hasan and Ibn Sirin, who both said: “Guaranty (Kafalah) and assignment of debt (Hawalah) are the same.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُنَ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، وَابْنِ سِيرِينَ، قَالَا: الْكَفَالَةُ وَالْحَوَالَةُ سَوَاءٌ

[22114] Abu Bakr said: Hushaym told us from Mansur, from Al-Hasan: That he saw no harm in exchanging sound bottles for broken pieces of equivalent weight, if the broken ones were better than the sound ones. And Ibn Sirin disliked that except weight for weight.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مَنْصُورٍ، عَنِ الْحَسَنِ: أَنَّهُ كَانَ لَا يَرَى بَأْسًا بِالْفَوَارِيرِ الصَّحَّاحِ بِالْلَّوَازِنِ الْمَكْسُورَةِ، إِذَا كَانَتْ أَفْضَلَ مِنَ الصَّحَّاحِ وَكَانَ ابْنُ سِيرِينَ يَكْرَهُ ذَلِكَ إِلَّا وَزَنَّا بِوْزُنِ

[22115] Abu Bakr said: 'Abd al-A'la told us from Yunus, from Al-Hasan, who said: The Messenger of Allah (saw) said: "Milk must not be adulterated (mixed with water) for sale."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ الْحَسَنِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا يُشَابِهَ لَبَنٌ لِبَنَعِ

[22116] Abu Bakr said: Hafs told us from Ash'ath, from Al-Hakam and Hammad, from Ibrahim: That they disliked breaking a dirham at the grocer's and taking something other than what it was broken for.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ، وَحَمَادٌ، عَنْ إِبْرَاهِيمَ: أَنَّهُمْ كَرِهُوا أَنْ يَكْسِرَ الدِّرْهَمَ، عِنْدَ الْبَفَالِ فَيَأْخُذُ عَيْرَ الَّذِي كَسَرَ فِيهِ

[22117] Abu Bakr said: Ibn 'Ulayyah told us from Ibn 'Awn, from Ibn Sirin: That he disliked advancing the dirham to the grocer. Al-Hasan was asked about that, and he said: "By Allah, this has not reached us."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهَا، عَنْ ابْنِ عَوْنِ، عَنْ ابْنِ سِيرِينَ: أَنَّهُ كَانَ يَكْرَهُ تَعْجِيلُ الدِّرْهَمِ لِلْبَفَالِ. "وَسُؤْلَنَ عَنْ ذَلِكَ الْحَسَنُ، فَقَالَ: وَاللَّهِ مَا بَلَغَ مِنَاهَا

[22118] Abu Bakr said: 'Abd al-Salam told us from Ash'ath, from Ibn Sirin regarding a man who pays a dirham in advance to a grocer. He said: "He should only take what he paid in advance for. But if he deposits it with him, let him take whatever he wishes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ أَشْعَثَ، عَنِ ابْنِ سِيرِينَ فِي الرَّجُلِ يُسْلِمُ إِلَى الْبَقَالِ الدَّرْهَمَ، قَالَ: لَا يَأْخُذُ إِلَّا الَّذِي أَسْلَمَ فِيهِ، وَإِنْ وَضَعَهُ عِنْدَهُ فَلْيَأْخُذْ مَا شَاءَ

[22119] Abu Bakr said: 'Abd al-Wahhab told us from Khalid, from Muhammad: That he disliked giving the grocer a dirham and taking goods from him against it, but rather he should take from him, and when it amounts to a dirham, he gives it to him.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ، عَنْ خَالِدٍ، عَنْ مُحَمَّدٍ: أَنَّهُ كَرِهَ أَنْ يُعْطِي الْبَقَالِ الدَّرْهَمَ فَيَأْخُذَ مِنْهُ الْبَيْعَ، وَلَكِنْ يَأْخُذُ مِنْهُ، فَإِذَا تَمَّ بِرْهَمًا أَعْطَاهُ

[22120] Abu Bakr said: Waki' told us: Hammad ibn Salamah told us from Muhammad ibn Ziyad, from Abu Hurayrah, who said: The Messenger of Allah (saw) said: "Whoever buys a Musarrah (an animal whose milk has been left unmilked to deceive the buyer), he has the choice: if he wishes, he may return it and return with it a Sa' of dates."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ، عَنْ مُحَمَّدِ بْنِ زِيَادٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ اشْتَرَى مُصَرَّأً فَهُوَ بِالْحِيلَارِ، إِنْ شَاءَ رَدَّهَا وَرَدَّ مَعَهَا صَاعًا مِنْ ثَمَرٍ

[22121] Abu Bakr said: Waki' told us: Shu'bah told us from Al-Hakam, from 'Abd al-Rahman ibn Abi Layla, from a man among the companions of the Prophet (saw), who said: The Prophet (saw) said: "Whoever buys a Musarrah sheep has the choice of the two better options; if he returns it, he returns with it a Sa' of dates or a Sa' of food."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شُعْبَهُ، عَنِ الْحَكَمِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى، عَنْ رَجُلٍ، مِنْ أَصْحَابِ النَّبِيِّ قَالَ: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ اشْتَرَى شَاةً مُصَرَّأً فَهُوَ فِيهَا بِخَيْرِ النَّظَارِيْنَ، إِنْ رَدَّهَا رَدًّا مَعَهَا صَاعًا مِنْ ثَمَرٍ أَوْ صَاعًا مِنْ طَعَامٍ

[22122] Abu Bakr said: Yazid ibn Harun told us: Al-Taymi informed us from Abu 'Uthman al-Nahdi, who said: 'Abd Allah said: "Whoever buys a Muhaffalah (animal with unmilked udders) and returns it, let him return a Sa' with it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: أَخْبَرَنَا التَّمِيميُّ، عَنْ أَبِي عُثْمَانَ النَّهْدِيِّ، قَالَ: قَالَ عَبْدُ اللَّهِ: مَنْ اشْتَرَى مُحَفَّلَةً فَرَدَّهَا، فَلْيَرُدْ مَعَهَا صَاعًا

[22123] Abu Bakr said: 'Ali ibn Mushir told us from Al-Shaybani, from Al-Sha'bi, who said: I asked him about a booth (Khuss) claimed by the people of this house and the people of that house. He said: "It belongs to the one closer to them; justice is closer to them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبَانِيِّ، قَالَ: سَأَلَ اللَّهُ عَنِ الْخُصُّ، يَدْعِيهِ أَهْلُ هَذِهِ الدَّارِ وَأَهْلُ هَذِهِ قَالَ: هُوَ لِلَّذِي يَلِيهِمْ، يَلِيهِمُ الْأَنْصَافُ

[22124] Abu Bakr said: Hafs told us from Zakariyya, from Humayd, who said: I went with my father to Shurayh, and I heard him rule regarding the booth to the one who possessed the ropes (bindings).

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ زَكَرِيَّاً، عَنْ حُمَيْدٍ، قَالَ: تَقَدَّمْتُ مَعَ أَبِيهِ إِلَى شُرَيْحٍ فَسَمِعْتُهُ يَقْضِي بِالْحُصْنِ إِلَى مَنْ كَانَتِ الْقِمْطُ

[22125] Abu Bakr said: Waki' told us: Musa ibn 'Ubaydah told us from Nafi', from Ibn 'Umar, that he disliked Kali' bil-Kali', meaning debt for debt.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مُوسَى بْنُ عُبَيْدَةَ، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ، أَنَّهُ كَرِهَ كَالِّيَ بِكَالِّيَ، يَعْنِي دَيْنًا بِدَيْنٍ

[22126] Abu Bakr said: Waki' told us: Sufyan told us from Aslam al-Minqari, from 'Ata': That he disliked deferred for deferred, meaning debt for debt.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَسْلَمَ الْمِنْقَارِيِّ، عَنْ عَطَاءٍ: أَنَّهُ كَرِهَ آجَلًا بِآجِلٍ، يَعْنِي دَيْنًا بِدَيْنٍ

[22127] Abu Bakr said: Ibn Abi Za'idah told us from Musa ibn 'Ubaydah, from 'Abd Allah ibn Dinar, from Ibn 'Umar, who said: "The Prophet (saw) forbade selling Kali' for Kali'," meaning debt for debt.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ مُوسَى بْنِ عُبَيْدَةَ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ أَبْنِ عُمَرَ، قَالَ: نَهَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يُبَاعَ كَالِّي بِكَالِّي يَعْنِي دَيْنًا بِدَيْنٍ

[22128] Abu Bakr said: Waki' told us: Abu 'Asim al-Thaqafi told us from Abu Bakr ibn Abi Musa, that his father used to sell juice.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا أَبُو عَاصِمٍ الْقَفَّيُ، عَنْ أَبِي بَكْرٍ بْنِ أَبِي مُوسَى، أَنَّ أَبَاهُ كَانَ يَبْعِثُ الْعَصِيرَ

[22129] Abu Bakr said: Waki' told us: Shu'bah told us from 'Abd al-Malik ibn 'Umayr, from 'Affan, from Al-Mughirah ibn Shu'bah, who said: Ibn 'Umar was asked about selling grapevine products. He said: "Turn them into raisins then sell them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شُعْبَةُ، عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ، عَنْ عَفَانَ، عَنْ الْمُغِيرَةِ بْنِ شُعْبَةَ، قَالَ: سُلِّمَ أَبْنُ عُمَرَ عَنْ بَيْعِ الْكَرْمِ، فَقَالَ: رَبِّيْوَةُ ثُمَّ بَيْعُوْهُ

[22130] Abu Bakr said: Abu Usamah told us from Sufyan ibn Dinar, from Mus'ab ibn Sa'd, from his father, that his farm manager came to him and said: "Grapes have become abundant." He said: "Make them into raisins, or sell them as grapes." He said: "There is more than that." Sa'd went out to his farm and ordered them to be uprooted, and said to his manager: "I will not entrust you with anything after this."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ سُفْيَانَ بْنِ دِيَنَارٍ، عَنْ مُصْعَبِ بْنِ سَعْدٍ، عَنْ أَبِيهِ، أَنَّ صَاحِبَ ضَيْعَتِهِ أَتَاهُ فَقَالَ: إِنَّ الْأَعْنَابَ قَدْ كَثُرَتْ، فَقَالَ: اتَّخِذْهُ رَبِّيْاً، بِعْهُ عِنْبَةً فَقَالَ: إِنَّهُ أَكْثَرُ مِنْ ذَلِكَ قَالَ: فَخَرَجَ سَعْدٌ إِلَى ضَيْعَتِهِ فَأَمَرَ بِهَا فَقُلِّعَتْ، وَقَالَ لِفَهْرَمَانِهِ: لَا أَنْتَمْنُكَ عَلَى شَيْءٍ بَعْدَهَا

[22131] Abu Bakr said: Ibn Fudayl told us from Husayn, that Abu 'Ubaydah had a vineyard, and he used to say to his agents: "Sell it as grapes. If it is not bought, then sell it as juice when you press it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ حُصَيْنِ، أَنَّ أَبَا عُبَيْدَةَ كَانَ لَهُ كَرْمٌ فَكَانَ يَقُولُ لِوْكَلَائِهِ: بِيعُوهُ عِنْبًا، فَإِنْ لَمْ يُشْتَرَ فَبِيَعُوهُ عَصِيرًا حِينَ تَعْصِرُونَهُ

[22132] Abu Bakr said: 'Abbad ibn al-'Awwam told us from 'Umar ibn 'Amir, from Qatadah, from Sa'id ibn al-Musayyib; and from Hammad, from Ibrahim, that they both said: "There is no harm in selling juice as long as it does not ferment."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ عُمَرَ بْنِ عَامِرٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، وَعَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَا: لَا بَأْسَ بِبَيْعِ الْعَصِيرِ مَا لَمْ يَعْلُ

[22133] Abu Bakr said: 'Ali ibn Mushir told us from 'Abd al-Malik, from 'Ata', regarding a man who sells juice to someone who makes it into wine. He said: "I prefer that he sells it to someone who will not make it into wine, but if he sells it, there is no harm."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءِ فِي الرَّجْلِ بَيْعُ الْعَصِيرِ مِمَّنْ يَجْعَلُهُ خَمْرًا، قَالَ: أَحَبُّ إِلَيَّ أَنْ يَبْيَعَهُ مِنْ غَيْرِ أَنْ يَجْعَلَهُ خَمْرًا، وَإِنْ بَاعَهُ فَلَا بَأْسَ

[22134] Abu Bakr said: Ghundar told us from Ash'ath, from Al-Hasan, that he was asked about selling juice. He said: "Sell it as long as it is sweet."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، أَنَّهُ سُئِلَ عَنْ بَيْعِ الْعَصِيرِ، فَقَالَ: بِعْهُ مَا كَانَ حُلُوا

[22135] Abu Bakr said: Asbat ibn Muhammad told us from Mutarrif, from Al-Hakam: “Regarding a man who has a vineyard and sells it as juice or grapes, there is no harm.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَسْبَاطُ بْنُ مُحَمَّدٍ، عَنْ مُطَرِّفٍ، عَنْ الْحَكَمِ: فِي الرَّجُلِ يَكُونُ لَهُ الْكَرْمُ فَيَبْيَعُهُ عَصِيرًا أَوْ عِنَبًا، فَلَا يَأْسَ

[22136] Abu Bakr said: Waki' told us: Al-Hasan ibn Salih told us from Abu Tawf, from 'Ata', who said: “Do not sell grapes to someone who makes them into wine.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، نَّا الْحَسَنُ بْنُ صَالِحٍ، عَنْ أَبِي طَوْفٍ، عَنْ عَطَاءٍ، قَالَ: لَا تَبْيَعُ الْعِنَبَ مِمَّا يَجْعَلُهُ خَمْرًا

[22137] Abu Bakr said: Waki' told us: I asked Sufyan about selling juice. He said: “Sell what is lawful to whomever you wish.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: سَأَلْتُ سُفْيَانَ عَنْ بَيْعِ الْعَصِيرِ، فَقَالَ: بِعِ الْحَلَالَ مِمَّا شِئْتَ يَجْعَلُهُ خَمْرًا

[22138] Abu Bakr said: Waki' told us: Sufyan told us from Ibn Jurayj, from 'Ata', who said: “Do not sell juice to someone who makes it into wine.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانَ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: لَا تَبْيَعُ الْعَصِيرَ مِمَّا يَجْعَلُهُ خَمْرًا

[22139] Abu Bakr said: Waki' told us: Sufyan told us from Ma'mar, from Al-Zuhri, from 'Umar, regarding a man who gifted a beast to another man, and it gave birth. He said: "He has the right to return to the value on the day he gifted it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، عَنْ عُمَرَ، فِي رَجُلٍ وَهَبَ
لِرَجُلٍ بِهِمَةً فَوَلَدْتُ، قَالَ: لَهُ أَنْ يَرْجِعَ فِي الْقِيمَةِ يَوْمَ
وَهَبَ

[22140] Abu Bakr said: Waki' told us: Sufyan told us from 'Abd al-Rahman ibn Ziyad, who said: 'Umar ibn 'Abd al-'Aziz wrote: "To return to the value of the gift on the day he gifted it, and he wrote that the increase belongs to the recipient."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ عَبْدِ الرَّحْمَنِ بْنِ زَيَادٍ، قَالَ: كَتَبَ عُمَرُ بْنُ عَبْدِ
الْعَزِيزِ: أَنْ يَرْجِعَ فِي الْوَهَبَةِ فِي الْقِيمَةِ يَوْمَ وَهَبَ،
وَكَتَبَ أَنَّ الزِّيادةَ لِلْمُوْهُبِ لَهُ

[22141] Abu Bakr said: Waki' told us: Al-A'mash told us from Shaqiq, from 'Abd Allah, who said: The Prophet (saw) said: "Whoever takes an oath falsely to misappropriate the property of a Muslim, while he is a sinner in it, will meet Allah while He is angry with him." He said: Al-Ash'ath ibn Qays entered and said: "What is Abu 'Abd al-Rahman telling you?" We said: "Such and such." He said: "He spoke the truth; by Allah, it was revealed concerning me. I had a dispute with a Jewish man, so I took the case to the Prophet (saw). He said: 'Do you have proof?' I said: 'No.' He said: 'Then you have his oath.' I said: 'Then he will swear.' The Prophet (saw) said: 'Whoever takes an oath falsely...' - and he mentioned similar to 'Abd Allah's statement. Then this verse was revealed: {Indeed, those who exchange the covenant of Allah and their oaths for a small price} [Ali

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْأَعْمَشُ،
عَنْ شَقِيقٍ، عَنْ عَبْدِ اللَّهِ، قَالَ: قَالَ النَّبِيُّ صَلَّى اللَّهُ
عَلَيْهِ وَسَلَّمَ: مَنْ حَلَفَ عَلَى يَمِينٍ صَبِرًا لِيُقْطَعَ بِهَا مَا
أَمْرَى مُسْلِمٍ وَهُوَ فِيهَا فَاجِرٌ، لَقِيَ اللَّهَ وَهُوَ عَلَيْهِ
عَصْبَانٌ قَالَ: فَنَدْخُلُ الْأَشْعَثَ بْنَ قَيْسٍ، فَقَالَ: مَا
يُحَدِّثُكُمْ أَبُو عَبْدِ الرَّحْمَنْ؟ قُلْنَا: كَذَا وَكَذَا قَالَ: صَدَقَ،
فِي وَاللَّهِ نَزَّلَتْ، كَانَ بَيْنِي وَبَيْنَ رَجُلٍ مِنَ الْيَهُودِ
خُصُومَةٌ، فَخَاصَمْتُهُ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
فَقَالَ: أَلَاكَ بَيْنَهُ؟ قُلْنَا: لَا، قَالَ: فَلَأَكَ يَمِينَهُ فَقَلْتُ: إِذَا
يَحْلِفُ، فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ حَلَفَ
عَلَى يَمِينٍ صَبِرٌ فَذَكَرَ مِثْلَ قَوْلِ عَبْدِ اللَّهِ فَنَزَّلَتْ هَذِهِ
الْآيَةُ: {إِنَّ الَّذِينَ يَشْتَرُونَ بِعَهْدِ اللَّهِ وَأَيْمَانِهِمْ نَمَّا قَلِيلًا}

[آل عمران: 77]

[22142] Abu Bakr said: Abu Usamah told us from Al-Walid ibn Kathir, from Muhammad ibn Ka'b ibn Malik, that he heard his brother 'Abd Allah ibn Ka'b narrating that Abu Umamah al-Harithi told him that he heard the Prophet (saw) say: “No man misappropriates the right of a Muslim by his oath except that Allah forbids Paradise for him and obliges the Fire for him.” A man from the people said: “O Messenger of Allah, even if it is something small?” He said: “Even if it is a twig of Arak.”

[22143] Abu Bakr said: Ibn Numayr told us: Hashim ibn Hashim told us: 'Abd Allah ibn Nistas informed me that he heard Jabir ibn 'Abd Allah say: The Prophet (saw) said: “No one swears a false oath at this pulpit of mine, even over a green twig, except that he prepares his seat in the Fire, and Allah obliges the Fire for him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنِ الْوَلِيدِ بْنِ كَثِيرٍ، عَنْ مُحَمَّدِ بْنِ كَعْبٍ بْنِ مَالِكٍ، أَنَّهُ سَمِعَ أَخَاهُ عَبْدَ اللَّهِ بْنَ كَعْبٍ، يُحَدِّثُ أَنَّ أَبَا أَمَامَةَ الْحَارِثَيِّ، حَدَّثَهُ أَنَّهُ سَمِعَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: لَا يَقْتَطِعُ رَجُلٌ حَقَّ امْرِيٍّ مُسْلِمٍ بِتَمِينِهِ إِلَّا حَرَمَ اللَّهُ عَلَيْهِ الْجَنَّةَ وَأَوْجَبَ لَهُ النَّارَ فَقَالَ رَجُلٌ مِنَ الْقَوْمِ: يَا رَسُولَ اللَّهِ، وَإِنْ كَانَ شَيْئًا يَسِيرًا قَالَ: وَإِنْ كَانَ سِوَاكًا مِنْ أَرَاكِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، قَالَ: حَدَّثَنَا هَاشِمُ بْنُ هَاشِمٍ، قَالَ: أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ نِسْطَاسٍ، أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ، يَقُولُ: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا يَحْلِفُ أَحَدٌ عِنْدَ مِنْبَرِي هَذَا عَلَى يَمِينِ آثِمٍ، وَلَوْ عَلَى سِوَاكٍ أَخْضَرَ، إِلَّا تَبَوَّأَ مَقْعَدَهُ مِنَ النَّارِ وَأَوْجَبَ اللَّهُ لَهُ النَّارَ

[22144] Abu Bakr said: Ibn 'Uyaynah told us from Jami', from Abu Wa'il, from 'Abd Allah, from the Prophet (saw) that he said: "Whoever misappropriates the property of a Muslim by his oath unjustly, will meet Allah while He is angry with him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ جَامِعٍ، عَنْ أَبِي وَائِلٍ، عَنْ عَبْدِ اللَّهِ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَالَ: مَنْ افْتَطَعَ مَالًا مُسْلِمًا بِيَمِينِهِ ظَالِمًا، لَقِيَ اللَّهَ وَهُوَ عَلَيْهِ غَضِبٌ

[22145] Abu Bakr said: Husayn ibn 'Ali told us from Ja'far ibn Burqan, from Thabit ibn al-Hajjaj, from Abu Burdah, from his father, from the Prophet (saw), who said: "If he misappropriates it by his oath, he will be among those whom Allah will not speak to, nor look at on the Day of Resurrection, nor purify them, and they will have a painful punishment."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حُسَيْنُ بْنُ عَلَيْهِ، عَنْ جَعْفَرِ بْنِ بُرْقَانَ، عَنْ ثَابِتِ بْنِ الْحَاجَجَ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِيهِ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: إِنَّمَا افْتَطَعَهُمْ بِيَمِينِهِ، كَانُوا مِمَّنْ لَا يُكَلِّمُهُمُ اللَّهُ، وَلَا يَنْظُرُ إِلَيْهِمْ يَوْمَ الْقِيَامَةِ، وَلَا يُرَكِّبُهُمْ وَلَهُمْ عَذَابٌ أَلِيمٌ

[22146] Abu Bakr said: Abu al-Ahwas told us from Simak, from 'Alqamah ibn Wa'il, from his father, from the Prophet (saw) that he said: "If he swears regarding his wealth to consume it unjustly, he will surely meet Allah while He turns away from him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو الْأَخْوَصِ، عَنْ سِمَاكٍ، عَنْ عَلْقَمَةَ بْنِ وَائِلٍ، عَنْ أَبِيهِ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَالَ: إِنَّ حَافَ عَلَى مَالِهِ لِيُكَلِّمُهُ ظَالِمًا، لِيَأْقِنَ اللَّهُ وَهُوَ عَنْهُ مُعْرِضٌ

[22147] Abu Bakr said: Waki' told us: Al-Harith ibn Sulayman al-Kindi told us from Kardus al-Tha'labi, from Ash'ath ibn Qays, who said: The Prophet (saw) said: "Whoever takes an oath falsely to misappropriate the property of a Muslim while he is a sinner, will meet Allah as a leper."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْحَارِثُ بْنُ سُلَيْمَانَ الْكِنْدِيَّ، عَنْ كُرْدُوسِ التَّعَلَّبِيِّ، عَنْ أَشْعَثَ بْنِ فَيْسٍ، قَالَ: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ حَلَفَ عَلَى يَمِينٍ صَبَرٍ لِيُقْطَعَ بِهَا مَالٌ امْرَى مُسْلِمٌ وَهُوَ فَاجِرٌ، لَفِي اللَّهِ وَهُوَ أَخْذَمٌ

[22148] Abu Bakr said: Waki' told us: Thawr told us from Mahfuz ibn 'Alqamah, from Abu al-Darda', who said: "Whoever takes a forced oath incurs sin, whether he tells the truth or lies."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ثُورٌ، عَنْ مَحْفُوظِ بْنِ عَلْقَمَةَ، عَنْ أَبِي الدَّرْدَاءِ، قَالَ: مَنْ حَلَفَ عَلَى يَمِينٍ عَسْبٍ أَصَابَ فِيهَا مَأْثِمًا، صَدَقَ فِيهَا أَوْ فَجَرَ

[22149] Abu Bakr said: Yunus told us: Layth ibn Sa'd told us from Hisham ibn Sa'd, from Muhammad ibn Zayd ibn al-Muhajir ibn Qunfudh, from Abu Umamah al-Ansari (ra), from 'Abd Allah ibn Unays, from the Prophet (saw), who said: "No one swears by Allah a false oath, introducing into it something as small as a mosquito's wing, except that it becomes a stain in his heart until the Day of Resurrection."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يُونُسُ، قَالَ: حَدَّثَنَا أَيْثُ بْنُ سَعْدٍ، عَنْ هَشَامِ بْنِ سَعْدٍ، عَنْ مُحَمَّدِ بْنِ زَيْدِ بْنِ الْمُهَاجِرِ بْنِ قُنْفُدٍ، عَنْ أَبِي أُمَامَةَ الْأَنْصَارِيِّ رَضِيَ اللَّهُ عَنْهُ، عَنْ عَبْدِ اللَّهِ بْنِ أَنَسٍ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: مَا حَلَفَ حَالِفٌ بِاللَّهِ يَمِينٌ صَبَرٌ فَأَدْخَلَ فِيهَا مِثْلَ جَنَاحِ بَعُوضَةٍ، إِلَّا كَانَتْ نُكْثَةً فِي قَلْبِهِ إِلَى يَوْمِ الْقِيَامَةِ

[22150] Abu Bakr said: Yazid ibn Harun told us: Hisham ibn Hassan told us from Muhammad ibn Sirin, from 'Imran ibn Husayn, from the Prophet (saw), who said: "Whoever swears a false oath intentionally lying, let him prepare his seat in the Fire."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: حَدَّثَنَا
هِشَامُ بْنُ حَسَانٍ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ عِمْرَانَ
بْنِ حُصَيْنٍ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: مَنْ
حَلَفَ عَلَى يَمِينٍ مَصْبُورٍ كَذِبًا مُتَعَمِّدًا فَلَيُبَوِّأْ بِوَجْهِهِ
مَقْعَدَهُ مِنَ النَّارِ

[22151] Abu Bakr said: Shababah told us from Ibn Abi Dhi'b, from Al-Harith ibn 'Abd al-Rahman, from Abu Salamah, from Sa'id ibn Zayd, from the Prophet (saw), who said: "Whoever swears an oath against a Muslim man to misappropriate [his right], will not be blessed in it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَبَابَةُ، عَنْ ابْنِ أَبِي ذِئْبٍ،
عَنِ الْحَارِثِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي سَلَمَةَ، عَنْ
سَعِيدِ بْنِ زَيْدٍ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ:
مَنْ حَلَفَ عَلَى يَمِينٍ امْرِيِّ مُسْلِمٍ لِيُقْطِعَهُ لَمْ يُبَارِكْ لَهُ
فِيهِ

[22152] Abu Bakr said: Abu Dawud al-Tayalisi told us from 'Imran al-Qattan, who said: I heard Al-Hasan being asked about a man who saw a slave girl being sold in the market, and she said: "I am stolen." He said: "She is bought and not believed." I asked Qatadah, and he disliked that.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو دَاؤُدَ الطَّيَالِسِيُّ، عَنْ
عِمْرَانَ الْقَطَّانَ، قَالَ: سَمِعْتُ الْحَسَنَ وَسُلَيْمَانَ عَنْ رَجُلٍ
رَأَى جَارِيَةً فِي السُّوقِ تُبَاعُ ، فَقَالَتْ: إِنِّي مَسْرُوقَةٌ؟
فَقَالَ: تُشْتَرَى وَلَا تُصَدَّقُ. وَسَأَلْتُ فَتَاهَةً فَكَرِهَ ذَلِكَ

[22153] Abu Bakr said: Abu Bakr ibn 'Ayyash told us from Mughirah, from Ibrahim, who said: "If he writes a contract of emancipation for his slave, and the slave has a slave or slave girl, it is part of his contract. But if he has children he concealed, he does not have that right."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو بَكْرٌ بْنُ عَيَّاشٍ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا كَاتَبَ عَبْدَهُ وَلَهُ عَبْدٌ أُوْمَّةٌ فَهُوَ مِنْ مُكَاتِبِهِ، وَإِنْ كَانَ لَهُ وَلَدٌ قَدْ كَتَمُوهُمْ فَلَيْسَ - لَهُ ذَلِكَ

[22154] Abu Mu'awiyah told us from Al-A'mash, from Ibrahim, similar to it.

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، يَنْحُوهُ

[22155] Abu Bakr said: Muhammad ibn Bukayr told us from Ibn Jurayj, from 'Ata', who said: I said to him: A man wrote a contract of emancipation for his slave or settled with him, but the slave concealed wealth he had—slaves, cash, or other wealth. He said: "It belongs to the slave." 'Amr ibn Dinar and Sulayman ibn Musa said the same.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بُكَيْرٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: قُلْتُ لَهُ: رَجُلٌ كَاتَبَ عَبْدًا لَهُ أَوْ قَاطَعَهُ فَكَتَمَهُ مَالًا لَهُ رَقِيقًا أَوْ عَيْنًا أَوْ مَالًا غَيْرَ ذَلِكَ قَالَ: هُوَ لِلْعَبْدِ. وَقَالَهُ عَمْرُو بْنُ دِينَارٍ، وَسُلَيْمَانُ بْنُ مُوسَى

[22156] Abu Bakr said: Muhammad ibn Abi 'Adi told us from Yunus, from Al-Hasan, who said: "His Umm al-Walad and his children all enter into his contract of emancipation."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، قَالَ: أُمُّ وَلَدِهِ وَوَلَدُهُ يَدْخُلُونَ جَمِيعًا فِي مُكَاتِبَتِهِ

[22157] Abu Bakr said: 'Abd al-Wahhab al-Thaqafi told us from Ayyub, from Muhammad, that a man wrote a contract of emancipation for his slave and stipulated his Wala' (allegiance), inheritance, and house. When he paid his contract, he was free for some time. His guardians disputed regarding his inheritance, so Shurayh invalidated that. The master said: "What use is my condition of twenty years?" Shurayh said: "Allah's condition precedes your condition by fifty years."

حَدَّثَنَا أَبُو بَكْرٍ، قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ الثَّقَفِيُّ، عَنْ أَبْيَوبَ، عَنْ مُحَمَّدٍ أَنَّ رَجُلًا كَاتَبَ عَلَامًا لَهُ وَاشْتَرَطَ وَلَاءَهُ وَمِيرَاثَهُ وَدَارَهُ، فَلَمَّا أَدَى مُكَاتِبَتَهُ عُتِقَ بِزَمَانٍ، فَخَاصَّمَ أَوْلِيَاؤُهُ فِي مِيرَاثِهِ فَأَبْطَلَ شُرَيْحُ ذَلِكَ، فَقَالَ الْمُؤْلَى: فَمَا يُغْنِي عَنِي شَرْطِي مُنْذُ عِشْرِينَ سَنَةً؟ فَقَالَ شُرَيْحٌ: شَرْطُ اللَّهِ قَبْلَ شَرْطِكَ مُنْذُ خَمْسِينَ سَنَةً

[22158] Abu Bakr said: Ibn 'Ulayyah told us from Khalid ibn 'Adi that he wrote to 'Umar ibn 'Abd al-'Aziz concerning a man who wrote a contract of emancipation for his slave and stipulated a share of his inheritance. He wrote back that: "No one has a condition that diminishes or divides anything from Allah's obligatory shares."

حَدَّثَنَا أَبُو بَكْرٍ، قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ خَالِدِ بْنِ عَدِيٍّ أَنَّهُ كَتَبَ إِلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ فِي رَجُلٍ كَاتِبٍ غُلَامًا لَهُ وَسَرْطٌ عَلَيْهِ سَهْمًا مِنْ مِيرَاثِهِ، فَكَتَبَ أَنَّهُ لَيْسَ لِأَحَدٍ شَرْطٌ يَنْفَصُّ أَوْ يَتَبَعَّضُ شَيْئًا مِنْ فِرَائِضِ اللَّهِ

[22159] Abu Bakr said: Muhammad ibn Bakr told us from Ibn Jurayj, who said: 'Ata' was asked about a man who was contracted for emancipation, and his family stipulated: "We have a share of your inheritance." He said: "No, Allah's condition comes before their condition."

حَدَّثَنَا أَبُو بَكْرٍ، قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ قَالَ: سُئِلَ عَطَاءً عَنْ رَجُلٍ كُوْتِبَ وَاسْتَرْطَ عَلَيْهِ أَهْلُهُ أَنَّ لَنَا سَهْمًا مِنْ مِيرَاثِكَ، قَالَ: لَا، شَرْطُ اللَّهِ قَبْلَ شَرْطِهِمْ،

[22160] Abu Bakr said: Suwayd ibn 'Amr told us from Abu 'Awanah, from Mughirah, from Ibrahim, similar to the statement of 'Ata'.

حَدَّثَنَا أَبُو بَكْرٍ، قَالَ: حَدَّثَنَا سُوَيْدُ بْنُ عَمْرٍو، عَنْ أَبِي عَوَانَةَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ بْنِ حُوْيَّ مِنْ قَوْلِ عَطَاءٍ

[22161] Abu Bakr said: 'Abdah and Waki' told us from Isma'il ibn Abi Khalid, from Al-Sha'bi: That he disliked the wage of a female singer. 'Abdah added: And he said: "I do not like to eat it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدَةُ، وَوَكِيعٌ، عَنْ إِسْمَاعِيلَ
بْنِ أَبِي خَالِدٍ، عَنِ الشَّعْبِيِّ: أَنَّهُ كَرِهَ أَجْرَ الْمُغَنِّيَةِ. زَادَ
فِيهِ عَبْدُهُ: وَقَالَ: مَا أُحِبُّ أَنْ أَكُلَّهُ

[22162] Abu Bakr said: Yahya ibn Sa'id told us from 'Amr, from Al-Hasan: That he disliked the wage of a professional mourner and a female singer.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ عَمْرِو،
عَنِ الْحَسَنِ: أَنَّهُ كَرِهَ أَجْرَ النَّائِحَةِ وَالْمُغَنِّيَةِ

[22163] Abu Bakr said: Waki' told us: Sufyan told us from Abu Hashim, from Ibrahim: That he disliked the wage of a professional mourner, a female singer, and a soothsayer.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ أَبِي هَاشِمٍ، عَنْ إِبْرَاهِيمَ: أَنَّهُ كَرِهَ أَجْرَ النَّائِحَةِ
وَالْمُغَنِّيَةِ وَالْكَاهِنِينَ

[22164] Abu Bakr said: Waki' told us: Ja'far ibn 'Awn told us from Yahya ibn Sa'id, from 'Abd Allah ibn Hubayrah: {and their consuming of what is unlawful} [Al-Ma'idah: 62]. He said: "The dowry of a prostitute, and what soothsayers used to take for their soothsaying."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا جَعْفُرُ بْنُ
عَوْنَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَبْدِ اللَّهِ بْنِ هُبَيْرَةَ:
قَالَ: مَهْرُ الْبَغْيِ، وَمَا [62: {وَأَكْلُهُمُ السُّحْتُ}] [المائدة]
كَانَ يَأْخُذُ الْكُهَنَّاءَ عَلَى كِهَانَتِهِمْ

[22165] Abu Bakr said: Waki' told us: Sufyan told us from Mansur, from Ibrahim, who said: "There is no harm in buying a check with cloth on a man, whether he intended or did not intend."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا يَأْسَ أَنْ يَشْرِيَ
الصَّلَّكَ بِالْبَزْرَ عَلَى الرَّجُلِ، نَوَى أَوْ لَمْ يَنْوِي

[22166] Abu Bakr said: Waki' told us: Zakariyya told us from Al-Sha'bi, who said: I asked about a man who bought a check containing three dinars from another man for a garment. He said: "It is not proper."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا زَكَرِيَّاً،
عَنِ الشَّعْبِيِّ، قَالَ: سَأَلْتُ عَنْ رَجُلٍ اشْتَرَى مِنْ رَجُلٍ
صَكًا فِيهِ ثَلَاثَةُ دَنَارَيْ بِتُوْبٍ، قَالَ: لَا يَصْلُحُ

[22167] Abu Bakr said: Waki' told us: Sufyan told us from 'Abd Allah ibn Abi al-Safar, from Al-Sha'bi: That he disliked it and said: "It is deception (Gharar)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ عَبْدِ اللَّهِ بْنِ أَبِي السَّفَرِ، عَنِ الشَّعْبِيِّ: أَنَّهُ كَرِهُهُ،
وَقَالَ: هُوَ غَرَرٌ

[22168] Abu Bakr said: Ibn Idris told us from Hisham, from Al-Hasan, who said: "If a man's bankruptcy becomes evident, his freeing of a slave is not valid while he is in debt. But if his bankruptcy is not evident, his freeing is valid."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ
الْحَسَنِ، قَالَ: إِذَا تَبَيَّنَ إِفْلَاسُ الرَّجُلِ فَلَا يَجُوزُ عَنَافَةُ
وَعَلَيْهِ نَيْنٌ، وَإِنْ لَمْ يَتَبَيَّنْ إِفْلَاسُهُ فَعَنَافَةُ جَائزٌ

[22169] Abu Bakr said: Husayn ibn 'Ali told us from Za'idah, from 'Abd al-Malik ibn 'Umayr, from Rib'i, who said: Abu al-Yasar told me, he said: The Messenger of Allah (saw) said: "Whoever grants respite to a debtor in difficulty or waives his debt, Allah will shade him in the shade of His Throne."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُسَيْنُ بْنُ عَلِيٍّ، عَنْ زَائِدَةَ،
عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ، عَنْ رِبْعَيِّ، قَالَ: حَدَّثَنِي أَبُو
الْيَسَرِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ
أَنْظَرَ مُعْسِرًا أَوْ وَضَعَ لَهُ أَظْلَانَ اللَّهِ فِي ظِلِّ عَرْشِهِ.

[22170] Abu Bakr said: Hatim ibn Isma'il told us from Ja'far, from his father, from Abu al-Yasar, from the Prophet (saw), similar to it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ
جَعْفَرٍ، عَنْ أَبِيهِ، عَنْ أَبِي الْيَسَرِ، عَنْ النَّبِيِّ عَلَيْهِ
السَّلَامُ يُنَحِّوهُ

[22171] Abu Bakr said: Ibn 'Uyaynah told us from 'Amr, who said: I heard 'Umar ibn 'Umar say: "A man used to lend to people and trade with them. He had a scribe and an agent. The insolvent and the one seeking respite would come to him, and he would say to him (the scribe): 'Wait, grant respite, and overlook today, so that we may be overlooked.' He met Allah having done no good other than this, so He forgave him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عَيْنَةَ، عَنْ عَمْرِو، قَالَ:
سَمِعْتُ عُمَرَ بْنَ عُمَرَ، قَالَ: كَانَ رَجُلٌ يُدَافِئُ النَّاسَ
وَيُبَابِعُهُمْ، وَكَانَ لَهُ كَاتِبٌ وَمُتَجَارٌ، فَيَأْتِيهِ الْمُعْسِرُ
وَالْمُسْتَشْطِرُ فَيَقُولُ لَهُ: كُلْ، وَأَنْظَرْ، وَتَجَوَّزِ الْيَوْمَ،
فَتُجَاوِزُ عَنَّا قَالَ: فَلَقِيَ اللَّهُ وَلَمْ يَعْمَلْ خَيْرًا غَيْرَهُ فَعَفَّ
لَهُ

[22172] Abu Bakr said: Abu Mu'awiyah told us from Al-A'mash, from Shaqiq, from Abu Mas'ud, who said: The Prophet (saw) said: "A man from those before you was called to account, and no good was found for him except that he was a wealthy man who mixed with people and would say to his servants: 'Overlook the insolvent.' Allah said to His angels: 'We are more worthy of that than him; so overlook him.'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ،
عَنْ شَقِيقٍ، عَنْ أَبِي مَسْعُودٍ، قَالَ: قَالَ النَّبِيُّ صَلَّى اللَّهُ
عَلَيْهِ وَسَلَّمَ: "حُوْسِبَ الرَّجُلُ مِمَّنْ كَانَ قَبْلَكُمْ، فَلَمْ يُوجَدْ
لَهُ مِنَ الْخَيْرِ شَيْءٌ إِلَّا أَنَّهُ كَانَ رَجُلًا مُوسِرًا يُخَالِطُ
النَّاسَ فَيَقُولُ لِغَلْمَانِهِ: تَجَاوِزُوا عَنِ الْمُعْسِرِ، فَقَالَ اللَّهُ
- - "الْمَلَائِكَةُ: فَقَحْنُ أَحَقُّ بِذَلِكَ مِنْهُ، فَتَجَاوِزُوا عَنْهُ".

[22173] Abu Bakr said: Ibn 'Uyaynah told us from Mansur, from Rib'i, from Abu Mas'ud, similar to it, but he did not attribute it directly to the Prophet (saw).

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ مَنْصُورٍ،
عَنْ رِبْعَيٍّ، عَنْ أَبِي مَسْعُودٍ، بِنَحْوِ مِنْهُ وَلَمْ يَرْفَعْهُ

[22174] Abu Bakr said: Yunus told us from Muhammad, from Hammad ibn Salamah, from Abu Ja'far al-Khitmi, from Muhammad ibn Ka'b, from Abu Qatadah, who said: I heard the Prophet (saw) say: "Whoever relieves a debtor or removes his hunger will be in the shade of the Throne on the Day of Resurrection."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يُونُسُ، عَنْ مُحَمَّدٍ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ أَبِي جَعْفَرِ الْخَطْمَىِ، عَنْ مُحَمَّدِ بْنِ كَعْبٍ، عَنْ أَبِي قَتَادَةَ، قَالَ: سَمِعْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: مَنْ نَفَسَ عَنْ غَرِيمٍ أَوْ مَجَاعَتِهِ عَنْهُ كَانَ فِي ظِلِّ الْعَرْشِ يَوْمَ الْقِيَامَةِ

[22175] Abu Bakr said: Husayn ibn 'Ali told us from Za'idah, from 'Abd al-Malik ibn 'Umayr, from Rib'i, who said: 'Uqbah ibn 'Amr said to Hudhayfah: Tell me something you heard from the Messenger of Allah (saw). He said: I heard him say: "There was a man among those before you whom the Angel came to take his soul. He said: 'Did you do any good?' He said: 'I do not know.' He said: 'Look.' He said: 'I do not know, except that I was a man who dealt with people and mixed with them. I used to grant respite to the insolvent and overlook the solvent.' So Allah admitted him into Paradise." 'Uqbah said: "And I heard him say that."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُسَيْنُ بْنُ عَلَىٰ، عَنْ زَائِدَةَ،
عَنْ عَبْدِ الْمَالِكِ بْنِ عُمَيْرٍ، عَنْ رَبِيعِيٍّ، قَالَ: قَالَ عُقْبَةُ
بْنُ عَمْرِو لِحَدِيفَةَ: حَدَّثَنِي بِشَيْءٍ سَمِعْتُهُ مِنْ رَسُولِ اللَّهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: سَمِعْتُهُ يَقُولُ: "كَانَ رَجُلٌ
فِيمَنْ كَانَ فَبِكُمْ أَتَاهُ الْمَلَكُ لِيَقْبِضَ رُوحَهُ فَقَالَ: هَلْ
عَمِلْتَ خَيْرًا؟ قَالَ: مَا أَعْلَمُ، قَالَ: انْظُرْ، قَالَ: مَا
أَعْلَمُ، إِلَّا أَنِّي كُنْتُ رَجُلًا أَجَازَفُ النَّاسَ وَأَخَالِطُهُمْ،
فَكُنْتُ أَنْظِرُ الْمُغَسِّرَ وَأَنْجَاوُزُ عَنِ الْمُؤْسِرِ، فَأَذْخَلَهُ اللَّهُ
الْجَنَّةَ"! قَالَ عُقْبَةُ: وَأَنَا سَمِعْتُهُ يَقُولُ ذَلِكَ

[22176] Abu Bakr said: Yahya ibn Abi Bukayr told us from Zuhayr ibn Muhammad, from 'Abd Allah ibn Muhammad ibn 'Aqil, from 'Abd Allah ibn Sahl ibn Hunayf, that Sahl told him that the Messenger of Allah (saw) said: “Whoever helps a fighter in the way of Allah, or a debtor in his difficulty, or a Mukatab in his emancipation, Allah will shade him in His shade on the Day when there is no shade but His.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي بُكْرٍ، عَنْ رُهْبَرِ بْنِ مُحَمَّدٍ، عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ بْنِ عَقِيلٍ، عَنْ عَبْدِ اللَّهِ بْنِ سَهْلٍ بْنِ حُنَيْفٍ، أَنَّ سَهْلًا حَدَّثَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: مَنْ أَعَانَ مُجَاهِدًا فِي سَبِيلِ اللَّهِ، أَوْ غَارِمًا فِي غُسْرَتِهِ، أَوْ مُكَاتِبًا فِي رَقْبَتِهِ، أَظْلَلَ اللَّهُ فِي ظِلِّهِ يَوْمَ لَا ظِلَّ إِلَّا ظِلُّهُ

[22177] Abu Bakr said: Ibn Mubarak told us from Ma'mar, from Al-Zuhri, that the Prophet (saw) passed by a Bedouin selling something. He said: “Take the first offer, or the first bargaining; for profits come with generosity.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَرَّ بِأَغْرَابِيٍّ يَبِيعُ شَيْئًا فَقَالَ: عَلَيْكِ بِأَوَّلِ السَّوْمَةِ، أَوْ بِأَوَّلِ السَّوْمِ؛ فَإِنَّ الْأَرْبَاحَ مَعَ السَّمَّاحِ

[22178] Abu Bakr said: Ibn Mubarak told us from 'Abd Allah ibn 'Amr ibn 'Alqamah, from Abu Husayn, who said: The Prophet (saw) said: “The owner of the commodity has the most right to set the price.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرُو بْنِ عَلْفَمَةَ، عَنْ أَبِي حُسَيْنٍ، قَالَ: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: سَيِّدُ السَّلْعَةِ أَحَقُّ بِالسَّوْمِ

[22179] Abu Bakr said: Waki' told us from Al-'Umari, from Nafi', from Ibn 'Umar, who said: "Seek provision from Allah through bargaining."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنِ الْعُمَرِيِّ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: أَرْتُمُ اللَّهَ بِالسَّوْمِ

[22180] Abu Bakr said: Waki' told us: Al-A'mash told us from Shaqiq, from Masruq, from 'Aishah, who said: Abu Bakr said in his final illness: "Look at what has increased in my wealth since I entered the Caliphate and send it to the Caliph after me, for I used to consider it lawful, and I acquired from the fat (wealth) what I would have acquired from trade." 'Aishah said: "When he died, we looked and found a Nubian slave carrying his children and a camel used for irrigation." She said: "So we sent them to 'Umar." She said: My grandfather informed me that 'Umar wept and said: "May Allah have mercy on Abu Bakr; he has exhausted those after him severely."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْأَعْمَشُ، عَنْ شَقِيقٍ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ، قَالَتْ: قَالَ أَبُو بَكْرٍ فِي مَرَضِهِ الَّذِي مَاتَ فِيهِ: إِنْظُرُوا مَا زَادَ فِي مَالِي مُنْذُ دَخَلْتُ فِي الْخِلَافَةَ فَأَبْعَثُوا بِهِ إِلَى الْخَلِيفَةِ مِنْ بَعْدِي، فَإِنِّي قَدْ كُنْتُ أَسْتَحْلُلُهُ، وَقَدْ كُنْتُ أَصَبَّتُ مِنَ الْوَدُوكِ تَحْوِلًا مِمَّا كُنْتُ أَصَبَّتُ مِنَ النَّجَارَةِ" قَالَتْ عَائِشَةُ: فَلَمَّا مَاتَ نَظَرْنَا، فَإِنَّا عَبْدُ نُوبِيٍّ يَحْمِلُ صِبْيَانَهُ، وَنَاصِحٌ كَانَ يَسْتَنِي عَلَيْهِ قَالَتْ: فَبَعَثْنَا بِهِمَا إِلَى عُمَرَ قَالَتْ: فَأَخْبَرَنِي حَدِّي، أَنَّ عُمَرَ بَكَى وَقَالَ: رَحْمَةُ اللَّهِ عَلَى أَبِي بَكْرٍ، لَقَدْ أَثْعَبَ مَنْ بَعْدَهُ تَعْبًا شَدِيدًا

[22181] Abu Bakr said: Waki' told us from Muhammad ibn Qays, from Jami' ibn Abi Rashid, who said: 'Umar said: "Were it not for these sales, you would have become a burden on people."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مُحَمَّدِ بْنِ قَيْسٍ،
عَنْ جَامِعِ بْنِ أَبِي رَاشِدٍ، قَالَ: قَالَ عُمَرُ: لَوْلَا هَذِهِ
الْبَيْوْغُ صِرْتُمْ عَالَةً عَلَى النَّاسِ

[22182] Abu Bakr said: Muhammad ibn Sharik told us from Ibn Abi Mulaykah, who said: 'Aishah said: "Abu Bakr was the most trading of Quraysh."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ شَرِيكٍ، عَنْ أَبْنِ
أَبِي مُلِينَكَةَ، قَالَ: قَالَتْ عَائِشَةُ: كَانَ أَبُو بَكْرٌ أَنْجَرَ
فُرِيشِ

[22183] Abu Bakr said: Waki' told us: Al-A'mash told us from Khaythamah, who said: Abu al-Darda' said: "I was a merchant before the Prophet (saw) was sent. When the Prophet (saw) was sent, I wanted to combine trade and worship, but it did not work out for me, so I left trade and turned to worship."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْأَعْمَشُ،
عَنْ خَيْثَمَةَ، قَالَ: قَالَ أَبُو الدَّرْدَاءِ: كُنْتُ تَاجِرًا قَبْلَ أَنْ
يُبَعَّثَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَلَمَّا بُعِثَ النَّبِيُّ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَرَدْتُ أَنْ أَجْمَعَ بَيْنَ التَّجَارَةِ
وَالْعِبَادَةِ فَلَمْ يَسْتَقِمْ لِي، فَتَرَكْتُ التَّجَارَةَ وَأَقْبَلْتُ عَلَى
الْعِبَادَةِ

[22184] Abu Bakr said: Waki' told us: Yazid ibn Abi Sirin told us, saying: "I was informed that Abu Bakr was the most trading of Quraysh."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا يَزِيدُ بْنُ
أَبِي سِيرِينَ، قَالَ: نَبَّئْتُ أَنَّ أَبَا بَكْرٍ كَانَ أَنْجَرَ فُرِيشِ

[22185] Abu Bakr said: Waki' told us: Sufyan told us from 'Amr ibn Qays, from 'Asim ibn Abi al-Najud, from Abu Wa'il, who said: "A dirham from trade is dearer to me than ten from my stipend."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ عَمْرِو بْنِ فَيْسٍ، عَنْ عَاصِمِ بْنِ أَبِي الْجُودِ، عَنْ
أَبِي وَائِلٍ، قَالَ: لَدِرْهَمٌ مِنْ تِجَارَةٍ أَحَبُّ إِلَيَّ مِنْ عَشْرَةِ
مِنْ عَطَائِي

[22186] Abu Bakr said: Waki' told us: Sufyan told us from Hajjaj ibn Furafisah, from a man, from Mak'hul, from Abu Hurayrah, who said: The Messenger of Allah (saw) said: "Whoever seeks the world lawfully to abstain from begging, striving for his family, and being kind to his neighbor, will meet Allah with his face like the moon on the night of the full moon. And whoever seeks the world accumulating it lawfully to show off, will meet Allah while He is angry with him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ حَاجَاجِ بْنِ فُرَاقِصَةَ، عَنْ رَجُلٍ، عَنْ مَكْحُولٍ، عَنْ
أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ:
مَنْ طَلَبَ الدُّنْيَا حَلَالًا اسْتِعْفَافًا عَنِ الْمَسْأَلَةِ، وَسَعْيًا
عَلَى أَهْلِهِ، وَتَعْطُفًا عَلَى جَارِهِ، أَقْبَلَ اللَّهُ وَوَجْهُهُ كَالْفَمِ
لِلَّهِ الْبَدْرُ، وَمَنْ طَلَبَ الدُّنْيَا مُكَابِرًا بِهَا حَلَالًا مُرَابِيًّا،
لَقِيَ اللَّهَ وَهُوَ عَلَيْهِ غَضِبٌ

[22187] Abu Bakr said: Waki' told us: 'Amr ibn 'Isa Abu Na'amah told us, he heard it and said: Hujayr ibn al-Rabi' al-'Adawi told us, saying: I heard 'Umar ibn al-Khattab say: "Three journeys have been prescribed for you: Hajj, 'Umrah, and Jihad in the way of Allah. And a man striving with his wealth in one of these ways, seeking Allah's bounty with my wealth is dearer to me than dying on my bed. If you said it is martyrdom, I would see it as martyrdom."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا عَمْرُو بْنُ عِيسَى أَبُو نَعَامَةَ، سَمِعَهُ وَقَالَ: حَدَّثَنَا حُجَيْرُ بْنُ الرَّبِيعِ الْعَدَوِيُّ، قَالَ: سَمِعْتُ عُمَرَ بْنَ الْخَطَّابَ، يَقُولُ: كُتِبَ عَلَيْكُمْ تَلَاثَةُ أَسْفَارٍ الْحَجَّ، وَالْعُمْرَةُ، وَالْجِهَادُ فِي سَبِيلِ اللَّهِ، وَالرَّجُلُ يَسْعَى بِمَالِهِ فِي وَجْهِهِ مِنْ هَذِهِ الْأُرْجُوهِ، أَبْتَغِي بِمَالِي مِنْ فَضْلِ اللَّهِ أَحَبُّ إِلَيَّ مِنْ أَنْ أُمُوتُ عَلَى فِرَاشِي، وَلَوْ قُلْتَ إِنَّهَا شَهَادَةٌ، لَرَأَيْتَ أَنَّهَا شَهَادَةٌ

[22188] Abu Bakr said: Waki' told us: Musa ibn 'Ali told us from his father, who said: I heard 'Amr ibn al-'As say: The Messenger of Allah (saw) said: "O 'Amr, put on your weapons and clothes and come to me." He said: So I put on my weapons and clothes and came to him. I found him performing ablution. He looked me up and down and said: "O 'Amr, I want to send you on a mission where Allah will keep you safe and grant you booty, and I desire for you a good share of wealth." He said: I said: "O Messenger of Allah, I did not become Muslim for the desire of wealth; I became Muslim for the desire of Jihad and being with you." He said: "O 'Amr, how excellent is good wealth for a righteous man."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مُوسَى بْنُ عَلَيٍّ، عَنْ أَبِيهِ، قَالَ: سَمِعْتُ عَمْرَو بْنَ الْعَاصِ، يَقُولُ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: يَا عَمْرُو ، اشْدُدْ عَلَيْكَ سِلَاحَكَ وَثِيابَكَ فَأَتَتِيَ قَالَ: فَشَدَّدْتُ عَلَيَّ سِلَاحِي وَثِيابِي ثُمَّ أَتَيْتُهُ فَوَجَدْتُهُ يَتَوَضَّأُ، فَصَعَدَ فِي الْبَصَرَ وَصَوَّبَهُ، فَقَالَ: يَا عَمْرُو إِنِّي أَرِيدُ أَنْ أَبْعَثَكَ وَجْهًا يُسْلِكُ اللَّهُ وَيُغْنِمُكَ، فَارْغَبْ لَكَ مِنَ الْمَالِ رَغْبَةً صَالِحَةً قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ، إِنِّي لَمْ أُسْلِمْ رَغْبَةً فِي الْمَالِ، إِنَّمَا أَسْلَمْتُ رَغْبَةً فِي الْجِهَادِ وَالْكَيْثُونَةِ مَعَكَ، قَالَ: يَا عَمْرُو نَعِمًا بِالْمَالِ الصَّالِحِ لِلرَّجُلِ الصَّالِحِ

[22189] Abu Bakr said: Waki' told us: Muhammad ibn Muhazzam told us from Muhammad ibn Wasi' al-Azdi, who said: "This wealth is not pure except from four sources: A share among Muslims, lawful trade, a gift from a Muslim brother out of generosity, or inheritance according to the Book of Allah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ مُهَزْمٍ، عَنْ مُحَمَّدٍ بْنِ وَاسِعِ الْأَزْدِيِّ، قَالَ: "لَا يَطِيبُ هَذَا الْمَالُ إِلَّا مِنْ أَرْبَعِ خَلَالٍ: سَهْمٌ فِي الْمُسْلِمِينَ، أَوْ تِجَارَةً مِنْ حَلَالٍ، أَوْ عَطَاءً مِنْ أَخْ مُسْلِمٍ عَنْ ظَهْرِ يَدِهِ، أَوْ مِيرَاثٌ فِي كِتَابِ اللَّهِ"

[22190] Abu Bakr said: Waki' told us: Sharik told us from Simak, from 'Ikrimah, from Ibn 'Abbas, who said: A caravan came to Medina, and the Prophet (saw) bought from it and made a profit of some ounces (of silver). He distributed it among the widows of Banu 'Abd al-Muttalib and said: "I will not buy anything for which I do not have the price."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ سِمَاكٍ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: قَدِيمٌ عَيْرٌ إِلَى الْمَدِينَةِ فَأَشْتَرَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنْهَا فَرِيقًا أَوْ أَقِيَّ فَقَسَمَهَا فِي أَرَامِلِ بَنِي عَبْدِ الْمُطَّلِبِ وَقَالَ: لَا أَشْتَرِي شَيْئًا لَيْسَ عِنْدِي ثَمَنةً

[22191] Abu Bakr said: Waki' told us from Hammad ibn Zayd, from Ayyub, who said: Abu Qilabah used to encourage me to [join] the parties (groups) and seek [wealth]. Abu Qilabah said: "Wealth is part of well-being."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حَمَادِ بْنِ زَيْدٍ، عَنْ أَيُوبَ، قَالَ: كَانَ أَبُو قِلَابَةَ يَحْتَنِي عَلَى الْأَحْرَابِ وَالظَّلَبِ، وَقَالَ أَبُو قِلَابَةَ: الْغُنْيَ مِنَ الْعَافِيَةِ

[22192] Abu Bakr said: Waki' told us: Shu'bah told us from Al-Hakam, from Mujahid: {Spend from the good things which you have earned} [Al-Baqarah: 267]. He said: "Trade."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شُعْبَهُ، عَنِ الْحَكَمِ، عَنْ مُجَاهِدٍ: {أَنْفَقُوا مِنْ طَيِّبَاتِ مَا كَسَبُوكُمْ} قَالَ: التَّجَارَةُ [267: الْبَقْرَةُ]

[22193] Abu Bakr said: Ibn 'Uyaynah told us from Al-'Ala' ibn 'Abd al-Rahman, from his father, from Abu Hurayrah (narrating): "Indeed, a false oath sells the commodity but wipes out the earning."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ الْعَلَاءِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ رَوَاهُ، قَالَ: إِنَّ الْيَمِينَ الْفَاجِرَةَ مُنْقِضَةٌ لِلسُّلْعَةِ مُمْحَقَةٌ لِلْكُسْبِ

[22194] Abu Bakr said: Yazid ibn Harun told us: Muhammad ibn Ishaq informed us from Ma'bad ibn Ka'b ibn Malik, from Abu Qatadah, from the Prophet (saw): "Beware of excessive swearing, for it sells (the goods) then wipes out (the blessing)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: أَخْبَرَنَا مُحَمَّدُ بْنُ إِسْحَاقَ، عَنْ مَعْبُدِ بْنِ كَعْبٍ بْنِ مَالِكٍ، عَنْ أَبِي فَتَادَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِيَّاكُمْ وَكُلُّرَةِ الْحَلِيفِ؛ فَإِنَّهُ يُنْفَقُ ثُمَّ يَمْحَقُ

[22195] Abu Bakr said: Abu Usamah told us from Al-Walid ibn Kathir, from Ma'bad ibn Ka'b ibn Malik, from Abu Qatadah, that he heard the Prophet (saw) say: “Beware of excessive swearing in sales, for it sells then wipes out.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنِ الْوَلِيدِ بْنِ كَثِيرٍ، عَنْ مَعْبُدِ بْنِ كَعْبٍ بْنِ مَالِكٍ، عَنْ أَبِي قَتَادَةَ، أَنَّهُ سَمِعَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: إِيَّاكُمْ وَكُلُّهُ
الْحَلِفُ فِي الْبَيْعِ؛ فَإِنَّهُ يُنَفِّقُ ثُمَّ يَمْحَقُ

[22196] Abu Bakr said: Yazid ibn Harun told us: Muhammad ibn Talhah told us from Muhammad ibn Juhadah, from Zadhan, who said: 'Ali used to come to the market, greet, then say: “O assembly of merchants, beware of excessive swearing in sales, for it sells the commodity but wipes out the blessing.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: حَدَّثَنَا
مُحَمَّدُ بْنُ طَلْحَةَ، عَنْ مُحَمَّدِ بْنِ جُحَادَةَ، عَنْ رَازَانَ،
قَالَ: كَانَ عَلَيْيِ يَأْتِي السُّوقَ، فَيُسَلِّمُ ثُمَّ يَقُولُ: يَا مَعْشَرَ
الْتُّجَارِ، إِيَّاكُمْ وَكُلُّهُ الْحَلِفُ فِي الْبَيْعِ؛ فَإِنَّهُ يُنَفِّقُ السُّلْعَةَ
وَيَمْحَقُ الْبَرَكَةَ

[22197] Abu Bakr said: Yazid ibn Harun told us from Hammad ibn Salamah, from Salamah ibn Ziyad ibn Salim ibn Abi al-Ja'd, from Salim, who said: Ibn Mas'ud said: “Oaths promote sales but wipe out earnings.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَمَادِ
بْنِ سَلَمَةَ، عَنْ سَلَمَةَ بْنِ زَيَادِ بْنِ سَالِيمِ بْنِ أَبِي الْجَعْدِ،
عَنْ سَالِيمٍ، قَالَ: إِنَّ مَسْعُودًا الْأَيْمَانَ لِتَقْحُمُ الْبَيْعَ
وَتَمْخُضُ الْكُسْبَ

[22198] Abu Bakr said: Waki' told us: Al-A'mash told us from Shaqiq, from Qays ibn Abi Gharzah, who said: We used to buy in the markets of Medina and called ourselves brokers. We came to the Prophet (saw), and he named us with a name better than what we called ourselves, saying: "O assembly of merchants, indeed this selling involves idle talk and oaths, so mix it with charity."

[22199] Abu Bakr said: 'Abd Allah ibn Bakr al-Sahmi told us: Hatim ibn Abi Saghirah told us from 'Amr ibn Dinar, from Al-Bara' ibn 'Azib, from the Prophet (saw), similar to the Hadith of Qays ibn Abi Gharzah.

[22200] Abu Bakr said: Abu Mu'awiyah told us from Bashshar ibn Kidam al-Sulami, from Muhammad ibn Zayd, from Ibn 'Umar, who said: The Prophet (saw) said: "Swearing is either breaking an oath or regret."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْأَعْمَشُ،
عَنْ شَقِيقٍ، عَنْ قَيْسِ بْنِ أَبِي غُرْزَةَ، قَالَ: كُنَّا نَبْتَاعُ فِي
الْأَسْوَاقِ بِالْمَدِينَةِ وَكُنَّا نُسَمَّى أَنْفُسُنَا السَّمَاسِرَةُ، فَأَتَيْنَا
النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَسَمَّانَا بِاسْمٍ هُوَ أَحْسَنُ مِمَّا
كُنَّا نُسَمَّى بِهِ أَنْفُسَنَا، فَقَالَ: يَا مَعْشَرَ التُّجَارِ، إِنَّ هَذَا
الْأَبْيَعَ يَحْضُرُهُ الْأَغْوَى وَالْحَلْفُ، فَشُوْبُوهُ بِالصَّدَقَةِ.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ بَكْرٍ السَّهْمِيُّ،
قَالَ: حَدَّثَنَا حَاتِمٌ بْنُ أَبِي صَغِيرَةَ، عَنْ عَمْرُو بْنِ دِينَارٍ،
عَنْ الْبَرَاءِ بْنِ عَازِبٍ، عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
بِئْحَوِّ مِنْ حَدِيثِ قَيْسِ بْنِ أَبِي غُرْزَةَ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ بَشَّارِ بْنِ
كِدَامِ السُّلَمِيِّ، عَنْ مُحَمَّدِ بْنِ رَيْدٍ، عَنْ ابْنِ عُمَرَ، قَالَ:
قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْحَلْفُ جِنْثُ أَوْ نَدْمٌ

[22201] Abu Bakr said: Ghundar told us from Shu'bah, from 'Ali ibn Mudrik, from Abu Zur'ah, from Kharashah ibn al-Hurr, from Abu Dharr, from the Prophet (saw), who said: "Three people Allah will not speak to on the Day of Resurrection, nor purify them, and they will have a painful punishment: The one who reminds others of his favors, the one who drags his garment (below the ankles out of pride), and the one who sells his goods by false oaths."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ عَلِيِّ
بْنِ مُدْرِكٍ، عَنْ أَبِي زُرْعَةَ، عَنْ حَرَشَةَ بْنِ الْحُرْ، عَنْ
أَبِي ذَرٍّ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: "إِنَّ لَا
يُكَلِّمُهُمُ اللَّهُ يَوْمَ الْقِيَامَةِ، وَلَا يُزَكِّيهِمْ، وَلَهُمْ عَذَابٌ أَلِيمٌ:
الْمَنَّانُ، وَالْمُسْبِلُ، وَالْمُنَفَّقُ سِلْعَتَهُ بِالْحَلِفِ الْكَاذِبِ

[22202] Abu Bakr said: Ibn 'Uyaynah told us from Mujammi' al-Ansari, who said: I heard Khalid ibn Sa'd, the client of Abu Mas'ud, say: I heard Abu Hurayrah say: "Lying is the salt of trade; it sells the commodity but wipes out the earnings."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ مُجَمِّعِ
الْأَنْصَارِيِّ، قَالَ: سَمِعْتُ خَالِدَ بْنَ سَعْدٍ، مَوْلَى أَبِي
مَسْعُودٍ، قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ، يَقُولُ: الْكَذِبُ مِلْحُ
الْبَيْعِ، يُنَفِّقُ السَّلْعَةَ وَيَمْحُقُ الْكَسْبَ

[22203] Abu Bakr said: Waki' told us: Thawr told us from Yunus ibn Sayf, from Hizam ibn Hakim, who said: 'Umar ibn al-Khattab wrote to 'Umayr ibn Sa'd: "To proceed, forbid the Muslims before you from contracting emancipation with their slaves based on begging from people."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ثُورٌ، عَنْ يُونُسَ بْنِ سَيْفٍ، عَنْ جَرَامَ بْنِ حَكِيمٍ، قَالَ: كَتَبَ عُمَرُ بْنُ الْخَطَّابِ إِلَى عُمَيْرٍ بْنِ سَعْدٍ: أَمَا بَعْدُ، فَإِنَّهُ مَنْ قَبَّلَ مِنَ الْمُسْلِمِينَ أَنْ يُكَاتِبُوا أَرْقَاءَهُمْ عَلَى مَسْأَلَةِ النَّاسِ

[22204] Abu Bakr said: Waki' told us: Sufyan told us from 'Abd al-Karim, from Nafi', from Ibn 'Umar: That he disliked a man contracting emancipation with his slave if he had no trade.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ عَبْدِ الْكَرِيمِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّهُ كَرِهَ أَنْ يُكَاتِبَ الرَّجُلُ عَبْدَهُ إِذَا لَمْ يَكُنْ لَّهُ حِرْفٌ

[22205] Abu Bakr said: Waki' told us: Ja'far ibn Burqan told us from Maymun ibn Mihran, who said: Ibn 'Umar contracted emancipation with a slave of his. He came with his installment when it was due. He said: "Where did you get this from?" He said: "I was begging and working." He said: "Do you want to feed me the filth of people? You are free, and this installment is yours."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا جَعْفُرُ بْنُ بُرْقَانَ، عَنْ مَيْمُونِ بْنِ مِهْرَانَ، قَالَ: كَاتَبَ ابْنُ عُمَرَ عُلَامًا لَهُ فَجَاءَ بِنَجْمِهِ حِينَ حَلَّ، فَقَالَ: مِنْ أَيْنَ لَكَ هَذَا؟ قَالَ: كُنْتُ أَسْأَلُ وَأَعْمَلُ، قَالَ: ثُرِيدُ أَنْ تُطْعِمَنِي أُوسَاخَ النَّاسِ؟ أَنْتَ حُرٌّ وَلَكَ تَجْمُكَ هَذَا

[22206] Abu Bakr said: Waki' told us: Sufyan told us from Abu Ja'far al-Farra', from Abu Layla al-Kindi, that Salman wanted to contract emancipation with a slave of his. He said: "From where?" He said: "I will beg people." He said: "Do you want to feed me the filth of people?" So he refused to contract with him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ أَبِي جَعْفَرٍ الْفَرَاءِ، عَنْ أَبِي لَيْلَى الْكِنْدِيِّ، أَنَّ سَلْمَانَ
أَرَادَ أَنْ يُكَاتِبَ غُلَامًا لَهُ، فَقَالَ: مَنْ أَيْنَ؟ قَالَ: أَسْأَلَ
النَّاسَ، قَالَ: تُرِيدُ أَنْ تُطْعِمَنِي أُوسَاخَ النَّاسِ؟ فَأَبَى أَنْ
يُكَاتِبَهُ

[22207] Abu Bakr said: Waki' told us: Sufyan told us from Jabir, from 'Amir, who said: "If he wishes, he contracts emancipation with his slave, and if he wishes, he does not."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: إِنْ شَاءَ كَاتِبٌ عَبْدَهُ، وَإِنْ
شَاءَ لَمْ يُكَاتِبْهُ

[22208] Abu Bakr said: 'Affan told us: Hammad ibn Salamah told us: Humayd informed me from his grandmother, from Ibn 'Abbas: That he contracted emancipation with a slave of his and stipulated on him not to beg from people.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَفَانُ، قَالَ: حَدَّثَنَا حَمَادُ بْنُ
سَلَمَةَ، قَالَ: أَخْبَرَنِي حُمَيْدٌ، عَنْ جَدِّهِ، عَنْ ابْنِ عَبَّاسٍ:
أَنَّهُ كَاتَبَ عَبْدًا لَهُ وَاشْتَرَطَ عَلَيْهِ أَلَا يَسْتَكِدَ النَّاسُ

[22209] Abu Bakr said: Sharik told us from Simak, from Al-Hasan, who said: “If you stipulated a number, take a number, and if you stipulated weight, take weight.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ سِمَاكٍ، عَنْ الْحَسَنِ، قَالَ: إِذَا فَرَضْتَ عَدَدًا فَخُذْ عَدَدًا، وَإِذَا فَرَضْتَ وَزْنًا فَخُذْ وَزْنًا

[22210] Abu Bakr said: Al-Thaqafi told us from Ayyub, from Muhammad: That he disliked lending by number and taking back by weight.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الثَّقَافِيُّ، عَنْ أَيُوبَ، عَنْ مُحَمَّدٍ: أَنَّهُ كَانَ يَكْرَهُ أَنْ يُسْلَفَ عَدَدًا وَيَأْخُذَ وَزْنًا

[22211] Abu Bakr said: Yazid ibn Harun told us from Adam, who said: “I saw Iyas ibn Mu'awiyah when I had Nabq sugar, and he would borrow canes by weight and return them by weight.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ آدَمَ، قَالَ: رَأَيْتُ إِيَاسَ بْنَ مُعَاوِيَةَ وَلِي سُكَّرَ نَبْقٍ، فَكَانَ يَسْتَفْرُضُ الْفَصَبَّ وَزْنًا وَيَرُدُّهُ وَزْنًا

[22212] Abu Bakr said: 'Abd al-A'la told us from Hisham, from Al-Hasan and Muhammad, that they said regarding a man who borrowed dirhams by number in a land where they were accepted by weight, whether he should repay him by weight. They disliked that and said: “He should not repay him except the like of his dirhams.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، وَمُحَمَّدٍ، أَنَّهُمَا قَالَا: فِي رَجُلٍ افْتَرَضَ مِنْ رَجُلٍ دَرَاهِمًا عَدَدًا بِأَرْضٍ فَجَازَتْ بِوَزْنِهَا أَيْضًا وَرَزَنَا فَكَرِهَا ذَلِكَ، وَقَالَا: لَا يَنْفَضِيهِ إِلَّا مِثْلُ دَرَاهِمِهِ

[22213] Abu Bakr said: Ibn Mubarak told us from Hakim ibn Ruzayq, from his father, from Sa'id ibn al-Musayyib, regarding a man who was owed a thousand large bricks by another man, and the large ones sell for two hundred while the small ones for two hundred and fifty. He said: "He gave him less than his due, so he can absolve him if he wishes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ حَكِيمِ بْنِ رُزَيْقٍ، عَنْ أَبِيهِ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، فِي رَجُلٍ كَانَ لَهُ عَلَى رَجُلٍ أَلْفُ لِبَنَةٍ مِنْ لِبَنِ كِبَارٍ وَالْكِبَارُ ثُبَاعٌ مِائَتَيْنِ وَالصَّعَارُ خَمْسِينَ وَمِائَتَيْنِ قَالَ: نَقْصَةٌ مِنْ حَقِّهِ فَهُوَ يُحَلَّلُ إِنْ شَاءَ

[22214] Abu Bakr said: Ruh ibn 'Ubadah told us from Ibn Jurayj, from 'Ata', who said: "Weight for weight, and number for number."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا رُوحُ بْنُ عُبَادَةَ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: الْوَزْنُ بِالْوَزْنِ، وَالْعَدْدُ بِالْعَدْدِ

[22215] Abu Bakr said: 'Abdah ibn Sulayman told us from Sa'id, from Qatadah, from Sa'id ibn al-Musayyib and Al-Hasan: That they saw no harm in repaying white dirhams for black dirhams as long as it was not a condition.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، وَالْحَسَنِ، أَنَّهُمَا: كَانَا لَا يَرِيَانَ بِأَسَا بِقَضَاءِ الدَّرَاهِمِ الْبَيْضِ مِنَ الدَّرَاهِمِ السُّودِ مَا لَمْ يَكُنْ شَرْطًا

[22216] Abu Bakr said: 'Abdah told us from Sa'id, from Abu Sa'id, from Ibrahim: That he did not see any harm in that as long as it was not a condition or intention.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَهُ، عَنْ سَعِيدٍ، عَنْ أَبِي سَعِيدٍ، عَنْ إِبْرَاهِيمَ: أَنَّهُ لَمْ يَكُنْ يَرَى بِذَلِكَ بِأَسَّا مَا لَمْ
يَكُنْ شَرْطًا أَوْ نِيَةً

[22217] Abu Bakr said: Jarir told us from Al-Shaybani, from Al-Sha'bi, regarding a man who buys a slave girl and she runs away from him. [He said:] “If you deceived him or betrayed him, return the price to him and seek your slave girl.” He said: And Shurayh used to say: “Return her with her defect.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنِ الشَّيْبَانِيِّ، عَنِ
الشَّعْبَانِيِّ، فِي الرَّجُلِ يَشْتَرِي الْجَارِيَةَ فَتَأْبَقُ مِنْهُ، فَإِنْ
دَلَّسْتَ لَهُ أَوْ عَدَرْتَ رُدًّا عَلَيْهِ التَّمَنَ وَاطْلُبْ جَارِيَتَكَ.
قَالَ: وَكَانَ شُرَيْحٌ يَقُولُ: رُدَّهَا بِدَائِهَا

[22218] Abu Bakr said: Waki' told us from Mu'tamir ibn Sulayman, from Salm ibn Abi al-Dhayyal, who said: I asked Muhammad about a man who sold a commodity for two months, stipulating on the buyer that if he sells it before two months, he should pay him [early]. He said: “I do not know any harm in it.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مُعْنَمِ بْنِ
سُلَيْمَانَ، عَنْ سَلَمَ بْنِ أَبِي الدَّيَالِ، قَالَ: سَأَلْتُ مُحَمَّدًا
عَنْ رَجُلٍ بَاعَ سِلْعَةً إِلَى شَهْرَيْنِ شَرْطًا عَلَى الْمُشْتَرِي
إِنْ بَاعَهَا قَبْلَ لِشَهْرَيْنِ أَنْ يُنْفِدَهُ، قَالَ: لَا أَعْلَمُ بِهِ بِأَسَّا

[22219] Abu Bakr said: Waki' told us: Sufyan told us from 'Abd al-'Aziz ibn Rufay', who said: I sold a slave girl to a man and stipulated that if my soul followed her [i.e., I wanted her back], [I could take her]. He said: My soul followed her, so I disputed with him before Shurayh. He said: "You have acknowledged the sale, so your proof is on the condition."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا سُفْيَانُ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ، قَالَ: بِعْثُ مِنْ رُجُلٍ جَارِيَةً وَشَرَطْتُ عَلَيْهِ: إِنْ تَعْثَثَهَا نَفْسِي، قَالَ: فَتَبَعَّثَهَا نَفْسِي، فَخَاصَّمْتُهُ إِلَى شُرَيْحٍ، فَقَالَ: قَدْ أَفْرَرْتُ بِالْيَمِينِ، فَبَيَّنَتُهُ عَلَى الشَّرْطِ

[22220] Abu Bakr said: Waki' told us: Sharik told us from 'Abd al-'Aziz ibn Rufay', from Rufay': That he permitted the condition for some ten days.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ، عَنْ رُفَيْعٍ: أَنَّهُ أَجَازَ الشَّرْطَ لِبَضْعَةِ عَشَرَ يَوْمًا

[22221] Abu Bakr said: 'Abd al-Salam ibn Harb told us from 'Ata' ibn al-Sa'ib, from Tawus: That he saw no harm in the Mukatab saying to his master: "Deduct for me, and I will hasten payment to you."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ بْنُ حَرْبٍ، عَنْ عَطَاءِ بْنِ السَّلَابِ، عَنْ طَاوُسٍ: "أَنَّهُ كَانَ لَا يَرَى بِأَسَا أَنْ يَقُولَ الْمُكَاتِبُ لِمَوْلَاهُ: حُطْ عَنِّي وَأَعْجَلْ لَكَ

[22222] Abu Bakr said: Waki' told us: Sufyan told us from Jabir, from 'Ata' ibn al-Sa'ib, from Tawus, who said: "There is no harm if he says to his Mukatab: 'Hasten payment to me, and I will deduct for you.'"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ جَابِرٍ، عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ طَاؤُسٍ، قَالَ:
لَا بَأْسَ أَنْ يَقُولَ لِمُكَاتِبِهِ: عَجْلُ لِي وَأَضَعُ عَنْكَ

[22223] Abū Bakr reported: Waki' reported from Zakariyyā from Al-Sha'bī regarding a man who says to his Mukātab: "I will reduce for you, and you hasten [payment] for me." He disliked it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ زَكَرِيَّا، عَنْ
الشَّعْنَىٰ، فِي رَجُلٍ يَقُولُ لِمُكَاتِبِهِ أَضَعُ عَنْكَ وَعَجْلُ لِي:
فَكَرِهَهُ

[22224] Abū Bakr reported: 'Abd al-A'lā reported from Ma'mar from Al-Zuhri that he said regarding a man who contracts Mukātabah with his slave for a dirham until a specific time, then says to him before the term is due: "Hasten payment to me, and I will reduce for you." He saw no harm in it. He said: "I have not seen anyone dislike it except Ibn 'Umar, for he used to dislike that except with goods/property (other than cash)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَىٰ، عَنْ مَعْمَرٍ، عَنْ
الزُّهْرِيِّ، أَنَّهُ قَالَ فِي الرَّجُلِ كَانَ يُكَاتِبُ غُلَامًا عَلَىٰ
دِرْهَمٍ إِلَى أَجَلٍ مُسَمَّىٍ فَيَقُولُ لَهُ قَبْلَ مَحْلِ الْأَجَلِ، عَجْلٌ
لِي وَأَضَعُ عَنْكَ: لَمْ يَرَ بَأْسًا قَالَ: وَلَمْ أَرَ أَحَدًا كَرِهَهُ
إِلَّا أَبْنُ عُمَرَ فَإِنَّهُ كَانَ يَكْرُهُ ذَلِكَ إِلَّا بِعَرْضٍ

[22225] Abū Bakr reported: Waki‘ reported from Al-Rabī‘ from Al-Hasan and Ibn Sīrīn: "That they both disliked regarding the Mukātab to say: 'Hasten payment to me, and I will reduce for you.'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنِ الرَّبِيعِ، عَنِ الْحَسَنِ، وَابْنِ سِيرِينَ: "أَنَّهُمَا كَفَرُهَا فِي الْمُكَاتِبِ أَنْ يَقُولَا: عَجَلْ لِي وَأَضَعْ عَنْكَ

[22226] Abū Bakr reported: Waki‘ reported: Sufyān reported from Jābir from ‘Atā‘ from Ibn ‘Abbās regarding a man who says to his Mukātab: "Hasten payment to me, and I will reduce for you." He said: "There is no harm in it." Waki‘ said: "And Sufyān used to dislike it in Mukātabah and debt."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ جَابِرٍ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ، فِي الرَّجُلِ يَقُولُ لِمُكَاتِبِهِ: عَجَلْ لِي وَأَضَعْ عَنْكَ: لَا بَأْسَ بِهِ. قَالَ وَكِيعٌ: وَكَانَ سُفْيَانُ يَكْرَهُ فِي الْمُكَاتِبِ وَالدِّينِ

[22227] Abū Bakr reported: Waki‘ reported: Sufyān reported from ‘Āsim ibn Sulaymān from Bakr al-Muzanī from Ibn ‘Umar who said: "There is no harm for a man to take goods from his Mukātab."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ عَاصِمِ بْنِ سُلَيْمَانَ، عَنْ بَكْرِ الْمُزَانِيِّ، عَنْ ابْنِ عُمَرَ، قَالَ: لَا بَأْسَ أَنْ يَأْخُذَ الرَّجُلُ مِنْ مُكَاتِبِهِ عُرُوضًا

[22228] Abū Bakr reported: Waki‘ reported: Al-Rabī‘ reported: ‘Umar ibn ‘Abd al-‘Azīz wrote to us: "Let a man take goods from his Mukātab."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الرَّبِيعُ، قَالَ: كَتَبَ إِلَيْنَا عُمَرُ بْنُ عَبْدِ الْعَزِيزِ: لِيَأْخُذَ الرَّجُلُ مِنْ مُكَاتِبِهِ عُرُوضًا

[22229] Abū Bakr reported: Ḥafṣ reported from ‘Ubaydullāh from Nāfi‘ from Ibn ‘Umar: That he used to dislike settling with his Mukātab for gold or silver, and he said: "No, except with goods."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، أَنَّهُ كَانَ يَكْرَهُ أَنْ يُقَاتِلَ مُكَاتِبَهُ عَلَى دَهَبٍ أَوْ فِضَّةٍ، وَقَالَ: لَا، إِلَّا بِعِرْضٍ

[22230] Abū Bakr reported: Sahl ibn Yūsuf reported from Al-Taymī from Al-Ḥasan ibn Muslim who said: ‘Umar ibn ‘Abd al-‘Azīz wrote to the people of Medina and to the people of Mecca—or one of them—and forbade them from settling with the Mukātabs. He said: "We see no harm in this."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنِ التَّيْمِيِّ، عَنِ الْحَسَنِ بْنِ مُسْلِمٍ، قَالَ: كَتَبَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ إِلَى أَهْلِ الْمَدِينَةِ وَإِلَى أَهْلِ مَكَّةَ، أَوْ أَحَدِهِمَا، فَنَهَا هُمْ عَنْ مُقَاتَلَةِ الْمُكَاتِبِينَ قَالَ: هَذَا لَا نَرَى بِهِ بَأْسًا

[22231] Abū Bakr reported: ‘Abd al-Rahmān ibn Mahdī reported from Sufyān from ‘Abd al-Rahmān ibn ‘Ābis from Sulaym ibn Udhnān from ‘Alqamah who heard him say: "To lend to a man twice is more beloved to me than to give to him once."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَابِسٍ، عَنْ سُلَيْمَ بْنِ أَذْنَانَ، عَنْ عَلْقَمَةَ، سَمِعَهُ يَقُولُ: لَا أَفْرِضَ رَجُلًا مَرَتَّيْنَ أَحَبُّ إِلَيَّ مِنْ أَنْ أُغْطِيهِ مَرَّةً

[22232] Abū Bakr reported: Waki‘ reported: Al-A‘mash reported from Ṭalḥah from ‘Abd al-Rahmān ibn ‘Awsajah from Al-Barā’ ibn ‘Āzib who said: The Messenger of Allah ﷺ said: "Whoever grants a gift of silver or a gift of milk or guides through an alley, it is for him like freeing a slave."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَعْمَشُ، عَنْ طَلْحَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَوْسَجَةَ، عَنِ الْبَرَاءِ بْنِ عَازِبٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ مَنَحَ مَنِيَّحَةً وَرِقَّاً أَوْ مَنِيَّحَةً لَبِنَ أَوْ أَهْدَى زَقَاقًا كَانَ لَهُ كَعْنَقٌ رَقَبَةٌ

[22233] Abū Bakr reported: Waki‘ reported: Dalham ibn Ṣāliḥ al-Kindī reported from Ḥumayd ibn ‘Abdullāh al-Kindī from ‘Alqamah ibn Qays who said: ‘Abdullāh said: "To lend money twice is more beloved to me than to give it in charity once."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا دَلْهَمُ بْنُ صَالِحِ الْكِنْدِيِّ، عَنْ حُمَيْدِ بْنِ عَبْدِ اللَّهِ الْكِنْدِيِّ، عَنْ عَلْقَمَةَ بْنِ فَيْسٍ، قَالَ: قَالَ عَبْدُ اللَّهِ: لَأَنْ أَفْرِضَ مَا لَا مَرَّتَنِ أَحَبُّ إِلَيَّ مِنْ أَنْ أَتَصَدِّقَ بِهِ مَرَّةٌ

[22234] Abū Bakr reported: ‘Abbād ibn al-‘Awwām reported from Al-Shaybānī from Al-Qāsim ibn ‘Abd al-Rahmān from Qabīṣah ibn Ḥuṣayn (or Ḥuṣayn ibn Qabīṣah ibn Ḥuṣayn) from Ibn Mas‘ūd that he said: "Whoever grants silver or milk, or guides through an alley or a path, it is equivalent to freeing a slave."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنِ الشَّيْبَانِيِّ، عَنِ الْقَاسِمِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ قَبِيْصَةَ بْنِ حُصَيْنٍ، أَوْ حُصَيْنِ بْنِ قَبِيْصَةَ بْنِ حُصَيْنٍ، عَنْ ابْنِ مَسْعُودٍ، أَنَّهُ قَالَ: مَنْ مَنَحَ وَرِقَّاً أَوْ لَبِنَأً، أَوْ أَهْذَى زَقَاقًا، أَوْ طَرِيقًا فَعَدَلَ رَقَبَةٍ

[22235] Abū Bakr reported: Waki‘ reported: Sufyān reported from Maṇṣūr from Ibrāhīm from ‘Alqamah who said: "Lending twice is like giving once."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفِيَانُ،
عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، قَالَ: فَرِضْ
مَرَّتَيْنِ كَإِعْطَاءِ مَرَّةٍ

[22236] Abū Bakr reported: Waki‘ reported: Ḥanzalah reported from Ṭāwūs who said: "Whoever grants a gift of milk, for every milking he gets ten good deeds, whether it produces much or little milk."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا حَنْظَلَةُ،
عَنْ طَوْسٍ، قَالَ: مَنْ مَنَحَ مَنِيحةً لِبَنِ كَانَ لَهُ بِكُلِّ حَلْبَةٍ
عَشْرُ حَسَنَاتٍ غَزَرَتْ أَوْ بَكَأْتُ

[22237] Abū Bakr reported: Abū Khālid al-Āḥmar reported from Ḥajjāj from ‘Aṭā’ who said: "Whoever grants milk or land will have a reward."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو خَالِدِ الْأَحْمَرِ، عَنْ
حَجَاجٍ، عَنْ عَطَاءٍ، قَالَ: مَنْ مَنَحَ لَبَنًا أَوْ أَرْضًا كَانَ لَهُ
أَجْرٌ

[22238] Abū Bakr reported: Waki‘ reported: Muḥammad ibn Sharīk reported: ‘Aṭā’ reported from Abū Hurayrah who said: The Messenger of Allah ﷺ said: "How excellent are thirty camels! One carries on the noble among them, lends its tools, grants the one with abundant milk, and collects it on the day of watering in its resting places."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ شَرِيكٍ، قَالَ: حَدَّثَنَا عَطَاءُ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: نِعْمَ الْأَبْلُ التَّلَاثُونَ، يُحْمَلُ عَلَى تَجْيِيْهَا، وَتَعْبُرُ أَذَانَهَا، وَتَمْنَحُ غَزِيرَتَهَا، وَيَجْبِيْهَا يَوْمَ وَرْدِهَا فِي أَعْطَانِهَا

[22239] Abū Bakr reported: Waki‘ reported: ‘Ikrimah ibn ‘Ammār reported from ‘Alqamah ibn al-Zibriqān who said: I said to Abū Hurayrah: "What is the right of camels?" He said: "To grant the one with abundant milk, to give the noble one, and to lend the stallion."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا عِكْرِمَةُ بْنُ عَمَارٍ، عَنْ عَلْقَمَةَ بْنِ الزَّبْرِقَانَ، قَالَ: قُلْتُ لِأَبِي هُرَيْرَةَ: مَا حَقُّ الْأَبْلِ؟ قَالَ: أَنْ تَمْنَحَ الْغَزِيرَةَ، وَأَنْ تُعْطِيَ الْكَرِيمَةَ، وَتُطْرِقَ الْفَحْلَ

[22240] Abū Bakr reported: Waki‘ reported: ‘Abd al-‘Azīz ibn Siyāh reported from Ḥabīb ibn Abī ‘Amrah from Sa‘īd ibn Jubayr from Ibn ‘Abbās who said: "To lend a hundred dirhams twice is more beloved to me than to give it in charity once."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ سِيَاهٍ، عَنْ حَبِيبِ بْنِ أَبِي عَمْرَةَ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: لَأَنْ أَفْرِضَ مِائَةً دِرْهَمًا مَرَّتَيْنِ أَحَبُّ إِلَيَّ مِنْ أَنْ أَصَدِّقَ بِهَا مَرَّةً

[22241] Abū Bakr reported: Waki‘ reported: Ibn Abī Dhi‘b reported from Al-Zuhri who said: The Messenger of Allah ﷺ said: "Three are Sunnah for which I bear the reward–meaning from a great deed: The gift (Manīḥah), the sacrifice (Uḍhiyah), and a man performing Hajj on behalf of a man who never performed Hajj."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ابْنُ أَبِي ذِئْبٍ، عَنِ الرُّهْرِيِّ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِلَّاتُ سُنَّةُ عَلَيِّ أَجْرُهُنَّ، يَعْنِي مِنْ عَظِيمَةٍ: الْمُنِيَّةُ وَالْأَضْحِيَّةُ، وَالرَّجُلُ يَحْجُّ عَنِ الرَّجُلِ لَمْ يَحْجُّ فَطُ

[22242] Abū Bakr reported: Waki‘ reported: Al-Mas‘ūdī reported from ‘Alī ibn al-Aqmar from Shurayh who said: "Whatever loan a man gives another man, he counts it, and not wealth if the lender is the better of them, and if he repays, then it is better."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْمَسْعُودِيُّ، عَنْ عَلِيِّ بْنِ الْأَقْمَرِ، عَنْ شُرَيْحٍ، قَالَ: مَا أَفْرَضَ رَجُلٌ رَجُلًا قَرْضًا يَحْسِبُهُ، وَلَا مَا لَا إِنْ كَانَ الْمُفْرَضُ أَفْضَلُهُمَا وَإِنْ قَضَى فَأَحْسَنَ

[22243] Abū Bakr reported: ‘Ubaydah ibn Humayd reported from Manṣūr from Sālim ibn Abī al-Ja‘d who said: Abū al-Dardā’ said: "To lend a man two dinars twice is more beloved to me than to give them in charity. For if I lend them, they return to me, then I give them in charity, so I will have two rewards."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبِيْدَةُ بْنُ حُمَيْدٍ، عَنْ مَنْصُورٍ، عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ، قَالَ: أَبُو الدَّرْدَاءِ: لَأَنْ أَفْرِضَ رَجُلًا دِيَارَيْنِ مَرَّتَيْنِ أَحَبُّ إِلَيَّ مِنْ أَنْ أَتَصَدِّقَ بِهِمَا، إِنِّي إِذَا أَفْرَضْتُهُمَا رُدَّاً عَلَيَّ فَأَتَصَدِّقُ بِهِمَا فَيَكُونُ لِي أَجْرًا

[22244] Abū Bakr reported: 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 wine, swine, idols, and dead animals."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ عَبْدِ الْحَمِيدِ بْنِ جَعْفَرٍ، عَنْ يَزِيدِ بْنِ أَبِي حَبِيبٍ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ، قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَامَ الْفَتحِ يَقُولُ: إِنَّ اللَّهَ وَرَسُولَهُ حَرَمَ بَيْنَ الْخَمْرِ وَالْخَنَازِيرِ، وَالْأَصْنَامِ، وَالْمَيْتَةِ

[22245] Abū Bakr reported: Abū Mu‘āwiyah reported: Al-A‘mash reported from Shaqīq from Masrūq who said: He passed by him while he was in chains with brass statues being sold. Masrūq said: "If I knew it was a share, I would have paid for it, but I fear He would punish me, so He prevented me. By Allah, I do not know which of the two men: a man whose evil deed has been made fair-seeming to him, or a man who has despaired of his Hereafter, enjoying the worldly life."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، قَالَ: حَدَّثَنَا الْأَعْمَشُ، عَنْ شَقِيقٍ، عَنْ مَسْرُوقٍ، قَالَ: مَرَّ عَلَيْهِ وَهُوَ بِالسَّلِيلِ يَتَمَاثِلُ مِنْ صُفْرٍ ثَبَاغٍ، فَقَالَ مَسْرُوقٌ: إِنَّمَا أَعْلَمُ أَنَّهُ سَقْصُ لَغْرِمَتْهَا، وَلَكِنِي أَخَافُ أَنْ يُعَذِّبَنِي فَمَنَعَنِي وَاللَّهِ مَا أَدْرِي أَيِ الرَّجُلَيْنِ: رَجُلٌ قَدْ زُيَّنَ لَهُ سُوءُ عَمَلِهِ، أَوْ رَجُلٌ قَدْ أَيْسَ مِنْ آخِرَتِهِ يَتَمَثَّلُ مِنَ الدُّنْيَا

[22246] Abū Bakr reported: Zayd ibn Ḥubāb reported from Jarīr ibn Ḥāzim from ‘Abd al-Karīm from Mujāhid that a man inherited idols of silver, swine, and wine. He asked a group of the Companions of the Messenger of Allah ﷺ about them. All of them ordered him to break the idols and turn them into silver, and forbade him from [selling/using] the wine and swine.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، عَنْ جَرِيرٍ بْنِ حَازِمٍ، عَنْ عَبْدِ الْكَرِيمِ، عَنْ مُجَاهِدٍ، أَنَّ رَجُلًا وَرَثَ أَصْنَامًا مِنْ فِضَّةٍ، وَخَازِرًا، وَخَمْرًا، فَسَأَلَ عَنْهَا رَهْطًا مِنْ أَصْحَابِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَكَلَّهُمْ أَمْرٌ أَنْ يَكْسِرَ الْأَصْنَامَ فَيَجْعَلُهَا فِضَّةً، وَنَهَا عَنِ الْخَمْرِ وَالخَازِرِ

[22247] Abū Bakr reported: Hushaym reported from Abū Ṣalih al-Fazārī from ‘Abāyah ibn Rifā‘ah ibn Rāfi‘ al-Anṣārī that his grandfather died and left a slave girl as surplus. He mentioned that to the Prophet ﷺ, who disliked the earnings of the slave girl and said: "Perhaps she will not find [earnings] and will prostitute herself."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ أَبِي صَالِحِ الْفَزَارِيِّ، عَنْ عَبَائِيَّةَ بْنِ رِفَاعَةَ بْنِ رَافِعِ الْأَنْصَارِيِّ، أَنَّ جَدَهُ تُوفِيَ وَتَرَكَ أُمَّةً نَفْلًا فَذَكَرَ ذَلِكَ لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَكَرِهَ كَسْبُ الْأُمَّةِ وَقَالَ: لَعَلَّهَا لَا تَجِدُ فَتَبَغِي بِنَفْسِهَا

[22248] Abū Bakr reported: Waki‘ reported: Shu‘bah reported from Muḥammad ibn Juhādah from Abū Ḥāzim from Abū Hurayrah who said: "The Messenger of Allah ﷺ forbade the earnings of a slave girl."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شُعْبَهُ، عَنْ مُحَمَّدِ بْنِ جُحَادَةَ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ كَسْبِ الْأُمَّةِ

[22249] Abū Bakr reported: Sufyān reported from Abū al-Naḍr from Abū Anas who said: I heard ‘Uthmān say: "Do not burden the young with earnings lest he steals, nor burden the slave girl unskilled in craft lest she earns through her private parts. Be chaste if Allah has made you chaste, and seek earnings that are good for you."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سُفِيَّاً، عَنْ أَبِي النَّضْرِ، عَنْ أَبِي أَنْسٍ، قَالَ: سَمِعْتُ عُثْمَانَ، يَقُولُ: لَا تُكَلِّفُوا الصَّغِيرَ الْكَسْبَ فَيَسْرُقُ، وَلَا تُكَلِّفُ الْجَارِيَّةَ غَيْرُ دَاتِ الصُّنْعَ فَتَكْسِبُ بِفَرْجِهَا، وَعِفُوا إِذَا أَعْفَكُمُ اللَّهُ، وَعَلَيْكُم مِّنَ الْمَكَاسِبِ مَا طَابَ لَكُمْ

[22250] Abū Bakr reported: Abū Khālid al-Āḥmar reported from Ḥarām ibn ‘Uthmān from Abū ‘Atīq from Jābir who said: "The Prophet ﷺ forbade the earnings (Kharāj) of a slave girl, unless she is in a continuous job."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدُ الْأَحْمَرُ، عَنْ حَرَامٍ
بْنِ عُثْمَانَ، عَنْ أَبِي عَتِيقٍ، عَنْ جَابِرٍ، قَالَ: نَهَى النَّبِيُّ
عَلَيْهِ السَّلَامُ عَنْ حَرَاجِ الْأُمَّةِ، إِلَّا أَنْ تَكُونَ فِي عَمَلٍ
وَاصِبٍ

[22251] Abū Bakr reported: Waki‘ reported: Sufyān reported from ‘Abd al-Wāhid from Al-Ḥakam regarding the Syrian dinar for the Kufan dinar with the difference of the Syrian being silver. He said: "There is no harm in it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ عَبْدِ الْوَاحِدِ، عَنْ الْحَكَمِ، فِي الدِّينَارِ الشَّامِيِّ
بِالدِّينَارِ الْكُوفِيِّ وَفَضْلِ الشَّامِيِّ فِضَّةً، قَالَ: لَا بَأْسَ بِهِ

[22252] Abū Bakr reported: Waki‘ reported: Sufyān reported from ‘Uthmān ibn al-Aswad from Mujāhid who said: "There is no harm in it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ عُثْمَانَ بْنِ الْأَسْوَدِ، عَنْ مُجَاهِدٍ، قَالَ: لَا بَأْسَ بِهِ

[22253] Abū Bakr reported: Waki‘ reported: Sufyān reported from Maṇṣūr who said: I asked Ibrāhīm about the Syrian dinar for the Kufan dinar with the difference being silver. He disliked it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ مَنْصُورٍ، قَالَ: سَأَلْتُ إِبْرَاهِيمَ عَنِ الدِّينَارِ الشَّامِيِّ،
بِالدِّينَارِ الْكُوفِيِّ وَفَضْلُهُ فِضَّةٌ فَكَرِهَهُ

[22254] Abū Bakr reported: Waki‘ reported: Sufyān reported from Ma‘mar from a man from Ibn Sīrīn that he was asked about a hundred Mithqāls for a hundred dinars and ten dirhams. He disliked it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ مَعْمِرٍ، عَنْ رَجُلٍ، عَنْ ابْنِ سِيرِينَ، أَنَّهُ سُئِلَ عَنْ
مِائَةٍ، مِنْقَالٍ بِمِائَةِ دِينَارٍ وَعَشْرَةَ دِرَاهِمَ فَكَرِهَهُ

[22255] Abū Bakr reported: Jarīr reported from Mughīrah from Ibrāhīm who said: "A Syrian dinar for a Kufan dinar and a dirham is disliked. But there is no harm if you are owed a Kufan dinar by a man, so you give him a Syrian dinar and buy the difference from him with something, and you do not part until what is between you is

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ
إِبْرَاهِيمَ، قَالَ: يُكْرَهُ دِينَارُ شَامِيٌّ بِدِينَارٍ كُوفِيٌّ وَدِرْهَمٍ،
وَلَا بَأْسَ إِذَا كَانَ لَكَ عَلَى رَجُلٍ دِينَارٍ كُوفِيٌّ فَتُعْطِيهِ
دِينَارًا شَامِيًّا وَتَشْتَرِي الْفَضْلَ مِنْهُ بِشَيْءٍ، وَلَا تَفْتَرَقَا
إِلَّا، وَقَدْ تَصَرَّمَ مَا بَيْنَهُمَا

[22256] Abū Bakr reported: Yazīd reported from Mūsā ibn Muslim who said: I asked Ṭāwūs, saying: "A heavy dinar for a lighter dinar and a dirham?" He said: "There is no harm in it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ، عَنْ مُوسَى بْنِ مُسْلِمٍ،
قَالَ: سَأَلْتُ طَاؤِسًا فُلُثًا: دِينَارٌ ثَقِيلٌ، بِدِينَارٍ أَحْفَافٌ مِنْهُ
وَدِرْهَمٌ قَالَ: لَا بَأْسَ بِهِ

[22257] Abū Muḥammad ‘Abdullāh ibn Yūnus reported: Abū ‘Abd al-Rahmān Baqī ibn Makhlad reported: Abū Bakr reported: Waki‘ reported: Sufyān reported from ‘Uthmān ibn al-Aswad from Mujāhid regarding a man who exchanges a dinar with another man, and a Qirat of gold remains (as excess). He said: "There is no harm in taking such and such dirhams for it."

حَدَّثَنَا أُبُو مُحَمَّدٍ عَبْدُ اللَّهِ بْنُ يُونُسَ قَالَ: حَدَّثَنَا أُبُو عَبْدِ الرَّحْمَنِ بْنُ مَخْلُدٍ قَالَ: حَدَّثَنَا أُبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُقْيَانُ، عَنْ عُثْمَانَ بْنِ الْأَسْوَدِ، عَنْ مُجَاهِدٍ فِي الرَّجُلِ يَصْرِفُ عِنْدَ الرَّجُلِ الدِّينَارَ فَيَقْضُلُ الْقِيرَاطُ مِنْ ذَهَبٍ، قَالَ: لَا بَأْسَ أَنْ يَأْخُذَ بِهِ كَذَا كَذَا دِرْهَمًا

[22258] Abū Bakr reported: Ibn Abī Zā’idah reported from Yazīd ibn Ibrāhīm from Al-Ḥasan regarding a man who buys gold with dirhams, weighs the dinar, and it is excess, so he takes the surplus. He said: "There is no harm." Ibn Sīrīn disliked it and said: "Take gold for all of it, or silver for half of them."

حَدَّثَنَا أُبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ يَزِيدَ بْنِ إِبْرَاهِيمَ، عَنِ الْحَسَنِ، فِي الرَّجُلِ يَشْتَرِي الذَّهَبَ بِالدَّرَاهِمِ فَيَرِيْدُ فَيَأْخُذُ بِعَصْلَاهَا قَالَ: لَا بَأْسَ وَكَرِهٌ ذَلِكَ ابْنُ سِيرِينَ وَقَالَ: خُذْ بِهِ جَمْعَ ذَهَبًا وَبِنِصْفِهِمَا فِصَّةً

[22259] Abū Bakr reported: Ibn Abī Zā’idah reported from Yazīd who said: "Ibn Sīrīn used to dislike the weighted (excess) exchange."

حَدَّثَنَا أُبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ يَزِيدَ، قَالَ: كَانَ ابْنُ سِيرِينَ يَكْرِهُ الْوَازِنَةَ

[22260] Abū Bakr reported: Ghundar reported from Shu‘bah from Al-Ḥakam from Ibrāhīm: "That he used to dislike a man selling a dinar and taking part in gold and part in silver." He said: And Al-Ḥakam saw no harm in that.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمَ: أَنَّهُ كَانَ يَكْرَهُ أَنْ يَبْعَدَ الرَّجُلُ الْدِيْنَارَ فَيَأْخُذَ بَعْضَهُ دَهْبًا وَبَعْضَهُ فِضَّةً。 قَالَ: وَكَانَ الْحَكْمُ: لَا يَرَى بِذَلِكَ بَأْسًا

[22261] Abū Bakr reported: Azhar reported from Ibn ‘Awn who said: I asked Muḥammad, saying: "I buy small dinars and say: 'You are absolved of their weight.'" He said: "I do not know of any harm in it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَزْهَرُ، عَنْ ابْنِ عَوْنِ، قَالَ: سَأَلْتُ مُحَمَّدًا قُلْتُ: أَشْرِي الدَّنَانِيرَ الْيَسِيرَةَ وَأَقُولُ أَنَّتَ بَرِيءٌ مِّنْ وَزْنِهَا، قَالَ: لَا أَعْلَمُ بِهِ بَأْسًا

[22262] Abū Bakr reported: Abū Bakr ibn ‘Ayyāsh reported from ‘Abd al-‘Azīz ibn Rufay‘ from Mūsā ibn Ṭarīf who said: ‘Alī entered the treasury and was distressed by it. He said: "I will not spend the night while there is a dirham in you." He called a man from Banū Asad and said: "Distribute it." He distributed it until evening. The people said: "If only you compensated him." He said: "If he wishes, but it is Suḥt (illicit gain)." He said: "We have no need for your Suḥt."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو بَكْرٍ بْنُ عَيَّاشٍ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ، عَنْ مُوسَى بْنِ طَرِيفٍ، قَالَ: دَخَلَ عَلَيِّ بَيْتَ الْمَالِ فَاضْرَطَ بِهِ، قَالَ: لَا أُمْسِي وَفِيكَ دِرْهَمٌ فَدَعَاهُ رَجُلًا مِّنْ بَنِي أَسَدٍ قَالَ: افْسِمْهُ، فَقَسَمَهُ حَتَّى أَمْسَى فَقَالَ النَّاسُ: لَوْ عَوَضْنَاهُ قَالَ: إِنْ شَاءَ، وَلَكِنَّهُ سُحْتٌ قَالَ: لَا حَاجَةُ لَنَا فِي سُحْتٍ

[22263] Abū Bakr reported: Waki‘ reported: Hishām al-Dastuwā‘ī reported from Qatādah from Sa‘id ibn al-Musayyib who said: "Every calculation you make and take a wage for is useless."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا هِشَامٌ الدَّسْوُرَائِيُّ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، قَالَ: كُلُّ حَسَابٍ تَحْسِبُهُ فَتَأْخُذُ عَلَيْهِ أَجْرًا فَهُوَ غَيْرُ طَائِلٍ

[22264] Abū Bakr reported: Waki‘ reported: Hammām ibn Yahyā reported from Qatādah from Yazīd al-Rishk from Al-Qāsim who said: I asked Sa‘id ibn al-Musayyib: "What do you think of the earnings of the divider?" He disliked it. I said: "I work in it until my forehead sweats." He did not grant me permission in it. Qatādah said: Al-Hasan used to dislike his earnings. Qatādah said: Ibn Sīrīn said: "If it is not evil, then I do not know what it is."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا هَمَّامُ بْنُ يَحْيَى، عَنْ قَتَادَةَ، عَنْ يَزِيدَ الرَّشْكِ، عَنْ الْقَاسِمِ، قَالَ: كُلُّ لِسَعِيدِ بْنِ الْمُسَيْبِ: مَا تَرَى فِي كَسْبِ الْقَسَامِ؟ فَكَرِهَهُ قُلْتُ: إِنِّي أَعْمَلُ فِيهِ حَتَّى يَعْرَقَ جَبَنِي، فَأَمْ يُرَخْصُ لِي فِيهِ. قَالَ قَتَادَةُ: وَكَانَ الْحَسَنُ يَكْرَهُ كَسْبَهُ . قَالَ قَتَادَةُ: وَقَالَ ابْنُ سِيرِينَ: إِنْ لَمْ يَكُنْ خَيْرًا فَمَا أَدْرِي مَا هُوَ؟

[22265] Abū Bakr reported: Waki‘ reported: Hishām reported from Qatādah from Sa‘id ibn Abī al-Hasan who said: "I am amazed at the one whom people entrust to judge between them, then he takes a wage for that."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا هِشَامٌ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ أَبِي الْحَسَنِ، قَالَ: إِنِّي لَأَعْجَبُ مِنَ الَّذِي يَأْتِمُ النَّاسَ حَتَّى يَفْضِيَ بَيْنَهُمْ ثُمَّ يَأْخُذُ عَلَى ذَلِكَ أَجْرًا

[22266] Abū Bakr reported: Waki‘ reported: Sufyān reported from Abū al-Huṣayn from Al-Qāsim ibn ‘Abd al-Rahmān that ‘Umar disliked for the judge of the Muslims and the one in charge of their spoils to take a wage.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَبِي الْحُصَيْنِ، عَنِ الْفَاسِيمِ بْنِ عَبْدِ الرَّحْمَنِ، أَنَّ عُمَرَ كَرِهَ لِقاضِي الْمُسْلِمِينَ وَصَاحِبِ مَغَانِيمِهِمْ أَنْ يَأْخُذَ أَجْرًا

[22267] Abū Bakr reported: Waki‘ reported: Al-Mas‘ūdī reported from Al-Qāsim who said: "Four things for which no wage is taken: Recitation of the Qur'an, the Adhan, judgment, and dividing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْمَسْعُودِيُّ، عَنِ الْفَاسِيمِ، قَالَ: "أَرْبَعٌ لَا يُؤْخَذُ عَلَيْهِنَّ أَجْرًا: قِرَاءَةُ الْقُرْآنِ، وَالْأَذْانُ، وَالْقَضَاءُ، وَالْمُقَاسِمُ

[22268] Abū Bakr reported: ‘Abd al-A‘lā reported from Hishām who said: Al-Hasan was asked about the earnings of the sweeper. He said: "What do you want from them? Leave them, for were it not for them, you would be swept away."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، قَالَ: سُلِّئَ الْحَسَنُ عَنْ كَسْبِ الْكَسَاحِ، فَقَالَ: مَا تُرِيدُونَ إِلَيْهِمْ؟ دَعُوهُمْ، فَلَوْلَاهُمْ لَسِيلٌ بِكُمْ

[22269] Abū Bakr reported: ‘Abd al-A‘lā reported from Hishām from Muḥammad: "That they used to sweep for them and give them their wages."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ: أَنَّهُمْ كَانُوا يَكْسِحُونَ أَهْمَهُ فَيُعْطُوْهُمْ أَجُورَهُمْ

[22270] Abū Bakr reported: Waki‘ reported: Ḥasan reported from Muṭarrif from Al-Ḥasan: "That he used to dislike the sweeper's wage."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا حَسَنٌ، عَنْ مُطَرِّفٍ، عَنْ الْحَسَنِ: أَنَّهُ كَانَ يَكْرَهُ أَجْرَ الْكَسَّاحِ

[22271] Abū Bakr reported: Waki‘ reported: Maḥdī ibn Maymūn reported from Wāṣil, mawla of Abū ‘Uyaynah, from a man from Ibn ‘Abbās that a man asked him saying: "I earned money from sweeping these privies." He spoke sternly about it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مَهْدِيُّ بْنُ مَيْمُونٍ، عَنْ وَاصِلٍ، مَوْلَى أَبِي عُيْنَةَ، عَنْ رَجُلٍ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ رَجُلًا سَأَلَهُ قَالَ: أَصَبَّتُ مَالًا مِنْ كُنسٍ هَذِهِ الْحُشُوشُ، فَقَالَ فِيهِ قَوْلًا شَدِيدًا

[22272] Abū Bakr reported: Waki‘ reported: Ismā‘īl al-Azraq reported from Al-Sha‘bī: "That he disliked a man hiring out his slave as a sweeper."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْمَاعِيلُ الْأَزْرَقُ، عَنْ الشَّعْبِيِّ: أَنَّهُ كَرِهَ أَنْ يُسْلِمَ الرَّجُلُ غَلَامًا كَسَاحًا

[22273] Abū Bakr reported: Abū Usāmah reported from Abān ibn Yazīd who said: Abū ‘Abdullāh al-Sahmarī told us that Ibn ‘Umar was asked about the earnings of the sweeper. He said: "Evil. Evil earnings, evil food, evil clothing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ أَبْنَاءِ بْنِ يَزِيدَ، قَالَ: حَدَّثَنَا أَبُو عَبْدِ اللَّهِ السَّهْمَرِيُّ، أَنَّ ابْنَ عُمَرَ سُئِلُوا عَنْ كَسْبِ الْكَنَّاسِ، فَقَالُوا: حَبِيبٌ، كَسْبٌ حَبِيبٌ، أَكْلٌ حَبِيبٌ، لُبْسٌ حَبِيبٌ

[22274] Abū Bakr reported: Sufyān ibn ‘Uyaynah reported from Al-Zuhri from ‘Aṭā’ ibn Yazid from Abū Sa‘īd al-Khudrī: "The Prophet ﷺ forbade Munābadhah and Mulāmasah."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سُفِينٌ بْنُ عُيَيْنَةَ، عَنِ الرَّهْبَرِيِّ، عَنْ عَطَاءِ بْنِ يَزِيدٍ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنِ الْمُنَابَذَةِ وَالْمُلَامَسَةِ

[22275] Abū Bakr reported: Abū Usāmah and Ibn Numayr reported from ‘Ubaydullāh ibn ‘Umar from Ḥabīb ibn ‘Abd al-Rahmān from Ḥafṣ ibn ‘Āsim from Abū Hurayrah: "The Messenger of Allah ﷺ forbade Munābadhah and Mulāmasah."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، وَابْنُ نُعْمَى، عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ حَبِيبِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ حَفْصِ بْنِ عَاصِمٍ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنِ الْمُنَابَذَةِ وَالْمُلَامَسَةِ

[22276] Abū Bakr reported: Wakī‘ reported: Mūsā ibn ‘Ubaydah reported from ‘Abdullāh ibn Dīnār from Ibn ‘Umar who said: "The Prophet ﷺ forbade the sale of Munābadhah and Mulāmasah."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُوسَى بْنُ عُبَيْدَةَ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ ابْنِ عُمَرَ، قَالَ: نَهَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ الْمُنَابَذَةِ وَالْمُلَامَسَةِ.

[22277] Abū Bakr reported: Sufyān reported from Abū al-Zinād from Al-A‘raj from Abū Hurayrah from the Prophet ﷺ the like of it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سُفِينٌ، عَنْ أَبِي الزَّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ عَلَيْهِ السَّلَامُ مِثْلُهُ

[22278] Abū Bakr reported: Waki‘ reported: Sufyān reported from Mughīrah from Ibrāhīm regarding a man who makes a Salam transaction with another man for food. When the term becomes due, he comes and says: "This is your food, I have measured it, so take it." He said: "He should not take it until he re-measures it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي الرَّجُلِ يُسْلِمُ إِلَى الرَّجُلِ
فِي الطَّعَامِ فَيَجِدُ الْأَجَلَ فَيَجِيءُ فَيَقُولُ: هَذَا طَعَامُكَ قَدْ
كِلْتُهُ فَخُذْهُ قَالَ: لَا يَأْخُذُهُ حَتَّى يُعِيدَ كَيْلَهُ

[22279] Abū Bakr reported: Waki‘ reported: Shāmin ibn ‘Amr reported: I asked Sālim ibn ‘Abdullāh about a man who makes a Salam transaction with another man for food. He comes to Medina and takes it, then says: "Buy it from me." He said: "Whoever wishes deceives himself. He should take possession of it, then sell it if he wishes."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا صَامِنُ بْنُ
عَمْرِو، قَالَ: سَأَلْتُ سَالِمَ بْنَ عَبْدِ اللَّهِ عَنِ الرَّجُلِ يُسْلِمُ
إِلَى الرَّجُلِ فِي الطَّعَامِ فَيَجِيءُ إِلَى الْمَدِينَةِ فَيَأْخُذُهُ
وَيَقُولُ: اشْتَرِ مِنِّي، قَالَ: مَنْ شَاءَ خَادَعَ نَفْسَهُ، يَقْضِي
لَهُ بِيَبْعَهُ إِنْ شَاءَ

[22280] Abū Bakr reported: Mu‘ādh ibn Mu‘ādh reported from Ash‘ath from Al-Hasan that he was asked about one Jarīb of land for two Jarībs of land, and one cubit of land for two cubits of land. He disliked it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعاَدُ بْنُ مَعَادٍ، عَنْ أَشْعَثَ،
عَنِ الْحَسَنِ، أَنَّهُ سُئِلَ عَنْ جَرِيبٍ، أَرْضٍ بِجَرِيبِيَّ
أَرْضٍ وَذَرَاعَ أَرْضٍ بِذَرَاعِيَّ أَرْضٍ فَكَرِهَهُ

[22281] Abū Bakr reported: Ibn Abī Zā'īdah reported from Shu'bah who said: I asked Al-Ḥakam about fifteen Jarībs of land for twenty Jarībs of land. He saw no harm in it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ شُعْبَةَ،
قَالَ: سَأَلْتُ الْحَكَمَ عَنْ خَمْسَةَ عَشَرَ جَرِيبًا أَرْضًا،
بِعِشْرِينَ جَرِيبًا أَرْضًا فَلَمْ يَرَ بِهِ بَأْسًا

[22282] Abū Bakr reported: Ibn Abī Zā'īdah reported from Shu'bah who said: I asked Al-Ḥakam and Ḥammād about linen yarn for linen, weight for weight. They disliked it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ شُعْبَةَ،
قَالَ: سَأَلْتُ الْحَكَمَ وَحَمَادًا عَنْ غَزْلٍ كَثَانٍ بِكَثَانٍ وَرُزْنَى
بِوَزْنِ فَكَرِهَا

[22283] Abū Bakr reported: Wakī' reported from Shu'bah who said: I asked Al-Ḥakam and Ḥammād about linen yarn for unspun linen, weight for weight. They disliked it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، قَالَ:
سَأَلْتُ الْحَكَمَ وَحَمَادًا عَنْ غَزْلٍ كَثَانٍ بِكَثَانٍ غَيْرِ
مَغْزُولٍ وَرُزْنَى بِوَزْنِ فَكَرِهَا

[22284] Abū Bakr reported: Ibn Abī Zā'īdah reported from Shu'bah who said: I asked Al-Ḥakam and Ḥammād about a man who passed by a tithe collector with slaves and said: "These are free." Al-Ḥakam said: "It is nothing." Ḥammād said: "I fear they might be freed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ شُعْبَةَ،
قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَادًا عَنْ رَجُلٍ مَرْبِقِيقٍ عَلَى
عَاشِرٍ، فَقَالَ: هُؤُلَاءِ أَحْرَارٌ. قَالَ الْحَكَمُ: لَيْسَ بِشَيْءٍ،
وَقَالَ حَمَادٌ: إِنِّي أَخَافُ أَنْ يُعْنِفُوا

[22285] Abū Bakr reported: Mu‘ādh ibn Mu‘ādh reported from Ash‘ath from Al-Hasan regarding a man who passed by a tithe collector with a slave and said: "He is free." He said: "He did not consider him freed by this statement, and saw no harm in saying it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعَاذُ بْنُ مُعَاذٍ، عَنْ أَشْعَثَ،
عَنِ الْحَسَنِ، فِي رَجُلٍ مَرَءَ بِمَمْلُوكٍ عَلَى عَاشِرٍ، فَقَالَ:
هُوَ حُرٌّ فَقَالَ: كَانَ لَا يَرَى أَنْ يَعْتِقَ بِهَذَا الْقَوْلِ، وَلَا
يَرَى بِأُسْأَةِ أَنْ يَقُولَهُ

[22286] Abū Bakr reported: Abū Usāmah reported from Jarīr ibn Ḥāzim from Ḥammād from Ibrāhīm regarding a man who passes by a tithe collector with slaves and says: "They are free," intending from work (tax). He said: "They are not freed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ جَرِيرِ بْنِ
حَازِمٍ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمِ، فِي الرَّجُلِ يَمْرُ
بِالرَّقِيقِ عَلَى الْعَاشِرِ فَيَقُولُ: هُمْ أَحْرَارٌ، يَنْوِي مِنَ
الْعَمَلِ، قَالَ: لَا يُعْنِقُونَ

[22287] Abū Bakr reported: ‘Abd al-A’lā reported from Hishām from Al-Ḥasan regarding a man who gave another man three thousand dirhams as Muḍārabah. He traveled by sea and was shipwrecked. Two thousand were lost, and one thousand remained. He traded with that thousand and made a profit. How do they divide it? He said: "They do not divide until it becomes three thousand, then they divide the profit afterwards."

[22288] Abū Bakr reported: Rawwād ibn Jarrāḥ reported from Al-Awzā‘ī from Yaḥyā ibn Abī Kathīr that he said to Al-Ḥakam ibn ‘Utaybah: "If he returned to his partner and informed him that his money decreased." He said: "Go and work with what remains. So the profit on five thousand is divided between them. If he did not tell him, then the man's capital is ten thousand, and they divide the surplus."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنِ الْحَسَنِ: فِي رَجُلٍ نَفَعَ إِلَى رَجُلٍ تَلَاقَهُ الْأَلْفُ دِرْهَمٌ مُضَارَّبَةً، فَرَكِبَ الْبَحْرَ فَكَسَرَ بِهِ، فَهَلَكَتْ الْقَافِنَ وَبَقِيَتْ الْأَلْفُ، فَأَتَأْجَرَ فِي تِلْكَ الْأَلْفِ فَأَصَابَ مَالًا، كَيْفَ يُقْسِمَانِ؟ قَالَ: لَا يُقْسِمَانَ حَتَّى تَكُونَ ثَلَاثَةً، ثُمَّ يُقْسِمَانِ الرِّبْحَ بَعْدَ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا رَوَادُ بْنُ جَرَاحٍ، عَنِ الْأَوْزَاعِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، أَنَّهُ قَالَ لِلْحَكَمِ بْنِ عُتَيْبَةَ، فَقَالَ: إِنْ كَانَ رَجَعَ إِلَى صَاحِبِهِ فَأَعْلَمُهُ أَنَّهُ نَقَصَ مِنْ مَالِكٍ فَقَالَ: اذْهَبْ فَاعْمَلْ بِمَا بَقَيَ، فَالرِّبْحُ عَلَى خَمْسَةِ الْأَلْفِ يُشَتَّمِانِهِ، وَإِنْ لَمْ يَكُنْ قَالَ لَهُ فَرَأْسُ مَالِ الرَّجُلِ عَشْرَةُ الْأَلْفِ وَيُقْسِمَانِ مَا زَادَ

[22289] Abū Bakr reported: ‘Isā ibn Yūnus reported from Al-Awzā‘ī from Al-A‘mash from Ibrāhīm regarding the Muḍārib (partner): "The profit is according to what they agreed upon, and the loss is upon the capital. If they divided the profit, the loss is upon the capital. If they did not divide it, the profit is returned to the capital."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنِ الْأَوْزَاعِيِّ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، أَنَّهُ قَالَ فِي الْمُضَارِبِ: الرِّبْحُ عَلَى مَا اصْطَلَحُوا عَلَيْهِ، وَالوَضِيعَةُ عَلَى الْمَالِ، فَإِنْ افْتَسَمُوا الرِّبْحَ كَانَتِ الْوَضِيعَةُ عَلَى الْمَالِ، وَإِنْ لَمْ يُفْتَسِمُوا رُدَّ الرِّبْحُ عَلَى رَأْسِ الْمَالِ

[22290] Abū Bakr reported: Ibn ‘Ulayyah reported from ‘Awf from Ibn Sīrīn regarding the Muḍārib if he profits, then loses, then profits. He said: "The account is based on the original capital unless there was a receipt of money or an accounting by receipt before that."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّهُ، عَنْ عَوْفٍ، عَنِ ابْنِ سِيرِينَ، فِي الْمُضَارِبِ إِذَا رَبَحَ ثُمَّ وَضَعَ ثُمَّ رَبَحَ قَالَ: الْحِسَابُ عَلَى رَأْسِ الْمَالِ الْأَوَّلِ إِلَّا أَنْ يَكُونَ قَبْلَ ذَلِكَ قَبْضًا لِلْمَالِ أَوْ حِسَابًا بِالْقَبْضِ

[22291] Abū Bakr reported: Ibn ‘Ulayyah reported from Khālid from Abū Qilābah who said: "They remain on the original basis of their partnership until they settle accounts."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّهُ، عَنْ خَالِدٍ، عَنْ أَبِي قِلَابَةَ، قَالَ: هُمَا عَلَى أَصْلِ شُرِكَتِهِمَا حَتَّى يَحْتَسِبَا

[22292] Abū Bakr reported: Hushaym reported from Ayyūb Abū al-‘Alā’ from Qatādah regarding a Muḍārib who was given money on a fifty-fifty basis, and he gave it to someone else on a fifty-fifty basis.

He said: "The other gets half, and the owner of the money gets half."

Abū Hāshim said: "The other gets half, and what remains is between the owner of the money and the middle one."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ أَبِي إِيُوبَ أَبِي الْعَلَاءِ، عَنْ قَنَادَةَ: مُضَارِبٌ دُفِعَ إِلَيْهِ مَالٌ مُضَارَبَةً عَلَى النِّصْفِ فَدَفَعَهُ إِلَى غَيْرِهِ عَلَى النِّصْفِ قَالَ: لِلأُخْرِ النِّصْفُ وَلِصَاحِبِ الْمَالِ النِّصْفُ. وَقَالَ أَبُو هَاشِمٍ: لِلأُخْرِ النِّصْفُ، وَمَا بَقِيَ فَبَيْنَ صَاحِبِ الْمَالِ وَالْوَسْطِ

[22293] Abū Bakr reported: Abū Bakr ibn ‘Ayyāsh reported from Mughīrah from Ibrāhīm; and from Muṭarrif from Al-Sha‘bī regarding two partners in partnership. He said: "They do not settle accounts until they meet."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو بَكْرٌ بْنُ عَيَّاشٍ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، وَعَنْ مُطَرِّفٍ، عَنِ الشَّعْبِيِّ، فِي الشَّرِيكَيْنِ يَسْتَرِكَانِ قَالَ: لَا يَحْسِبَا نَحْنُ يَجْتَمِعَا

[22294] Abū Bakr reported: Wakī‘ reported from Sufyān from Ibn Jurayj from ‘Ubaydullāh ibn Abī Yazīd from Ibn ‘Abbās: "That he disliked the sale of Mushāfah, meaning Murābahah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ أَبِي يَزِيدٍ، عَنْ ابْنِ عَبَّاسٍ: أَنَّهُ كَرِهَ نَبْيَعَ الْمَشَافِهَ، يَعْنِي الْمُرَابَحَةَ

[22295] Abū Bakr reported: Waki‘ reported from Sufyān from Abū Bakr from Sa‘īd ibn Jubayr; and from Sufyān from Ṭāwūs from Al-Sha‘bī; they said: "If the gift is consumed, there is no return (retracting) of it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِبْعُ، عَنْ سُفْيَانَ، عَنْ أَبِي بَكْرٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، وَعَنْ سُفْيَانَ، عَنْ طَاؤُسٍ، عَنِ الشَّاعِبِيِّ، قَالَا: إِذَا اسْتَهْلَكْتِ الْهَبَةَ فَلَا رُجُوعَ فِيهَا

[22296] Abū Bakr reported: Ibn Abī Zā’idah reported from Ḥajjāj from Al-Hakam from Ibrāhīm from ‘Umar who said: "He has more right to it as long as he is not compensated for it, or consumes it, or one of them dies."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ حَاجَّ، عَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، عَنْ عُمَرَ، قَالَ: هُوَ أَحَقُّ بِهَا مَا لَمْ يُثْبِتْ مِنْهَا أَوْ يَسْتَهْلِكْهَا أَوْ يَمُوتُ أَحَدُهُمَا

[22297] Abū Bakr reported: Waki‘ reported from Ibn Abī Laylā from Ibn Jarīr who said: ‘Umar ibn ‘Abd al-‘Azīz wrote: "If the gift is consumed, or compensated for, or given to a relative, he has no right to retract it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِبْعُ، عَنِ ابْنِ أَبِي لَيْلَى، عَنِ ابْنِ حَرَرِيرٍ، قَالَ: كَتَبَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ: إِذَا اسْتَهْلَكْتِ الْهَبَةَ أَوْ أَيْثَبْتِ مِنْهَا، أَوْ وَهَبْتِ لِذِي رَحْمَةٍ فَلَيْسَ لَهُ أَنْ يَرْجِعَ

[22298] Abū Bakr reported: Mu‘ādh ibn Mu‘ādh reported from Ash‘ath from Al-Hasan regarding a man who gives a garment to a tailor and says: "I ordered you to make a Qurtuq (short tunic)," and the tailor says: "You ordered me to make a Qamīṣ (shirt)." He said: "The statement is the tailor's."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعَاذُ بْنُ مُعَاذٍ، عَنْ أَشْعَثَ،
عَنِ الْحَسَنِ فِي الرَّجُلِ يَدْفَعُ إِلَى الْخَيَاطِ التُّوبَ فَيَقُولُ:
أَمْرُكَ بِقُرْطُقٍ فَيَقُولُ الْخَيَاطُ: أَمْرَتِنِي بِقَمِيصٍ، قَالَ:
هُوَ قَوْلُ الْخَيَاطِ

[22299] Abū Bakr reported: Abū Usāmah reported: ‘Ubaydullāh ibn ‘Umar reported from Nāfi‘ from Ibn ‘Umar who said: "The Messenger of Allah ﷺ forbade milking livestock without the permission of their owners." He said: "Would any of you like for his storeroom containing his food to be entered, its door broken, and its contents scattered? Indeed, what is in the udders of their livestock is like what is in your storerooms. Beware, what is in their udders is not lawful except with the permission of their owners."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، قَالَ: حَدَّثَنَا عُبَيْدُ
اللَّهِ بْنُ عُمَرَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: نَهَى
رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ تُحْلَبَ الْمَوَاشِي
إِلَّا بِإِذْنِ أَهْلِهَا وَقَالَ: أَيْحِبُّ أَهْدُكُمْ أَنْ تُؤْتَى مَشْرَبَتُهُ
الَّتِي فِيهَا طَعَامٌ فَيُكَسِّرُ بَابُهَا فَيُبَثَّ مَا فِيهَا، فَإِنَّمَا مَا
فِي ضُرُوعِ مَوَاشِيهِمْ مِثْلُ مَا فِي مَشَارِبِكُمْ، أَلَا، فَلَا
يَحِلُّ مَا فِي ضُرُوعِهَا إِلَّا بِإِذْنِ أَهْلِهَا

[22300] Abū Bakr reported: Abū Mu‘āwiyah reported from Al-A‘mash from Zayd ibn Wahb who said: ‘Umar said: "If you pass by a camel herder, call out: 'O shepherd!' three times. If he answers you, ask him for water. If he does not answer you, go to them, untie them, drink, and then tie them back up."

[22301] Abū Bakr reported: Wakī‘ reported: Isrā‘il reported from ‘Abdullāh ibn ‘Iṣmāh who said: I heard Abū Sa‘īd al-Khudrī say: "It is not lawful for a man to milk a man's tied she-camel without his permission. Verily, its seal is its tie. But if the people are destitute, he calls the shepherd three times. If he answers, they drink; otherwise, let two men hold it and drink."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ،
عَنْ زَيْدِ بْنِ وَهْبٍ، قَالَ: قَالَ عُمَرُ: إِذَا مَرَرْتُمْ بِرَاعِي
الْإِلَيْلِ فَنَادُوهُ: يَا رَاعِي، ثَلَاثًا، فَإِنْ أَجَابُوكُمْ فَاسْتَسْقُوهُ،
وَإِنْ لَمْ يُجِبْنَمْ فَأَثْوُهَا فَخُلُّهَا وَأَشْرُبُوا ثُمَّ صُرُّهَا

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ،
عَنْ عَبْدِ اللَّهِ بْنِ عَصْمَةَ، قَالَ: سَمِعْتُ أَبَا سَعِيدِ
الْخُدْرِيِّ، يَقُولُ: لَا يَحِلُّ لِرَجُلٍ أَنْ يَحْلِبْ نَاقَةَ رَجُلٍ
مَصْرُورَةً إِلَّا بِإِذْنِ صَاحِبِهَا، إِلَّا إِنْ خَاتَمَهَا صِرَارُهَا،
فَإِنْ أَرْمَلَ الْقَوْمَ فَيَنْدِي الرَّاعِي ثَلَاثًا، فَإِنْ أَجَابَ
شَرْبُوا، وَإِلَّا فَلْيُمْسِكْهُ رَجُلَانِ وَلَيَشْرَبُوا

[22302] Abū Bakr reported: ‘Affān reported: Ḥammād ibn Salamah reported from ‘Āsim ibn Bahdalah from Zirr ibn Ḥubaysh from ‘Abdullāh who said: I was an adolescent boy herding sheep for ‘Uqbah ibn Abī Mu‘ayṭ. The Prophet ﷺ and Abū Bakr came, fleeing from the polytheists. They said: "O boy, do you have milk to give us to drink?" I said: "I am entrusted, and I cannot give you drink." The Prophet ﷺ said: "Do you have a young sheep that has not been mated by a ram?" I said: "Yes." I brought it to them. The Messenger of Allah ﷺ hobbled it, wiped the udder, and prayed. The udder filled with milk. Then he brought a hollow rock, milked into it, drank, Abū Bakr drank, and I drank. Then he said to the udder: "Shrink," and it shrank.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَفَانُ، قَالَ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ، عَنْ عَاصِمِ ابْنِ بَهْدَلَةَ، عَنْ زِرَّ بْنِ حُبَيْشٍ، عَنْ عَبْدِ اللَّهِ، قَالَ: كُنْتُ غُلَامًا يَأْفِعًا أَرْعَى عَنَّمَا لِعْبَتْهُ بْنُ أَبِي مُعَيْطٍ، فَجَاءَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَبُو بَكْرٍ، وَقَدْ فَرَّا مِنَ الْمُشْرِكِينَ، فَقَالَ: يَا غُلَامُ، هَلْ عِنْدَكَ لَبْنٌ تَسْقِينَا فَقُلْتُ: إِنِّي مُؤْتَمِنٌ، وَلَسْنُتْ سَاقِيْكُمَا، فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: هَلْ عِنْدَكَ مِنْ جَذَّةٍ لَمْ يَنْزُ عَلَيْهَا الْفَحْلُ؟ فَقُلْتُ: نَعَمْ، فَاتَّهِمْهُمَا بِهَا، فَاعْتَقَلَهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَمَسَحَ الضَّرْعَ وَدَعَا فَحَفَنَ الضَّرْعَ، ثُمَّ أَتَاهُ بِصَحْرَةٍ مُفْعَرَةٍ، فَاحْتَلَبَ فِيهَا فَشَرَبَ وَشَرَبَ أَبُو بَكْرٌ وَشَرَبْتُ، ثُمَّ قَالَ: لِلضَّرْعِ أَفْلَصُ، فَقَلَصَ

[22303] Abū Bakr reported: Ismā‘il ibn Ibrāhīm reported from Ibn Abī Najīḥ from ‘Abdullāh ibn Kathīr from Abū al-Minhāl from Ibn ‘Abbās who said: The Prophet ﷺ arrived in Medina and the people were making Salam (advance payment) for dates for a year, two years, and three. He said: "Whoever makes Salam for dates, let him make Salam for a known measure and a known weight until a known term."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ أَبِي نَجِيحٍ، عَنْ عَبْدِ اللَّهِ بْنِ كَثِيرٍ، عَنْ أَبِي الْمِنْهَلِ، عَنْ أَبْنَ عَبَّاسٍ، قَالَ: قَدِمَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْمَدِينَةَ وَالنَّاسُ يُسْلِمُونَ فِي التَّمَرِ الْعَامِ وَالْعَامِينَ وَالثَّلَاثَةَ قَالَ: مَنْ أَسْلَفَ فِي تَمَرٍ فَأَنْسَلَفَ فِي كَيْلٍ مَعْلُومٍ، وَوَزْنٍ مَعْلُومٍ، إِلَى أَجْلٍ مَعْلُومٍ

[22304] Abū Bakr reported: Sharīk reported from Yamān from Sālim from Ibn ‘Abbās who said: "If you specify a Qafiz or a term in Salam, there is no harm."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكُ، عَنْ يَمَانٍ، عَنْ سَالِمٍ، عَنْ أَبْنَ عَبَّاسٍ، قَالَ: إِذَا سَمِيتُ فِي السَّلَمِ قَفِيزًا أَوْ أَجَلًا فَلَا بَأْسَ

[22305] Abū Bakr reported: Sharīk reported from Simāk from ‘Ikrimah from Ibn ‘Abbās; and Abū Ishāq from Al-Aswad the like of it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكُ، عَنْ سِمَاكٍ، عَنْ عِكْرِمَةَ، عَنْ أَبْنَ عَبَّاسٍ، وَأَبِي إِسْحَاقَ، عَنْ الْأَسْوَدِ، مِثْلَهُ

[22306] Abū Bakr reported: Waki‘ reported: Shu‘bah reported from Abū ‘Umar al-Bahrānī Yahyā ibn ‘Ubayd who said: I heard Ibn ‘Abbās saying: "There is no harm in Salam for food, a known measure to a known term."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُعْبَةُ، عَنْ أَبِي عُمَرَ الْبَهْرَانِيِّ يَحْيَى بْنُ عَيْنَدٍ، قَالَ: سَمِعْتُ ابْنَ عَبَّاسَ، يَقُولُ: لَا بَأْسَ بِالسَّلَمِ فِي الطَّعَامِ كَيْلًا مَعْلُومًا إِلَى أَجْلٍ مَعْلُومٍ

[22307] Abū Bakr reported: Waki‘ reported from Sufyān from Abū Ishāq from Al-Aswad who said: I asked him about Salam for food. He said: "There is no harm in it, a known measure to a known term."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي إِسْحَاقَ، عَنِ الْأَسْوَدِ، قَالَ: سَأَلَنَا عَنِ السَّلَمِ فِي الطَّعَامِ، فَقَالَ: لَا بَأْسَ بِهِ، كَيْلٌ مَعْلُومٌ إِلَى أَجْلٍ مَعْلُومٍ

[22308] Abū Bakr reported: Waki‘ reported: Sufyān reported from ‘Alqamah ibn Marthad from Razīn ibn Sulaymān who said: "There is no harm in Salam for food, a known measure to a known term."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانَ، عَنْ عُلَقَمَةَ بْنِ مَرْتَدٍ، عَنْ رَزِينَ بْنِ سُلَيْمَانَ، قَالَ: لَا بَأْسَ بِالسَّلَمِ فِي الطَّعَامِ، كَيْلٌ مَعْلُومٌ إِلَى أَجْلٍ مَعْلُومٍ

[22309] Abū Bakr reported: Waki‘ reported from Sufyān from Abū Ishāq from Al-Aswad who said: I asked him about Salam for food. He said: "There is no harm in it, a known measure to a known term."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي إِسْحَاقَ، عَنِ الْأَسْوَدِ، قَالَ: سَأَلَنَا عَنِ السَّلَمِ فِي الطَّعَامِ، فَقَالَ: لَا بَأْسَ بِهِ، كَيْلٌ مَعْلُومٌ إِلَى أَجْلٍ مَعْلُومٍ

[22310] Abū Bakr reported: Waki‘ reported: Sufyān reported from ‘Alqamah ibn Marthad from Razīn ibn Sulaymān al-Āhmarī from Sa‘īd ibn al-Musayyib that he said regarding Salam: "Do not delay it to increase it, nor let it be hastened for you to reduce it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سُفِيَانُ، عَنْ عَلْقَمَةَ بْنِ مَرْئِدٍ، عَنْ رَزِينَ بْنِ سُلَيْمَانَ الْأَحْمَرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ فِي السَّلَامِ: لَا تُؤَخِّرْ عَنْهُ لِتَرْدَادَ عَلَيْهِ وَلَا يُعَجِّلْ لَكَ لِتَضَعَ عَنْهُ

[22311] Abū Bakr reported: Ibn Numayr reported from ‘Ubaydullāh from Nāfi‘ from Ibn ‘Umar: "That he saw no harm in a man making a Salam transaction for food with a known measure until a known term, as long as it was not in crops or dates before their suitability appeared."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ ثَمَرٍ، عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّهُ كَانَ لَا يَرَى بَاسًا أَنْ يُسْلِفَ الرَّجُلُ فِي الطَّعَامِ بِكِيلٍ مَعْلُومٍ إِلَى أَجِلٍ مَعْلُومٍ، مَا لَمْ يَكُنْ فِي رَزْعٍ أَوْ ثَمَرٍ قَبْلَ أَنْ يَبْدُوا صَالِحًا

[22312] Abū Bakr reported: Ibn Abī Zā‘idah reported from Ash‘ath from Muḥammad ibn Abī al-Mujālid from Ibn Abī Awfā who said: "We used to make Salam transactions with the Nabataeans of the people of Sham in wheat and raisins while the Messenger of Allah ﷺ was among us."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَشْعَثَ، عَنْ مُحَمَّدِ بْنِ أَبِي الْمُجَالِدِ، عَنْ ابْنِ أَبِي أَوْفَى، قَالَ: كُنَّا نُسْلِفُ نُبَيْطَ أَهْلِ الشَّالِمِ فِي الْبُرِّ وَالزَّبِيبِ، وَرَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِينَا

[22313] Abū Bakr reported: Ibn Abī Zā'īdah reported from Ash'ath from Abū al-Zubayr from Jābir that he said regarding Salam in ghee: "Specify a known measure and a known term."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَشْعَثَ
عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ، أَنَّهُ قَالَ: فِي السَّلَمِ فِي
السَّمْنِ قَالَ: سَمِّ كُلِّاً مَعْلُومًا، وَأَجْلًا مَعْلُومًا

[22314] Abū Bakr reported: Ibn Abī Zā'īdah reported from his father from Abū Ishāq who said: "Abū Maysarah used to make Salam transactions in wheat."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَبِيهِ، عَنْ
أَبِي إِسْحَاقَ، قَالَ: كَانَ أَبُو مَيسَرَةَ يُسْلِمُ فِي الْحَنْطَةِ

[22315] Abū Bakr reported: Ibn Abī Zā'īdah reported from Kulayb ibn Wā'il who said: I said to Ibn 'Umar: "A man came to me asking to borrow a dirham for food until a specific term: every Jarīb of wheat for a dirham, and two Jarībs of barley for a dirham." He said: "Good."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ كُلَيْبِ بْنِ
وَائِلٍ، قَالَ: قُلْتُ لِابْنِ عُمَرَ: أَتَانِي رَجُلٌ يَسْتَسْلِفُنِي
دِرْهَمًا بِطَعَامٍ إِلَى أَجَلٍ مُسَمَّى: كُلُّ جَرِيبٍ حِنْطَةٌ
بِدِرْهَمٍ، وَجَرِيبَيْ شَعِيرٍ بِدِرْهَمٍ، قَالَ: حَسْنٌ

[22316] Abū Bakr reported: Ibn Abī Zā'īdah reported from Ḥajjāj from Wabarah who said: Ibn 'Umar said: "There is no harm in Salam if it is for a known measure until a known term."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ حَاجَاجِ
عَنْ وَبَرَةَ، قَالَ: أَبْنُ عُمَرَ: لَا بَأْسَ بِالسَّلَمِ إِذَا كَانَ
فِي كُلِّ مَعْلُومٍ إِلَى أَجَلٍ مَعْلُومٍ

[22317] Abū Bakr reported: Ibn Abī Zā’idah reported from Sa’id from Abū Ma’shar from Ibrāhīm who said: Ibn Mas’ud used to see no harm in Salam for everything until a known term, except for animals.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَانِدَةَ، عَنْ سَعِيدٍ،
عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، قَالَ: كَانَ ابْنُ مَسْعُودٍ لَا
يَرَى بِالسَّلَمِ فِي كُلِّ شَيْءٍ بَأْسًا. إِلَى أَجَلٍ مَعْلُومٍ مَا خَلَّ
الْحَيَاةَ

[22318] Abū Bakr reported: Shu’bah reported from Muḥammad ibn Abī al-Mujālid who said: Abū Burdah and ‘Abdullāh ibn Shaddād differed regarding Salam. They sent me to Ibn Abī Awfā, so I asked him. He said: "We used to make Salam transactions in wheat, barley, and raisins during the time of the Prophet ﷺ and Abū Bakr, and we did not know if its owners had any of it or not."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شُعْبَةُ، عَنْ مُحَمَّدِ بْنِ أَبِي
الْمُجَالِدِ، قَالَ: اخْتَلَفَ أَبُو بُرْدَةُ، وَعَبْدُ اللَّهِ بْنُ شَدَّادٍ فِي
السَّلَمِ، فَأَرْسَلْنَا إِلَيْهِ أَبْنَ أَبِي أُوفَى فَسَأَلْنَاهُ، فَقَالَ: كُنَّا
نُسْلِمُ فِي الْحِنْطَةِ وَالشَّعِيرِ وَالزَّبِيبِ عَلَى عَهْدِ النَّبِيِّ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَبِي بَكْرٍ، وَلَا تَذَرِي عِنْدَ
أَخْبَارِهِ مِنْهُ شَيْءٌ أَمْ لَا؟

[22319] Abū Bakr reported: Waki‘ reported: Hishām reported from Qatādah from Abū Ḥassān al-A‘raj from Ibn ‘Abbās who said: "I testify that the guaranteed Salam (advance payment) until a specified term, Allah has made lawful and permitted it." Then he recited: {When you contract a debt for a specified term, write it down} [Al-Baqarah: 282].

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا هِشَامٌ، عَنْ فَتَاهَةَ، عَنْ أَبِي حَسَانَ الْأَعْرَجَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: أَشْهُدُ أَنَّ السَّلَفَ الْمُضْمُونَ، إِلَى أَجَلٍ مُسَمَّى، إِنَّ اللَّهَ أَحَلَهُ وَأَذِنَ فِيهِ ثُمَّ قَرَأَ: {إِذَا تَدَايَنْتُمْ بِدَيْنِ إِلَى أَجَلٍ مُسَمَّى فَاکْتُبُوهُ} [البقرة: 282]

[22320] Abū Bakr reported: Abū al-Āḥwāṣ reported from Simāk from Tha‘labah ibn al-Ḥakam who said: We captured sheep from the enemy and plundered them, then set up our cooking pots. The Prophet ﷺ ordered the pots to be overturned and said: "Plunder is not lawful."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ سِمَاكٍ، عَنْ ثَعَلْبَةَ بْنِ الْحَكَمَ، قَالَ: أَصَبَّنَا عَنَّا لِلْعَدُوِ فَانْتَهَيْنَا هَا فَنَصَبَنَا قُدُورَنَا فَأَمَرَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالْقُدُورِ فَأَكْفَفْنَا وَقَالَ: لَا تَحْلُ النَّهَيَةُ

[22321] Abū Bakr reported: Waki‘ reported: Shu‘bah reported from ‘Adī ibn Thābit from ‘Abdullāh ibn Yazīd who said: "The Messenger of Allah ﷺ forbade plunder and mutilation."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شُعْبَةُ، عَنْ عَدِيِّ بْنِ ثَابِتٍ، عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدٍ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ النَّهَيَةِ وَالْمُنْتَلَةِ

[22322] Abū Bakr reported: Al-Faḍl ibn Dukayn reported from Abū Ja‘far from Al-Rabī‘ from Anas ibn Mālik who said: "The Messenger of Allah ﷺ forbade plunder." And he said: "Whoever plunders is not one of us."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنَ، عَنْ أَبِي جَعْفَرٍ، عَنِ الرَّبِيعِ، عَنْ أَنَسِ بْنِ مَالِكٍ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ النُّهْبَةِ وَقَالَ: مَنْ اتَّهَبَ فَلَيْسَ مِنَ

[22323] Abu Bakr said: 'Ali ibn Mushir told us from 'Asim ibn Kulayb, from his father, who said: A man from the companions of the Prophet (saw) told me: We were with the Prophet (saw) in a military expedition, and we were struck by hunger. We came across some sheep and plundered them before they were divided. The Messenger of Allah (saw) came to us, walking leaning on his bow, until he reached our pots and overturned them with his bow, saying: "Plunder is not more lawful than carrion."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنْ عَاصِمِ بْنِ كُلَيْبٍ، عَنْ أَبِيهِ، قَالَ: أَخْبَرَنِي رَجُلٌ، مِنْ أَصْحَابِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: كُنَّا مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي غَزَّةٍ فَأَصَابَنَا مَجَاعَةٌ، فَأَصَبَنَا عَنَّمَا فَأَتَنَاهَا قَبْلَ أَنْ تُقْسَمَ، فَأَتَانَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَمْشِي مُتَوَكِّلاً عَلَى قُوَّسِهِ حَتَّى أَتَى عَلَى قُدُورِنَا فَكَفَأَهَا بِقُوَّسِهِ وَقَالَ: لَيْسَتِ النُّهْبَةُ بِأَحَلٍ مِنَ الْمَيْتَةِ

[22324] Abu Bakr said: Ibn 'Ulaiyyah told us from Layth, from Mubarak, from Ibn Abi Awfa, who said: The Messenger of Allah (saw) said: "A believer does not plunder a prominent plunder to which Muslims raise their heads (in awe) while he is a believer."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ لَيْثٍ، عَنْ مُبَارَكٍ، عَنْ ابْنِ أَبِي أَوْفَى، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا يَنْتَهِبُ نُهْبَةً ذَاتَ شَرَفٍ يَرْفَعُ الْمُسْلِمُونَ إِلَيْهَا رُءُوسَهُمْ وَهُوَ مُؤْمِنٌ

[22325] Abu Bakr said: Ibn Khalaf told us from Abu al-Zubayr, from Jabir, who said: "Whoever plunders a prominent plunder for which Muslims make him notorious is not one of us." It was said to Abu al-Zubayr: From the Prophet (saw)? He said: From the Prophet (saw).

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ خَالِفٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ، قَالَ: مَنْ انْتَهَبَ نُهْبَةً ذَاتَ شَرَفٍ يُشْهُرُهُ بِهَا الْمُسْلِمُونَ فَلَيْسَ مِنَّا. قَيْلَ لِأَبِي الزُّبَيْرِ: عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ؟ قَالَ: عَنِ النَّبِيِّ عَلَيْهِ السَّلَامُ

[22326] Abu Bakr said: Zayd ibn Hubab told us: Yahya ibn Ayyub al-Misri told me: 'Ayyash ibn 'Abbas al-Himyari informed me from Abu al-Husayn al-Hajari al-Haytham, from Abu 'Amir al-Hajari, who said: I heard Abu Rayhanah, the companion of the Prophet (saw), say: "The Prophet (saw) used to forbid plundering."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، قَالَ: حَدَّثَنِي يَحْيَى بْنُ أَئْوَبِ الْمِصْرِيُّ، قَالَ: أَخْبَرَنِي عَيَّاشُ بْنُ عَبَّاسِ الْحِمَيْرِيِّ، عَنْ أَبِي الْحُصَيْنِ الْحَجْرِيِّ الْهَيْمَمِ، عَنْ أَبِي عَامِرِ الْحَجْرِيِّ، قَالَ: سَمِعْتُ أَبَا رَيْحَانَةَ صَاحِبَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: كَانَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَنْهَا عَنِ النُّهْبَةِ

[22327] Abu Bakr said: 'Affan told us: Jarir ibn Hazim told us from Ya'la ibn Hakim, from Abu Labid, from 'Abd al-Rahman ibn Salamah: "That the Prophet (saw) forbade plundering."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَفَانُ، قَالَ: حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ، عَنْ يَعْلَى بْنِ حَكِيمٍ، عَنْ أَبِي لَبِيدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَلَمَةَ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنِ النُّهْبَةِ

[22328] Abu Bakr said: Yazid ibn Harun told us: Ibn Abi Dhi'b informed us from a freed slave of Juhaynah, from 'Abd al-Rahman ibn Zayd ibn Khalid al-Juhani, from his father, from the Prophet (saw): "That he forbade plundering and mutilation."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: أَخْبَرَنَا ابْنُ أَبِي ذِئْبٍ، عَنْ مَوْلَى لِجُهَنَّمَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ زَيْدٍ بْنِ خَالِدٍ الْجُهَنِيِّ، عَنْ أَبِيهِ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَنَّهُ نَهَى عَنِ النُّهْبَةِ وَالْمَثْلَةِ

[22329] Abu Bakr said: Waki' told us: Sufyan used to dislike partnership and Mudarabah (profit-sharing partnership) with goods. And Ibn Abi Layla used to say: "There is no harm in it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: كَانَ سُفْيَانُ يَكْرَهُ الشَّرِكَةَ وَالْمُضَارَبَةَ بِالْعُرُوضِ. وَكَانَ ابْنُ أَبِي لَيْلَى يَقُولُ: لَا بَأْسَ بِهِ

[22330] Abu Bakr said: Waki' told us: Sufyan told us from Ash'ath, from Ibn Sirin: "That he disliked partnership with goods."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَشْعَثٍ، عَنْ ابْنِ سِيرِينَ: أَنَّهُ گَرِهَ الشَّرِكَةَ بِالْعُرُوضِ

[22331] Abu Bakr said: Abu Khalid al-Ahmar told us from Ash'ath, from Muhammad, who said: “Partnership and Mudarabah cannot be with debt, deposit, goods, or absent wealth.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدُ الْأَحْمَرُ، عَنْ أَسْعَثَ، عَنْ مُحَمَّدٍ، قَالَ: لَا يَكُونُ الشَّرِكَةُ وَالْمُضَارَبَةُ بِالدَّيْنِ وَالْوَدِيعَةِ، وَالْعُرُوضُ وَالْمَالُ الْغَائِبُ

[22332] Abu Bakr said: Ibn 'Ulayyah told us from Ayyub, from Muhammad: “That he used to dislike partnership with goods.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهَا، عَنْ أَيُوبَ، عَنْ مُحَمَّدٍ: أَنَّهُ كَانَ يَكْرُهُ الشَّرِكَةَ بِالْعُرُوضِ

[22333] Abu Bakr said: Ibn Abi Za'idah told us from Dawud, from Bakr, who said: A Bedouin man married off his daughter, received her dowry, and took possession of it, then died. She disputed with her brothers about her dowry before 'Umar ibn al-Khattab. 'Umar said: “Whatever you find of your dowry intact is yours, and whatever your father consumed, you have no claim to it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ دَاوِدَ، عَنْ بَكْرٍ، قَالَ: رَوَجَ رَجُلٌ مِنْ أَهْلِ الْبَادِيَةِ ابْنَتَهُ وَسَاقَ مَهْرَهَا وَحَازَرَهُ ثُمَّ ماتَ، وَخَاصَمَتْ إِخْوَتَهَا فِي مَهْرِهَا إِلَى عُمَرَ بْنِ الْخَطَّابِ فَقَالَ عُمَرُ: أَمَّا مَا وَجَدْتُ مِنْ مَهْرِكِ فَأَنِّمَا بِعِنْدِهِ فَهُوَ لَكِ، وَمَا كَانَ أَبُوكِ اسْتَهْلَكَ فَلَا شَيْءٌ لَكِ

[22334] Abu Bakr said: Ibn Idris told us from his uncle, from Al-Sha'bi, from Shurayh: "That he imprisoned a man regarding a servant he sold to his daughter." Ibn Idris said: "And I saw Ibn Abi Layla imprison a man regarding a servant he sold to his daughter."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ عَمِّهِ، عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ: أَنَّهُ حَبَسَ رَجُلًا فِي خَادِمٍ بَاعَهُ لِابْنِهِ. قَالَ ابْنُ إِدْرِيسَ: وَرَأَيْتُ ابْنَ أَبِي لَيْلَى حَبَسَ رَجُلًا فِي خَادِمٍ بَاعَهُ لِابْنِهِ

[22335] Abu Bakr said: Waki' told us: Isra'il told us from Jabir, from 'Amir, from Shurayh and Abu 'Abd Allah al-Jadali: "That they both imprisoned a man in jail who took his daughter's dowry."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، عَنْ شُرَيْحٍ، وَأَبِي عَبْدِ اللَّهِ الْجَدَلِيِّ: أَنَّهُمَا حَبَسَا رَجُلًا فِي السُّجْنِ أَحَدُهُمْ مَهْرَ ابْنِهِ

[22336] Abu Bakr said: Waki' told us: Hammad ibn Salamah told us from Qatadah, from 'Ubayd Abu Qudamah, who said: "Umar ibn al-Khattab judged regarding women's dowries: whatever remains intact, she has more right to it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ، عَنْ قَتَادَةَ، عَنْ عُبَيْدِ أَبِي قُدَامَةَ، قَالَ: "فَضَى عُمَرُ بْنُ الْحَطَّابِ فِي مُهُورِ النِّسَاءِ: مَا كَانَ قَائِمًا بِعِينِهِ فَهُوَ أَحَقُّ بِهِ"

[22337] Abu Bakr said: Hafs told us from Ash'ath, from Al-Hakam, from Ibrahim, who said: "A child has no debt claim against his father."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا يَكُونُ لِوَلَدٍ عَلَى وَالِدِهِ نَيْنٌ

[22338] Abu Bakr said: Abu al-Ahwas told us from Mughirah, from Ibrahim, who said: “If a free man is pawned and acknowledges that, he remains a pledge until the one who pawned him redeems him or he redeems himself.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ مُغِيرَةَ،
عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا رُهِنَ الرَّجُلُ الْحُرُّ فَأَقْرَأَ بِذَلِكَ
كَانَ رَهْنًا حَتَّى يَفْكَهَ الَّذِي رَهَنَهُ أَوْ يَفْكَهَ نَفْسَهُ

[22339] Abu Bakr said: Ibn Idris told us from Hisham, from Ibn Sirin, who said: “He used to dislike buying children's gambling [winnings] from children.” And Al-Hasan used to permit it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ
ابْنِ سِيرِينَ، قَالَ: كَانَ يَكْرَهُ شِرَى قِمَارِ الصَّبِيَّانِ مِنَ
الصَّبِيَّانِ وَكَانَ الْحَسَنُ يُرَخِّصُ فِيهِ

[22340] Abu Bakr said: Ibn Abi Za'idah told us from 'Asim, from Ibn Sirin, who said: “Everything involving gambling is from Maysir (gambling).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ عَاصِمٍ،
عَنْ ابْنِ سِيرِينَ، قَالَ: كُلُّ شَيْءٍ فِيهِ قِمَارٌ فَهُوَ مِنَ
الْمَيْسِرِ

[22341] Abu Bakr said: Hatim ibn Isma'il told us from Ibn Harmalah, from Sa'id ibn al-Musayyib, who said: “There is no harm in eggs used by children for playing, meaning buying them.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ ابْنِ
حَرْمَلَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: لَا بَأْسَ بِالْبَيْضِ
الَّذِي يَلْعَبُ بِهِ الصَّبِيَّانُ، يَعْنِي شِرَاءَهُ

[22342] Abu Bakr said: Hammad ibn Mas'adah told us from Muhammad ibn 'Ajlan, from Zayd ibn Aslam, who said: "There is no harm in it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَمَادُ بْنُ مَسْعَدَةَ، عَنْ مُحَمَّدِ بْنِ عَجْلَانَ، عَنْ زَيْدِ بْنِ أَسْلَمَ، قَالَ: لَا بَأْسَ بِهِ

[22343] Abu Bakr said: Jarir told us from Mughirah, from Ibrahim, regarding a slave who said to his master: 'Sell me to So-and-so for such-and-such amount, and you get five hundred.' He said: "His condition is void."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ فِي مَمْلُوكٍ قَالَ لِمَوْلَاهُ: بَعْنِي مِنْ فُلَانٍ بِكَذَا وَكَذَا وَلَكَ خَمْسِمِائَةً، قَالَ: يَبْطُلُ شَرْطُهُ

[22344] Abu Bakr said: Humayd ibn 'Abd al-Rahman told us from Hasan ibn Salih, from Mutarrif, from Al-Sha'bi, who said: "It is not permissible," or a word similar to it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ مُطَرْفٍ، عَنْ الشَّعْبِيِّ، قَالَ: لَا يَجُوزُ، أَوْ كَلِمَةً نَحْوَهَا

[22345] Abu Bakr said: Yazid told us: Ibn Abi Za'idah told us from Abu Ya'qub al-Thaqafi, from Khalid ibn Abi Malik, who said: I sold a commodity to Muhammad ibn Sa'id. He said: "Give me your hand so I can shake it, for the Messenger of Allah (saw) said: 'Blessing is in shaking hands (Mumasaahah).'"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ، قَالَ: حَدَّثَنَا ابْنُ أَبِي زَيْدٍ، عَنْ أَبِي يَعْوُبَ التَّقِيِّ، عَنْ خَالِدِ بْنِ أَبِي مَالِكٍ، قَالَ: بَأْيُّنْتُ مُحَمَّدَ بْنَ سَعِيدَ سَلْعَةً، فَقَالَ: "هَاتِ يَدَكَ أَمْ اسْحُكَ، فَإِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: الْبَرَكَةُ فِي الْمُمَاسَةِ"

[22346] Abu Bakr said: Yazid told us: Sufyan told us from Mughirah, from Ibrahim, “That he disliked [giving] cloth as Mudarabah.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، أَنَّهُ كَرِهَ الْبَرَّ مُضَارَّةً

[22347] Abu Bakr said: Al-Thaqafi told us from Ayyub, from Ibn Sirin: “That he used to dislike a man giving goods to another as Mudarabah and withholding a dirham against him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا التَّقْفِيُّ، عَنْ أَئُوبَ، عَنْ ابْنِ
سِيرِينَ: أَنَّهُ كَانَ يَكْرِهُ أَنْ يَدْفَعَ، الرَّجُلُ إِلَى الرَّجُلِ
الْمَتَاعُ مُضَارَّةً وَيَحْبِسُهُ عَلَيْهِ دِرْهَمًا

[22348] Abu Bakr said: Khalid ibn 'Abd al-Rahman ibn Bukayr told us from Ibn Sirin, from Shurayh, who said: “A man may adorn his merchandise with whatever he wishes.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا خَالِدُ بْنُ عَبْدِ الرَّحْمَنِ بْنِ
بُكَيْرٍ، عَنْ ابْنِ سِيرِينَ، عَنْ شُرَيْحٍ، قَالَ: يُزَيِّنُ الرَّجُلُ
سِلْعَتَهُ بِمَا شَاءَ

[22349] Abu Bakr said: Waki' told us: Sufyan told us from Hisham, from Ibn Sirin, who said: “There is no harm in adornment, but he disliked deception.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ، قَالَ: لَا بَأْسَ بِالْتَّرْبِيبِ،
وَكَرِهَ الْعِشَّ

[22350] Abu Bakr said: Waki' told us: Usamah ibn Zayd told us from Abu Hazim, from Sahl ibn Sa'd: "That they passed by him with a slave girl who was adorned. He called for her, looked at her, sat her on his lap, wiped her head, and prayed for blessing for her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَسَمَّةُ بْنُ رَيْدٍ، عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ: أَنَّهُمْ مَرُوا عَلَيْهِ بِجَارِيَةٍ قَدْ رُتِّبَتْ، فَدَعَا بِهَا وَنَظَرَ إِلَيْهَا وَأَجْلَسَهَا فِي جَرْهِ وَمَسَحَ عَلَى رَأْسِهَا وَدَعَا لَهَا بِالْبَرَكَةِ

[22351] Abu Bakr said: Waki' told us: Al-'Ala' ibn 'Abd al-Karim told us from 'Ammar ibn 'Imran, a man from Zayd Allah, from a woman of theirs, from 'Aishah, that she adorned a slave girl and went around with her, saying: "Perhaps we will catch some of the youth of Quraysh with her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الْعَلَاءُ بْنُ عَبْدِ الْكَرِيمِ، عَنْ عَمَّارِ بْنِ عَمْرَانَ، رَجُلٌ مِنْ رَيْدِ اللَّهِ عَنْ امْرَأَةٍ مِنْهُمْ، عَنْ عَائِشَةَ، أَنَّهَا شَوَّفَتْ جَارِيَةً وَطَافَتْ بِهَا وَقَالَتْ: لَعَلَّنَا نُصِيبُ بِهَا بَعْضَ شَبَابِ قُرَيْشٍ

[22352] Abu Bakr said: Ibn 'Ulayyah told us from Ayyub and Ibn 'Awn, from Muhammad, that a man dyed a garment the color of Herati cloth. A man came and said: "For how much do you sell the Herati?" He stayed for a while, bargained with him, and bought it from him. When he took it away, he found it was not Herati. He disputed with him before Shurayh, who said: "If he could have adorned his garment better than that, he would have adorned it." And he validated the sale against him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ أَيُوبَ، وَابْنُ عَوْنِ، عَنْ مُحَمَّدٍ، أَنَّ رَجُلًا صَبَغَ تُوبَةً لَهُ لَوْنَ الْهَرَوِيِّ فَجَاءَ رَجُلٌ فَقَالَ: بِمَ تَبْيَغُ الْهَرَوِيَّةَ؟ فَمَكَّثَ ثُمَّ سَأَوَمَهُ فَأَشْتَرَاهُ مِنْهُ، فَلَمَّا ذَهَبَ بِهِ إِذَا هُوَ لَيْسَ بِهَرَوِيِّ فَخَاصَّمَهُ إِلَى شُرَيْحٍ، فَقَالَ: لَوْ أُسْتَطَعْ أَنْ يُزَيَّنَ تُوبَةً بِأَفْضَلِ مِنْ ذَلِكَ لَزَيَّنَهُ، وَأَجَارَهُ عَلَيْهِ

[22353] Abu Bakr said: Ibn Abi Za'idah told us from Mujalid, from Abu Burdah, from his father, who said: 'Umar came to a slave of his selling fresh dates and said: "Clean them, for it is better." And he came to a slave of his selling suits (of clothes) and said: "If the garment is narrow, spread it while sitting, and if it is wide, spread it while standing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ مُجَالِدٍ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِيهِ، قَالَ: أَتَى عُمَرُ غُلَامًا لَهُ يَبْيَعُ الرُّطْبَ، فَقَالَ: نَفَّهَا فَإِنَّهُ أَحْسَنُ، وَأَتَاهُ غُلَامٌ لَهُ وَهُوَ يَبْيَعُ الْحُلَلَ، فَقَالَ: إِذَا كَانَ التَّوْبُ ضَيِّقًا فَانْشُرْهُ وَأَنْتَ جَالِسٌ، وَإِذَا كَانَ وَاسِعًا فَانْشُرْهُ وَأَنْتَ قَائِمٌ

[22354] Abu Bakr said: Waki' told us: Sufyan told us from 'Abd al-A'la, from Shurayh: "That he used to allow return due to difficulty (defect)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ عَبْدِ الْأَعْلَى، عَنْ شُرَيْحٍ: أَنَّهُ كَانَ يَرْدُ مِنَ الْعُسْرِ

[22355] Abu Bakr said: Ibn 'Awn told us from Ibn Sirin, from Shurayh: "That he did not allow return due to hiding (Iddifan), but allowed return due to running away (Ibaq). Iddifan is hiding within the city, and Ibaq is fleeing to his homeland."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عَوْنَ، عَنْ ابْنِ سِيرِينَ،
عَنْ شُرَيْحٍ: أَنَّهُ كَانَ لَا يَرْدُ مِنَ الْإِدْفَانِ، وَيَرْدُ مِنَ
الْإِبَاقِ، وَالْإِدْفَانُ الَّذِي يَتَوَارَى فِي الْمِصْرِ، وَالْإِبَاقُ
الَّذِي يَلْحُقُ بِأَرْضِهِ

[22356] Abu Bakr said: Waki' told us: Sufyan told us from Abu Husayn, from 'Amir, who said: "It is returned due to a defect in the nail, and returned due to a mole or disfigurement."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ أَبِي حُصَيْنٍ، عَنْ عَامِرٍ، قَالَ: يُرَدُّ مِنْ عَوَارِ
الظُّفَرِ، وَيُرَدُّ مِنْ الشَّامَةِ وَالشَّائِنَةِ

[22357] Abu Bakr said: Waki' told us: Jarir ibn Hazim told us from 'Ubayd Allah ibn Jahdam al-Azdi, who said: I disputed before Shurayh regarding a mule with donkey-like characteristics, and he returned it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا جَرِيرُ بْنُ
حَازِمٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ جَهْنَمِ الْأَزْدِيِّ، قَالَ:
خَاصَّمْتُ إِلَى شُرَيْحٍ فِي بَعْلَةٍ حِمَارَةٍ فَرَدَّهَا

[22358] Abu Bakr said: Waki' told us: Sufyan told us from Ash'ath, from Ibn Sirin, from Shurayh: "That he used to allow return for every defect."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفِيَّاً،
عَنْ أَشْعَثَ، عَنْ ابْنِ سِيرِينَ، عَنْ شُرَيْحٍ: أَنَّهُ كَانَ يَرْدُ
مِنْ كُلِّ عَيْبٍ

[22359] Abu Bakr said: Waki' told us: Sufyan told us from Abu Ishaq, from Shurayh, that he did not allow return due to stumbling, saying: "All animals stumble." Waki' said: Sufyan said: "It is a defect for which return is allowed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفِيَّاً،
عَنْ أَبِي إِسْحَاقَ، عَنْ شُرَيْحٍ، أَنَّهُ كَانَ لَا يَرْدُ مِنَ الْعَيْنِ
وَيَقُولُ: كُلُّ الدَّوَابُ تَعْثُرُ وَقَالَ وَكِيعٌ: قَالَ سُفِيَّاً: هُوَ
عَيْبٌ، يَرْدُ مِنْهُ

[22360] Abu Bakr said: Sharik told us from Abu Ishaq, from Shurayh, that he did not allow return due to stumbling, saying: "All animals stumble."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ أَبِي إِسْحَاقَ،
عَنْ شُرَيْحٍ، أَنَّهُ كَانَ لَا يَرْدُ مِنَ الْعَيْنِ وَيَقُولُ: كُلُّ
الْدَّوَابُ تَعْثُرُ

[22361] Abu Bakr said: Waki' told us: Al-Mas'udi told us from Al-Qasim ibn 'Abd al-Rahman, who said: A dispute was brought to Shurayh regarding a sheep that eats flies. He said: "Good milk and free fodder." So he permitted it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا
الْمَسْعُودِيُّ، عَنِ الْفَالِسِمِ بْنِ عَبْدِ الرَّحْمَنِ، قَالَ: اخْتَصَمَ
إِلَى شُرَيْحٍ فِي شَاةٍ تَأْكُلُ الدَّبَّانَ قَالَ: لَبَّنْ طَيِّبٌ، وَعَلَفُ
مَجَانٌ، فَاجَازَهَا

[22362] Abu Bakr said: Mu'adh told us from 'Imran ibn Hudayr, from Al-Rudayni, from Yahya ibn Ya'mar, from 'Umar: "That he used to rent out land and stipulate that it not be fertilized with manure."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعَاذُ، عَنْ عِمْرَانَ بْنِ حُدَيْرٍ، عَنِ الرُّدَيْنِيِّ، عَنْ يَحْيَى بْنِ يَعْمَرَ، عَنْ عُمَرَ: أَنَّهُ كَانَ يُكْرِي وَيَشْرِطُ أَنْ لَا يَدْمُنَ بِالْعَرَةِ

[22363] Abu Bakr said: Fudayl ibn Ghazwan told us from Nafi', from Ibn 'Umar, who said: "When he rented out his land, he stipulated on the tenant not to fertilize it with manure."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا فُضَيْلُ بْنُ غَزْوَانَ، عَنْ تَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: كَانَ إِذَا أَكْرَى أَرْضَهُ، اشْتَرَطَ عَلَى صَاحِبِهِ أَنْ لَا يَعْرَهَا

[22364] Abu Bakr said: Waki' told us: Musa ibn 'Ubaydah told us from 'Abd Allah ibn Dinar, that a man used to cultivate his land with human waste. 'Umar ibn al-Khattab said to him: "You are the one feeding people what comes out of them."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مُوسَى بْنُ عُبَيْدَةَ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، أَنَّ رَجُلًا كَانَ يَزْرَعُ أَرْضَهُ بِالْعَذْرَةِ، فَقَالَ لَهُ عُمَرُ بْنُ الْخَطَّابِ: أَنْتَ الَّذِي تُطْعِمُ النَّاسَ مَا يَخْرُجُ مِنْهُمْ

[22365] Abu Bakr said: Mu'tamir told us from Ziyad ibn al-Hasan, from Ibn 'Abbas: "That he disliked fertilizing the land with human waste."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعَمِّرٌ، عَنْ زَيْدِ بْنِ الْحَسَنِ، عَنْ ابْنِ عَبَّاسٍ: أَنَّهُ كَرِهَ أَنْ يَدْمُنَ الْأَرْضَ بِالْعَذْرَةِ

[22366] Abu Bakr said: Mu'tamir told us from Hajjaj ibn Hassan, who said: Sakhr told me from Abu Ja'far: “That he disliked fertilizing the land with human waste.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعْتَمِرٌ، عَنْ حَاجَاجِ بْنِ حَسَانَ، قَالَ: حَدَّثَنِي صَخْرٌ، عَنْ أَبِي جَعْفَرٍ: أَنَّهُ كَرِهَ أَنْ يَدْمُلَ الْأَرْضَ، بِالْعِذْرَةِ

[22367] Abu Bakr said: 'Abbad ibn al-'Awwam told us from Muhammad ibn Ishaq, from 'Abd Allah ibn Babi, the client of Umm Salamah or 'Aishah, who said: I saw Sa'd carrying a basket of human waste to land of his called Zaghanah. I said to him: “O Abu Ishaq, do you carry this?” He said: “A basket of manure is a basket of grain.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ عَبْدِ اللَّهِ بْنِ بَابِي مَوْلَى أُمِّ سَلَمَةَ، أَوْ عَائِشَةَ، قَالَتْ: رَأَيْتُ سَعْدًا يَحْمِلُ مِكْثَلًا مِنْ عَذْرَةِ النَّاسِ إِلَى أَرْضٍ لَهُ يُقَالُ لَهَا زَغْهَانَةً فَقُلْتُ لَهُ: يَا أَبَّا إِسْحَاقَ أَتَحْمِلُ هَذَا؟ قَالَ: إِنَّ مِكْثَلَ عُرَّةَ مِكْثَلَ حَبَّ

[22368] Abu Bakr said: Isma'il ibn 'Ulayyah told us from Ibn Abi Najih, from Mujahid regarding His statement: {And let not the witnesses refuse when they are called} [Al-Baqarah: 282]. He said: “If you possess the testimony, you have been called.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عُلَيْهِ، عَنْ ابْنِ أَبِي نَجِيْحٍ، عَنْ مُجَاهِدٍ، فِي قَوْلِهِ: {وَلَا يَأْبَ الشُّهَدَاءُ قَالَ: إِذَا [282: إِذَا مَا دُعُوا وَلَا تَسْأَمُوا] [البقرة] كَانَتْ عِنْدَكُمْ الشُّهَدَاءُ فَقَدْ دُعِيْتُ

[22369] Abu Bakr said: Ibn 'Ulayyah told us from Yunus, from Al-Hasan, who said: "When he initiates to witness, and when he is called to establish it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّهُ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، قَالَ: إِذَا ابْتَدَأَ لِي شُهَدَةً، وَإِذَا دُعِيَ لِيُقِيمَهَا

[22370] Abu Bakr said: Humayd told us from Al-Hasan, from Sa'id ibn Jubayr regarding His statement: {And let not the witnesses refuse when they are called} [Al-Baqarah: 282]. He said: "It is the man who witnesses a testimony then is called for it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُمَيْدًا، عَنِ الْحَسَنِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، فِي قَوْلِهِ: {وَلَا يَأْبَ الشُّهَدَاءِ إِذَا مَا قَالَ: هُوَ الرَّجُلُ يَشْهُدُ عَلَى} [البقرة: 282] دُعْوَا {البَرْقَةُ الشَّهَادَةُ ثُمَّ يُدْعَى لَهَا}

[22371] Abu Bakr said: Waki' told us: 'Imran ibn Hudayr told us, who said: I said to Abu Mijlaz: "I am called to witness while I dislike it?" He said: "Leave what you dislike, but if you witnessed and were called, then answer."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا عَمْرَانَ بْنَ حُدَيْرٍ، قَالَ: قُلْتُ لِأَبِي مِجْلَزٍ: إِنِّي أُدْعَى إِلَى الشَّهَادَةِ وَأَنَا أَكْرَهُ؟ قَالَ: دَعْ مَا تَكْرَهُ، وَلَكِنْ إِذَا شَهَدْتَ فَدُعِيْتَ فَأَحِبْ

[22372] Abu Bakr said: Waki' told us: Yazid ibn Ibrahim told us from Al-Hasan, who said: "Whoever is called to witness should answer, but do not testify except to what you know."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا يَزِيدُ بْنُ إِبْرَاهِيمَ، عَنِ الْحَسَنِ، قَالَ: مَنْ دُعِيَ إِلَى شَهَادَةٍ فَلْيُحِبْ، وَلَكِنْ لَا تَشْهُدْ إِلَّا عَلَى مَا تَعْلَمُ

[22373] Abū Bakr reported: Wakī‘ reported: Muḥammad ibn Thābit said: I heard ‘Aṭā’ being asked about {And the witnesses should not refuse when they are called} [Al-Baqarah: 282], is it before they testify or after? He said: "No, rather after they have testified."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ تَائِتٍ، قَالَ: سَمِعْتُ عَطَاءً، وَسُلَيْلَ {وَلَا يَأْبَ الشُّهَادَاءِ إِذَا قَبْلَ أَنْ شَهَدُوا أَوْ بَعْدَ؟ قَالَ: [282]: مَا دُعُوا} [البقرة لَا، بَلْ بَعْدَ مَا شَهَدُوا

[22374] Abū Bakr reported: Abū Usāmah reported from Mis‘ar from Abū Ḥuṣayn from Sa‘īd ibn al-Musayyib who said: "If he read, they would testify."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ مِسْعَرٍ، عَنْ أَبِي حُصَيْنٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: كَانُوا إِذَا قَرَأُوا شَهُودًا

[22375] Abū Bakr reported: Wakī‘ reported: Sufyān reported from Jābir from Al-Sha‘bī who said: "The witness has the choice as long as he has not testified."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانَ، عَنْ جَابِرٍ، عَنْ الشَّعْبِيِّ، قَالَ: الشَّاهِدُ بِالْخَبَارِ مَا لَمْ يَشْهُدْ

[22376] Abū Bakr reported: Al-Faḍl ibn Dukayn reported from Sharīk from Sālim from Sa‘īd who said: "The one who has the testimony."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، عَنْ شَرِيكٍ، عَنْ سَالِمٍ، عَنْ سَعِيدٍ، قَالَ: الَّذِي عِنْدَهُ الشُّهَادَةُ

[22377] Abū Bakr reported: Shabābah reported from Warqā' from Ibn Abī Najīḥ from Mujāhid regarding {And the witnesses should not refuse when they are called} [Al-Baqarah: 282]. He said: "If they have already testified before this."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَبَابَةُ، عَنْ وَرْقَاءِ، عَنْ ابْنِ أَبِي تَحِيَّجَ، عَنْ مُجَاهِدٍ: {وَلَا يَأْبَ الشُّهَدَاءُ إِذَا مَا قَالُوا إِذَا مَا كَانُوا قَدْ شَهَدُوا قَبْلَ} [282: دُعْوَا] [البقرة هَذَا]

[22378] Abū Bakr reported: Wakī‘ reported from Sufyān from Ibn Abī Najīḥ from Mujāhid who said: {And the witnesses should not refuse when they are called} [Al-Baqarah: 282]. He said: "If they have already testified."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ أَبِي تَحِيَّجَ، عَنْ مُجَاهِدٍ، قَالَ: {وَلَا يَأْبَ الشُّهَدَاءُ إِذَا مَا قَالُوا إِذَا مَا كَانُوا قَدْ شَهَدُوا} [282: دُعْوَا] [البقرة]

[22379] Abū Bakr reported: Ibn ‘Uyaynah reported from Al-Zuhrī from Sālim from his father who said: People used to mark land with stones during the time of ‘Umar. He said: "Whoever revives a land, it belongs to him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عَيْنَةَ، عَنِ الْزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ، قَالَ: كَانَ النَّاسُ يَتَحَجَّرُونَ عَلَى عَهْدِ عُمَرَ، فَقَالَ: مَنْ أَحْيَا أَرْضًا فَهِيَ لَهُ

[22380] Abū Bakr reported: ‘Alī ibn Mushir reported from Al-Shaybānī from Muḥammad ibn ‘Ubayd al-Thaqafī who said: ‘Umar wrote: "Whoever revives dead land is more entitled to it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنْ مُحَمَّدِ بْنِ عُبَيْدِ الْقَعْدِيِّ، قَالَ: كَتَبَ عُمَرُ: أَنَّهُ مَنْ أَحْيَا مَوَاتًا فَهُوَ أَحْقُّ بِهِ

[22381] Abū Bakr reported: Waki‘ reported: Hishām ibn ‘Urwah reported from Ibn Abī Rāfi‘ from Jābir ibn ‘Abdullāh who said: The Messenger of Allah ﷺ said: "Whoever revives a dead land, there is a reward for him in it, and whatever any creature eats from it, it is a charity for him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ، عَنْ ابْنِ أَبِي رَافِعٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ أَحْيَا أَرْضًا مَيْتَةً فَلَهُ فِيهَا أَجْرٌ، وَمَا أَكَلَتِ الْعَافِيَةُ فَهُوَ لَهُ صَدَقَةٌ

[22382] Abū Bakr reported: Waki‘ reported: Hishām reported from his father who said: The Messenger of Allah ﷺ said: "Whoever revives a dead land, it belongs to him, and the sweat of an oppressor has no right."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا هِشَامٌ، عَنْ أَبِيهِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ أَحْيَا أَرْضًا مَيْتَةً فَلَهُ، وَلَيْسَ لِعَرْقٍ ظَالِمٍ حَقٌّ

[22383] Abū Bakr reported: Jarīr reported from Layth from Abū Bakr ibn Ḥafṣ, raising it, said: "Whoever revives land in a rugged area of the city, he owns its neck (title) along with the reward he attains from it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ لَيْثٍ، عَنْ أَبِي بَكْرِ بْنِ حَفْصٍ، يَرْفَعُهُ قَالَ: مَنْ أَحْيَا أَرْضًا عَلَى وَعْرَةٍ مِنَ الْمِصْرِ فَلَهُ رَقْبَتُهَا إِلَى مَا يُصِيبُ فِيهَا مِنَ الْأَجْرِ

[22384] Abū Bakr reported: Mu'tamir ibn Sulaymān reported from Layth from Tāwūs who said: "Whoever revives anything of the dead land, he owns its neck (title)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ لَيْثٍ، عَنْ طَاؤِسٍ، قَالَ: مَنْ أَحْيَا شَيْئًا مِنْ مَوْتَانِ الْأَرْضِ فَلَهُ رَقْبَتُهَا.

[22385] Abū Bakr reported: Ibn Idrīs reported from Layth from Tāwūs from Ibn 'Abbās, similar to the hadith of Mu'tamir.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ لَيْثٍ، عَنْ طَاؤِسٍ، عَنْ ابْنِ عَبَّاسٍ، مِثْلُ حِدِيثِ مُعْتَمِرٍ

[22386] Abū Bakr reported: Wakī' reported: Sufyān reported from Ibn Tāwūs from his father who said: The Messenger of Allah ﷺ said: "Whoever revives dead land, he owns its neck (title)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ ابْنِ طَاؤِسٍ، عَنْ أَبِيهِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ أَحْيَا أَرْضًا مَيْتَةً فَلَهُ رَقْبَتُهَا

[22387] Abū Bakr reported: Ishāq al-Azraq reported from Hishām from Al-Hasan who said: "Whoever revives dead land that belonged to no one before him, it is his." Hishām said: 'Umar ibn 'Abd al-'Azīz wrote that.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْحَاقُ الْأَزْرَقُ، عَنْ هِشَامٍ عَنْ الْحَسَنِ، قَالَ: مَنْ أَحْيَا أَرْضًا مَوَاتِنَا لَمْ تَكُنْ لِأَحَدٍ قَبْلَهُ فَهِيَ لَهُ. قَالَ هِشَامٌ: وَكَتَبَ بِذَلِكَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ

[22388] Abū Bakr reported: Ibn 'Ulayyah reported from Hishām al-Dastuwā'ī from 'Ubaydullāh ibn Ḥumayd al-Ḥimyarī from Al-Sha'bī who said: The Messenger of Allah ﷺ said: "Whoever leaves an animal in a place of peril, it belongs to the one who revives it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ هِشَامٍ الدَّسْتُوَائِيِّ، عَنْ عُبَيْدِ اللَّهِ بْنِ حُمَيْدٍ الْجَمِيرِيِّ، عَنْ الشَّعْبِيِّ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ تَرَكَ دَابَّةً بِمَهْكَةٍ فَهِيَ لِلَّذِي أَحْيَاهَا

[22389] Abū Bakr reported: Abū Usāmah reported from 'Uthmān ibn Ghayyāth who said: Al-Hasan was asked about a man who leaves his animal in a desolate land, and another man takes it and cares for it until he restores it. He said: "It belongs to the one who revived it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ عُثْمَانَ بْنِ غِيَاثٍ، قَالَ: سُئِلَ الْحَسَنُ عَنِ الرَّجُلِ، يَتُرُكُ دَابَّةً بِالْأَرْضِ الْفَقَرُ فَيَأْخُذُهَا رَجُلٌ وَيَقُولُ عَلَيْهَا حَتَّى يُصْلِحَهَا؟ قَالَ: هِيَ لِمَنْ أَحْيَاهَا

[22390] Abū Bakr reported: 'Abdah ibn Sulaymān reported from Sa'īd from Qatādah from Al-Ḥasan from Samurah from the Prophet ﷺ who said: "Whoever encloses land with a wall, it belongs to him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ فَتَادَةَ، عَنْ الْحَسَنِ، عَنْ سَمْرَةَ، عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: مَنْ أَحَاطَ حَاطِطًا عَلَى أَرْضٍ فَهِيَ لَهُ

[22391] Abū Bakr reported: Ibn Abī Zā'idah reported from Shu'bah from Al-Hakam regarding a man who gifted (debt) to a man who owed him. He said: "He has no right to retract it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ فِي رَجُلٍ وَهَبَ لِرَجُلٍ لَهُ عَلَيْهِ دَيْنٌ، قَالَ: لَيْسَ لَهُ أَنْ يَرْجِعَ فِيهِ

[22392] Abū Bakr reported: Abū Dāwūd al-Ṭayālīsī reported from Shu'bah who said: Al-Ḥakam said to me: Ibn Abī Laylā came to me and asked about a man who had a debt owed by another man and gifted it to him, does he have the right to retract it? I said: "No." And I asked Ḥammād, and he said: "Yes, he has the right to retract it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو ذَاؤْدَ الطَّيَالِسِيُّ، عَنْ شُعْبَةَ، قَالَ: قَالَ لِي الْحَكَمُ: أَتَأْنِي ابْنُ أَبِي لَيْلَى فَسَأَلَنِي عَنْ رَجُلٍ كَانَ لَهُ عَلَى رَجُلٍ دَيْنٌ فَوَهَبَهُ لَهُ، اللَّهُ أَنْ يَرْجِعَ فِيهِ؟ قُلْتُ: لَا، وَسَأَلْتُ حَمَّادًا، قَالَ: بَلَى، لَهُ أَنْ يَرْجِعَ فِيهِ

[22393] Abū Bakr reported: Waki‘ reported: Sufyān reported from ‘Abd al-Karīm al-Jazārī who said: My maternal uncle's wife died, and he was wealthy. She left a servant and small children. Sa‘īd ibn Jubayr said: "There is no harm if the father evaluates his children's shares of the servant and has intercourse with her."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ عَبْدِ الْكَرِيمِ الْجَزَرِيِّ، قَالَ: مَاتَتِ امْرَأَةٌ لِخَالٍ لِي
وَكَانَ مُوسِرًا، فَتَرَكَتْ خَادِمًا وَوَلَدًا صِغَارًا، فَقَالَ سَعِيدُ
بْنُ جُبَيْرٍ: لَا بَأْسَ أَنْ يُقَوِّمَ الْأَبُ اُنْصِبَاءَ وَلَدِهِ مِنَ
الْخَادِمِ وَيَطَّاهُ

[22394] Abū Bakr reported: Waki‘ reported: Abū Sufyān ibn al-‘Alā’ reported: I asked Al-Hasan and Tāwūs about that. They said: "There is no harm in having intercourse with her."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا أَبُو سُفْيَانَ
بْنُ الْعَلَاءِ، قَالَ: سَأَلْتُ الْحَسَنَ وَطَاؤُسًا عَنْ ذَلِكَ،
فَقَالَا: لَا بَأْسَ أَنْ يَطَّاهَا

[22395] Abū Bakr reported: Ibn Idrīs reported from Mūsā ibn Sa‘īd that his grandmother died while married to Abū Burdah. Abū Burdah took possession of some of her slave girls. I said: Ibn ‘Awn narrated to you from Muḥammad who said: "If a man wants to take the slave girl of his children while they are young, he evaluates her price against himself and calls witnesses for her price." He said:

[22396] Abū Bakr reported: ‘Abd al-Salām reported from Ismā‘il ibn ‘Abd al-Malik that a woman died and left a small child and a slave girl. The father wanted to buy the slave girl. Sa‘īd said: "Evaluate her price in the market, then call witnesses against yourself for her price, then do with her as you please."

[22397] Abū Bakr reported: Waki‘ reported: Ḥasan ibn Ṣalih reported from his father who said: ‘Umar ibn ‘Abd al-‘Azīz wrote: "Do not take rent from the people of the market."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبْنُ إِدْرِيسَ، عَنْ مُوسَى بْنِ سَعِيدٍ، أَنَّ جَدَّتِهِ مَائِنَةُ عِنْدَ أُبُو بُرْدَةَ، فَأَفْتَوَى أَبُو بُرْدَةَ بَعْضَ جَوَارِيهَا، فَلَمْ: حَدَّثَنَا أَبْنُ عَوْنَ، عَنْ مُحَمَّدٍ، قَالَ: إِذَا أَرَادَ الرَّجُلُ أَنْ يَأْخُذَ جَارِيَةً وَلَدَهُ وَهُمْ صِغَارٌ قَوْمَهَا عَلَيْهِ قِيمَةً وَأَشْهَدَ بِتَمْنِيهَا قَالَ: نَعَمْ، سَمِعْتُهُ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ إِسْمَاعِيلَ بْنِ عَبْدِ الْمَلِكِ، أَنَّ امْرَأَةَ مَائِنَةَ وَتَرَكَتْ وَلَدًا صَغِيرًا وَجَارِيَةً، فَأَرَادَ الْأَبُ أَنْ يَشْتَرِي الْجَارِيَةَ، فَقَالَ سَعِيدٌ: قَوْمَهَا فِي السُّوقِ قِيمَةً، ثُمَّ أَشْهَدَ عَلَى نَفْسِكَ بِتَمْنِيهَا، ثُمَّ اصْنَعْ بِهَا مَا بَدَأَ لَكَ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا حَسْنُ بْنُ صَالِحٍ، عَنْ أَبِيهِ، قَالَ: كَتَبَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ: أَلَا يُؤْخَذُ مِنْ أَهْلِ السُّوقِ أَجْرٌ

[22398] Abū Bakr reported: Waki‘ reported: Yaḥyā ibn Abī al-Haytham al-‘Atṭār reported from Al-Asbagh ibn Nubātah who said: "We were in the time of ‘Alī; whoever preceded to a place in the market had more right to it until night."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي الْهَيْمِنِ الْعَطَّارُ، عَنِ الْأَصْبَغِ بْنِ نُبَاتَةَ، قَالَ: كُلُّاً فِي زَمَانٍ عَلَيْيِ مَنْ سَبَقَ إِلَى مَكَانٍ فِي السُّوقِ كَانَ أَحَقَّ بِهِ إِلَى اللَّيلِ

[22399] Abū Bakr reported: Muḥammad ibn Numayr al-Hamdānī said: "I asked Al-Hasan about market shops, and he disliked selling, buying, and renting them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ نُمَيْرٍ الْهَمْدَانِيُّ، قَالَ: سَأَلْتُ الْحَسَنَ عَنْ دَكَاكِينِ السُّوقِ، فَكَرِهَ بَيْعَهَا وَشِرَاءَهَا وَإِجَارَتَهَا

[22400] Abū Bakr reported: Waki‘ reported: Isrā‘il reported from Ziyād ibn Fayyād from a man of the people of Medina who said: "Umar ibn al-Khaṭṭāb entered the market while riding and saw a shop that had been newly built in the market, so he broke it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ زَيَادِ بْنِ فَيَاضٍ، عَنْ رَجُلٍ، مِنْ أَهْلِ الْمَدِينَةِ قَالَ: دَخَلَ عُمَرُ بْنُ الْخَطَّابِ السُّوقَ وَهُوَ رَاكِبٌ، فَرَأَى دُكَانًا قَدْ أَحْدِثَ فِي السُّوقِ، فَكَسَرَهُ

[22401] Abū Bakr reported: Yaḥyā ibn Ādām reported from Al-Hasan from Mujālid ibn Sa‘īd who said: "The first to take rent from the market was Ziyād."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ، عَنِ الْحَسَنِ، عَنْ مُجَالِدِ بْنِ سَعِيدٍ، قَالَ: أَوَّلُ مَنْ أَخْذَ مِنَ السُّوقِ أَجْرًا زَيَادُ

[22402] Abū Bakr reported: Wakī‘ reported: Wabr ibn Abī Dulaylah al-Ṭā’ifī reported from Muḥammad ibn Maymūn ibn Musaykah–Wakī‘ said: And he praised him–from ‘Amr ibn al-Sharīd from his father who said: The Messenger of Allah ﷺ said: "Delaying payment by a wealthy person makes his honor and punishment lawful." Wakī‘ said: "His honor: complaining against him; and his punishment: imprisoning him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا وَبْرُ بْنُ أَبِي دُلَيْلَةَ الطَّافِيَّ، عَنْ مُحَمَّدِ بْنِ مَيْمُونٍ بْنِ مُسَيْكَةَ، - قَالَ وَكِيعٌ: وَأَنْتَ عَلَيْهِ خَيْرًا - عَنْ عَمْرُو بْنِ الشَّرِيدِ، عَنْ أَبِيهِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَيُّ الْوَاجِدِ يُحَلُّ عِرْضَهُ وَعُقُوبَتَهُ قَالَ وَكِيعٌ: "عِرْضَهُ شِكَائِتُهُ" وَعُقُوبَتَهُ: حَبْسُهُ

[22403] Abū Bakr reported: Wakī‘ reported: Sufyān reported from ‘Abdullāh ibn Dhakwān Abū al-Zinād from ‘Abd al-Rahmān ibn Hurmuz al-A‘raj from Abū Hurayrah who said: The Messenger of Allah ﷺ said: "Procrastination (in repaying debts) by a wealthy person is injustice. And whoever is referred to a wealthy person should accept the referral."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ عَبْدِ اللَّهِ بْنِ دَكْوَانَ أَبِي الرِّنَادِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ هُرْمَزَ الْأَعْرَجَ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَطْلُ الْغَنِيِّ ظُلْمٌ، وَمَنْ أَحِيلَ عَلَى مَلِيِّءٍ فَلِيَحْتَلَ

[22404] Abū Bakr reported: Waki‘ reported: Al-Rabī‘ ibn Muslim reported from Marwān Abū ‘Uthmān al-‘Ijli who said: ‘Abdullāh ibn Mas‘ūd said: "If procrastination were a man, he would be an evil man. Procrastination is a form of injustice."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الرَّبِيعُ بْنُ مُسْلِمٍ، عَنْ مَرْوَانَ أَبِي عُثْمَانَ الْعِجْلِيِّ، قَالَ: قَالَ عَنْ اللَّهِ بْنِ مَسْعُودٍ: لَوْ كَانَ الْمَعْكُ طَرَّافًا، كَانَ رَجُلٌ سُوءٌ، وَالْمَعْكُ طَرَفٌ مِنَ الظُّلْمِ

[22405] Abū Bakr reported: Waki‘ reported: Isrā‘il reported from Abū Ishāq from Shurayh who said: "Procrastination is a form of injustice."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ أَبِي إِسْحَاقَ، عَنْ شُرَبَيْحٍ، قَالَ: الْمَعْكُ طَرَفٌ مِنَ الظُّلْمِ

[22406] Abū Bakr reported: Waki‘ reported from ‘Abdah ibn Sulaymān from ‘Āsim from Ibn Sīrīn from Abū Hurayrah who said: "Procrastination is injustice."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ عَبْدَةَ بْنِ سُلَيْمَانَ، عَنْ عَاصِمٍ، عَنْ ابْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: الْمَطْلُ ظُلْمٌ

[22407] Abū Bakr reported: Abū al-Āḥwaṣ reported from Ishāq from Shurayh who said: "Procrastination is a form of injustice."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَخْوَصِ، عَنْ إِسْحَاقَ، عَنْ شُرَبَيْحٍ، قَالَ: الْمَعْكُ طَرَفٌ مِنَ الظُّلْمِ

[22408] Abū Bakr reported: Hushaym reported from Ismā'īl ibn Sālim from Abū Idrīs al-Awdī that 'Alī was the first to separate witnesses.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ إِسْمَاعِيلَ بْنِ سَالِمٍ، عَنْ أَبِي إِنْرِيسِ الْأَوْدِيِّ، أَنَّ عَلِيًّا أَوَّلُ مَنْ فَرَقَ بَيْنَ الشُّهُودِ

[22409] Abū Bakr reported: 'Alī ibn Hāshim reported from his father from Muhriz ibn Shāliḥ that 'Alī separated witnesses.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ هَاشِمٍ، عَنْ أَبِيهِ، عَنْ مُحْرِزِ بْنِ صَالِحٍ، أَنَّ عَلِيًّا فَرَقَ بَيْنَ الشُّهُودِ

[22410] Abū Bakr reported: 'Umar ibn 'Alī ibn 'Atā' ibn Muqaddam reported from Ayyūb Abū al-'Alā' who said: I heard Al-Hasan say: "One begins with the shroud, then the debt, then the will."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُمَرُ بْنُ عَلِيٍّ بْنِ عَطَاءِ بْنِ مُقَدَّمٍ، عَنْ أَيُوبَ أَبِي الْعَلَاءِ، قَالَ: سَمِعْتُ الْحَسَنَ، يَقُولُ: يَبْدُأُ بِالْكَفْنِ، ثُمَّ الدَّيْنِ، ثُمَّ الْوَصِيَّةِ

[22411] Abū Bakr reported: Wakī' reported: Sufyān reported from some of his companions from Ibrāhīm who said: "One begins with the shroud, then the debt, then the will, then the inheritance."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ بَعْضِ أَصْنَابِهِ عَنْ إِبْرَاهِيمَ قَالَ: يَبْدُأُ بِالْكَفْنِ، ثُمَّ الدَّيْنِ، ثُمَّ الْوَصِيَّةِ، ثُمَّ الْمِيرَاثِ

[22412] Abū Bakr reported: Sharīk reported from Mughīrah from Ibrāhīm who said: "One begins with the shroud before the debt."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: يَبْدُأُ بِالْكَفْنِ قَبْلَ الدَّيْنِ

[22413] Abū Bakr reported: Sharīk reported from Jābir from ‘Āmir; and Ismā‘il from Al-Hasan the like of it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، وَإِسْمَاعِيلٍ، عَنِ الْحَسَنِ، مِثْلُهُ

[22414] Abū Bakr reported: Ḥafṣ reported from ‘Amr from Al-Hasan who said: "One begins with the shroud before the debt."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ عَمْرٍو، عَنِ الْحَسَنِ، قَالَ: يُبْدِأُ بِالْكَفْنِ قَبْلَ الدِّينِ

[22415] Abū Bakr reported: ‘Ā’idh ibn Ḥabīb reported from Ḥajjāj from ‘Abd al-Karīm from Sa‘īd ibn Jubayr who said: "One begins with the shroud, then the debt, then the will."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَائِدُ بْنُ حَبِيبٍ، عَنْ حَاجَّ، عَنْ عَبْدِ الْكَرِيمِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، قَالَ: يُبْدِأُ بِالْكَفْنِ ثُمَّ الدِّينِ، ثُمَّ الْوَصِيَّةِ

[22416] Abū Bakr reported: Yazīd ibn Hārūn reported from Ḥajjāj from ‘Umayr ibn Sa‘īd who said: "We used to give to the sheep owners on the condition that they give us such and such cheese, such and such ghee, and such and such whey. I asked ‘Alqamah, Masrūq, and ‘Abd al-Rahmān ibn Abī Laylā, and all of them forbade me from it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَاجَّ، عَنْ عَمَيْرٍ بْنِ سَعِيدٍ، قَالَ: كُنَّا نُعْطِي أَهْلَ الْغَنَمِ عَلَى أَنْ يُعْطُونَا كَذَا وَكَذَا مِنَ الْجُبْنِ، وَكَذَا وَكَذَا مِنَ السَّمْنِ، وَكَذَا وَكَذَا مِنَ الْمَصْنِلِ، فَسَأَلْتُ عَلْقَمَةَ، وَمَسْرُوقًا، وَعَبْدَ الرَّحْمَنَ بْنَ أَبِي لَيْلَى، فَكَلَّهُمْ تَهَانِي عَنْهُ

[22417] Abū Bakr reported: Abū Mu‘āwiyah reported from Ḥajjāj from ‘Umayr ibn Sa‘īd that a man asked ‘Abaydah and more than one of the companions of ‘Abdullāh about it, and he disliked it.

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا أُبُو مُعَاوِيَةَ، عَنْ حَجَاجِ، عَنْ عُمَيْرِ بْنِ سَعِيدٍ، أَنَّ رَجُلًا سَأَلَ عَبِيدَةَ وَغَيْرَ وَاحِدٍ مِنْ أَصْحَابِ عَبْدِ اللَّهِ عَنْهُ فَكَرِهَهُ

[22418] Abū Bakr reported: Ismā‘il ibn ‘Ulayyah reported from Ayyūb from Abū Qilābah who said: The Messenger of Allah ﷺ said: "Two transactors do not separate except with mutual consent."

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عُلَيَّةَ، عَنْ أَيُوبَ، عَنْ أَبِي قِلَابَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا يَقْرَأُ بَيْعَانٌ إِلَّا عَنْ تَرَاضٍ

[22419] Abū Bakr reported: Waki‘ reported from Sufyān from Abū ‘Attāb from Abū Zur‘ah that he sold a horse and gave the buyer the choice after the sale, then said: I heard Abū Hurayrah say: "This is how sale is by mutual consent."

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي عَثَابٍ، عَنْ أَبِي زُرْعَةَ، أَنَّهُ بَاعَ فَرَسًا فَخَيَّرَ صَاحِبَهُ بَعْدَ الْبَيْعِ ثُمَّ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ يَقُولُ: هَذَا الْبَيْعُ عَنْ تَرَاضٍ

[22420] Abū Bakr reported: Ibn ‘Uyaynah reported from Sufyān from Ibn Ṭāwūs from his father who said: "Giving the choice was only after the sale." He said: "The Messenger of Allah ﷺ made a transaction with a bedouin and gave him the choice after the sale."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ سُفِيَّانَ، عَنْ ابْنِ طَاؤِسٍ، عَنْ أَبِيهِ، قَالَ: مَا كَانَ النَّخْيِيرُ إِلَّا بَعْدَ الْبَيْعِ، قَالَ: وَبَاتِعَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَجُلًا مِنَ الْأَعْرَابِ فَخَيَرَهُ بَعْدَ الْبَيْعِ

[22421] Abū Bakr reported: Ibn ‘Uyaynah reported from Sufyān from Ṭāwūs that he used to swear: "Giving the choice is only after consent."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ سُفِيَّانَ، عَنْ طَاؤِسٍ، أَنَّهُ كَانَ يَحْلِفُ: مَا النَّخْيِيرُ إِلَّا بَعْدَ الرِّضَا

[22422] Abū Bakr reported: Wāki‘ reported: Qāsim al-Ju‘fī reported from his father from Maymūn ibn Mihrān who said: The Messenger of Allah ﷺ said: "Sale is by mutual consent, and the option is after the deal, and it is not lawful for a Muslim to cheat a Muslim."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا قَاسِمُ الْجُعْفَى، عَنْ أَبِيهِ، عَنْ مَيْمُونَ بْنِ مَهْرَانَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْبَيْعُ عَنْ تَرَاضٍ، وَالْخَيَارُ بَعْدَ الصَّفَقَةِ، وَلَا يَحِلُّ لِمُسْلِمٍ أَنْ يَغْنِي مُسْلِمًا

[22423] Abū Bakr reported: Ibn ‘Ulayyah reported from Ibn ‘Awn from Muḥammad that Al-Ḥasan ibn ‘Alī bought from his wife her share of his inheritance, then said: "When I die, give her the choice."

[22424] Abū Bakr reported: ‘Abbād ibn al-‘Awwām reported from Ash‘ath from Al-Sha‘bī from Shurayḥ regarding a man who rented a house for some months and said: "Until a term," and he lived in it. Then he wanted to leave it. He said: "If he brings the keys, he is absolved, and he owes the rent for what he occupied."

[22425] Abū Bakr reported: Waki‘ reported: Ismā‘il reported from Al-Sha‘bī from Shurayḥ similarly to the Hadith of ‘Abbād.

[22426] Abū Bakr reported: ‘Abbād ibn al-‘Awwām reported from Al-Shaybānī from Al-Sha‘bī from Shurayḥ who said: "He owes the rent for what he occupied."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ ابْنِ عَوْنِ،
عَنْ مُحَمَّدٍ، أَنَّ الْحَسَنَ بْنَ عَلَيًّا اشْتَرَى مِنْ امْرَأَتِهِ
نَصِيبَهَا مِنْ مِيرَاثِهِ، ثُمَّ قَالَ: إِذَا أَنَا مِتُّ فَخَيْرُوهَا

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ أَشْعَثَ
عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ، فِي رَجْلِ اسْتَاجَرَ بَيْنَ أَشْهُرًا
وَقَالَ: إِلَى أَجَلِ فَسَكَنَهُ، ثُمَّ أَرَادَ أَنْ يَخْرُجَ مِنْهُ فَقَالَ: إِذَا
أَتَى بِالْمُفَاتِيحِ فَقَدْ بَرِئَ، وَعَلَيْهِ أَجْرٌ مَا سَكَنَ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْمَاعِيلُ،
عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ، بِنَحْوِ مِنْ حَدِيثِ عَبَادٍ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنِ
الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ، قَالَ: عَلَيْهِ أَجْرٌ مَا
سَكَنَ

[22427] Abū Bakr reported: Mu'tamir ibn Sulaymān reported from Salm who said: I asked Muḥammad ibn Sīrīn about a man who sold a commodity for two months (on credit) and stipulated on the buyer: "If you sell it before the two months, pay him in cash." He said: "I do not know of any harm in it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ سَلْمٍ، قَالَ: سَأَلْتُ مُحَمَّدَ بْنَ سِيرِينَ عَنْ رَجُلٍ بَاعَ سِلْعَةً إِلَى شَهْرَيْنِ وَشَرَطَ عَلَى الْمُشْتَرِيِّ: إِنْ بَاعَهَا قَبْلَ الشَّهْرَيْنِ أَنْ يَنْقُضَهُ، قَالَ: لَا أَعْلَمُ بِهِ بِأَسَأَ

[22428] Abū Bakr reported: Jarīr reported from Mughīrah from Ibrāhīm regarding a man who buys a house and the buyer says to the seller: "Whenever I bring its price, it is returned to you." He said: "His condition is void, and the sale is binding upon him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي الرَّجُلِ يَشْتَرِي الدَّارَ فَيَقُولُ الْمُشْتَرِي لِلْبَاعِ: مَئِيْ جِئْتُ بِثَمَنِهَا فَهِيَ رَدٌّ عَلَيْكَ قَالَ: يَبْطُلُ شَرْطُهُ وَيَجُوزُ عَلَيْهِ الْبَيْعُ

[22429] Abū Bakr reported: Jarīr reported from Maṇṣūr from Ibrāhīm who said: "Every condition in a sale, the sale demolishes it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: كُلُّ شَرْطٍ فِي بَيْعٍ فَالْبَيْعُ يَهْدِمُهُ

[22430] Abū Bakr reported: Abū al-Āḥwāṣ reported from Ṭāriq from Sa‘īd ibn al-Musayyib from Rāfi‘ ibn Khadīj from the Prophet ﷺ: "Only three plant: A man who has land and plants it, a man who was granted land and plants what he was granted, and a man who rented land for gold or silver."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ طَارِقٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، عَنْ رَافِعِ بْنِ خَدِيجٍ، عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "إِنَّمَا يَزْرُعُ ثَلَاثَةً: رَجُلٌ لَهُ أَرْضٌ فَهُوَ يَزْرُعُهَا، وَرَجُلٌ مَنَحَ أَرْضًا فَهُوَ يَزْرُعُ مَا مَنَحَ، وَرَجُلٌ اسْتَكْرَى أَرْضًا بِدَهْبٍ أَوْ فِضَّةٍ

[22431] Abū Bakr reported: Waki‘ reported from Sufyān from Rabī‘ah ibn Abī ‘Abd al-Rahmān from Hanzalah ibn Qays who said: I asked Rāfi‘ ibn Khadīj about renting white land for gold and silver. He said: "It is Halal; there is no harm in it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ حَنْظَلَةَ بْنِ قَيْسٍ قَالَ: سَأَلْتُ رَافِعَ بْنَ خَدِيجٍ عَنْ كَرْبِي الْأَرْضِ الْبَيْضَاءِ بِالْذَّهَبِ وَالْفِضَّةِ، فَقَالَ: حَلَالٌ لَا بَأْسَ بِهِ

[22432] Abū Bakr reported: Waki‘ reported from Sufyān from Ya‘lā ibn ‘Aṭā’ from Al-Qāsim ibn ‘Abdullāh who said: I asked Sa‘d about renting land for gold and silver. He said: "There is no harm in it; that is the loan of the land."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ يَعْلَى بْنِ عَطَاءٍ، عَنِ الْقَاسِمِ بْنِ عَبْدِ اللَّهِ، قَالَ: سَأَلْتُ سَعْدًا عَنْ كَرْبِي الْأَرْضِ، بِالْذَّهَبِ وَالْفِضَّةِ، فَقَالَ: لَا بَأْسَ بِهِ، ذَلِكَ قَرْضُ الْأَرْضِ

[22433] Abū Bakr reported: Wāki‘ reported: Hishām al-Dastuwā‘ī reported from Qatādah from Sa‘īd ibn al-Musayyib who said: "There is no harm in renting land for gold and silver."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا هِشَامُ الدَّسْنُوَائِيُّ، عَنْ فَتَاهَةَ، عَنْ سَعِيدِ بْنِ الْمُسِيَّبِ، قَالَ: لَا يَأْسَ بِكَرْيِ الْأَرْضِ بِالْذَّهَبِ وَالْفِضَّةِ

[22434] Abū Bakr reported: Yahyā ibn Zakariyyā reported from Dāwūd from Sa‘īd ibn Jubayr who said: "There is no harm in renting white land for gold and silver."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ زَكَرِيَّاً، عَنْ دَاؤِدَ، عَنْ سَعِيدِ بْنِ جُبَيرٍ، قَالَ: لَا يَأْسَ بِكَرْيِ الْأَرْضِ الْبَيْضَاءِ بِالْذَّهَبِ وَالْفِضَّةِ

[22435] Abū Bakr reported: ‘Abd al-Wahhāb al-Thaqafī reported from ‘Abdullāh ibn ‘Umar who said: Sālim, Sa‘īd ibn al-Musayyib, ‘Urwah, and Al-Zuhrahī used to see no harm in renting white land for gold and silver.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ التَّقْفِيُّ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، قَالَ: كَانَ سَالِمٌ، وَسَعِيدُ بْنُ الْمُسِيَّبِ، وَعُرْوَةُ، وَالزُّهْرِيُّ: لَا يَرَوْنَ بِكَرْيِ الْأَرْضِ الْبَيْضَاءِ بِالْذَّهَبِ وَالْفِضَّةِ بِأَسَا

[22436] Abū Bakr reported: Wāki‘ reported from Sufyān from ‘Abd al-Karīm from Sa‘īd ibn Jubayr from Ibn ‘Abbās who said: "The best thing you can do is to rent white land for gold and silver."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَبْدِ الْكَرِيمِ، عَنْ سَعِيدِ بْنِ جُبَيرٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: إِنَّ أَمْلَأَ مَا أَنْتُمْ صَانِعُونَ أَنْ شَتَّاجِرُوا الْأَرْضَ الْبَيْضَاءَ بِالْذَّهَبِ وَالْفِضَّةِ

[22437] Abū Bakr reported: Ibn ‘Ulayyah reported from Ayyūb from Abū al-Fuḍayl from Sālim who said: "As for white land, we rent it out for gold and silver."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ أَئْوَبَ، عَنْ أَبِي الْفُضَيْلِ، عَنْ سَالِمٍ، قَالَ: أَمَّا الْأَرْضُ الْبَيْضَاءُ فَإِنَّا نَكْرِيْهَا بِالْذَّهَبِ وَالْوَرْقِ

[22438] Abū Bakr reported: Jarīr reported from Mughīrah from Ibrāhīm who said: "There is no harm in renting white land for gold and silver, and whatever he wishes to rent it for."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ أَنْ تُسْتَأْجِرَ الْأَرْضُ الْبَيْضَاءُ بِالْذَّهَبِ وَالْوَرْقِ، وَمَا أَرَادَ إِنْ اسْتَأْجِرَهَا بِهِ

[22439] Abū Bakr reported: Ya’lā ibn ‘Ubayd reported from Ḥajjāj ibn Dīnār who said: I asked Abū Ja‘far about white land with no trees or crops, renting it for dirhams and dinars. He said: "It is good; we do that in Medina."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَعْلَى بْنُ عَبْيَدٍ، عَنْ حَاجَاجَ بْنِ دِينَارٍ، قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ عَنِ الْأَرْضِ الْبَيْضَاءِ، لَيْسَ فِيهَا شَجَرٌ وَلَا زَرْعٌ، تُسْتَأْجِرُهَا بِالدَّرَاهِيمِ وَالدَّنَانِيرِ، قَالَ: هُوَ حَسَنٌ، كَذَلِكَ نَفْعَلُ بِالْمَدِينَةِ

[22440] Abū Bakr reported: Yazīd ibn Hārūn reported from Ibrāhīm ibn Sa‘d from Muḥammad ibn ‘Ikrimah ibn ‘Abd al-Rāḥmān ibn al-Hārith from Muḥammad ibn ‘Abd al-Rāḥmān ibn Abī Labībah from Sa‘īd ibn al-Musayyib from Sa‘d who said: We used to rent land in the time of the Messenger of Allah ﷺ for what grows on the irrigation channels and what is watered by water. The Messenger of Allah ﷺ forbade us from that and ordered us to rent for gold and silver.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ إِبْرَاهِيمَ بْنِ سَعْدٍ، عَنْ مُحَمَّدِ بْنِ عِكْرَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَبِيَّةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، عَنْ سَعْدٍ، قَالَ: كُنَّا نُكْرِي الْأَرْضَ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِمَا يَكُونُ عَلَى السُّوقِيِّ مِنَ الزَّرْعِ وَمَا صَنَعْدِ الْمَاءِ مِنْهَا فَنَهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ ذَلِكَ، وَأَمْرَنَا أَنْ نُكْرِي بِالدَّهَبِ وَالْوَرْقِ

[22441] Abū Bakr reported: Abū Khālid al-Āḥmar reported from Yāḥyā ibn Sa‘īd who said: I asked Sa‘īd ibn al-Musayyib about an orphan under my care who had land. He said: "If you are going to rent it out, rent it for gold or silver."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدِ الْأَحْمَرَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، قَالَ: سَأَلْتُ سَعِيدَ بْنَ الْمُسَيْبِ عَنْ يَتَمِّمِ لِي لَهُ أَرْضًا، فَقَالَ: إِنْ كُنْتُ مُكْرِيَهَا، فَأَكْرِهُهَا بِدَهْبٍ أَوْ فِضَّةٍ

[22442] Abū Bakr reported: Abū al-Āḥwāṣ reported from Mu‘āwiyah ibn Ishāq who said: I asked Sa‘īd ibn Jubayr about renting land. He said: "There is no harm in it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصَ، عَنْ مُعاوِيَةَ بْنِ إِسْحَاقَ، قَالَ: سَأَلْتُ سَعِيدَ بْنَ جُبَيْرٍ عَنْ إِجَارَةِ الْأَرْضِ، فَقَالَ: لَا بَأْسَ بِهَا

[22443] Abū Bakr reported: Sharīk reported from Abū Ishāq from ‘Atā’ from Rāfi‘ ibn Khadīj, raising it (to the Prophet ﷺ), said: "Whoever plants in the land of a people without their permission, he has nothing from the crops, and his expenses are returned to him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكُ، عَنْ أَبِي إِسْحَاقَ،
عَنْ عَطَاءٍ، عَنْ رَافِعٍ بْنِ خَدِيجٍ، رَفِيعٌ قَالَ: مَنْ زَرَعَ
فِي أَرْضِ قَوْمٍ بِغَيْرِ إِذْنِهِمْ فَلَيْسَ لَهُ مِنَ الزَّرْعِ شَيْءٌ،
وَيُرَدُّ عَلَيْهِ نَفَقَتُهُ

[22444] Abū Bakr reported: Waki‘ reported: Sufyān reported from Qays ibn Muslim from Al-Hasan ibn Muḥammad who said: The Prophet ﷺ passed by swaying crops and asked about them. They said: "A man planted land without the owner's permission." He ordered him to return it and take his expenses.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ قَيْسِ بْنِ مُسْلِمٍ، عَنْ الْحَسَنِ بْنِ مُحَمَّدٍ، قَالَ: مَرَأَ
النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى زَرْعٍ يَهْتَرُ، فَسَأَلَ عَنْهُ
فَقَالُوا: رَجُلٌ زَرَعَ أَرْضًا بِغَيْرِ إِذْنِ صَاحِبِهَا فَأَمْرَأَهُ أَنْ
يَرْدَهَا وَيَأْخُذَ نَفَقَتَهُ

[22445] Abū Bakr reported: Yahyā ibn Sa‘īd reported from Abū Ja‘far al-Khaṭmī who said: My uncle sent me and a slave of his to Sa‘īd ibn al-Musayyib. He said: "What do you say about sharecropping (Muzāra‘ah)?" He said: Ibn ‘Umar used to see no harm in it until he narrated a hadith from Rāfi‘ ibn Khadīj regarding it, that the Messenger of Allah ﷺ came to Banū Hārithah and saw crops in the land of Zuhayr. He said: "How beautiful are Zuhayr's crops!" They said: "They are not Zuhayr's." He said: "Is the land not Zuhayr's?" They said: "Yes, but he sharecropped with so-and-so." He said: "Return his expenses to him and take your crops." Rāfi‘ said: "So we returned his expenses to him and took our crops." Sa‘īd said: "Enrich your brother, or rent it for silver."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ أَبِي جَعْفَرِ الْخِطْمِيِّ، قَالَ: بَعْثَتِي عَمِّي أَنَا وَعَلَامًا لَهُ إِلَى سَعِيدِ بْنِ الْمُسِيَّبِ، فَقَالَ: مَا تَقُولُ فِي الْمُزَارَعَةِ؟ قَالَ: كَانَ ابْنُ عُمَرَ لَا يَرَى بِهَا بَأْسًا، حَتَّى حَدَّثَ عَنْ رَافِعٍ بْنِ خَدِيجٍ فِيهَا حَدِيبَيْاً أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "أَتَى بْنَيْ حَارِثَةَ فَرَأَى زَرْعًا فِي أَرْضٍ ظَهِيرٍ فَقَالَ: مَا أَحْسَنَ زَرْعَ ظَهِيرٍ فَقَالُوا: إِنَّهُ لَيْسَ لِظَهِيرٍ قَالَ: أَلَيْسَتِ الْأَرْضُ أَرْضَ ظَهِيرٍ؟ قَالُوا: بَلَى، وَلِكَنَّهُ زَارَعَ فُلَانًا، قَالَ: فَرَدُوا عَلَيْهِ نَفَقَتَهُ وَخُذُوا زَرْعَكُنْ. قَالَ رَافِعٌ: فَرَدَنَا عَلَيْهِ نَفَقَتَهُ وَأَخْذَنَا زَرْعَنَا. قَالَ سَعِيدٌ: أَفْقِرْ أَخَاهُ، أَوْ أَكْرِهْ بِوْرِقٍ

[22446] Abū Bakr reported: Waki‘ reported from Al-A‘mash from Ibrāhīm from Shurayḥ who said: "The testimony of a Jew or a Christian is not valid except in travel, and it is not valid except regarding a bequest."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ شُرَيْحٍ، قَالَ: لَا تَجُوزُ شَهادَةُ الْيَهُودِيِّ وَالْأَصْرَانِيِّ إِلَّا فِي سَفَرٍ، وَلَا تَجُوزُ إِلَّا عَلَى وَصِيَّةٍ

[22447] Abū Bakr reported: Waki‘ reported: Zakariyyā reported from Al-Sha‘bī that a man from Khath‘am died in Duqūqā and only had two Christians witness his will. Abū Mūsā made them swear by Allah after ‘Asr prayer: "They did not betray, conceal, nor change, and that they are for his will." Then he accepted their testimony.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا زَكَرِيَّا، عَنِ الشَّعْبِيِّ: أَنَّ رَجُلًا مِنْ خَنْعَمَ تُوفِيَ بِدُوْقَا فَلَمْ يُشَهِّدْ عَلَى وَصِيَّتِهِ إِلَّا نَصْرَانِيْنِ، فَأَخْلَفَهُمَا أَبُو مُوسَى بَعْدَ الْعَصْرِ بِاللَّهِ: مَا خَانَاهُ وَلَا كَثَمَاهُ وَلَا بَدَّلَاهُ، وَأَنَّهُمَا لَوْصِيَّتِهِ، فَأَجَازَ شَهادَتِهِمَا

[22448] Abū Bakr reported: Waki‘ reported: Ibn ‘Awn reported from Ibn Sīrīn from ‘Abaydah regarding {or two others from other than you} [Al-Mā‘idah: 106]. He said: "From the People of the Book."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ابْنُ عَوْنَ، عَنْ ابْنِ سِيرِينَ، عَنْ عَبِيدَةَ {أَوْ أَخْرَانَ مِنْ غَيْرِ كُمْ} قَالَ: مِنْ أَهْلِ الْكِتَابِ [106]: [المائدة]

[22449] Abū Bakr reported: Hushaym reported from Mughīrah from Ibrāhīm regarding {or two others from other than you} [Al-Mā'idah: 106]. He said: "From the people of your religion."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ أَبْرَاهِيمَ، قَالَ: [106: إِبْرَاهِيمَ {أَوْ آخَرَانِ مِنْ غَيْرِ كُمْ} [المائدة
مِنْ أَهْلِ دِينِكُمْ

[22450] Abū Bakr reported: Hushaym reported from Al-Taymī from Sa'īd ibn al-Musayyib that he said the like of that.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنِ النَّبِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبٍ، أَنَّهُ قَالَ مِثْلَ ذَلِكَ

[22451] Hushaym reported: Mughīrah informed us from someone who heard Sa'īd ibn Jubayr saying the like of that.

حَدَّثَنَا هُشَيْمٌ، قَالَ: أَخْبَرَنَا مُغِيرَةَ، عَمَّنْ سَمِعَ سَعِيدَ بْنَ جُبَيْرٍ، يَقُولُ مِثْلَ ذَلِكَ

[22452] Abū Bakr reported: Hushaym reported from Hishām from Ibn Sīrīn who said: I asked 'Abaydah about that, and he said: "From other than the people of your religion."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ، قَالَ: سَأَلْتُ عَبِيْدَةَ عَنْ ذَلِكَ، فَقَالَ: مِنْ غَيْرِ أَهْلِ دِينِكُمْ

[22453] Abū Bakr reported: Abū Dāwūd reported from Al-Ḥakam ibn ‘Aṭiyyah from Ibn Sīrīn regarding {or two others from other than you} [Al-Mā’idah: 106]. He said: "From other religious communities."

[22454] Abū Bakr reported: Khālid ibn Makhlad reported: ‘Abdullāh ibn ‘Abd al-Rahmān al-Ju‘fī reported from Al-Zuhrī regarding His saying: {or two others from other than you} [Al-Mā’idah: 106]. He said: "They are from the people of inheritance (heirs)."

[22455] Abū Bakr reported: Al-Ḍahhāk ibn Makhlad reported from Ibn Jurayj from Ibn Ṭāwūs from his father who said: "Whoever rents on the condition that he is liable, is not liable (unless negligent)."

[22456] Abū Bakr reported: Al-Ḍahhāk ibn Makhlad reported from Ibn Jurayj who said: I asked ‘Aṭā’—or someone asked him: "Does a man rent and become liable?" He said: "No."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو دَاوُدُ، عَنِ الْحَكَمِ بْنِ عَطِيَّةَ، عَنْ ابْنِ سِيرِينَ: {أَوْ آخَرَانِ مِنْ غَيْرِ كُمْ} قَالَ: مِنْ سَائِرِ الْمُلْلَ [المائدة: 106]

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا خَالِدُ بْنُ مَخْلِدٍ، قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ الْجُعْفَى، عَنِ الزُّهْرِيِّ، فِي [النَّاهِيَةِ]: قَوْلُهُ تَعَالَى: {أَوْ آخَرَانِ مِنْ غَيْرِ كُمْ} [المائدة: 106] قَالَ: هُمْ مِنْ أَهْلِ الْمِيرَاثِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلِدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ ابْنِ طَاؤُسٍ، عَنْ أَبِيهِ، قَالَ: مَنْ أَكْثَرَى عَلَى أَنَّهُ ضَامِنٌ فَلَيْسَ بِضَامِنٍ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلِدٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: فُلْتُ لِعَطَاءً أَوْ قَالَ لَهُ إِنْسَانٌ: يَسْتَكْرِي الرَّجُلُ يَضْمُنُ؟ قَالَ: لَا

[22457] Abū Bakr reported: Ibn Mahdī reported from Zam'ah from Ibn Ṭāwūs from his father that he did not consider rent and liability (together).

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُهْدِيٍّ، عَنْ زَمْعَةَ، عَنْ ابْنِ طَاؤِسٍ، عَنْ أَبِيهِ أَنَّهُ: كَانَ لَا يَرَى الْكِرَاءَ وَالضَّمَانَ

[22458] Abū Bakr reported: Ismā'il ibn 'Ulayyah reported from Ibn 'Awn from Muḥammad ibn Sīrīn who said: I asked about the clay used to dye clothes, two for one. He disliked it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عُلَيَّةَ، عَنْ ابْنِ عَوْنَى، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، قَالَ: سَأَلْتُ عَنِ الطِّينِ الَّذِي يُصْبِغُ بِهِ الثِّيَابُ اثْنَيْنِ بِوَاحِدٍ فَكَرِهَهُ

[22459] Abū Bakr reported: 'Abd al-Salām ibn Ḥarb reported from Mughīrah from Ibrāhīm regarding a man who made Salam (advance payment) to another for new food, but did not meet him until the new food of that year became old. He said: "He gets the new food of the year he meets him." Shurayh used to say that.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامِ بْنُ حَرْبٍ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي رَجُلٍ أَسْلَمَ إِلَى رَجُلٍ فِي طَعَامٍ حَدِيثٍ، فَأَمْ بِلْفَاهَ حَتَّى صَارَ حَدِيثُ ذَلِكَ الْعَامِ عَتِيقًا، قَالَ: لَهُ حَدِيثُ سَنَتِهِ الَّتِي لَقِيَهُ فِيهَا. وَكَانَ شُرَيْحٌ يَقُولُ ذَلِكَ

[22460] Abū Bakr reported: Jarīr reported from Mughīrah from Ibrāhīm from Shurayh who said: "He gives him the new food of the year in which he demands payment."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، عَنْ شُرَيْحٍ، قَالَ: يُعْطِيهِ حَدِيثُ سَنَتِهِ الَّتِي يَقْاضَاهُ فِيهَا

[22461] Abū Bakr reported: Ghundar reported from Shu‘bah from Jābir from Al-Qāsim from Shurayḥ and ‘Abdullāh that they used to say regarding a man who built in the courtyard of people without their permission: "He has the right to the materials (demolition). And if he built with their permission, he has the right to the expenses."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ جَابِرٍ، عَنْ الْقَاسِمِ، عَنْ شُرَيْحٍ، وَعَنْدَ اللَّهِ كَانَا يَقُولُانِ: فِي رَجُلٍ بَأْتَ فِي فَنَاءِ قَوْمٍ بِغَيْرِ إِذْنِهِمْ أَنَّ لَهُ التَّقْضَى، وَإِنْ بَأْتَ بِإِذْنِهِمْ فَلَهُ النَّفَقَةُ

[22462] Abū Bakr reported: Ḥafṣ reported—or narrated from him—from Ash‘ath from ‘Alī ibn ‘Ubaydullāh al-Ghaṭafānī from ‘Alī similarly.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، أَوْ حَدَّثَنَا عَنْهُ عَنْ أَشْعَثَ، عَنْ عَلَيِّ بْنِ عُبَيْدِ اللَّهِ الْغَطَفَانِيِّ، عَنْ عَلَيِّ بِلَحْوَهِ

[22463] Abū Bakr reported: Waki‘ reported: Al-Mas‘ūdī reported from Al-Qāsim ibn ‘Abd al-Rahmān from Shurayḥ who said: "Whoever builds on the right (property) of people without their permission gets his materials back. And whoever builds on the right of people with their permission gets his expenses back."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْمَسْعُودِيُّ، عَنْ الْقَاسِمِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ شُرَيْحٍ، قَالَ: مَنْ بَأْتَ فِي حَقٍّ قَوْمٍ بِغَيْرِ إِذْنِهِمْ فَلَهُ تَقْضِيَةُهُ، وَمَنْ بَأْتَ فِي حَقٍّ قَوْمٍ بِإِذْنِهِمْ فَلَهُ نَفَقَتَهُ

[22464] Abū Bakr reported: Waki‘ reported: Zakariyyā reported: I asked ‘Āmir about a man who lent a wall to his neighbor to build upon, then wanted to remove his building. He said: "He compensates the owner of the wall for what he

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَكَرِيَّا، قَالَ: حَدَّثَنَا رَجُلًا عَنْ رَجُلٍ أَعْلَمَ جَارًا لَهُ حَائِطًا فَبَنَى عَلَيْهِ، فَأَرَادَ أَنْ يَقْطَعَ بِنَاءَهُ، قَالَ: يَعْرُمُ لِصَاحِبِ الْحَائِطِ مَا أَنْفَقَ

[22465] Abū Bakr reported: Waki‘ reported: Sufyān reported from Hishām ibn Kulayb from Ibrāhīm that a man lent a wall to another man who built upon it, then he wanted to remove his building. Shurayh said to the owner of the wall: "Put your leg wherever you wish," meaning he can remove his building.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سُفيَّانَ، عَنْ هِشَامِ بْنِ كُلَيْبٍ، عَنْ إِبْرَاهِيمَ، أَنَّ رَجُلًا أَعْلَمَ رَجُلًا حَائِطًا فَبَنَى عَلَيْهِ، فَأَرَادَ أَنْ يَقْطَعَ بِنَاءَهُ، فَقَالَ شُرِيكُ لِصَاحِبِ الْحَائِطِ: ضَعْ رَجُلَكَ حَيْثُ شِئْتَ، يَعْنِي يَقْطَعُ بِنَاءَهُ

[22466] Abū Bakr reported: Muḥammad ibn Yazīd reported from Ayyūb from Qatādah and Abū Hāshim who said: "Whoever permits a man to build, then wants to evict him, he owes him the value of the building."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدَ، عَنْ أَيُوبَ، عَنْ قَتَادَةَ، وَأَبْيَ هَاتِشِمَ، قَالَا: مَنْ أَذِنَ لِرَجُلٍ فِي بِنَاءٍ ثُمَّ أَرَادَ أَنْ يُخْرِجَهُ فَلَهُ قِيمَةُ الْبِنَاءِ

[22467] Abū Bakr reported: Wakī‘ reported: Isrā‘il reported from Ash‘ath ibn Abī al-Sha‘thā’ that a man lent a wall to another man who built upon it. Shurayḥ said to the owner of the wall: "Return his expenses to him."

حَدَّثَنَا أُبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ أَشْعَثِ بْنِ أَبِي الشَّعْنَاءِ، أَنَّ رَجُلًاً حَانِطًا فَبَنَى عَلَيْهِ، فَقَالَ شُرَيْحٌ لِصَاحِبِ الْحَانِطِ: ارْدُدْ عَلَيْهِ نَفَقَةَ

[22468] Abū Bakr reported: Ḥafṣ reported from Ash‘ath from Ibn Sirīn from Shurayḥ that he used to say: "If they differ regarding cash: You get the good, the excellent, and the pure. If the highest goes, leave the lowest."

حَدَّثَنَا أُبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ أَبْنَ سِيرِينَ، عَنْ شُرَيْحٍ أَنَّهُ كَانَ يَقُولُ: "إِذَا اخْتَلَفُوا فِي الْفَقْدِ: لَكُ الْجَيْدُ وَالْحَسَنُ وَالْطَّيْبُ، فَإِنْ ذَهَبَ الْأَعْلَى فَاتُرُكِ الْأَسْفَلُ"

[22469] Abū Bakr reported: Ibn Mahdī reported from Abū al-Jarrāḥ who said: Mūsā ibn Sālim told me: "When Al-Hajjāj exiled the people of the land, a woman came to me with a document claiming that her father freed her: 'This is what Ṭalḥah ibn ‘Ubaydullāh bought from so-and-so son of so-and-so; he bought his young slave, Dīnār or Dirham, for five hundred dirhams, in good, excellent, and fine (currency).'"

حَدَّثَنَا أُبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبْنُ مَهْدِيٍّ، عَنْ أَبِي الْجَرَاحِ، قَالَ: حَدَّثَنِي مُوسَى بْنُ سَالِمٍ، قَالَ: "لَمَّا أَجْلَى الْحَاجَاجُ أَهْلَ الْأَرْضِ أَتَتْنِي امْرَأَةٌ بِكِتَابٍ رَعَمْتُ أَنَّ الَّذِي أَعْنَقَهَا أَبُوهَا: هَذَا مَا اشْتَرَى طَلْحَةُ بْنُ عُبَيْدِ اللَّهِ مِنْ فُلَانَ بْنِ فُلَانٍ، اشْتَرَى مِنْهُ فَتَاهَ دِينَارًا أَوْ دِرْهَمًا بِخَمْسِ مِائَةِ دِرْهَمٍ، بِالْجَيْدِ وَالْطَّيْبِ، وَالْحَسَنِ"

[22470] Abū Bakr reported: Abū Khālid al-Āḥmar reported from Al-Ḥajjāj from ‘Abd al-Rahmān ibn ‘Ābis from his father who said: Hudhayfah bought a she-camel from two men of Nakha‘. He brought them to his house and took out his purse for them, but they denied something. Hudhayfah said: "Yes, by Allah, from you both. I heard the Messenger of Allah ﷺ say: 'Whoever imposes a condition on his companion that he does not fulfill for him is like one who leads his neighbor to no protection.'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٌ الْأَحْمَرُ، عَنِ الْحَجَّاجِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَابِسٍ، عَنْ أَبِيهِ، قَالَ: اشْتَرَى حُدَيْفَةُ مِنْ رَجُلَيْنِ مِنَ النَّخْعَ نَاقَةً، فَجَاءَ بِهِمَا فِي مَنْزِلِهِ فَأَخْرَجَ لَهُمَا كِيسَهُ، فَأَنْكَرَا عَلَيْهِ، فَقَالَ حُدَيْفَةُ: إِنِّي وَاللَّهِ مِنْكُمَا، إِنِّي سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: مَنْ شَرَطَ عَلَى صَاحِبِهِ شَرْطًا لَمْ يَفِ لَهُ بِهِ، كَانَ كَالْمُذْلِي جَازَةً إِلَى غَيْرِ مَنْعَةٍ

[22471] Abū Bakr reported: Sharīk reported from Mughīrah from Ibrāhīm who said: "If a man gives food to a sailor, he is liable for what is diminished."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِنَّمَا دَفَعَ الرَّجُلُ إِلَى الْمَلَاحِ الطَّعَامَ فَهُوَ ضَامِنٌ لِمَا نَقْصَ

[22472] Abū Bakr reported: ‘Abdullāh ibn Numayr reported from ‘Atā’ regarding a man who rents [transport for] food to a land by measure; if it increases, it is for them, and if it decreases, it is upon them. He said: "If the carriers agree to that and accept it, there is no harm."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ، عَنْ عَطَاءٍ فِي رَجُلٍ يُكَارِي الطَّعَامَ إِلَى الْأَرْضِ بِكِيلٍ، إِنْ زَادَ فَلَهُمْ، وَإِنْ نَقَصَ فَعَلَيْهِمْ قَالَ: إِذَا رَضِيَ بِئْلِكَ الْأَكْرِيَاءُ وَأَفْرُوا بِهِ فَلَا بَأْسَ

[22473] Abū Bakr reported: Ibn Numayr reported from Sufyān from ‘Āshim from Ibn Sīrīn regarding a man who hires a sailor on the condition that shortage is upon him and excess is for him. He said: "The excess belongs to the owner of the food, and the shortage is upon the sailor."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ سُفيَانَ، عَنْ عَاصِمٍ، عَنْ ابْنِ سِيرِينَ، فِي الرَّجُلِ يَسْتَأْجِرُ الْمَلَاحَ عَلَى أَنَّ عَلَيْهِ النُّفُصَانَ وَالرِّيَادَةَ لَهُ قَالَ: الرِّيَادَةُ لِصَاحِبِ الطَّعَامِ وَالنُّفُصَانُ عَلَى الْمَلَاحِ

[22474] Abū Bakr reported: ‘Abd al-Wahhāb ibn ‘Atā’ reported from Ibn Abī ‘Arūbah who said: I heard Al-Hasan being asked about the sailor who carries food. He said: "The excess is for him, and the shortage is upon him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ بْنُ عَطَاءٍ، عَنْ ابْنِ أَبِي عَرْوَبَةَ، قَالَ: سَمِعْتُ الْحَسَنَ، وَسُئِلَ عَنِ الْمَلَاحِ يَحْمِلُ الطَّعَامَ، فَقَالَ: لَهُ الرِّيَادَةُ وَعَلَيْهِ النُّفُصَانُ

[22475] Abū Bakr reported: Ibn ‘Ulayyah reported from Sa‘īd from Qatādah from ‘Abd Rabbih from Abū ‘Iyād from ‘Uthmān: "That he saw no harm in selling anything before possession except for what is measured and weighed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ عَبْدِ رَبَّهِ، عَنْ أَبِي عِياضٍ، عَنْ عُثْمَانَ: أَنَّهُ كَانَ لَا يَرَى بَأْسًا بِبَيْعِ كُلِّ شَيْءٍ قَبْلَ أَنْ يَقْبِضَ مَا خَلَ الْكَيْلُ وَالْوَزْنُ.

[22476] Abū Bakr reported: Ibn ‘Ulayyah reported from Sa‘īd from Qatādah from Sa‘īd ibn al-Musayyib the like of it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، مِثْلُهُ

[22477] Abū Bakr reported: Wakī‘ reported from Hishām from Muḥammad who said: "If a man buys something that is not measured or weighed, there is no harm in selling it before taking possession of it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ، قَالَ: إِذَا اشْتَرَى الرَّجُلُ الشَّيْءَ مِمَّا لَا يُكَلُّ وَلَا يُوزَنُ، فَلَا بَأْسَ أَنْ يَبِيعَهُ قَبْلَ أَنْ يَقْبِضَهُ

[22478] Abū Bakr reported: Ibn Mahdī reported from Sufyān from his father from Ibrāhīm regarding a man selling goods before taking possession. He said: "He only says that regarding what is measured and weighed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدَىً، عَنْ سُفْيَانَ، عَنْ أَبِيهِ، عَنْ إِبْرَاهِيمَ، فِي الرَّجُلِ يَبِيعُ الْبَيْعَ قَبْلَ أَنْ يَقْبِضَهُ قَالَ: إِنَّمَا يَقُولُ ذَلِكَ فِي الْكَيْلِ وَالْوَزْنِ

[22479] Abū Bakr reported: Abū Khālid al-Āḥmar reported from Ḥajjāj from ‘Amr from Ṭāwūs from Ibñ ‘Abbās who said: "The prohibition was only regarding what is measured and weighed." And I do not consider anything else except like it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٌ الْأَحْمَرُ، عَنْ حَجَاجٍ، عَنْ عَمْرِو، عَنْ طَاؤُسٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: إِنَّمَا كَانَ النَّهْيُ فِيمَا يُكَالُ وَيُوزَنُ وَلَا أَحْسِبُ مَا سَوَى ذَلِكَ إِلَّا مِثْلُهُ

[22480] Abū Bakr reported: Abū Khālid al-Āḥmar reported from Ḥajjāj from ‘Atā’ the like of it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٌ الْأَحْمَرُ، عَنْ حَجَاجٍ، عَنْ عَطَاءٍ، مِثْلُهُ

[22481] Abū Bakr reported: Wakī‘ reported: Shu‘bah reported from Al-Ḥakam and Ḥammād who said: "Everything that is not measured or weighed, there is no harm in selling it before taking possession of it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شُعْبَةُ، عَنِ الْحَكَمِ، وَحَمَادٍ، قَالَا: كُلُّ شَيْءٍ لَا يُكَالُ، وَلَا يُوزَنُ، فَلَا بَأْسَ أَنْ يَبِيعَهُ قَبْلَ أَنْ يَقْبِضَهُ

[22482] Abū Bakr reported: Wakī‘ reported: Ibñ ‘Awn reported: I said to Al-Qāsim ibn Muhammad: "A man buys goods while he is absent; can he sell them before he arrives?" Al-Qāsim said: "We used to say: Until he arrives."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ابْنُ عَوْنِ، قَالَ: فُلُتُ لِلْفَاقِسِينَ بْنَ مُحَمَّدٍ: الرَّجُلُ يَشْتَرِي الْمَتَاعَ وَهُوَ غَائِبٌ، أَبِيبِعُهُ قَبْلَ أَنْ يَقْدِمَ؟ قَالَ الْفَاقِسُ: كُنَّا نَقُولُ: حَتَّى يَقْدِمَ

[22483] Abū Bakr reported: Ibn ‘Uyaynah reported from Al-Zuhri who heard Mālik ibn Aws ibn al-Ḥadathān say: I heard ‘Umar say: The Messenger of Allah ﷺ said: "Gold for silver is Riba except hand to hand, silver for silver is Riba except hand to hand, barley for barley is Riba except hand to hand, and dates for dates is Riba except hand to hand."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ،
سَمِعَ مَالِكَ بْنَ أُوسٍ بْنَ الْحَدَّثَانِ، يَقُولُ: سَمِعْتُ عُمَرَ،
قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْذَّهَبُ
بِالْوَرْقِ رِبًا إِلَّا هَاءَ وَهَاءَ، وَالْفِضَّةُ بِالْفِضَّةِ رِبًا إِلَّا هَاءَ
وَهَاءَ، وَالشَّعِيرُ بِالشَّعِيرِ رِبًا إِلَّا هَاءَ وَهَاءَ، وَالنَّمْرُ
بِالنَّمْرِ رِبًا إِلَّا هَاءَ وَهَاءَ

[22484] Abū Bakr reported: ‘Abd al-Wahhāb al-Thaqafī reported from Ayyūb from Abū Qilābah from Abū al-Ash‘ath who said: We were on an expedition under Mu‘awiyah and acquired silver and gold. Mu‘awiyah ordered a man to sell it to the people for their stipends. The people hastened to it. ‘Ubādah stood up and forbade them, so they returned it. The man went to Mu‘awiyah and complained. Mu‘awiyah stood up to deliver a sermon and said: "What is the matter with men who narrate hadiths from the Messenger of Allah ﷺ, lying about him, which we have not heard?" ‘Ubādah stood up and said: "By Allah, we will narrate from the Messenger of Allah ﷺ even if Mu‘awiyah dislikes it. The Messenger of Allah ﷺ said: 'Do not sell gold for gold, nor silver for silver, nor wheat for wheat, nor barley for barley, nor dates for dates, nor salt for salt, except like for like, equal for equal, hand to hand.'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ التَّقْفِيُّ، عَنْ أَبِي قِلَابَةَ، عَنْ أَبِي الْأَشْعَثِ، قَالَ: كُنَّا فِي غَرَّاءٍ وَعَلَيْنَا مُعَاوِيَةُ، فَأَصَبَّنَا فِيمَا فَضَّلَّ وَذَهَبًا، فَأَمَرَ مُعَاوِيَةً رَجُلًا أَنْ يَبِيعَهَا النَّاسَ فِي أَعْطِيَاتِهِمْ، فَتَسَارَعَ النَّاسُ فِيهَا، فَقَامَ عُبَادَةُ فَنَاهَمُ، فَرَدُّوهَا، فَأَتَى الرَّجُلُ مُعَاوِيَةً فَشَكَّ إِلَيْهِ، فَقَامَ مُعَاوِيَةً خَطِيبًا فَقَالَ: مَا بَالَ رِجَالٍ يُحَدِّثُونَ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَحَادِيثَ يَكْبُرُونَ فِيهَا عَلَيْهِ، لَمْ نَسْمَعْهَا؟ فَقَامَ عُبَادَةُ فَقَالَ: وَاللَّهِ لَنُخَدِّثَنَّ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَإِنْ كَرِهَ مُعَاوِيَةً، قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا تَبِيعُوا الدَّهَبَ بِالْدَّهَبِ، وَلَا الْفِضَّةَ بِالْفِضَّةِ، وَلَا الْأَبْرَرَ بِالْأَبْرَرِ وَلَا الشَّعِيرَ بِالشَّعِيرِ، وَلَا التَّمْرَ بِالتَّمْرِ، وَلَا الْمِلْحَ بِالْمِلْحِ، إِلَّا مِثْلًا بِمِثْلٍ، سَوَاءَ بِسَوَاءٍ، عَيْنًا بِعَيْنٍ

[22485] Abū Bakr reported: Ibn Numayr reported: Muḥammad ibn Iṣhāq reported from Yazīd ibn ‘Abdullāh ibn Qusayt from ‘Atā’ ibn Yasār from Abū Sa‘id who said: The Messenger of Allah ﷺ distributed among us various dates, some better than others. We went to exchange them among ourselves, but the Messenger of Allah ﷺ forbade us except measure for measure.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، قَالَ: حَدَّثَنَا مُحَمَّدُ
بْنُ إِسْحَاقَ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ فُسْيَطِ، عَنْ عَطَاءِ
بْنِ يَسَارٍ، عَنْ أَبِي سَعِيدٍ، قَالَ: فَسَمِّ فِينَا رَسُولُ اللَّهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ طَعَامًا مِنَ النَّمَرِ مُخْتَلِفًا، بَعْضُهُ
أَفْضَلُ مِنْ بَعْضٍ، فَذَهَبَنَا إِلَى زَادَةٍ بَيْنَهَا رَسُولُ اللَّهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِلَّا كَيْلًا بِكَيْلٍ

[22486] Abū Bakr reported: Ibn Abī Zā’idah reported from Yahyā ibn Sa‘id from Nāfi‘ from Abū Sa‘id that he heard the Prophet ﷺ say: "Dinar for Dinar, Dirham for Dirham, there is no difference between them, and credit is not sold for cash."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ يَحْيَى بْنِ
سَعِيدٍ، عَنْ نَافِعٍ، عَنْ أَبِي سَعِيدٍ، أَنَّهُ سَمِعَ النَّبِيَّ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: الدِّينَارُ بِالدِّينَارِ، وَالدِّرْهَمُ بِالدِّرْهَمِ
لَيْسَ بِيُبَيِّنُهُمَا فَضْلٌ، وَلَا يُبَيِّنُ عَاجِلٌ بِآجِلٍ

[22487] Abū Bakr reported: Ibn Abī Zā’idah reported from Muḥammad ibn ‘Amr from Abū Salamah from Abū Sa‘īd who said: The Messenger of Allah ﷺ said: "It is not valid [to exchange] one dirham for two, nor one Ṣā‘ for two. Dinar for Dinar and Dirham for Dirham."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ مُحَمَّدِ بْنِ عَمْرِو، عَنْ أَبِي سَلْمَةَ، عَنْ أَبِي سَعِيدٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا يَصْلُحُ دِرْهَمٌ بِدِرْهَمَيْنِ، وَلَا صَاعٌ بِصَاعَيْنِ، الدِّينَارُ بِالدِّينَارِ وَالدِّرْهَمُ بِالدِّرْهَمِ.

[22488] Abū Bakr reported: Ibn Abī Zā’idah reported from Ibn ‘Awn from Nāfi‘ from Abū Sa‘īd from the Prophet ﷺ the like of it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ ابْنِ عَوْنَى عَنْ نَافِعٍ، عَنْ أَبِي سَعِيدٍ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِمِثْلِهِ

[22489] Abū Bakr reported: Ya’lā ibn ‘Ubayd reported from Fuḍayl ibn Ghazwān from Ibn Abī Nu‘m from Abū Hurayrah from the Prophet ﷺ who said: "Silver for silver, weight for weight, like for like. Gold for gold, weight for weight. Whatever increases is Riba. And fruit should not be sold until its suitability appears."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَعْلَى بْنُ عُبَيْدٍ، عَنْ فُضِيلٍ بْنِ غَزْوَانَ، عَنْ ابْنِ أَبِي نُعْمَاءَ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: الْفِضَّةُ بِالْفِضَّةِ وَرِزْنُ بِرِزْنِ مِثْلٍ، وَالْذَّهَبُ بِالْذَّهَبِ وَرِزْنُ بِرِزْنِ، فَمَا زَادَ فَهُوَ رِبَا، وَلَا تُبَاعُ ثَمَرَةٌ حَتَّى يَنْدُو صَلَاحُهَا

[22490] Abū Bakr reported: Ibn Numayr reported from Fuḍayl ibn Ghazwān who said: Abū Dihqānah told me: I was sitting with ‘Abdullāh ibn ‘Umar, and he said: A guest came to the Messenger of Allah ﷺ. He said to Bilāl: "Bring us food." Bilāl went and bought one ḥāḍir of good dates for two ḥāḍirs of dates, as their dates were inferior. The Prophet ﷺ liked the dates and said: "Where did these dates come from?" He informed him that he exchanged two ḥāḍirs for one. The Messenger of Allah ﷺ said: "Return our dates to us."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ تُمِيرٍ، عَنْ فُضَيْلِ بْنِ عَزْرُوَانَ، قَالَ: حَدَّثَنِي أَبُو دِهْقَانَةَ، قَالَ: كُنْتُ جَالِسًا عِنْدَ عَبْدِ اللَّهِ بْنِ عُمَرَ، فَقَالَ: أَتَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ضَيْفًا، فَقَالَ لِبِلَالٍ: إِنَّا بِطَعَامٍ فَذَهَبَ بِلَالٌ إِلَى صَاعِينَ مِنْ تَمْرٍ اشْتَرَى بِهِمَا صَاعَانِ مِنْ تَمْرٍ جَيْدٍ، وَكَانَ تَمْرُهُمْ دُونًا، فَأَعْجَبَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ التَّمْرُ، فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مِنْ أَيْنَ هَذَا التَّمْرُ؟ فَأَخْبَرَهُ أَنَّهُ بَدَلَ صَاعِينَ بِصَاعٍ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: رُدَّ عَلَيْنَا تَمْرَنَا

[22491] Abū Bakr reported: Waki‘ reported from Fuḍayl from Abū Dihqānah from Ibn ‘Umar from the Prophet ﷺ the like of it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ فُضَيْلٍ، عَنْ أَبِي دِهْقَانَةَ، عَنْ ابْنِ عُمَرَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يُمِثِّلُهُ

[22492] Abū Bakr reported: Waki‘ reported: Sufyān reported from Khālid from Abū Qilābah from Abū al-Ash‘ath from ‘Ubādah ibn al-Ṣāmit who said: The Messenger of Allah ﷺ said: "Gold for gold, silver for silver, wheat for wheat, barley for barley, salt for salt, like for like, hand to hand. If these types differ, then sell as you wish if it is hand to hand."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ خَالِدٍ، عَنْ أَبِي قِلَابَةَ، عَنْ أَبِي الْأَشْعَثِ، عَنْ عُبَادَةَ
بْنِ الصَّامِتِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ
وَسَلَّمَ: الْذَّهَبُ بِالْذَّهَبِ، وَالْفِضَّةُ بِالْفِضَّةِ، وَالْأَبْرُ بِالْأَبْرِ،
وَالشَّعِيرُ بِالشَّعِيرِ، وَالْمِلْحُ بِالْمِلْحِ، مِثْلًا بِمِثْلٍ، يَدًا بِيَدٍ،
فَإِذَا اخْتَافَ هَذِهِ الْأَصْنَافُ فَبِيْغُوا كَيْفَ شِئْتُمْ إِذَا كَانَ
يَدًا بِيَدٍ

[22493] Abū Bakr reported: Waki‘ reported: Ismā‘il ibn Abī Khālid reported from Ḥakīm ibn Jābir from ‘Ubādah ibn al-Ṣāmit who said: I heard the Prophet ﷺ say: "Gold for gold, equal measure for equal measure; silver for silver, equal measure for equal measure," until he reached salt. ‘Ubādah said: "By Allah, I do not care not to be in a land where Mu‘āwiyah is."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْمَاعِيلُ
بْنُ أَبِي خَالِدٍ، عَنْ حَكِيمِ بْنِ جَابِرٍ، عَنْ عُبَادَةَ بْنِ
الصَّامِتِ، قَالَ: سَمِعْتُ النَّبِيًّا صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
يَقُولُ: الْذَّهَبُ بِالْذَّهَبِ، الْكِفَةُ بِالْكِفَةِ، وَالْفِضَّةُ بِالْفِضَّةِ،
الْكِفَةُ بِالْكِفَةِ حَتَّىٰ حَلَصَ إِلَى الْمِلْحِ. فَقَالَ عُبَادَةُ: إِنِّي
وَاللَّهِ مَا أُبَالِي أَنْ لَا أَكُونَ بِأَرْضٍ بِهَا مُعَاوِيَةً

[22494] Abū Bakr reported: Waki‘ reported: Ismā‘il ibn Muslim al-‘Abdī reported: Abū al-Mutawakkil al-Nājī reported from Abū Sa‘id al-Khudrī who said: The Messenger of Allah ﷺ said: "Gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates, salt for salt, like for like, hand to hand. Whoever increases or asks for increase has engaged in Riba; the taker and the giver are equal in it."

[22495] Abū Bakr reported: ‘Alī ibn Mushir reported from Al-Shaybānī from Jabalah ibn Suḥaym from ‘Abdullāh ibn ‘Umar who said: "O people, do not buy a dinar for two dinars, nor a dirham for two dirhams, for I fear Rimā for you." It was said: "What is Rimā?" He said: "What you call Riba."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ مُسْلِمِ الْعَبْدِيُّ، قَالَ: حَدَّثَنَا أَبُو الْمُتَوَكِّلِ النَّاجِي، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْذَّهَبُ بِالْذَّهَبِ، وَالْفِضَّةُ بِالْفِضَّةِ، وَالْبُرْ بِالْبُرِّ، وَالشَّعِيرُ بِالشَّعِيرِ، وَالنَّمْرُ بِالنَّمْرِ، وَالْمُلْحُ بِالْمُلْحِ، مِثْلًا بِمِثْلٍ يَدًا بِيَدٍ، فَمَنْ زَادَ أَوْ اسْتَرَادَ فَقَدْ أَرْبَى، الْأَجْذُ وَالْمُعْطِي فِيهِ سَوَاءٌ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنْ جَبَلَةَ بْنِ سُحَيْمٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، قَالَ: أَيُّهَا النَّاسُ، لَا تَشْتَرُوا دِينَارًا بِدِينَارٍ وَلَا دِرْهَمًا بِدِرْهَمٍ، فَإِنِّي أَخَافُ عَلَيْكُمُ الرِّمَّا قِيلَ: وَمَا الرِّمَّا؟ قَالَ: الَّذِي تَدْعُونَهُ الرِّبَا

[22496] Abū Bakr reported: Waki‘ reported: Sufyān reported from ‘Ayyāsh al-Āmirī from Muslim ibn Nadhīr al-Sa‘dī who said: ‘Alī was asked about [exchanging] a dirham for two dirhams. He said: "Immediate Riba."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ عَيَّاشِ الْعَامِرِيِّ، عَنْ مُسْلِمِ بْنِ ثَدِيرٍ السَّعْدِيِّ، قَالَ: سُئِلَ عَلَيْهِ عَنِ الدِّرْهَمِ بِالدِّرْهَمَيْنِ، فَقَالَ: الرِّبَا الْعَجْلَانُ

[22497] Abū Bakr reported: Ibn Fuḍayl reported from Layth from Mujāhid who said: Fourteen of the Companions of Muḥammad ﷺ said: "Gold for gold and silver for silver," and they considered the excess as Riba. Among them were Abū Bakr, ‘Umar, ‘Uthmān, ‘Alī, Sa‘d, Talhah, and Al-Zubayr.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، قَالَ: أَرْبَعَةُ عَشَرَ مِنْ أَصْحَابِ مُحَمَّدٍ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالُوا: الْذَّهَبُ بِالْذَّهَبِ، وَالْفِضَّةُ بِالْفِضَّةِ، وَأَرْبُوا الْفَضْلُ، مِنْهُمْ أَبُو بَكْرٍ، وَعُمَرُ، وَعُثْمَانُ، وَعَلِيُّ، وَسَعْدٌ، وَطَلْحَةُ، وَالزَّبِيرُ

[22498] Abū Bakr reported: Abū al-Aḥwas reported from Zayd ibn Jubayr who said: A man asked Ibn ‘Umar about gold and silver. Ibn ‘Umar said: "Gold for gold, and silver for silver, weight for weight."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ زَيْدِ بْنِ جُبَيْرٍ، قَالَ: سَأَلَ رَجُلٌ ابْنَ عُمَرَ عَنِ الْذَّهَبِ وَالْفِضَّةِ، فَقَالَ ابْنُ عُمَرَ: الْذَّهَبُ بِالْذَّهَبِ، وَالْفِضَّةُ بِالْفِضَّةِ، وَزُنْ بِوْزُنٍ

[22499] Abū Bakr reported: Ibn Abī Laylā reported from Al-Ḥakam from ‘Abd al-Rahmān ibn Abī Laylā who said: ‘Umar said: "Do not sell a dirham for two dirhams, for that is immediate Riba."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي لَيْلَى، عَنِ الْحَكَمِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى، قَالَ: قَالَ عُمَرُ: لَا تَبِيعُوا الدُّرْهَمَ بِالدُّرْهَمَيْنِ، فَإِنَّ ذَلِكَ هُوَ الرِّبَا الْعَجْلَانُ

[22500] Abū Bakr reported: Ibn Iṣhāq reported from Wuhayb from Yaḥyā ibn Abī Iṣhāq from ‘Abd al-Rahmān ibn Abī Bakrah from his father who said: "The Messenger of Allah ﷺ forbade us from selling gold for gold, and silver for silver, except equal for equal, and he commanded us to sell gold for silver and silver for gold however we wished."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِسْحَاقَ، عَنْ وُهَيْبٍ، عَنْ يَحْيَى بْنِ أَبِي إِسْحَاقَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرٍ، عَنْ أَبِيهِ، قَالَ: نَهَانَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ تَبِيعَ الدَّهَبَ بِالدَّهَبِ، وَالْفِضَّةَ بِالْفِضَّةِ، إِلَّا سَوَاءٌ بِسَوَاءٍ، وَأَمْرَنَا أَنْ تَبِيعَ الدَّهَبَ بِالْفِضَّةِ، وَالْفِضَّةَ بِالدَّهَبِ كَيْفَ شِئْنَا

[22501] Abu Bakr narrated to us, he said: Ya’lā narrated to us, from Al-Kalbī, from Salamah, from Abū Rāfi’, from Abu Bakr, who said: I heard the Prophet ﷺ say: “Gold for gold, weight for weight, and silver for silver, weight for weight. The one who gives more and the one who asks for more are in the Fire.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَعْلَى، عَنِ الْكَلْبِيِّ، عَنْ سَلَمَةَ، عَنْ أَبِي رَافِعٍ، عَنْ أَبِي بَكْرٍ، قَالَ: سَمِعْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: الدَّهَبُ بِالدَّهَبِ وَزُنْ بِوْزُنٍ، وَالْفِضَّةُ بِالْفِضَّةِ وَزُنْ بِوْزُنٍ، الزَّائِدُ وَالْمُسْتَرِيدُ فِي النَّارِ

[22502] Abu Bakr narrated to us, he said: ‘Affān narrated to us, he said: Shu‘bah narrated to us, he said: Ḥabīb ibn Abī Thābit informed us, he said: I heard Abū Al-Minhāl say: I asked Al-Barā’ ibn ‘Āzib and Zayd ibn Arqam about money exchange (Ṣarf). Both of them said: “The Messenger of Allah ﷺ forbade selling silver for gold on credit (debt).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَفَّانُ، قَالَ: حَدَّثَنَا شُعْبَهُ،
قَالَ: أَخْبَرَنَا حَبِيبُ بْنُ أَبِي ثَابِتٍ، قَالَ: سَمِعْتُ أَبَا
الْمِنْهَلَ، قَالَ: سَأَلْتُ الْبَرَاءَ بْنَ عَازِبٍ، وَزَيْدَ بْنَ أَرْقَمَ
عَنِ الصَّرْفِ، فَكِلَاهُمَا يَقُولُ: نَهَى رَسُولُ اللَّهِ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ الْوَرِقِ بِالدَّهْبِ دَيْنًا

[22503] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Naṣr ibn ‘Alī Al-Jahḍamī narrated to us, from Qays ibn Rabāḥ Al-Ḥuddānī, from Malakah bint Hāni’, she said: I entered upon ‘A’ishah while wearing two silver bracelets. I said: “O Mother of the Believers, may I sell them for Dirhams?” She said: “(Sell) silver for silver, weight for weight, like for like.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا نَصْرُ بْنُ
عَلِيٍّ الْجَهْضَمِيِّ، عَنْ قَيْسِ بْنِ رَبَاحِ الْحُدَّانِيِّ، عَنْ
مَلَكَةَ ابْنَةِ هَانِيٍّ قَالَتْ: دَخَلْتُ عَلَى عَائِشَةَ وَعَلَيَّ
سِوَارَانِ مِنْ فِضَّةٍ، فَقُلْتُ: يَا أُمَّ الْمُؤْمِنِينَ، أَبِيعُهَا
بِدَرَاهِمَ؟ فَقَالَتْ: الْفِضَّةُ بِالْفِضَّةِ، وَزُنُّ بِوَزْنِ، مِثْلٌ
بِمِثْلٍ

[22504] Abu Bakr narrated to us, he said: Mu'tamir ibn Sulaymān narrated to us, he said: I heard 'Abd al-'Azīz ibn Ḥakīm say: I witnessed Ibn 'Umar when a man from the people of Basra came to him and said: "I came from a people who exchange small Dirhams and take large ones in return." He (Ibn 'Umar) said: "Do they take more (value/weight)?" He said: "Yes." He said: "No, unless it is weight for weight."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعَنْمُ بْنُ سُلَيْمَانَ، قَالَ:
سَمِعْتُ عَبْدَ الْعَزِيزِ بْنَ حَكِيمًا، يَقُولُ: شَهِدْتُ ابْنَ عُمَرَ
وَأَثَاهُ رَجُلًا مِنْ أَهْلِ الْبَصْرَةِ فَقَالَ: إِنِّي جِئْتُ مِنْ عِنْدِ
قَوْمٍ يَصْرِفُونَ الدَّرَاهِمَ الصَّغِيرَ فَيَأْخُذُونَ بِهَا كِتَارًا،
قَالَ: أَيْزَادُونَ؟ قَالَ: نَعَمْ، قَالَ: لَا، إِلَّا وَزَنًا بِوْزَنٍ

[22505] Abu Bakr narrated to us, he said: Abū Al-Āḥwāṣ narrated to us, from Simāk, from Sa'īd ibn Jubayr, from Ibn 'Umar, who said: I used to sell gold for silver, and silver for gold. I came to the Prophet ﷺ and asked him. He said: "If you make a deal with your companion, do not separate from him while there is any confusion (unsettled matter) between you."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَاصِ، عَنْ سِمَاكٍ،
عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عُمَرَ، قَالَ: كُنْتُ أَبْيَعُ
الْذَّهَبَ بِالْفِضَّةِ، وَالْفِضَّةَ بِالْذَّهَبِ، فَأَتَيْتُ النَّبِيَّ صَلَّى
اللهُ عَلَيْهِ وَسَلَّمَ فَسَأَلْتُهُ فَقَالَ: إِذَا بَأْيَعْتَ صَاحِبَكَ فَلَا
تُفَارِقْهُ وَبَيْنَكَ وَبَيْنَهُ لَبَسٌ

[22506] Abu Bakr narrated to us, he said: Mu'tamir ibn Sulaymān narrated to us, from 'Abd al-'Azīz ibn Ḥakīm, he said: I heard Ibn 'Umar say: "If you exchange a Dinar, do not stand up (leave) until you take its price."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ عَبْدِ الْعَزِيزِ بْنِ حَكِيمٍ، قَالَ: سَمِعْتُ ابْنَ عُمَرَ، يَقُولُ: إِذَا صَرَفْتَ دِينَارًا فَلَا تَقْمِنْ حَتَّى تَأْخُذَ تَمَةً

[22507] Abu Bakr narrated to us, he said: Ibn 'Uyaynah narrated to us, he said: He heard 'Amr, from Ibn 'Umar, saying: 'Umar said: "If he asks you to wait for the duration of milking a she-camel, do not wait for him." Meaning: in money exchange (Ṣarf).

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عَيْنَةَ، قَالَ: سَمِعَ عُمَرَ، عَنْ ابْنِ عُمَرَ، يَقُولُ: قَالَ عُمَرُ: اسْتَنْظِرُكَ حَلْبَ نَاقَةٍ فَلَا تُنْظِرُهُ، يَعْنِي: فِي الصَّرْفِ

[22508] Abu Bakr narrated to us, he said: Al-Thaqafī narrated to us, from Ayyūb, from Abū Qilābah, that Talḥah exchanged Dinars by weight, so 'Umar forbade him from separating from him until he received full payment.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا التَّقْفِيُّ، عَنْ أَيُوبَ، عَنْ أَبِي قِلَابَةَ، أَنَّ طَلْحَةَ اصْطَرَفَ دَنَانِيرَ بِوَزْنِ فَنَاهَاهُ عُمَرُ أَنْ يُفَارِقَهُ حَتَّى يَسْتَوِيَ

[22509] Abu Bakr narrated to us, he said: Ibn ‘Uyaynah narrated to us, from ‘Ubayd Allāh ibn Abī Yazīd, from Ibn ‘Abbās, from Usāmah, who said: The Messenger of Allah ﷺ said: “Riba (usury) is only in the Nasī’ah (delay).”

حَدَّثَنَا أَبُو بَكْرٌ، قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عُبَيْدِ اللَّهِ بْنِ أَبِي يَزِيدَ، عَنْ ابْنِ عَبَّاسٍ، عَنْ أُسَامَةَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنَّمَا الرِّبَا فِي النَّسَاءِ

[22510] Abu Bakr narrated to us, he said: Ghundar narrated to us, from Hishām, from Al-Hasan and Ibn Sīrīn, both of whom said: “If you sell gold for silver, do not separate from him while there is a condition between you, except (it be) hand to hand (hā'a wa hā'a).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، وَابْنِ سِيرِينَ، قَالَا: إِذَا بَعْتَ ذَهَبًا لِفَضَّةٍ، فَلَا تُفَارِقْهُ وَبَيْنَكَ وَبَيْنَهُ شَرْطٌ إِلَّا هَاءَ وَهَاءَ

[22511] Abū Bakr told us: ‘Alī ibn Mushir told us, from Ash-Shaybānī, from ‘Uqbah Abū Al-Akhḍar, who said: Ibn ‘Umar was asked about selling gold on credit. He said: I heard ‘Umar ibn Al-Khaṭṭāb on this pulpit, when he was asked about it, say: “Every moment it is delayed, it is usury (Riba).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ الشَّيْبَانِيِّ، عَنْ عُقْبَةَ أَبِي الْأَخْضَرِ، قَالَ: سُئِلَ ابْنُ عُمَرَ عَنِ الدَّهَبِ يُبَاعُ بِنَسِيَّةٍ، فَقَالَ: سَمِعْتُ عُمَرَ بْنَ الْخَطَّابِ عَلَى هَذَا الْمِنْبَرِ، وَسُئِلَ عَنْهُ، فَقَالَ: كُلَّ سَاعَةٍ اسْتَنْسَأَهُ فَهُوَ رِبَا

[22512] Abū Bakr told us: Hushaym told us, from Mughīrah, who said: “They should not part company until what is between them has been settled.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، قَالَ: لَا يَقْتَرِفَا إِلَّا وَقَدْ تَصَرَّمَا مَا بَيْنَهُمَا

[22513] Abū Bakr told us: Wakī‘ told us: Sufyān told us, from Mughīrah, from Shibāk, from Ibrāhīm, from Shurayḥ, who said: “It is more beloved to me in currency exchange (Sarf) that they conclude the deal without any confusion remaining between them.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفيَانُ، عَنْ مُغِيرَةَ، عَنْ شِبَاكٍ، عَنْ إِبْرَاهِيمَ، عَنْ شُرَيْعٍ، قَالَ: أَحَبُّ إِلَيَّ فِي الصَّرْفِ أَنْ يَتَصَادِرَا وَلَيْسَ بَيْنَهُمَا لَبِسٌ

[22514] Abū Bakr told us: Ismā‘il ibn Ibrāhīm told us, from Ḥabīb ibn Shahīd, who said: Layl Al-‘Uqaylī came to Ibn Sīrīn accompanied by a man and said: “This man asks you about currency exchange (Sarf).” He said: “The Prophet ﷺ, Abū Bakr, ‘Umar, and ‘Uthmān forbade it.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ حَبِيبِ بْنِ شَوَيْدٍ، قَالَ: جَاءَ لَيْلُ الْعُقَيْلِيُّ إِلَى ابْنِ سِيرِينَ وَمَعْهُ رَجُلٌ فَقَالَ: إِنَّ هَذَا يَسْأَلُكَ عَنِ الصَّرْفِ فَقَالَ: نَهَى عَنْهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَبُو بَكْرٌ، وَعُمَرُ، وَعُثْمَانُ

[22515] Abū Bakr told us: Waki‘ told us, from Shu‘bah, from Qatādah, from Sa‘īd ibn Al-Musayyib, that ‘Alī and ‘Uthmān: “Forbade currency exchange (Sarf).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ قَتَادَةَ،
عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، أَنَّ عَلِيًّا، وَعُثْمَانَ: نَهَا عَنِ
الصَّرْفِ

[22516] Abū Bakr told us: Yazīd ibn Hārūn told us, from Sulaym ibn Ḥayyān, from Abū Ghālib, from Abū Umāmah, who said: I heard him say: “Currency exchange (Sarf) is

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ سُلَيْمَ
بْنِ حَيَّانَ، عَنْ أَبِي غَالِبٍ، عَنْ أَبِي أُمَامَةَ، قَالَ: سَمِعْتُهُ
يَقُولُ: الصَّرْفُ رِبَا

[22517] Abū Bakr told us: Waki‘ told us: Jarīr ibn Ḥāzim told us, from Muḥammad ibn Abī Ya‘qūb, from Yaḥyā At-Tawīl, who said: ‘Alī was asked about currency exchange (Sarf). He said: “That is the hasty (immediate) Riba.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا جَرِيرُ بْنُ
حَازِمٍ، عَنْ مُحَمَّدِ بْنِ أَبِي يَعْقُوبٍ، عَنْ يَحْيَى الطَّوَيلِ،
قَالَ: سُئِلَ عَلِيًّا عَنِ الصَّرْفِ، فَقَالَ: ذَلِكَ الرِّبَا الْعَجْلَانُ

[22518] Abū Bakr told us: Waki‘ told us: Abū Khaldah told us, from Abū Al-‘Āliyah, who said: “If I passed by the house of a money changer (Sayrafi) and I was thirsty, I would not ask him for water.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا أَبُو خَلْدَةَ،
عَنْ أَبِي الْعَالِيَةِ، قَالَ: لَوْ مَرَرْتُ بِذَارِ صَيْرَفِيٍّ وَأَنَا
عَطْشَانٌ، مَا أَسْتَسْقِيهِ مَاءً

[22519] Abū Bakr told us: Sufyān ibn ‘Uyaynah told us, from Az-Zuhrī, from Sālim, from his father, from the Prophet (peace be upon him), who said: “Whoever sells palm trees after they have been pollinated, the fruit belongs to the seller, unless the buyer stipulates it. And whoever sells a slave who has wealth, his wealth belongs to the seller, unless the buyer stipulates

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سُفِيَّانُ بْنُ عُيَيْنَةَ، عَنِ الرَّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ، عَنِ النَّبِيِّ عَلَيْهِ السَّلَامُ قَالَ: مَنْ بَاعَ نَخْلًا بَعْدَ أَنْ تُؤَبَّرَ فَتَمَرَّثُهُ لِلْبَائِعِ إِلَّا أَنْ يَشْرُطَهُ الْمُبَتَّاعُ، وَمَنْ بَاعَ عَبْدًا وَلَهُ مَالٌ، فَمَالُهُ لِلْبَائِعِ إِلَّا أَنْ يَشْرُطَهُ الْمُبَتَّاعُ

[22520] Abū Bakr told us: Wakī‘ told us, from Sufyān, from someone who heard Jābir ibn ‘Abd Allāh say: The Messenger of Allah ﷺ said: “Whoever sells a slave who has wealth, his wealth belongs to the seller unless the buyer stipulates it.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفِيَّانَ، عَمَّنْ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ، يَقُولُ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ بَاعَ عَبْدًا وَلَهُ مَالٌ فَمَالُهُ لِلْبَائِعِ إِلَّا أَنْ يَشْرُطَ الْمُبَتَّاعُ

[22521] Abu Bakr narrated to us, he said: Abu Al-Aḥwaṣ narrated to us, from ‘Abd al-‘Azīz ibn Rufay’, from ‘Aṭā’ and Ibni Abī Mulaykah, both of whom said: The Messenger of Allah ﷺ said: “Whoever sells a slave who has wealth, his wealth belongs to the seller unless the buyer stipulates it,” saying: “I bought him from you along with his wealth.” And: “Whoever sells palm trees that have been pollinated, their fruit belongs to the seller unless the buyer stipulates it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَخْوَصِ، عَنْ عَبْدِ
الْعَزِيزِ بْنِ رُقَيْبٍ، عَنْ عَطَاءٍ، وَابْنِ أَبِي مُلِيقٍ، قَالَا:
قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ بَاعَ عَبْدًا وَلَهُ
مَالٌ فَمَالُهُ لِلْبَائِعِ إِلَّا أَنْ يَشْرِطَ الْمُبَتَّأَعَ يَقُولُ: اشْرِيْثَةُ
مِنْكَ وَمَالُهُ، وَمَنْ بَاعَ نَخْلًا قَدْ أَبْرَقَهُ فَمَرَّةُ النَّمَرَةِ لِلْبَائِعِ إِلَّا أَنْ
يَشْرِطَ الْمُبَتَّأَعَ

[22522] Abu Bakr narrated to us, he said: Ibni Fuḍayl narrated to us, from Ash‘ath, from Abū Al-Zubayr, from Jābir; and from Ash‘ath, from Nāfi‘, from Ibni ‘Umar, both of whom said: “Whoever sells palm trees, the fruit belongs to the seller unless the buyer stipulates it. And whoever sells a slave who has wealth, the wealth belongs to the seller unless the buyer stipulates it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ أَشْعَثَ، عَنْ
أَبِي الرُّبَيْرِ، عَنْ جَابِرٍ، وَعَنْ أَشْعَثَ، عَنْ نَافِعٍ، عَنْ
ابْنِ عُمَرَ، قَالَا: مَنْ بَاعَ نَخْلًا فَالنَّمَرَةُ لِلْبَائِعِ إِلَّا
يَشْرِطَ الْمُشْتَرِيِّ، وَمَنْ بَاعَ عَبْدًا لَهُ مَالٌ فَالْمَالُ لِلْبَائِعِ
إِلَّا أَنْ يَشْرِطَ الْمُبَتَّأَعَ

[22523] Abu Bakr narrated to us, he said: Ḥātim ibn Ismā‘il narrated to us, from Ja‘far, from his father, who said: ‘Alī said: “Whoever sells a slave who has wealth, the wealth belongs to the seller. And whoever sells palm trees that have been pollinated (meaning: fertilized), their fruit belongs to the seller unless the buyer stipulates it.” The Messenger of Allah ﷺ decreed this.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ جَعْفَرٍ، عَنْ أَبِيهِ، قَالَ: قَالَ عَلِيًّا: "مَنْ بَاعَ عَبْدًا وَلَهُ مَالٌ فَالْمَالُ لِلْبَائِعِ، وَمَنْ بَاعَ تَحْلُّاً قَدْ أُبَرِّثَ - يَعْنِي: أُفْحِتَ - فَتَمَرَّثُهُ لِلْبَائِعِ إِلَّا أَنْ يَشْرِطَ الْمُبْتَأَغُ قَضَى بِهِ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

[22524] Abu Bakr narrated to us, he said: ‘Abdah ibn Sulaymān narrated to us, from ‘Ubayd Allāh, from Nāfi‘, from Ibn ‘Umar, who said: ‘Umar said: “Whoever sells a slave who has wealth, his wealth belongs to his master (the seller) unless the one who bought him stipulates it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: قَالَ عُمَرُ: مَنْ بَاعَ عَبْدًا وَلَهُ مَالٌ فَمَالُهُ لِسَيِّدِهِ إِلَّا أَنْ يَشْرِطَ الَّذِي اشْتَرَاهُ

[22525] Abu Bakr narrated to us, he said: Ibn Idrīs narrated to us, from Al-Shaybānī, from Al-Sha'bī, from 'Abd Allāh ibn 'Utbah and Shurayh, both of whom said: “If he sells him (the slave) while he has wealth, his wealth belongs to the buyer.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عُتْبَةَ، وَشُرَيْحَ، قَالَا: إِذَا بَاعَهُ وَلَهُ مَالٌ فَمَالُهُ لِلْمُشْتَرِي

[22526] Abu Bakr narrated to us, he said: 'Ubayd Allāh narrated to us, from Hanżalah, from Tāwūs, who was asked about a man who bought a slave and stipulated his wealth. He said: “His wealth belongs to him (the buyer), but if he did not stipulate it, his wealth belongs to his master (the seller).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُبَيْدُ اللَّهِ، عَنْ حَنْظَلَةَ، عَنْ طَلَوْسِ، سُئِلَ عَنْ رَجُلٍ، اشْتَرَى عَبْدًا وَشَرَطَ مَالَهُ قَالَ: مَالُهُ لَهُ، وَإِنْ لَمْ يَشْرُطْ فَمَالُهُ لِسَيِّدِهِ

[22527] Abu Bakr narrated to us, he said: Jarīr narrated to us, from Mansūr, from Ibrāhīm, who said: “If he is sold while he has wealth, his wealth belongs to the buyer.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا بَيْعَ وَلَهُ مَالٌ فَمَالُهُ لِلْمُشْتَرِي

[22528] Abu Bakr narrated to us, he said: Abū Usāmah narrated to us, from Hishām, from Muḥammad, that he saw no harm, if a man sold his slave who had wealth, in saying: “I sell him to you along with his wealth.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَمَّةَ، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ، أَنَّهُ كَانَ لَا يَرَى بَأْسًا إِذَا بَاعَ الرَّجُلُ غُلَامًا وَلَهُ مَالٌ أَنْ يَقُولُ: أَبِيْعُكَ وَمَالَهُ

[22529] Abu Bakr narrated to us, he said: Ismā‘īl ibn ‘Ulayyah narrated to us, from Ayyūb, from Muḥammad: That he saw no harm in exchanging an animal for an animal with Dirhams, where the animal is exchanged immediately and the Dirhams are deferred.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عُلَيَّةَ، عَنْ أَيُوبَ، عَنْ مُحَمَّدٍ: أَنَّهُ كَانَ لَا يَرَى بَأْسًا دَابَّةً بِدَابَّةً، وَدَرَاهُمُ الدَّابَّةَ مُعَجَّلًا، وَالدَّرَاهُمُ نَسِينَةٌ

[22530] Abu Bakr narrated to us, he said: Sahl ibn Yūsuf narrated to us, from Ash‘ath, from Al-Hasan and Muḥammad (regarding): A cow for a cow with a Dirham between them, and the Dirham is deferred. Muḥammad said: “There is no harm in it,” but Al-Hasan disliked it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، وَمُحَمَّدٍ: بَقَرَةٌ بِبَقَرَةٍ بَيْنَهُمَا دِرْهَمٌ، وَالدَّرْهُمُ نَسِينَةٌ، قَالَ مُحَمَّدٌ: لَا بَأْسَ بِهِ، وَكَرِهُهُ الْحَسَنُ

[22531] Abu Bakr narrated to us, he said: Some of the Sheikhs narrated to us, from Qays, from Al-‘Alā’ ibn Al-Musayyib, from Hammād, from Ibrāhīm, who said: “There is no harm in selling a camel for a camel with ten Dirhams between them if the animal is exchanged immediately and the Dirhams are present (paid). But he disliked it if the Dirhams were paid immediately and the animal was deferred.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا بَعْضُ الْمَشْيَخَةِ، عَنْ قَيْسِ، عَنِ الْعَلَاءِ بْنِ الْمُسَيْبِ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ أَنْ يُبَاعَ، الْبَعْيرُ بِالْبَعِيرِ بَيْنَهُمَا الْعَشْرَةُ الدَّرَاهِمُ إِذَا كَانَ الْحَيَّانُ مُعَجَّلًا وَالدَّرَاهِمُ مَوْجُودَةُ، وَكَرِهَهُ إِذَا كَانَتِ الدَّرَاهِمُ مُعَجَّلَةً وَالْحَيَّانُ مُؤَخَّرَةً

[22532] Abu Bakr narrated to us, he said: Ghundar narrated to us, from Shu‘bah, from Humayd, from Anas, who said: I heard him say: “Grapes are not to be sold until they turn black (ripen).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ حُمَيْدٍ، عَنْ أَنَّسٍ، قَالَ: سَمِعْتُهُ يَقُولُ: لَا يُبَاعُ الْعِنْبُ حَتَّى يَسُودَ

[22533] Abu Bakr narrated to us, he said: Ibn Mahdī narrated to us, from Hammād ibn Salamah, from Humayd, from Anas, that the Prophet ﷺ: “Forbade selling grapes until they turn black.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ حُمَيْدٍ، عَنْ أَنَّسٍ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: نَهَى عَنْ بَيْعِ الْعِنْبِ حَتَّى يَسُودَ

[22534] Abu Bakr narrated to us, he said: Ghundar narrated to us, from Shu‘bah, from Abū Shaybah, from ‘Isā ibn Al-Ḥārith, from Shurayh, that he said regarding Shuf‘ah (pre-emption): “(It is allocated) according to the size of the shares.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ أَبِي شَيْبَةَ، عَنْ عِيسَى بْنِ الْحَارِثِ، عَنْ شُرَيْحٍ، أَنَّهُ قَالَ فِي الشُّفْعَةِ: عَلَى قُدرِ الْأَنْصِبَاءِ

[22535] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Sufyān narrated to us, from Jābir, from ‘Āmir; and from Sufyān, from Ibn Jurayj, from ‘Aṭā’, both of whom said: “Shuf‘ah (pre-emption) is according to the shares.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، وَعَنْ سُفْيَانَ، عَنْ ابْنِ جُرَيْحٍ، عَنْ عَطَاءٍ، قَالَا: الشُّفْعَةُ بِالْحِصْنِ

[22536] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Sufyān narrated to us, from Ash‘ath, from ‘Āmir, who said: “Shuf‘ah (pre-emption) is per capita (by the number of people/heads).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَشْعَثَ، عَنْ عَامِرٍ، قَالَ: الشُّفْعَةُ عَلَى رُءُوسِ الرِّجَالِ

[22537] Abu Bakr narrated to us, he said: Abū Mu‘āwiyah narrated to us, from Ash‘ath, from Al-Sha‘bī, who said: “Shuf‘ah (pre-emption) is per capita.” But Al-Ḥasan said: “It is according to the size of the shares.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، قَالَ: الْشُّفْعَةُ عَلَى رُءُوسِ الرِّجَالِ. وَقَالَ الْحَسَنُ: هِيَ عَلَى قَدْرِ الْأَنْصِبَاءِ

[22538] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: I heard Sufyān say: “Shuf‘ah (pre-emption), Qasāmah (oaths regarding bloodshed), and ‘Aql (blood money) are per capita.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: سَمِعْتُ سُفْيَانَ، يَقُولُ: الْشُّفْعَةُ وَالْقَسَامَةُ وَالْعُقْلُ عَلَى رُءُوسِ الرِّجَالِ

[22539] Abu Bakr narrated to us, he said: Zayd ibn Ḥubāb narrated to us, from Abū Shaybah, from Al-Ḥakam, who said: “It (Shuf‘ah) is per capita.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، عَنْ أَبِي شَيْبَةَ، عَنِ الْحَكَمِ، قَالَ: هِيَ عَلَى رُءُوسِ الرِّجَالِ

[22540] Abu Bakr narrated to us, he said: Mu‘ādh narrated to us, from Ash‘ath, from Al-Ḥasan, who said: “Shuf‘ah (pre-emption) is according to the size of the shares.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعَاذُ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، قَالَ: الْشُّفْعَةُ عَلَى قَدْرِ الْأَنْصِبَاءِ

[22541] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Sufyān narrated to us, from Al-Shaybānī, from Al-Sha‘bī, who said: “Shuf‘ah (pre-emption) is based on boundaries, and there is no Shuf‘ah based on doors (proximity of entrances).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعَبِيِّ، قَالَ: السُّفْعَةُ بِالْحُدُودِ، وَلَا سُفْعَةٌ بِالْأَبْوَابِ

[22542] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Sufyān narrated to us, from Ibrāhīm ibn Muhājir, from Ibrāhīm, who said: “Shuf‘ah (pre-emption) is based on doors.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ إِبْرَاهِيمَ بْنِ مُهَاجِرٍ، عَنْ إِبْرَاهِيمَ، قَالَ: السُّفْعَةُ بِالْأَبْوَابِ

[22543] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Isrā’il narrated to us, from Jābir, from ‘Āmir, from Shurayh, who said: “Shuf‘ah (pre-emption) is based on walls (shared walls).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، عَنْ شُرَيْحٍ، قَالَ: السُّفْعَةُ بِالْحِيطَانِ

[22544] Abu Bakr narrated to us, he said: ‘Abbād ibn Al-‘Awwām narrated to us, from Al-Shaybānī, from Al-Sha‘bī, who said: “Shuf‘ah (pre-emption) based on doors is nothing; Shuf‘ah is only based on boundaries.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، قَالَ: الشُّفْعَةُ بِالْأَبْوَابِ لَيْسَ بِشَيْءٍ، إِنَّمَا الشُّفْعَةُ بِالْحُدُودِ

[22545] Abu Bakr narrated to us, he said: Shabābah narrated to us, from Shu‘bah, he said: I asked Al-Hakam and Hammād about (exchanging) brass for iron on credit. Hammād disliked it, while Al-Hakam saw no harm in it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَبَابَةُ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَّادًا، عَنِ الصُّفْرِ بِالْحَدِيدِ تَسْبِيَةً فَكَرِهَ ذَلِكَ حَمَّادٌ، وَلَمْ يَرَ بِهِ الْحَكْمُ بِأَسَاسِ

[22546] Abu Bakr narrated to us, he said: Ibn Abī Zā’idah narrated to us, from Ibn ‘Awṇ, from Muḥammad, who said: A Mukātab (slave with a contract for freedom) wanted to give his master all the money at once, but the master said: “I will not take it except in installments.” ‘Uthmān wrote his manumission for him, took the money, and said: “I will give it to you in installments.” When the man saw that, he took the money.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنِ ابْنِ عَوْنِ، عَنْ مُحَمَّدٍ، قَالَ: أَرَادَ مُكَاتِبٌ أَنْ يُعْطِي مَوْلَاهُ الْمَالَ كُلَّهُ، فَقَالَ: لَا أَخْذُهُ إِلَّا نُجُومًا، فَكَتَبَ لَهُ عُثْمَانُ عِنْقَهُ، فَأَخَذَ الْمَالَ وَقَالَ: أَنَا أُعْطِيَكُهُ نُجُومًا، فَلَمَّا رَأَى ذَلِكَ الرَّجُلَ أَخَذَ الْمَالَ

[22547] Abu Bakr narrated to us, he said: ‘Alī ibn Hāshim narrated to us, from Abū Laylā, from Abū Ḏabbah, who said: A Mukātab was brought to ‘Umar who had brought the money in a lump sum, but his master said: “I will not accept it from you. I only made the contract with you to take it from you in installments over years to benefit me, and perhaps you might die during that time and I would inherit from you.” So ‘Umar ordered the money to be placed in the Bayt al-Māl (Treasury), then he paid it out to him (the master) in installments and executed his (the slave's) freedom.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ هَاشِمٍ، عَنْ أَبِي لَيْلَى، عَنْ أَبِي ضَبَّةَ، قَالَ: رُفِعَ إِلَى عُمَرَ مُكَاتِبٌ جَاءَ بِالْمَالِ بِجُمْلَتِهِ، فَقَالَ مَوْلَاهُ: لَا أَقْبِلُهُ مِنْكَ، إِنَّمَا كَانَتْنَا لَاَخْذَهُ مِنْكَ نُجُومًا فِي السَّنِينِ يَنْتَعْنِي، وَلَعَلَّكَ مَعَ ذَلِكَ تَمُوتُ فَأَرِثُكَ، فَأَمَرَ عُمَرُ بِالْمَالِ فَوَضَعَهُ فِي بَيْتِ الْمَالِ، ثُمَّ أَجْرَاهُ عَلَيْهِ نُجُومًا وَأَمْضَى عِنْقَهُ

[22548] Abu Bakr narrated to us, he said: Wakī‘ narrated to us, from Isrā’īl, from ‘Abd al-‘Azīz ibn Rufay’, from Abū Bakr ibn ‘Amr ibn Ḥazm, that a man made a Kitābah contract with his slave in installments. He (the slave) brought him the entire Kitābah amount, but the master refused to accept it except in installments. The Mukātab went to ‘Umar, so he sent for his master who came. He offered him the money, but he refused to take it. ‘Umar said: “O Yarfa’, put it in the Bayt al-Māl.” He said to the master: “Take it in installments,” and he said to the Mukātab: “Go wherever you wish.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ، عَنْ أَبِي بَكْرٍ بْنِ عَمْرُو بْنِ حَزْمٍ، أَنَّ رَجُلًا كَاتَبَ عَلَامًا لَهُ فَنَجَّمَهَا عَلَيْهِ نُجُومًا، فَلَمَّا بُمْكَاتَبَتِهِ كُلُّهَا، فَأَبَى أَنْ يَقْبِلَهَا الْمَوْلَى إِلَّا نُجُومًا، فَأَتَى الْمُكَاتَبَ عُمَرَ، فَأَرْسَلَ إِلَيْهِ مَوْلَاهُ فَجَاءَ، فَعَرَضَ عَلَيْهِ الْمَالَ فَأَبَى أَنْ يَأْخُذَهُ، فَقَالَ عُمَرُ: يَا يَرْفَا، ادْفَعْ فِي بَيْتِ الْمَالِ وَقَالَ لِلْمَوْلَى: حُدْهَا نُجُومًا وَقَالَ لِلْمُكَاتَبِ: ادْهَبْ حَيْثُ شِئْتَ

[22549] Abu Bakr narrated to us, he said: Jarīr narrated to us, from Layth, from Mujāhid, who said: “There is no harm in (exchanging) one Fals (copper coin) for two Fals, hand to hand.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، قَالَ: لَا بَأْسَ بِالْفَلْسِ بِالْفَلْسِينِ يَدًا بِيَدٍ

[22550] Hafṣ narrated to us, from Layth, from Ṭāwūs, like it.

حَدَّثَنَا حُفْصٌ، عَنْ لَيْثٍ، عَنْ طَاؤِسٍ، مِثْلُهُ

[22551] Abu Bakr narrated to us, he said: Abū Mu‘āwiyah narrated to us, from Al-Shaybānī, from Ḥammād, who said: “There is no harm in (exchanging) one Fals for two Fals, hand to hand.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الشَّيْبَانِيِّ، عَنْ حَمَادٍ، قَالَ: لَا بَأْسَ بِالْفَلْسِ بِالْفَلْسِيْنِ يَدًا بِيَدٍ

[22552] Abu Bakr narrated to us, he said: Ibn Idrīs narrated to us, from Al-Shaybānī, (regarding a slave sold with debt): “His debt is upon his master, and it does not exceed his price. And if he sells him while he has wealth, his wealth belongs to the one who bought him, meaning the buyer.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنِ الشَّيْبَانِيِّ عَنْ دَيْنِهِ، عَلَى مَوْلَاهُ وَلَا يُجَاوِزُ ثَمَنَهُ، وَإِذَا بَاعَهُ وَلَهُ مَالٌ فَمَالُهُ لِلَّذِي ابْتَاعَهُ، يَعْنِي الْمُشْتَرِيِّ

[22553] Abu Bakr narrated to us, he said: Jarīr narrated to us, from Maṇṣūr, from Ibrāhīm, who said: “If a slave is sold and he has a debt and has wealth, his wealth belongs to the one who bought him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا بَيْعَ الْعَبْدِ وَعَلَيْهِ دَيْنٌ وَلَهُ مَالٌ، فَمَالُهُ لِلَّذِي ابْتَاعَهُ

[22554] Abu Bakr narrated to us, he said: Yazid ibn Hārūn narrated to us, he said: Ibn ‘Awn, Hishām, and Ash‘ath informed us, from Muḥammad, from Shurayh, regarding the slave who has a debt. He said: “His debt is upon the one who sold him and consumed his price.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ:
أَخْبَرَنَا ابْنُ عَوْنِ، وَهِشَامٌ، وَأَسْعَثٌ، عَنْ مُحَمَّدٍ، عَنْ
شُرَيْحٍ، فِي الْعَبْدِ وَعَلَيْهِ دَيْنٌ قَالَ: دَيْنُهُ عَلَى مَنْ بَاعَهُ
وَأَكَلَ ثَمَنَهُ

[22555] Abu Bakr narrated to us, he said: Ibn ‘Ulayyah narrated to us, from Ibn ‘Awn, from Ibn Sirīn, that ‘Abd al-Rahmān ibn Udhaynah came regarding a slave who had incurred a debt, and he said: “His wealth goes for his debt.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ ابْنِ عَوْنِ،
عَنْ ابْنِ سِيرِينَ، أَنَّ عَبْدَ الرَّحْمَنَ بْنَ أَذِيَّنَةَ، أَتَى فِي
عَبْدِ رَكِبَةِ دَيْنٍ، فَقَالَ: مَالُهُ بِدَيْنِهِ

[22556] Abu Bakr narrated to us, he said: Ismā‘il ibn ‘Ulayyah narrated to us, from Ayyūb, from Ibn Sirīn, who said: A man bought an animal from another man and traveled on it. When he returned, he found a defect in it, so he took the dispute to Shurayh. He (Shurayh) said to him (the seller, or implying the buyer used it): “You permitted him (to use) its back.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عُلَيَّةَ، عَنْ
أَيُوبَ، عَنْ ابْنِ سِيرِينَ، قَالَ: اسْتَرَى رَجُلٌ مِنْ رَجُلِ
دَابَّةٍ فَسَافَرَ عَلَيْهَا، فَلَمَّا رَجَعَ وَجَدَ بِهَا عَيْنًا فَخَاصَّةً
إِلَى شُرَيْحٍ فَقَالَ لَهُ: أَنْتَ أَذِنْتَ لَهُ فِي ظَهْرِهِ

[22557] Abu Bakr narrated to us, he said: Wakī‘ narrated to us, from Sufyān, from Ghaylān, from Al-Ḥakam, regarding a man who bought an animal and made it lean (emaciated), then found a defect in it. He said: “He returns it, and he returns with it the difference between its leanness and its fatness (original state).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَيْلَانَ، عَنِ الْحَكَمِ، فِي رَجْلِ اشْتَرَى دَابَّةً فَأَهْزَلَهَا ثُمَّ وَجَدَ بِهَا عَيْيَا، قَالَ: يَرُدُّهَا فَيُرُدُّ مَعَهَا مَا بَيْنَ الْهُرَاءِ وَالسَّمَنِ

[22558] Abu Bakr narrated to us, he said: ‘Abd al-Rahmān ibn Mahdī narrated to us, from Sufyān, from Abū Ḥuṣayn, about two men who testified before Shurayh, so he executed the judgment. Then one of them retracted (his testimony), but Shurayh did not accept his retraction.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ أَبِي حُصَيْنٍ، عَنْ رَجُلَيْنِ شَهِدا عِنْدَ شُرَيْحٍ فَأَمْضَى الْحُكْمَ ثُمَّ رَجَعَ أَحَدُهُمَا، فَلَمْ يَقْبَلْ شُرَيْحٍ رُجُوعَهُ

[22559] Abu Bakr narrated to us, he said: Wakī‘ and Ghundar narrated to us, from Shu‘bah, from Al-Ḥakam and Ḥammād. Al-Ḥakam said: “It (the judgment) is not revoked.” And Ḥammād said: “It is revoked.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، وَغُنْدَرٌ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، وَحَمَّادٍ، قَالَ الْحُكْمُ: لَا يُرَدُّ وَقَالَ حَمَّادٌ: يُرَدُّ

[22560] Abu Bakr narrated to us, he said: Sahl ibn Yūsuf narrated to us, from ‘Amr, from Al-Ḥasan, regarding two men who gave testimony and then both retracted it after he had judged by it. He said: “The judgment is revoked.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ عَمْرِو، عَنِ الْحَسَنِ، فِي رَجُلَيْنِ شَهِداً بِشَهَادَةٍ ثُمَّ رَجَعَا جَمِيعًا فَحَكَمَ بِهَا، قَالَ: يُرَدُّ الْحُكْمُ

[22561] Abu Bakr narrated to us, he said: Wakī‘ narrated to us, from Sufyān, from Abū Ḥuṣayn, that a man gave testimony before Shurayh, then he came and retracted it. Shurayh said: “We have already accepted your testimony.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي حُصَيْنٍ، أَنَّ رَجُلًا شَهَدَ عِنْدَ شُرَيْحٍ بِشَهَادَةٍ، فَجَاءَ فَرَجَعَ، فَقَالَ شُرَيْحٌ: قَدْ قَلِيلًا شَهَادَتَكَ

[22562] Abu Bakr narrated to us, he said: Wakī‘ narrated to us, he said: Sufyān narrated to us: “If the judgment has been executed, the testimony stands, and the witness pays compensation if he retracts.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ: إِذَا مَضَى الْحُكْمُ جَازَتِ الشَّهَادَةُ، وَيَغْرُمُ الشَّاهِدُ إِذَا رَجَعَ

[22563] Abu Bakr narrated to us, he said: Wakī‘ narrated to us, from Al-Awzā‘ī, from Wāṣil ibn Abī Jamīl, from Mujāhid, who said: Four people formed a partnership in farming during the time of the Messenger of Allah ﷺ. One of them said: “I provide the land.” Another said: “I provide the oxen.” Another said: “I provide the seed.” And the other said: “I provide the labor.” When the crops were harvested, they disputed about it before the Prophet ﷺ. He assigned the crops to the owner of the seed, canceled the share of the landowner, assigned a known amount to the owner of the oxen, and assigned a Dirham every day to the worker. Wāṣil said: I narrated this to Makhūl, and he said: “This Hadith is more beloved to me than a servant.” Wakī‘ said: “The most beloved farming to us is trade in gold, silver, and food, and that is the view of Sufyān.” Wakī‘ said: “We hope that (sharecropping for) half, third, and quarter is permissible because people practice it.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنِ الْأَوْزَاعِيِّ، عَنْ وَاصِلِ بْنِ أَبِي جَمِيلٍ، عَنْ مُجَاهِدٍ، قَالَ: اشْتَرَكَ أَرْبَعَةٌ رَهْطٌ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي زَرْعٍ فَقَالَ أَحَدُهُمْ: قِبْلِيُّ الْأَرْضُ، وَقَالَ الْآخَرُ: قِبْلِيُّ الْفَدَانِ، وَقَالَ الْآخَرُ: قِبْلِيُّ الْبَذْرُ، وَقَالَ الْآخَرُ: عَلَيَّ الْعَمَلُ، فَلَمَّا اسْتُحْصِدَ الزَّرْعُ تَفَاقَوْا فِيهِ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: فَجَعَلَ الزَّرْعَ لِصَاحِبِ الْبَذْرِ، وَالْأَغْرِي صَاحِبَ الْأَرْضِ، وَجَعَلَ لِصَاحِبِ الْفَدَانِ شَيْئًا مَعْلُومًا، وَجَعَلَ لِصَاحِبِ الْعَمَلِ دِرْهَمًا كُلَّ يَوْمٍ. قَالَ وَاصِلٌ: فَحَدَّثْتُ بِهِ مَكْحُولاً، فَقَالَ: لَهُذَا الْحَدِيثُ أَحَبُّ إِلَيَّ مِنْ وَصَيْفٍ. قَالَ وَكِيعٌ: أَحَبُّ الزَّرْعِ إِلَيْنَا التِّجَارَةُ بِالدَّهْبِ وَالْفِضَّةِ وَالطَّعَامِ، وَهُوَ قَوْلُ سُفِينَانَ. قَالَ وَكِيعٌ: وَنَرْجُو أَنْ يَكُونَ النَّصْفُ وَالثُّلُثُ وَالرُّبُعُ جَائِزًا، لِأَنَّ النَّاسَ يَعْمَلُونَ بِهِ

[22564] Abu Bakr narrated to us, he said: Ibn ‘Uyaynah narrated to us, from ‘Abd Allāh ibn Dīnār, from Ibn ‘Umar, who said: The Messenger of Allah ﷺ said: “The two parties to a sale have the option (to cancel) in their sale as long as they have not parted, unless their sale was optional (based on a condition of option).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَبْدِ اللَّهِ بْنِ دِيَنَارٍ، عَنْ ابْنِ عُمَرَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْبَيْعَانُ بِالْخِيَارِ فِي بَيْعِهِمَا مَا لَمْ يَفْتَرِقَا إِلَّا أَنْ يَكُونَا بَيْعَهُمَا عَنْ خِيَارٍ

[22565] Abu Bakr narrated to us, he said: Yazid ibn Hārūn narrated to us, from Sa‘id, from Qatādah, from Ṣalīḥ Abū Al-Khalil, from ‘Abd Allāh ibn Al-Ḥārith, from Ḥakīm ibn Hizām, that the Prophet ﷺ said: “The two parties to a sale have the option as long as they have not parted.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ سَعِيدٍ، عَنْ قَنَادَةَ، عَنْ صَالِحِ أَبْيِ الْخَلِيلِ، عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ، عَنْ حَكِيمِ بْنِ حِزَامٍ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: الْبَيْعَانُ بِالْخِيَارِ مَا لَمْ يَفْتَرِقَا

[22566] Abu Bakr narrated to us, he said: Al-Fadl ibn Dukayn narrated to us, he said: Ḥammād ibn Zayd narrated to us, from Jamīl ibn Murrah, from Abū Al-Waḍī', from Abū Barzah, who said: The Messenger of Allah ﷺ said: “The two parties to a sale have the option as long as they have not parted.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنِ، قَالَ: حَدَّثَنَا حَمَادُ بْنُ رَيْدٍ، عَنْ جَمِيلِ بْنِ مُرَّةَ، عَنْ أَبِي الْوَاضِيِّ، عَنْ أَبِي بَرْزَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْبَيْعَانُ بِالْخِيَارِ مَا لَمْ يَفْتَرِقَا

[22567] Abu Bakr narrated to us, he said: Hāshim ibn Al-Qāsim narrated to us, he said: Ibn ‘Utbah narrated to us, he said: Abū Kathīr Al-Suhaymī narrated to us, from Abū Hurayrah, who said: The Messenger of Allah ﷺ said: “The two parties to a sale have the option as long as they have not parted from their sale, or if their sale is with an option.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هَاشِمُ بْنُ الْفَاسِمِ، قَالَ: حَدَّثَنَا ابْنُ عُثْنَةَ، قَالَ: حَدَّثَنَا أَبُو كَثِيرَ السُّخَيْمِيَّ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْبَيْعَانُ بِالْخِيَارِ مَا لَمْ يَفْتَرِقَا مِنْ بَيْعَهُمَا، أَوْ يَكُونُ بَيْعُهُمَا بِخِيَارٍ

[22568] Abu Bakr narrated to us, he said: Jarīr ibn ‘Abd al-Ḥamīd narrated to us, from ‘Abd al-‘Azīz ibn Rufay‘, from Ibn Abī Mulaykah and ‘Atā, both of whom said: The Messenger of Allah ﷺ said: “The two parties to a sale have the option until they part by mutual consent.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ، عَنْ ابْنِ أَبِي مُلِينَكَةَ، وَعَطَاءً، قَالًا: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْبَيْعَانُ بِالْخِيَارِ حَتَّى يَقْتَرِفَا عَنْ رِضَى

[22569] Abu Bakr narrated to us, he said: Abu Al-Āḥwāṣ narrated to us, from ‘Abd al-‘Azīz ibn Rufay‘, from Ibn Abī Mulaykah, who said: The Messenger of Allah ﷺ said: “The two parties to a sale have the option as long as they have not parted.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَخْوَصِ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ، عَنْ ابْنِ أَبِي مُلِينَكَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْبَيْعَانُ بِالْخِيَارِ مَا لَمْ يَقْتَرِفَا

[22570] Abu Bakr narrated to us, he said: Waki‘ narrated to us, from Shu‘bah, from Al-Ḥakam, from Shurayh, who said: “The two parties to a sale have the option as long as they have not parted.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، عَنْ شُرَيْحٍ، قَالَ: الْبَيْعَانُ بِالْخِيَارِ مَا لَمْ يَقْتَرِفَا

[22571] Abu Bakr narrated to us, he said: Jarīr narrated to us, from Mughīrah, from Al-Sha'bī, that he was brought a case regarding a man who bought a workhorse from another man, and he wanted to return it before they parted. Al-Sha'bī judged that it (the sale) was binding upon him. Then Abū Al-Duhā testified before him that Shurayh was brought a similar case and he returned it to the seller. So Al-Sha'bī returned to the view of Shurayh.

[22572] Abu Bakr narrated to us, he said: Ibn Abī Zā'idah narrated to us, from Muḥammad ibn Iṣhāq, from Nāfi', from Ibn 'Umar, who said: "The two parties to a sale have the option as long as they have not separated." And whenever Ibn 'Umar made a sale, he would walk away to make the sale binding.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنِ الشَّعْبِيِّ، أَنَّهُ أَتَيَ فِي رَجُلٍ اسْتَرَى مِنْ رَجُلٍ بِرْدُونَا، فَأَرَادَ أَنْ يَرْدَدَهُ قَبْلَ أَنْ يَقْتَرَقَا، فَقَضَى الشَّعْبِيُّ أَنَّهُ قَدْ وَجَبَ عَلَيْهِ، فَشَهَدَ عِنْدَهُ أَبُو الضُّحَى أَنَّ شُرَيْحًا أَتَى فِي مِثْلِ ذَلِكَ فَرَدَهُ عَلَى الْبَائِعِ، فَرَجَعَ الشَّعْبِيُّ إِلَى قَوْلِ شُرَيْحٍ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: الْبَيْعَانُ بِالْخِيَارِ مَا لَمْ يَقْتَرَقَا، فَكَانَ ابْنُ عُمَرَ إِذَا بَاعَ انْصَرَفَ لِيُوْجِبَ الْبَيْعَ

[22573] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Sufyān narrated to us, from ‘Abd Allāh ibn Abī Al-Safar, from Al-Sha‘bī, from Shurayh, who said: “The two parties to a sale have the option as long as they have not separated.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ عَبْدِ اللَّهِ بْنِ أَبِي السَّفَرِ، عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ،
قَالَ: الْبَيْعَانُ بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا

[22574] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Hishām ibn Ziyād narrated to us, from Sa‘īd ibn Al-Musayyib, who said: “The two parties to a sale have the option as long as they have not separated.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا هِشَامُ بْنُ
زِيَادٍ، عَنْ سَعِيدِ بْنِ الْمُسِيَّبِ، قَالَ: الْبَيْعَانُ بِالْخِيَارِ مَا
لَمْ يَتَفَرَّقَا

[22575] Abu Bakr narrated to us, he said: Abu Al-Aḥwaṣ narrated to us, from ‘Abd al-‘Azīz ibn Rufay‘, from Ibn Abī Mulaykah, who said: The Messenger of Allah ﷺ said: “The two parties to a sale have the option as long as they have not separated.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ عَبْدِ
الْعَزِيزِ بْنِ رُقَيْبٍ، عَنْ ابْنِ أَبِي مَلِكٍ، قَالَ: قَالَ رَسُولُ
اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْبَيْعَانُ بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا

[22576] Abu Bakr narrated to us, he said: Ibn Abī Zā'īdah and Abū Khālid Al-Aḥmar narrated to us, from Al-Ḥajjāj, from Al-Ḥakam, from Shurayh, who said: “If he speaks regarding the sale (agrees verbally), it becomes binding upon him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، وَأَبُو خَالِدِ الْأَحْمَرُ، عَنِ الْحَجَّاجِ، عَنِ الْحَكَمِ، عَنْ شُرَيْحٍ، قَالَ: إِذَا تَكَلَّمَ بِالْبَيْعِ جَازَ عَلَيْهِ

[22577] Abu Bakr narrated to us, he said: Ibn Abī Zā'īdah narrated to us, from Al-Ḥajjāj, from Khālid ibn Muḥammad, from a Sheikh of Banū Kinānah, who said: I heard ‘Umar say: “Sale is only by a handshake (conclusion of deal) or option.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنِ الْحَجَّاجِ، عَنْ خَالِدِ بْنِ مُحَمَّدٍ، عَنْ شَيْخٍ مِنْ بَنِي كِنَانَةَ، قَالَ: سَمِعْتُ عُمَرَ يَقُولُ: إِنَّمَا الْبَيْعُ عَنْ صَفْقَةٍ، أَوْ خِيَارٍ

[22578] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Sufyān narrated to us, from Mughīrah, from Ibrāhīm, who said: “The sale is valid even if they have not separated.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: الْبَيْعُ جَائِزٌ وَإِنْ لَمْ يَتَفَرَّقا

[22579] Abu Bakr narrated to us, he said: Mu‘ādh ibn Mu‘ādh narrated to us, from Ash‘ath, from Al-Hasan, regarding a man who said to another man: “If I sell you my slave, he is free,” and the other said: “If I buy him, he is free.” He said: “He is freed from the wealth of the seller, because he broke his oath before him (the buyer).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعَاذُ بْنُ مُعَاذٍ، عَنْ أَشْعَثَ
عَنِ الْحَسَنِ، فِي رَجْلٍ قَالَ لِرَجْلٍ: إِنْ بَعْثَكَ غُلَامٍ
فَهُوَ حُرٌّ، وَقَالَ الْأُخْرُ: إِنْ اشْتَرَيْتَهُ فَهُوَ حُرٌّ، قَالَ:
يَعْتَقُ مِنْ مَالِ الْبَائِعِ؛ لِأَنَّهُ حَنَثَ قَبْلَهُ

[22580] Abu Bakr narrated to us, he said: Ismā‘il ibn ‘Ulayyah narrated to us, from Hishām Al-Dastuwā’ī, he said: Ḥammād narrated to us, from Ibrāhīm, who said: “He is free from the wealth of the seller because he was the first of them to break his oath.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عُلَيَّةَ، عَنْ هِشَامِ
الدَّسْتُوَائِيِّ، قَالَ: حَدَّثَنَا حَمَّادٌ، عَنْ إِبْرَاهِيمَ، قَالَ: حُرٌّ
مِنْ مَالِ الْبَائِعِ لِأَنَّهُ حَنَثَ أَوْلَهُمَا

[22581] Abu Bakr narrated to us, he said: Abu Al-Aḥwaṣ narrated to us, from Tāriq, from Sa‘id ibn Al-Musayyib, from Rāfi‘ ibn Khadīj, who said: “The Messenger of Allah ﷺ forbade Muḥāqalah (selling grain in the ear for dry grain) and Muzābanah (selling fresh dates on the tree for dry dates).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ طَارِقِ،
عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، عَنْ رَافِعِ بْنِ خَدِيجٍ، قَالَ: نَهَى
رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْمُحَاقَّةِ
وَالْمُزَابَنَةِ

[22582] Abu Bakr narrated to us, he said: Ibn ‘Uyaynah narrated to us, from Ibn Jurayj, from ‘Atā’, from Jābir, who said: “The Messenger of Allah ﷺ forbade Muḥāqalah and Muzābanah.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْمُحَاقَّةِ وَالْمُرَابَّةِ

[22583] Abu Bakr narrated to us, he said: Ibn ‘Uyaynah narrated to us, from Yahyā ibn Sa‘id, from Bashīr ibn Yasār, from Sahl ibn Abī Hathmah, that the Messenger of Allah ﷺ forbade selling fruit (fresh dates) for dates (dry dates), but he made a concession regarding the ‘Ariyyah (gift of palm trees), allowing it to be sold based on its estimation (of yield), so its owners could eat it as fresh dates.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ بَشِيرِ بْنِ يَسَارٍ، عَنْ سَهْلِ بْنِ أَبِي حَمْمَةَ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْ بَيْعِ التَّمْرِ، وَرَحَّصَ فِي الْعَرَيْةِ أَنْ ثَبَاعَ بِخْرُصِهِ يَأْكُلُهَا أَهْلُهَا رُطْبًا

[22584] Abu Bakr narrated to us, he said: Abū Mu‘āwiyah narrated to us, from Al-Shaybānī, from ‘Ikrimah, from Ibn ‘Abbās: “That the Messenger of Allah ﷺ forbade Muḥāqalah and Muzābanah.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الشَّيْبَانِيِّ، عَنْ عَكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنِ الْمُحَاقَّةِ وَالْمُرَابَّةِ

[22585] Abu Bakr narrated to us, he said: Abū Usāmah narrated to us, from Al-Walīd ibn Kathīr, he said: Bashīr ibn Yasār, the freed slave of Ḥārithah, narrated to me that Rāfi‘ ibn Khadīj and Sahl ibn Abī Ḥathmāh narrated to him: “That the Prophet ﷺ forbade Muzābanah, (selling) fruit (fresh dates) for dates (dry dates), except for the owners of ‘Arāyā, for he gave them permission.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنِ الْوَلِيدِ بْنِ كَثِيرٍ، قَالَ: حَدَّثَنِي بَشِيرُ بْنُ يَسَارٍ، مَوْلَى حَارِثَةَ أَنَّ رَافِعَ بْنَ حَدِيجَ، وَسَهْلَ بْنَ أَبِي حَنْمَةَ، حَدَّثَاهُ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنِ الْمُزَابَنَةِ التَّمَرُ بِالنَّمَرِ إِلَّا أَصْحَابُ الْغَرَائِبِ فَإِنَّمَا قَدْ أَذِنَ لَهُمْ

[22586] Abu Bakr narrated to us, he said: Ibn Abī Zā’idah narrated to us, from Muḥammad ibn ‘Amr, from Abū Salamah, from Abū Sa‘īd, who said: “The Messenger of Allah ﷺ forbade Muḥāqalah and Muzābanah. Muḥāqalah is in crops, and Muzābanah is in palm trees.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ مُحَمَّدِ بْنِ عَمْرُو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي سَعِيدٍ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْمُحَاقَّلَةِ وَالْمُزَابَنَةِ، الْمُحَاقَّلَةُ فِي الزَّرْعِ، وَالْمُزَابَنَةُ فِي النَّخْلِ

[22587] Abu Bakr narrated to us, he said: Abū Dāwūd narrated to us, from Sufyān, from Sa‘d ibn Ibrāhīm, from Ibn Abī Salamah, from his father, from Abū Hurayrah, who said: “The Messenger of Allah ﷺ forbade Muḥāqalah and Muzābanah.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو دَاؤِدَ، عَنْ سُفْيَانَ، عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ، عَنْ أَبْنِ أَبِيهِ سَلْمَةَ، عَنْ أَبِيهِ، عَنْ أَبِيهِ هُرَيْرَةَ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْمُحَاقَّةِ وَالْمُرَابَّةِ

[22588] Abu Bakr narrated to us, he said: Ibn ‘Uyaynah narrated to us, from Al-Zuhri, from Sālim, from his father, who said: “The Prophet ﷺ forbade selling fruit (fresh dates) for dates (dry dates).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ، قَالَ: نَهَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ التَّمْرِ بِالثَّمْرِ

[22589] Abu Bakr narrated to us, he said: Ibn ‘Ulayyah narrated to us, from ‘Amr, from Ismā‘il Al-Shaybānī, who said: I sold what was on the tops of the palm trees (saying): “If it increases, it is for them, and if it decreases, it is upon them.” I asked Ibn ‘Umar, and he said: “The Messenger of Allah ﷺ forbade that, except that he granted a concession regarding ‘Arāyā.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عَلَيَّةَ، عَنْ عَمْرِو، عَنْ إِسْمَاعِيلَ الشَّيْبَانِيِّ، قَالَ: بَعْتُ مَا فِي رُءُوسِ النَّخْلِ إِنْ زَادَ فَأَهُمْ، وَإِنْ تَقْصَرَ فَعَلَيْهِمْ، فَسَأَلْتُ ابْنَ عُمَرَ، فَقَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ ذَلِكِ إِلَّا أَنَّهُ قَدْ رَخَّصَ فِي الْعَرَائِيَا

[22590] Abu Bakr narrated to us, he said: Ibn ‘Ulayyah narrated to us, from Ayyūb, from Abū Al-Zubayr, from Jābir, who said: “The Messenger of Allah ﷺ forbade Muḥāqalah and Muzābanah.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ أَئْيُوبَ، عَنْ أَبِي الرَّبِيعِ، عَنْ جَابِرٍ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْمُحَاقَّةِ وَالْمُرَابَّةِ

[22591] Abu Bakr narrated to us, he said: Ibn ‘Ulayyah narrated to us, from Nāfi‘, who said: “Muḥāqalah is in crops, just as Muzābanah is in palm trees.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ نَافِعٍ، قَالَ: الْمُحَاقَّةُ فِي الزَّرْعِ، كَالْمُرَابَّةُ فِي النَّخْلِ

[22592] Abu Bakr narrated to us, he said: Ibn Numayr narrated to us, from Muḥammad ibn Ishāq, from Nāfi‘, from Ibn ‘Umar, who said: Zayd ibn Thābit narrated to me that the Messenger of Allah “forbade Muḥāqalah and Muzābanah.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: حَدَّثَنِي زَيْدُ بْنُ ثَابِتٍ أَنَّ رَسُولَ اللَّهِ نَهَى عَنِ الْمُحَاقَّةِ، وَالْمُرَابَّةِ

[22593] Abu Bakr narrated to us, he said: Ibn Mubārak narrated to us, from ‘Uthmān ibn Ḥakīm, from ‘Atā’, from Ibn ‘Abbās, who said: “(Regarding selling) fruit (fresh dates) for dates (dry dates) on the tops of palm trees by measure.” He said: “If there is a Dinar or ten Dirhams between them (as part of the exchange), there is no harm in it.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ عُתْمَانَ بْنِ حَكِيمٍ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: الْتَّمْرُ بِالْتَّمْرِ عَلَى رُؤُوسِ النَّخْلِ مُكَالِيَةً قَالَ: إِنْ كَانَ بِيَتْهُمَا دِينَارٌ أَوْ عَشْرَةُ دَرَاهِمَ فَلَا بَأْسَ بِهِ

[22594] Abu Bakr narrated to us, he said: Ibn Numayr narrated to us, he said: ‘Uthmān ibn Ḥakīm narrated to us, from ‘Atā’, from Ibn ‘Abbās, who said: “There is no harm in selling fruit (fresh dates) on the tops of palm trees for dates (dry dates) by measure, if there are ten Dirhams or a Dinar included in it.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، قَالَ: حَدَّثَنَا عُثْمَانَ بْنَ حَكِيمٍ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: لَا بَأْسَ بِبَيْعِ التَّمْرِ عَلَى رُؤُوسِ النَّخْلِ بِالْتَّمْرَةِ مَكِيلَةً إِذَا كَانَ فِيهِ عَشْرَةُ دَرَاهِمَ أَوْ دِينَارٍ

[22595] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Al-‘Umari narrated to us, from Nāfi‘, from Ibn ‘Umar, who said: “The Messenger of Allah ﷺ forbade Muzābanah.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْعُمَرِيُّ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْمُزَابَنَةِ

[22596] Abu Bakr narrated to us, he said: Waki‘ narrated to us: We heard the explanation of Muzābanah: It is buying what is on the tops of palm trees with dates.

Muḥāqalah: It is buying what is in the ears (of corn/grain) with wheat and barley. ‘Arāyā: It is when a man owns a palm tree which he inherited or bought within another man's orchard.

[22597] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Ibrāhīm ibn Ismā‘il narrated to us, from Mujammi‘, from ‘Amr ibn Dīnār, from Ibn ‘Abbās, that he said regarding (exchanging) wheat for dates on credit: “(It is) Riba

[22598] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Hushaym ibn Bashīr narrated to us, from Abū Al-Zubayr, from Jābir: That he disliked (exchanging) a Mudd of corn for a Mudd of wheat on credit.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ: "سَمِعْنَا تَفْسِيرَ الْمُزَابَنَةِ، اشْتِرَاءُ مَا فِي رُؤُسِ النَّخْلِ بِالْمُتَّمِرِ، وَالْمُحَاقَّةُ: اشْتِرَاءُ مَا فِي السُّنْبُلِ بِالْحِنْطَةِ وَالشَّعِيرِ، وَالْعَرَائِيَا: الرَّجُلُ تَكُونُ لَهُ النَّخْلَةُ يَرِثُهَا أَوْ يَشَرِّيْهَا فِي بُسْتَانِ الرَّجُلِ"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ إِسْمَاعِيلَ، عَنْ مُجَمِّعٍ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ أَبْنِ عَبَّاسٍ، أَنَّهُ قَالَ: "فِي الْبُرِّ بِالْمُتَّمِرِ نَسِيئَةٌ: رِبَا"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا هُشَيْمُ بْنُ بَشِيرٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ: أَنَّهُ كَرِهَ مُدَّ دُرَّةٍ بِمُدَّ حِنْطَةٍ نَسِيئَةً

[22599] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Zakariyyā narrated to us, from 'Āmir, who said: 'Umar bought a horse from a man, making it conditional that if he was pleased with it (the sale stands), otherwise there is no sale between them. 'Umar put a man from his side on it (to test it), and the horse was injured. They appointed Shurayh to judge between them. Shurayh said to 'Umar: "Keep what you bought or return what you took (in the condition you took it)." He ('Umar) said to him: "You have judged with bitter truth." Zakariyyā said: 'Āmir said: "So he sent him to be the judge of Kufa, and he sent Ka'b ibn Sūr to be the judge of Basra."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا زَكَرِيَّا، عَنْ عَامِرٍ، قَالَ: اسْتَرَى عُمَرُ مِنْ رَجُلٍ فَرَسًا، وَاسْتَوْجَبَهُ عَلَى إِنْ رَضِيَهُ وَإِلَّا فَلَا بَيْنَ بَيْنَهُمَا، فَحَمَلَ عَلَيْهِ عُمَرُ رَجْلًا مِنْ عِنْدِهِ فَعَطَبَ الْفَرَسُ، فَجَعَلَ بَيْنَهُمَا شُرْبِيًّا، فَقَالَ شُرْبِيْخٌ لِعُمَرَ: سَلَّمٌ مَا ابْتَغَتْ أَوْ رَدَّ مَا أَحْذَتْ، فَقَالَ لَهُ: قَضَيْتُ بِمُرْ الْحَقِّ". قَالَ زَكَرِيَّا: قَالَ عَامِرٌ: وَبَعْثَهُ عَلَى قَضَاءِ الْأُخْوَةِ، وَبَعْثَ كَعْبَ بْنَ سُورٍ عَلَى قَضَاءِ الْبَصْرَةِ

[22600] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Sufyān narrated to us, from Jābir, from ‘Āmir, from Ibn Abī Qurrah, from Salmān ibn Rabī‘ah Al-Bāhili: Regarding a man who bought goods from another man on the condition that he would look at them, and he fixed the price, then they (the goods/animal) died. Salmān ibn Rabī‘ah made him liable (for the cost).

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، عَنْ ابْنِ أَبِي فُرَّةَ، عَنْ سَلْمَانَ بْنِ رَبِيعَةَ الْبَاهِلِيِّ: فِي رَجُلٍ اشْتَرَى مِنْ رَجُلٍ سِلْعَةً عَلَى أَنْ يَنْظُرَ إِلَيْهَا وَقَطَعَ التَّمَنَّуْ فَمَاتَتْ، فَضَمَّنَهُ سَلْمَانُ بْنِ رَبِيعَةَ

[22601] Abū Bakr told us: Waki‘ told us: Sufyān told us, from Jābir, from ‘Āmir, regarding a man who buys a commodity on the condition that he looks at it, and it dies (or is destroyed). He said: “The buyer is held liable.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ فِي الرَّجُلِ يَشْتَرِي السِّلْعَةَ عَلَى أَنْ يَنْظُرَ إِلَيْهَا فَمَاتَتْ، قَالَ: يُضَمَّنُ الْمُشْتَرِي

[22602] Abū Bakr told us: Waki‘ told us: Ḥammād ibn Zayd told us, from Yaḥyā ibn ‘Atīq, from Al-Ḥasan, who said: “The buyer is held liable if he has the option (khiyār).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا حَمَادُ بْنُ رَبِيعٍ، عَنْ يَحْيَى بْنِ عَتِيقٍ، عَنِ الْحَسَنِ، قَالَ: يُضَمَّنُ الْمُشْتَرِي إِذَا كَانَ بِالْخِيَارِ

[22603] Abū Bakr told us: Hushaym told us, from Yūnus, from Al-Ḥasan, that he used to say regarding a man who buys goods on the condition that he has the option concerning them, and they perish while in his possession: “If he named the price, he is liable for it; but if he did not name the price, he is a trustee (and not liable unless negligent).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ يُونَسَ، عَنِ الْحَسَنِ أَنَّهُ كَانَ يَقُولُ: إِذَا اشْتَرَى الرَّجُلُ الْمَتَاعَ عَلَى أَنَّهُ فِيهِ بِالْخِيَارِ فَهَلَكَ مِنْ عِنْدِهِ قَالَ: إِنْ كَانَ سَمَّى الْثَّمَنَ فَهُوَ لَهُ ضَامِنٌ، وَإِنْ لَمْ يَكُنْ سَمَّى الْثَّمَنَ فَهُوَ مُؤْتَمِنٌ

[22604] Abū Bakr told us: Wakī‘ told us: Ibni Abī Laylā used to say: “If the seller has the option and the commodity dies, the buyer owes nothing.” Sufyān said: “He is liable for the value.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: كَانَ ابْنُ أَبِي لَيْلَى يَقُولُ: إِذَا كَانَ الْبَائِعُ بِالْخِيَارِ فَمَا تَثْبَطَ السُّلْعَةُ فَلَيْسَ عَلَى الْمُشْتَرِي شَيْءٌ وَقَالَ سُفْيَانُ: يُضَمِّنُ الْقِيمَةَ

[22605] Abū Bakr told us: Wakī‘ told us: Sufyān told us, from Jābir, from ‘Āmir, regarding a man who says to another man: “Do you have testimony?” and he says: “No,” then he comes and testifies. He said: “It is permissible.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، فِي الرَّجُلِ يَقُولُ لِلرَّجُلِ: عِنْدَكَ شَهَادَةٌ؟ فَيَقُولُ: لَا، ثُمَّ يَحِيِّءُ فَيَشْهُدُ، قَالَ: هِيَ جَائزَةٌ

[22606] Abū Bakr told us: ‘Abd al-Wahhāb ath-Thaqafī told us, from Ja‘far ibn Muḥammad, who said: Al-Qāsim ibn Muḥammad gave testimony before Abān ibn ‘Uthmān for a man. The man started reminding him of something in his testimony, but he said: “I do not remember it, and I only preserved this much.” Then he went out and remembered, while the people were sitting. He said: “This man asked me something about my testimony that I did not remember for him, but I have remembered it. I testify that what they said is true, and I testify to it.”

[22607] Abū Bakr told us: Ad-Daḥḥāk ibn Makhlad told us, from Ibn Jurayj, from ‘Atā’, from Ibn Mas‘ūd: “That he used to dislike the sale of the Mukātab (a slave with a contract of manumission).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ التَّقْفِيُّ، عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، قَالَ: "شَهَدَ الْفَاسِمُ بْنُ مُحَمَّدٍ بِشَهَادَةِ عِنْدَ أَبَانَ بْنِ عُثْمَانَ لِرَجُلٍ، فَجَعَلَ الرَّجُلُ يُذَكِّرُهُ شَيْئًا فِي شَهَادَتِهِ فَيَقُولُ: لَا أَذْكُرُهُ، وَلَا أَحْفَظُ إِلَّا هَذَا، ثُمَّ خَرَجَ فَذَكَرَ ، وَالْقَوْمُ قُطِعُوا فَقَالَ: إِنَّ هَذَا سَأَلِنِي شَيْئًا فِي شَهَادَتِي كُنْتَ لَا أَذْكُرُهُ لَهُ، وَإِنِّي قَدْ ذَكَرْتُهُ، وَإِنِّي أَشَهُدُ أَنَّ مَا قَالُوا حَقٌّ وَأَنَا أَشَهُدُ بِهِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلِدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، عَنْ ابْنِ مَسْعُودٍ: أَنَّهُ كَانَ يَكْرَهُ بَيْعَ الْمُكَاتَبِ

[22608] Abū Bakr told us: Jarīr told us, from Mughīrah, from Ibrāhīm—or from Ḥammād, from Ibrāhīm—who said: “There is no harm if the Mukātab is sold, if something remains of his Mukātabah (contract), to someone who buys him and guarantees his emancipation, provided he is not sold into slavery.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، أَوْ عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا يَأْسُ أَنْ يُبَاعَ، الْمُكَاتَبُ إِنْ بَقَيَ عَلَيْهِ مِنْ مُكَاتَبَتِهِ مَمَّا يَشْرِيْهُ وَيَضْمَنْ عِنْقَهُ، وَلَا يُبَاعُ لِلرِّقَّ

[22609] Abū Bakr told us: Wakī‘ told us, from Hishām ibn ‘Urwah, from his father, from ‘A’ishah, that Barīrah came to her while she was a Mukātabah. She asked the Prophet (peace be upon him): “Should I buy her on the condition that her Walā’ (allegiance/clientage) belongs to her masters?” He said: “Buy her and emancipate her, for the Walā’ belongs only to the one who emancipates.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، أَنَّ بَرِيرَةَ أَتَتْهَا وَهِيَ مُكَاتَبَةٌ، فَسَأَلَتُ النَّبِيَّ عَلَيْهِ السَّلَامُ: أَشْرِيْهَا عَلَى أَنَّ وَلَاءَهَا لِمَوَالِيْهَا، فَقَالَ: اشْرِيْهَا وَأَعْتِقِهَا، فَإِنَّمَا الْوَلَاءُ لِمَنْ أَعْنَقَ

[22610] Abū Bakr told us: Ibn Mubārak told us, from Ibn Jurayj, who said: Ibn Abī Mulaykah informed me that a woman entered a Mukātabah contract and gave birth to two children during her contract, then she died. ‘Abd Allāh ibn az-Zubayr was asked about that, and he said: “If they fulfill the contract of their mother, that is for her; when they pay, they are emancipated.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنِ ابْنِ جُرَيْجِ،
قَالَ: أَخْبَرَنِي ابْنُ أَبِي مُلَيْكَةَ، أَنَّ امْرَأَةً كُوِتِبَتْ، فَوَلَدَتْ
وَلَدَيْنِ فِي مُكَاتَبَتِهَا، ثُمَّ مَاتَتْ، فَسُئِلَ عَنْ ذَلِكَ عَبْدُ اللَّهِ
بْنُ الرُّبَّيْرُ، فَقَالَ: إِنْ أَفَامَا بِكِتَابَةٍ أَمْهَمَا فَذِلِكَ لَهَا، فَإِذَا
أَدَىَا عِنْقَاهُ

[22611] Abū Bakr told us: Hushaym told us, from Mughīrah, from Ibrāhīm, who said: “The children of a Mukātabah are in her status; they are emancipated by her emancipation and enslaved by her slavery. If she dies, they strive (earn) to pay what remains of her contract. If they pay, they are emancipated; if they are unable, they are returned (to slavery).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مُعَيْرَةَ، عَنْ
إِبْرَاهِيمَ، قَالَ: وَلَدُ الْمُكَاتَبَةِ بِمَنْزِلَتِهَا، يُعْنَقُونَ بِعِنْقَهَا
وَيُرْقَوْنَ بِرَقَّهَا، فَإِنْ مَاتَتْ سَعَوْنَا فِيمَا بَقَى مِنْ مُكَاتَبَتِهَا،
فَإِنْ أَدَوْا عِنْقَوْنَا، وَإِنْ عَجَرُوا رُدُّوْنَا

[22612] Abū Bakr told us: Ḥafṣ̄ told us, from Ja‘far, from his father, from ‘Alī, who said: “Her child is in her status regarding striving (for the payment),” meaning the

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ جَعْفَرٍ، عَنْ أَبِيهِ، عَنْ عَلَيِّ، قَالَ: وَلَدُهَا يَمْتَزِلُهَا فِي السَّعْيِ، يَعْنِي الْمُكَاتَبَةَ

[22613] Abū Bakr told us: Sufyān ibn ‘Uyaynah told us, from ‘Amr, from Tāwūs, from Ḥujr al-Madarī, from Zayd ibn Thābit: “That the Prophet ﷺ assigned the ‘Umra (lifetime gift) to the heir.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ طَاؤِسٍ، عَنْ حُجْرٍ الْمَدَرِيِّ، عَنْ زَيْدِ بْنِ تَابِتٍ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ جَعَلَ الْعُمْرَى لِلْوَارِثِ

[22614] Abū Bakr told us: Ibn ‘Uyaynah told us, from ‘Amr, from Sulaymān ibn Yasār, that Tāriq “judged the ‘Umra to be for the heir” based on the statement of Jābir from the Messenger of Allah ﷺ.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ طَارِقًا قَضَى بِالْعُمْرَى لِلْوَارِثِ لِقَوْلِ جَابِرٍ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

[22615] Abū Bakr told us: Ibn Abī Zā’idah told us, from Muḥammad ibn ‘Amr, from Abū Salamah, from Abū Hurayrah, who said: The Messenger of Allah ﷺ said: “There is no ‘Umra (that returns). Whoever is given something as ‘Umra, it belongs to him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ مُحَمَّدِ بْنِ عَمْرِو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا عُمْرَى، فَمَنْ أَعْمَرَ شَيْئاً فَهُوَ لَهُ

[22616] Abū Bakr told us: Ibn Abī Zā’idah told us, from Ḥajjāj, from Abū az-Zubayr, from Ṭāwūs, from Ibn ‘Abbās, who said: The Messenger of Allah ﷺ said: “The ‘Umrā is permissible (valid) for the one to whom it is given.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ حَاجَاجِ
عَنْ أَبِي الرُّبَّيرِ، عَنْ طَاؤُسٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ:
قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْعُمْرَى جَائِزَةٌ
لِمَنْ أَعْمَرَهَا

[22617] Abū Bakr told us: Muḥammad ibn Bashīr told us: Sa‘īd told us, from Qatādah, from Al-Hasan, from Samurah, who said: The Messenger of Allah ﷺ said: “The ‘Umrā is an inheritance for its people (recipients).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَشِيرٍ، قَالَ: حَدَّثَنَا
سَعِيدٌ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، عَنْ سَمْرَةَ، قَالَ: قَالَ
رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْعُمْرَى مِيرَاثٌ
لِأَهْلِهَا

[22618] Abū Bakr told us: Wakī‘ told us: Sufyān told us, from Abū az-Zubayr, from Jābir, who said: The Messenger of Allah ﷺ said: “Hold on to your wealth and do not give it as ‘Umrā, for whoever gives an ‘Umrā, it takes the path of inheritance.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ أَبِي الرُّبَّيرِ، عَنْ جَابِرٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ: أَمْسِكُوا عَلَيْكُمْ أَمْوَالَكُمْ لَا تَأْمُرُوهَا،
فَمَنْ أَعْمَرَ عُمْرَى فَهُوَ سَبِيلُ الْمِيرَاثِ

[22619] Abū Bakr told us: Hishām ibn ‘Urwah told us, from his father, who said: The Messenger of Allah ﷺ said: “Whoever gives an ‘Umrah, it belongs to him (the recipient) and his heirs after him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ، عَنْ أَبِيهِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ أَعْمَرَ عُمْرَى فَوَيْ لَهُ وَلِوَرَثَتِهِ مِنْ بَعْدِهِ

[22620] Abū Bakr told us: Waki‘ told us: Sufyān told us, from Ibn Abī Najīḥ, from Ṭāwūs, from Hujr al-Madarī, from Zayd ibn Thābit, who said: The Messenger of Allah ﷺ said: “The ‘Umrah is inheritance.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ ابْنِ أَبِي تَجْيِحٍ، عَنْ طَاؤِسٍ، عَنْ حُجْرٍ الْمَدَارِيِّ، عَنْ زَيْدِ بْنِ ثَابِتٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْعُمْرَى مِيرَاثٌ

[22621] Abū Bakr told us: ‘Alī ibn Mushir told us, from Ash-Shaybānī, who said: Salamah ibn Kuhayl told us: We were sitting with Shurayḥ when some people came to him disputing about an ‘Umrah given to a man for his lifetime. He said: “It belongs to him in his life and his death (after he dies).” The one against whom the judgment was made turned to him pleading, so Shurayḥ said: “This man has blamed me for a matter that the Messenger of Allah ﷺ judged.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، قَالَ: أَخْبَرَنَا سَلَمَةُ بْنُ كُهَيْلٍ، قَالَ: كُنَّا جُلوسًا عِنْدَ شُرَيْحٍ إِذْ آتَاهُ قَوْمٌ يَخْتَصِمُونَ إِلَيْهِ فِي عُمْرَى جُعِلْتُ لِرَجُلٍ حَيَاتَهُ، قَالَ: هِيَ لَهُ حَيَاتُهُ وَمَوْتُهُ، فَأَقْبَلَ عَلَيْهِ الَّذِي قَضَى عَلَيْهِ يُنَاسِدُهُ، قَالَ شُرَيْحٌ: لَقَدْ لَأْمَنَنِي وَسَلَّمَ

[22622] Abū Bakr told us: Abū Usāmah told us, from ‘Abd ar-Rahmān ibn Yazīd ibn Jābir, from Makhūl, that the Messenger of Allah ﷺ said: “Any man who is given an ‘Umrā, it belongs to him to do with it as he wishes.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ عَبْدِ الرَّحْمَنِ
بْنِ يَزِيدَ بْنِ جَابِرٍ، عَنْ مَكْحُولٍ، أَنَّ رَسُولَ اللَّهِ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: أَيُّمَا رَجُلٌ أَعْمَرَ عُمْرَ فَهِيَ لَهُ
يَصْنَعُ بِهَا مَا شَاءَ

[22623] Abū Bakr told us: Sharīk told us, from ‘Abd Allāh ibn Muḥammad ibn ‘Aqīl, from Ibn al-Hanafiyah, from ‘Alī, who said: “The ‘Umrā is irrevocable (Batāt).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكُ، عَنْ عَبْدِ اللَّهِ بْنِ
مُحَمَّدٍ بْنِ عَقِيلٍ، عَنْ ابْنِ الْحَنَفِيَّةِ، عَنْ عَلَيِّ، قَالَ:
الْعُمْرَيْ بَنَاتُ

[22624] Abū Bakr told us: ‘Alī ibn Mushir told us, from Ash-Shaybānī, from Ḥabīb ibn Abī Thābit, from Ibn ‘Umar, who said: A Bedouin came to him and said: “A man gave his son a she-camel of his as long as he lives, and it produced offspring (a herd).” Ibn ‘Umar said: “It belongs to him for his life and his death.” The Bedouin said: “I only made it as charity.” He said: “That puts you even further away from it.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنِ
الشَّيْبَانِيِّ، عَنْ حَبِيبِ بْنِ أَبِي تَأْبِيتٍ، عَنْ ابْنِ عُمَرَ، قَالَ:
أَتَاهُ أَعْرَابِيُّ فَقَالَ: رَجُلٌ أَعْطَى ابْنَ الْأَنْقَةَ لَهُ مَا
عَاشَ، فَنَتَجَتْ دَوْدًا، فَقَالَ ابْنُ عُمَرَ: هِيَ لَهُ حَيَاةٌ
وَمَوْتَهُ، فَقَالَ الْأَعْرَابِيُّ: إِنَّمَا جَعَلْتُهَا صَدَقَةً، قَالَ: ذَلِكَ
أَبْعَدَ لَكَ مِنْهَا

[22625] Abū Bakr told us: Hushaym told us, from Mughīrah, who said: I asked Ibrāhīm about Suknā (right of residence). He said: “It returns to the heirs of the dwelling (owner).” I said: “O Abū ‘Imrān, wasn’t it said: ‘Whoever possesses something for his life, it is his for his life and after his death?’” He said: “That is regarding the ‘Umrā.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، قَالَ:
سَأَلْتُ إِبْرَاهِيمَ عَنِ السُّكْنَى، قَالَ: تَرْجِعُ إِلَى وَرَثَةِ
الْمَسْكِنِ، فَقُلْتُ: يَا أَبَا عِمْرَانَ، لَيْسَ كَانَ يُقَالُ: مَنْ
مَلِكَ شَيْئًا حَيَا تَهْفُو لَهُ حَيَاةً وَبَعْدَ مَوْتِهِ، قَالَ: ذَلِكَ فِي
الْعُمَرَى

[22626] Abū Bakr told us: Ghundar told us, from ‘Uthmān ibn Ghiyāth, from Al-Hasan, who said: I heard him say: “If a man gives a man a house for his life, it is his for his life and after his death.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ عُثْمَانَ بْنِ
غِيَاثٍ، عَنِ الْحَسَنِ، قَالَ: سَمِعْتُهُ يَقُولُ: إِذَا أَعْطَى
الرَّجُلُ الرَّجُلَ الدَّارَ حَيَاةً فَهِيَ لَهُ حَيَاةً وَبَعْدَ مَوْتِهِ

[22627] Abū Bakr told us: Waki‘ told us: Jarīr ibn Hāzim told us, from Ibn Sīrīn, from Shurayh, who said: A blind man came to him disputing about a slave girl given as ‘Umrā. Shurayh judged it for the one to whom she was given. The man said: “You have judged against me.” He said: “I did not judge against you, but the Messenger of Allah ﷺ judged: ‘Whoever possesses something for his life, it is his for his life and after his death.’”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ، عَنْ ابْنِ سِيرِينَ، عَنْ شُرَيْحٍ، قَالَ: جَاءَهُ رَجُلٌ أَعْمَى يُخَاصِّمُ فِي أُمَّةٍ أَعْمَرَهَا، فَقَضَى لَهَا شُرَيْحٌ لِلَّذِي أَعْمَرَهَا، فَقَالَ الرَّجُلُ: قَضَيْتُ عَلَيْهِ، فَقَالَ: مَا أَنَا قَضَيْتُ عَلَيْكَ، وَلَكُنْ قَضَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ مَلَكَ شَيْئًا حَيَا تَهْ، فَهُوَ لَهُ حَيَا تَهْ وَبَعْدَ مَوْتِهِ

[22628] Abū Bakr told us: Waki‘ told us: Ibn Abī Khālid told us, from Ash-Sha‘bī, who said: “If he says: ‘It is yours until you die,’ it is his for his life and after his death.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ابْنُ أَبِي حَالِدٍ، عَنْ الشَّعْبِيِّ، قَالَ: إِذَا قَالَ هِيَ لَكَ حَتَّى تَمُوتَ فَهُوَ لَهُ حَيَا تَهْ وَبَعْدَ وَمَوْتِهِ

[22629] Abū Bakr told us: Waki‘ told us: Sufyān told us, from Abū az-Zubayr, from Tāwūs, from Ibn ‘Abbās, who said: “Whoever is given an ‘Umrā, it belongs to him and his heirs.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَبِي الزُّبَيْرِ، عَنْ طَاؤُسٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: مَنْ أَعْمَرَ عُمَرَى فَهُوَ لَهُ وَلَوْرَتَهُ

[22630] Abū Bakr told us: Muḥammad ibn Bishr told us: Hajjāj ibn Abī ‘Uthmān told us, from Abū az-Zubayr, from Jābir, who said: The Messenger of Allah ﷺ said: “O assembly of Anṣār, hold on to your wealth, do not give it as ‘Umrah; for whoever gives something as ‘Umrah, it belongs to the one to whom it was given.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ، قَالَ: حَدَّثَنَا حَجَاجُ بْنُ أَبِي عُثْمَانَ، عَنْ أَبِي الرُّبَّاعِيِّ، عَنْ جَابِرٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: يَا مُعْشَرَ الْأَنْصَارِ، امْسِكُوا عَلَيْكُمْ أَمْوَالَكُمْ، لَا تَعْمَرُوهَا؛ فَإِنَّمَّا مَنْ أَعْمَرَ شَيْئًا فَإِنَّهُ لِمَنْ أَعْمَرَهُ

[22631] Abū Bakr told us: Abū Ya‘lā told us, from Muḥammad ibn Ishāq, from ‘Abd Allāh ibn Muḥammad ibn ‘Aqīl, from Ibn al-Ḥanafiyyah, who said: I heard Mu‘āwiyah say: The Messenger of Allah ﷺ said: “The ‘Umrah is permissible (valid) for its people (recipients).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو يَعْمَارٍ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدِ بْنِ عَقِيلٍ، عَنْ ابْنِ الْحَنْفَيَّةِ، قَالَ: سَمِعْتُ مُعَاوِيَةً، يَقُولُ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْعُمَرَى جَائِزَةٌ لِأَهْلِهَا

[22632] Abū Bakr told us: Yahyā ibn Ādām told us: Ibn Abī Dhī'b told us, from Az-Zuhrī, from Abū Salamah, from Jābir, who said: “The Messenger of Allah ﷺ judged the ‘Umrā to belong to him (the recipient) and his descendants irrevocably (batlah), with no condition or exception for the giver in it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ، قَالَ: حَدَّثَنَا ابْنُ أَبِي ذِئْبٍ، عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرٍ، قَالَ: فَضَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالْعُمَرَى لَهُ وَلِعَقِبِهِ بَنْلَهُ، لَيْسَ لِلْمُعْطِي فِيهَا شَرْطٌ وَلَا شُرْكٌ

[22633] Abū Bakr told us: Muḥammad ibn Bishr told us: Sa‘īd told us, from Qatādah, from An-Naḍr ibn Anas, from Bashīr ibn Nahīk, from Abū Hurayrah, who said: The Messenger of Allah ﷺ said: “The ‘Umrā is permissible for its people, or inheritance for its people.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشَرٍّ، قَالَ: حَدَّثَنَا سَعِيْدٌ، عَنْ قَتَادَةَ، عَنِ النَّضْرِ بْنِ أَنَسٍ، عَنْ بَشِيرِ بْنِ نَوَيْكٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْعُمَرَى جَائزَةٌ لِأَهْلِهَا، أَوْ مِيرَاثٌ لِأَهْلِهَا

[22634] Abū Bakr told us: Ghundar told us, from Shu‘bah, from Al-Hakam and Hammād, that they said: “The owner of the ‘Umrā (giver) takes it back as long as they are both alive.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، وَحَمَادٍ، أَنَّهُمَا قَالَا: يَرْجُعُ صَاحِبُ الْعُمَرَى مَا دَامَا حَيَّيْنِ

[22635] Abū Bakr told us: Waki‘ told us: Yazīd ibn Ziyād ibn Abī al-Ja‘d told us, from Ḥabīb ibn Abī Thābit, from Ibn ‘Umar, who said: The Messenger of Allah ﷺ forbade the Ruqbā (a conditional gift where the item goes to the survivor). He said: “Whoever gives a Ruqbā, it belongs to him (the recipient).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا يَزِيدُ بْنُ زَيْدٍ بْنُ أَبِي الْجَعْدِ، عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ، عَنْ ابْنِ عُمَرَ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الرُّقْبَى قَالَ: مَنْ أَرْقَبَ رُقْبَى فَهُوَ لَهُ

[22636] Abū Bakr told us: Waki‘ told us: Ḥanzalah told us, from Ṭāwūs, who said: The Messenger of Allah ﷺ said: “Ruqbā is not lawful (as a temporary condition). Whoever gives a Ruqbā, it is in the way of inheritance.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا حَنْظَلَةُ، عَنْ طَاؤِسٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا تَحِلُّ الرُّقْبَى، فَمَنْ أَرْقَبَ رُقْبَى فَهُوَ فِي سَبِيلِ الْمِيرَاثِ

[22637] Abū Bakr told us: Waki‘ told us: Shu‘bah told us, from Ibn Abī Najīḥ, from Mujāhid, who said: ‘Alī said: “The ‘Umrā and the Ruqbā are the same.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حَدَّثَنَا شُعْبَةَ، عَنْ ابْنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ، قَالَ: قَالَ عَلَيْهِ الْعُمَرَى وَالرُّقْبَى سَوَاءٌ

[22638] Abū Bakr told us: Waki‘ told us: Sa‘īd ibn Ḥassān told us: I heard Mujāhid say: “Whoever gives an ‘Umrā, it is for him and his heirs after him; it does not return to the one who gave it. And Ruqbā is like it.” I said to Mujāhid: “What is Ruqbā?” He said: “A man saying: ‘It belongs to the last remaining one of me and you.’”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سَعِيدُ بْنُ حَسَانَ، قَالَ: سَمِعْتُ مُجَاهِدًا، يَقُولُ: مَنْ أَعْمَرَ عُمْرًا فَهُوَ لَهُ وَلَوْرَأَتِهِ مِنْ بَعْدِهِ، لَا تَرْجِعُ إِلَى الَّذِي أَعْمَرَهَا، وَالرُّفْقَى مِثْلُهَا. فُلِتُّ لِمُجَاهِدٍ: مَا الرُّفْقَى؟ قَالَ: قَوْلُ الرَّجُلِ هِيَ لِلْآخِرِ مِنِّي وَمِنْكَ

[22639] Abū Bakr told us: Yahyā ibn Sa‘īd told us, from Sufyān, from Abū az-Zubayr, from Tāwūs, from Ibn ‘Abbās, who said: “Ruqbā and ‘Umrā are the same.” Waki‘ said: “‘Umrā, Hibah (gift), ‘Aṭiyyah (giving), and Niḥlah (donation), if they are taken into possession, are valid.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ سُفْيَانَ، عَنْ أَبِي الرُّبَّيْرِ، عَنْ طَلَوْسٍ، عَنْ أَبْنِ عَبَّاسٍ، قَالَ: الرُّفْقَى وَالْعُمْرَى سَوَاءٌ. قَالَ وَكِيعٌ: الْعُمْرَى، وَالْهَبَّةُ، وَالْعَطِيَّةُ، وَالنَّحْلُ إِذَا قُبِضَتْ فَهُوَ جَائِزٌ

[22640] Abū Bakr told us: Waki‘ told us: Ibn Abī Laylā told us, from ‘Aṭā’, from Abū Hurayrah, who said: “The Messenger of Allah ﷺ forbade the ‘Asb of the stallion (charging for its mating).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا أَبْنُ أَبِي لَيْلَى، عَنْ عَطَاءٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ عَسْبِ الْفَحْلِ

[22641] Abū Bakr told us: Waki‘ told us: Sufyān told us, from Hishām Abū Kulayb, from ‘Abd ar-Rahmān ibn Abī Nu‘m, from Abū Sa‘īd, who said: “The ‘Asb of the stallion was forbidden.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ هِشَامٍ أَبْيِنْ كُلَّيْبٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبْيِ نُعْمَاءِ،
عَنْ أَبِي سَعِيدٍ، قَالَ نُهْيَ عَنْ عَسْبِ الْفَحْلِ

[22642] Abū Bakr told us: Waki‘ told us: Sufyān told us, from Abū Mu‘ādh, who said: “I was a goat breeder (Tayyās), and Al-Barā’ forbade me from my earnings (from studding).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ أَبِي مُعَاذٍ، قَالَ: كُنْتُ تَيَّاسًا فَنَهَا نِيَابَةً عَنْ
عَسْبِي

[22643] Abū Bakr told us: Ibn Numayr told us, from ‘Abd al-Malik, from ‘Aṭā’, from Abū Hurayrah, who said: “Among the illicit earnings (Suḥt) are the mating fee of a stallion, the dowry of a prostitute, and the earnings of a copperer.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ عَبْدِ الْمَالِكِ،
عَنْ عَطَاءٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: مِنَ السُّخْتِ ضِرَابُ
الْفَحْلِ، وَمَهْرُ الْبَغْيِ وَكَسْبُ الْحَجَّامِ

[22644] Abū Bakr told us: Waki‘ told us, from Ibn Jurayj, from Abū az-Zubayr, from Jābir, who said: “The Prophet ﷺ forbade the covering fee (Tarq) of the stallion.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنِ ابْنِ جُرَيْجٍ، عَنْ
أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ، قَالَ: نَهَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ
وَسَلَّمَ عَنْ طَرْقِ الْفَحْلِ

[22645] Abū Bakr told us: Waki‘ told us: Al-Walīd ibn ‘Isā as-Sa‘dī told us: I said to Al-Ḥasan: “We have billy goats that we rent out.” He said: “There is no harm as long as you do not milk or coax (take the milk).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْوَلِيدُ بْنُ عِيسَى السَّعْدِيُّ، قَالَ: قُلْتُ لِالْحَسَنِ: "إِنَّ لَنَا ثُيُوسًا نُؤَاجِرُهَا، قَالَ: لَا بُأْسَ مَا لَمْ تَحْلُبْ أَوْ تُبَسِّسْ

[22646] Abū Bakr told us: Ibn Numayr told us, from ‘Abd al-Malik, from ‘Atā’, who said: “Do not take a wage for the mating of a stallion, but there is no harm if you give (payment) if you do not know or cannot find someone to lend you one for mating.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، قَالَ: لَا تَأْخُذْ عَلَى ضِرَابِ الْفَحْلِ أَجْرًا، وَلَا بُأْسَ أَنْ تُعْطِي إِذَا لَمْ تَعْلَمْ أَوْ لَمْ تَجِدْ مَنْ يُطْرِفُكَ

[22647] Abū Bakr told us: Waki‘ told us: Al-A‘mash told us, from Al-Musayyib ibn Rāfi‘, who said: “They used to enter upon ‘Alqamah while he was mating his sheep—meaning he would let the billy goat mount them, and he would feed and milk them.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْأَعْمَشُ، عَنْ الْمُسَيْبِ بْنِ رَافِعٍ، قَالَ: كَانُوا يَدْخُلُونَ عَلَى عَلْقَمَةٍ وَهُوَ يُفْرِغُ عَنَمَةً، - يَعْنِي يُنْزِي عَلَيْهَا النَّيْسَ وَيَعْلَفُ - وَيَحْلُبُ

[22648] Abū Bakr told us: Jarīr told us, from Mughīrah, from Ibrāhīm, who said: “What is measured is not paid in advance (Salam) for what is measured, and what is weighed is not paid in advance for what is weighed.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا يُسْلِمُ مَا يُكَالُ فِيمَا يُكَالُ، وَلَا يُسْلِمُ مَا يُوزَنُ فِيمَا يُوزَنُ

[22649] Abū Bakr told us: Muḥammad ibn Bishr told us, from Ibn Jurayj, from ‘Abd Allāh ibn Tāwūs, from his father, who said: “Food is not paid in advance (Salam) for food, nor food for meat.” But he saw no harm in paying food in advance for a live

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَبْدِ اللَّهِ بْنِ طَاؤِسٍ، عَنْ أَبِيهِ، قَالَ: لَا يُسْلِمُ طَعَامٌ فِي طَعَامٍ، وَلَا طَعَامٌ فِي لَحْمٍ، وَكَانَ لَا يَرَى بِأَسَا أَنْ يُسْلِمُ طَعَاماً فِي الشَّاءِ الْقَائِمَةِ

[22650] Abū Bakr told us: Ibn Abī Zā’idah told us, from Ibn Sālim, who said: Ash-Sha‘bī said: “One should not buy something that is measured with something else for a deferred term.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنِ ابْنِ زَائِدَةَ، قَالَ: قَالَ الشَّعْبِيُّ: لَا يَشْتَرِي شَيْئاً يُكَالُ بِشَيْئٍ إِلَى أَجَلٍ سَالِمٍ

[22651] Abū Bakr told us: ‘Abd al-Wahhāb ibn ‘Aṭā’ told us, from Ibn Abī ‘Arūbah, from Al-Ḥasan and Qatādah: “That they both disliked doing Salam of food for food.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ بْنُ عَطَاءِ، عَنْ ابْنِ أَبِي عَرْوَبَةَ، عَنِ الْحَسَنِ، وَقَتَادَةَ: أَنَّهُمَا كَرِهَا أَنْ يُسْلِمُ طَعَاماً فِي طَعَامٍ

[22652] Abū Bakr told us: Waki‘ told us: Sufyān told us, from Ibn Jurayj, from ‘Atā’, who said: “There is no harm in doing Salam of what is measured for what is measured, and what is weighed for what is weighed; it is only like (exchanging) food for food.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: لَا يَأْسَ أَنْ يُسْلِمَ مَا
يُكَالُ فِيمَا يُكَالُ وَمَا يُوزَنُ فِيمَا يُوزَنُ، إِنَّمَا هُوَ كَطْعَامٍ
بِطَعَامٍ

[22653] Abū Bakr told us: Ad-Dahhāk ibn Makhlad told us, from Ibn Jurayj, from ‘Atā’, regarding a man who gives money to another man for Muḍārabah (profit-sharing) on the condition that he is a guarantor. He said: “He is not a guarantor.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلِدٍ، عَنْ ابْنِ
جُرَيْجٍ، عَنْ عَطَاءٍ: فِي الرَّجُلِ يَدْفَعُ إِلَى الرَّجُلِ مَالًا
مُضَارَبَةً أَنَّهُ ضَامِنٌ قَالَ: لَيْسَ بِضَامِنٍ

[22654] Abū Bakr told us: Muḥammad ibn Sawā’ told us, from Sa‘īd, from Qatādah, from ‘Ikrimah, who said: “Every condition in Muḍārabah (that shifts liability) is Riba.” And that is the opinion of Qatādah.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ سَوَاءٍ، عَنْ سَعِيدٍ،
عَنْ قَتَادَةَ، عَنْ عِكْرِمَةَ، قَالَ: كُلُّ شَرْطٍ فِي مُضَارَبَةٍ
فَهُوَ رِبًا وَهُوَ قَوْلُ قَتَادَةَ

[22655] Abū Bakr told us: Ghundar told us, from Ash'ath, from Al-Hasan, that he was asked about a man who gave money to another for Mudārabah and made him guarantee it. He said: “The profit is shared between them, and no attention is paid to his guarantee.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُنْدُرٌ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، أَنَّهُ سُئِلَ عَنْ رَجُلٍ دَفَعَ إِلَى رَجُلٍ مَالًا مُضَارَبَةً وَضَمَانَهُ إِيَاهُ، قَالَ: الرِّبْحُ بَيْنَهُمَا، وَلَا يُلْتَقِطُ إِلَى ضَمَانِهِ.

[22656] Abū Bakr told us: Jarīr told us, from Layth, who said: ‘Umar ibn Al-Khaṭṭāb said: “If a polytheist has a slave who accepts Islam, he is taken from him, sold to Muslims, and his price is returned to his owner.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ لَيْثٍ، قَالَ: قَالَ عُمَرُ بْنُ الْخَطَّابِ: إِذَا كَانَ لِلْمُشْرِكِ مَمْلُوكٌ فَأَسْلَمَ، اتَّرْتَرَعَ مِنْهُ فَبَيْعٌ لِلْمُسْلِمِينَ وَرُدَّ ثَمَنُهُ عَلَى صَاحِبِهِ

[22657] Abū Bakr told us: Wakī‘ told us: Sufyān told us, from Ismā‘il ibn Umayyah, from ‘Umar ibn ‘Abd al-‘Azīz: “That he used to order the sale of the slaves of the People of the Covenant (Ahl adh-Dhimmah) if they accepted Islam.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ إِسْمَاعِيلَ بْنِ أُمَيَّةَ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ: أَنَّهُ كَانَ يَأْمُرُ بَيْعَ رَقِيقِ أَهْلِ الدِّمَّةِ إِذَا أَسْلَمُوا

[22658] Abū Bakr told us: Ḥafṣ told us, from Ash‘ath, from Al-Ḥasan, who said: “If the Umm Walad (slave mother of his child) of a Christian accepts Islam, she strives (works) for her value. If a female slave accepts Islam, he sells her.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَسْعَثَ، عَنِ الْحَسَنِ، قَالَ: إِذَا أَسْلَمَتْ أُمًّا وَلَدِ النَّصْرَانِيَّ سَعَتْ فِي قِيمَتِهَا، وَإِذَا أَسْلَمَتْ أَمَّةً بَاعَهَا

[22659] Abū Bakr told us: Waki‘ told us: Sufyān told us, from Ibn Jurayj, from ‘Atā’, who said: “If the slave of a Dhimmī accepts Islam, he is separated from his master.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: إِذَا أَسْلَمَ عَبْدُ الدِّمْمِيِّ فُرِّقَ بَيْنَهُ وَبَيْنَ مَوْلَاهُ

[22660] Abū Bakr told us: Waki‘ told us: Mubārak told us, from Al-Ḥasan, who said: “Whoever is among them (slaves) and accepts Islam is free. And whatever they bought from the captives of the Muslims and then accepted Islam, is sold among the Muslims.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مُبَارَكٌ، عَنِ الْحَسَنِ، قَالَ: مَنْ كَانَ فِيهِمْ فَأَسْلَمَ فَهُوَ حُرٌّ، وَمَا اشْتَرَوْا مِنْ سَبِّيِّ الْمُسْلِمِينَ فَأَسْلَمُوا بَيْعَ فِي الْمُسْلِمِينَ

[22661] Abū Bakr told us: Waki‘ told us: Ar-Rabī‘ told us, from Al-Ḥasan, who said: “If the slave of a Dhimmi accepts Islam, he is taken to the Imam who sells him to Muslims and pays his price to his master.” Al-Ḥasan said: “A Muslim does not make a disbeliever unlawful (i.e., by accepting Islam, the master doesn’t lose the value).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الرَّبِيعُ، عَنِ الْحَسَنِ، قَالَ: إِذَا أَسْلَمَ عَبْدُ الدِّمْمِيِّ رُفِعَ إِلَى الْإِمَامِ فَبَاعَهُ فِي الْمُسْلِمِينَ، وَدَفَعَ ثَمَنَهُ إِلَى مَوْلَاهُ. وَقَالَ الْحَسَنُ: لَا يُحَرِّمُ مُسْلِمٌ كَافِرًا

[22662] Abū Bakr told us: Ma‘n ibn ‘Isā told us, from Ibn Abī Dhi’b, from Az-Zuhri, who said: “The Sunnah has passed that a disbeliever cannot enslave a Muslim.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنِ الرُّهْبَرِيِّ، قَالَ: مَضَتِ السُّنَّةُ أَنْ لَا يَسْتَرِقَ كَافِرٌ مُسْلِمًا

[22663] Abū Bakr told us: Jarīr told us, from Manṣūr, from Ibrāhīm, regarding: {And do not confer favor to acquire more} [Al-Muddaththir: 6]. He said: “Do not give in order to receive more.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ: {وَلَا تَمْنُنْ سَتَكْرُ} قَالَ: لَا تُعْطِ لِنَزْدَادَةِ

[22664] Abū Bakr told us: Ghundar told us, from Shu‘bah, who said: Someone who heard ‘Ikrimah told me that he said: “Do not give a gift wanting to take more than it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُنْدُرُ، عَنْ شُعْبَةَ، قَالَ:
حَدَّثَنِي مَنْ سَمِعَ عَكْرِمَةَ، يَقُولُ: لَا تُعْطِ الْعَطِيَّةَ فَتُرِيدُ
أَنْ تَأْخُذَ أَكْثَرَ مِنْهَا

[22665] Abū Bakr told us: Wakī‘ told us, from Salamah ibn Nubayt, from Ad-Dahhāk, regarding: {And do not confer favor to acquire more} [Al-Muddaththir: 6]. He said: “Do not give to be given more than it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سَلَمَةَ بْنِ نَبِيِّطٍ،
قَالَ: [6: عَنِ الصَّحَّاكِ: {وَلَا تَمْنُنْ سُسْكَثُرُ}] [المدثر]
لَا تُعْطِ الْتُّعْطَى أَكْثَرَ مِنْهَا

[22666] Abū Bakr told us: Wakī‘ told us, from Ibn Abī Rawwād, who said: I heard Ad-Dahhāk regarding: {And whatever you give for interest to increase within the wealth of people will not increase with Allah} [Ar-Rūm: 39]. He said: “This was specifically for the Prophet ﷺ.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَبْنِ أَبِي رَوَادٍ،
قَالَ: سَمِعْتُ الصَّحَّاكِ: {وَمَا آتَيْتُمْ مِنْ رِبًا لِيَرْبُو فِي
قَالَ: [39: أَمْوَالِ النَّاسِ فَلَا يَرْبُو عِنْدَ اللَّهِ] [الروم]
كَانَ هَذَا لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ خَاصَّةً

[22667] Abū Bakr told us: Yazīd ibn Hārūn told us, from Sufyān ibn Husayn, from Al-Ḥasan, regarding His saying: {And do not confer favor to acquire more} [Al-Muddaththir: 6]. He said: “Do not give anything seeking to get more from your Lord.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ سُفْيَانَ
بْنِ حُسَيْنٍ، عَنِ الْحَسَنِ، فِي قَوْلِهِ: {وَلَا تَمْنُنْ شَسْتَكِيرْ}
قَالَ: لَا تُعْطِي شَيْئًا عَلَى أَنْ شَسْتَكِيرَ عَلَى [6]: [المدثر
رَبِّكَ]

[22668] Abū Bakr told us: Abū Usāmah told us, from Nāfi‘ ibn ‘Umar, from Al-Qāsim ibn Abī Bazzah, regarding His saying: {And do not confer favor to acquire more} [Al-Muddaththir: 6]. He said: “Do not give anything seeking more than it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ نَافِعِ بْنِ
عُمَرَ، عَنِ الْقَاسِمِ بْنِ أَبِي بَزَّةَ، فِي قَوْلِهِ: {وَلَا تَمْنُنْ
شَيْئًا تَطْلُبُ أَكْثَرَ} [6]: [شَسْتَكِيرْ] [المدثر
مِنْهُ]

[22669] Abū Bakr told us: Wakī‘ told us: Sufyān told us, from Maṇṣūr ibn Ṣafiyah, from Sa‘id ibn Jubayr, who said regarding {And whatever you give for interest to increase within the wealth of people will not increase with Allah}: “It is the man who gives to be rewarded for it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ مَنْصُورِ بْنِ صَفِيَّةَ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، قَالَ:
الرَّجُلُ يُعْطِي لِيَنَابِعَ عَلَيْهِ {وَمَا آتَيْتُمْ مِنْ رِبَا لِيَرْبُو فِي
39] [أَمْوَالِ النَّاسِ فَلَا يَرْبُو عِنْدَ اللَّهِ} [الروم

[22670] Abū Bakr told us: Waki‘ told us, from Sufyān, from Ibn Abī Najīḥ, from Mujāhid, who said: “(It refers to) gifts.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ أَبِي تَحْيَى، عَنْ مُجَاهِدٍ، قَالَ: الْهَذَا يَا

[22671] Abū Bakr told us: Waki‘ told us, from Ismā‘il ibn Abī Khālid, from Ibrāhīm, who said: “A man used to give to his relatives to increase his wealth thereby.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنْ إِبْرَاهِيمَ، قَالَ: كَانَ الرَّجُلُ يُعْطِي قَرَابَتَهُ لِيَكْثُرَ بِذَلِكَ مَالَهُ

[22672] Abū Bakr told us: ‘Abd al-‘Alā told us, from Khālid, from ‘Ikrimah regarding {And whatever you give for interest to increase within the wealth of people will not increase with Allah}: “It is what people give among themselves of kindness seeking reward.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ خَالِدٍ، عَنْ عَكْرِمَةَ: {وَمَا آتَيْتُمْ مِنْ رِبَا لَيْرَبُو فِي أَمْوَالِ النَّاسِ فَلَا يَرْبُوَا عَنْدَ اللَّهِ} هُوَ الَّذِي يَتَعَاطَى النَّاسُ بَيْنَهُمْ مِنْ مَعْرُوفٍ الْتِمَاسُ التَّوَابُ

[22673] Abū Bakr told us: ‘Abd as-Salām told us, from Mughīrah, from Ibrāhīm, who said: “There is no (requirement for seeking) permission for market shops.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: لَيْسَ عَلَى حَوَانِبِ السُّوقِ إِذْنٌ

[22674] Abū Bakr told us: Ḥafṣ, Ibn ‘Ulayyah, and ‘Abd as-Salām told us, from Dāwūd, from Ash-Sha‘bī, who said: “If the shopkeeper opens his door and sits, he has given permission.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، وَابْنُ عُلَيْهِ، وَعَبْدُ السَّلَامَ، عَنْ دَاؤْدَ، عَنْ الشَّعْبِيِّ، قَالَ: إِذَا فَتَحَ السَّاقِي بَابَهُ وَجَلَسَ فَقْدَ أَذْنَ

[22675] Abū Bakr told us: Abū Usāmah told us, from Al-A‘mash, who said: “Ibrāhīm at-Taymī, Ibrāhīm an-Nakha‘ī, Khaythamah, and our companions used to come to us in the market shops, and they would not do more than say: ‘As-Salāmu ‘alaykum,’ then they would enter.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَمَّةَ، عَنِ الْأَعْمَشِ، قَالَ: «كَانَ إِبْرَاهِيمُ التَّمِيميُّ، وَإِبْرَاهِيمُ التَّخَعُّبِيُّ، وَخَيْثَمَهُ وَأَصْحَابُنَا يَأْتُونَا فِي حَوَانِيْتِ السُّوقِ، فَلَا يَرِيدُونَ عَلَى أَنْ يَقُولُوا: السَّلَامُ عَلَيْكُمْ، ثُمَّ يَدْخُلُونَ

[22676] Abū Bakr told us: Ghundar told us, from ‘Imrān ibn Hudayr, from ‘Ikrimah, that it was said to him: “Did Ibn ‘Umar seek permission for market shops?” He said: “And who can bear what Ibn ‘Umar used to bear?”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ عِمْرَانَ بْنِ حُدَيْرٍ، عَنْ عِكْرِمَةَ، أَنَّهُ قِيلَ لَهُ: كَانَ ابْنُ عُمَرَ يَسْتَأْذِنُ عَلَى حَوَانِيْتِ السُّوقِ؟ فَقَالَ: وَمَنْ يُطِيقُ مَا كَانَ ابْنُ عُمَرَ يُطِيقُ

[22677] Abū Bakr told us: Ibn ‘Ulayyah told us, from Ibn ‘Awn, who said: Ibn Sīrīn used to come to the room of a wealthy man, stand, then say: “As-Salāmu ‘alaykum,” then enter.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنِ ابْنِ عَوْنِ،
قَالَ: كَانَ ابْنُ سِيرِينَ يَأْتِي فِي حُجْرَةِ ثَرِيٍّ، فَيَقُولُ ثُمَّ
يَقُولُ: السَّلَامُ عَلَيْكُمْ ثُمَّ لِيْحُ

[22678] Abū Bakr told us: Ibn ‘Ulayyah told us, from Shu‘ayb, who said: Abū al-Āliyah used to come to the house of a cloth merchant and say: “As-Salāmu ‘alaykum, may I enter?” I would say: “May Allah have mercy on you, it is only a market.” He would say: “Perhaps the man is alone with his accounts, or perhaps he is alone counting dirhams.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ شُعَيْبٍ، قَالَ:
كَانَ أَبُو الْعَالِيَّةَ يَأْتِي فِي بَيْتِ بَزْرِيٍّ، فَيَقُولُ: السَّلَامُ
عَلَيْكُمْ، لِيْحُ؟ فَأَقُولُ: رَحْمَكَ اللَّهُ، إِنَّمَا هِيَ السُّوقُ،
فَيَقُولُ: إِنَّ الرَّجُلَ رُبَّمَا خَلَا عَلَى جِسَابِهِ، وَرُبَّمَا خَلَا
عَلَى الدَّرَارِهِ يَتَفَقَّدُهَا

[22679] Abū Bakr told us: Ibn ‘Ulayyah told us, from Ibn ‘Awn, who said: I was with Mujāhid in the Kufa market, and there were tailors’ tents facing the market near Dūr al-Bukā’. He said: “Did Ibn ‘Umar used to seek permission in such as these?” I said: “What did he do?” He said: “He would say: ‘As-Salāmu ‘alaykum, may I enter?’ then he would enter.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ ابْنِ عَوْنِ، قَالَ: كُنْتُ مَعَ مُجَاهِدٍ فِي سُوقِ الْكُوفَةِ وَخِيَامَ الْخَيَاطِينَ مُقْلِهَ عَلَى السُّوقِ مَمَّا يَلِي دُورَ الْبَكَاءِ، فَقَالَ: كَانَ ابْنُ عُمَرَ يَسْتَأْذِنُ فِي مِثْلِ هَذِهِ؟ قَالَ: وَقُلْتُ: كَيْفَ يَصْنَعُ؟ قَالَ: كَانَ يَقُولُ: السَّلَامُ عَلَيْكُمْ، أَلْجُ؟ ثُمَّ يَلْجُ

[22680] Abū Bakr told us: Wakī‘ told us: ‘Ubādah ibn Muslim al-Fazārī told us, from Dirham Abū ‘Ubayd al-Muḥāribī, who said: I saw ‘Alī when rain caught him while he was in the market, so he sought shade under the tent of a Persian. The Persian started pushing him away from his tent, and ‘Alī kept saying: “I am only seeking shade from the rain.” The Persian was informed later that it was ‘Alī, so he started striking his chest.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا عُبَادَةُ بْنُ مُسْلِمِ الْفَزَارِيِّ، عَنْ دِرْهَمِ أَبِي عَبْدِ الْمُحَارِبِيِّ، قَالَ: رَأَيْتُ عَلَيْهَا أَصَابَتْهُ السَّمَاءُ وَهُوَ فِي السُّوقِ، فَاسْتَأْتَلَ بِخِيمَةِ الْفَارِسِيِّ، فَجَعَلَ الْفَارِسِيُّ يَدْفَعُهُ عَنْ خِيمَتِهِ وَجَعَلَ عَلَيْهِ يَقُولُ: إِنَّمَا أَسْتَأْتِلُ مِنَ الْمَطَرِ فَأُخْبِرَ الْفَارِسِيُّ بَعْدَ أَنَّهُ عَلَيْهِ فَجَعَلَ يَضْرِبُ صَدْرَهُ

[22681] Abū Bakr told us: Ḥafṣ told us, from Ibn ‘Awn, from Ash-Sha‘bī, from Shurayḥ: “That he allowed the testimony of two women regarding emancipation.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ ابْنِ عَوْنِ، عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ: أَنَّهُ أَجَازَ شَهَادَةَ امْرَأَيْنِ فِي عِنْقٍ

[22682] Abū Bakr told us: Waki‘ told us, from Ibn ‘Awn, from Ash-Sha‘bī, from Shurayḥ: “That he allowed the testimony of two women regarding emancipation, one of whom was his maternal aunt, meaning with them was a man.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنِ ابْنِ عَوْنِ، عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ: أَنَّهُ أَجَازَ شَهَادَةَ امْرَأَيْنِ فِي عِنْقٍ إِحْدَاهُمَا خَالِتُهُ يَعْنِي مَعْهُنَّ رَجُلٌ

[22683] Abū Bakr told us: Wakī‘ told us: Sufyān told us, from Jābir, from Al-Ḥakam, from Ibrāhīm, who said: “The testimony of women is valid in emancipation, debt, and wills, meaning along with a man.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ جَابِرٍ، عَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمِ، قَالَ: تَجُوزُ شَهَادَةُ النِّسَاءِ فِي الْعَتَاقَةِ وَالْدِيْنِ وَالْوَصِيَّةِ يَعْنِي مَعَ الرَّجُلِ

[22684] Abū Bakr told us: Wakī‘ told us: Isrā’il told us, from Jābir, from ‘Āmir, from Shurayḥ: “That he used to allow the testimony of women in rights.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، عَنْ شُرَيْحٍ: أَنَّهُ كَانَ يُجِيزُ شَهَادَةَ النِّسَاءِ فِي الْحُقُوقِ

[22685] Abū Bakr told us: Ibn Mahdī told us, from Sufyān, from Burd, from Makhūl, who said: “The testimony of women is not valid except in debt.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ، قَالَ: لَا تَجُوزُ شَهَادَةُ النِّسَاءِ إِلَّا فِي الدِّينِ

[22686] Abū Bakr told us: ‘Abdah told us, from Juwaybir, from Ad-Daḥḥāk, who said: “He allows the testimony of women.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَهُ، عَنْ جُوبِيرٍ، عَنْ الصَّحَّاكِ، قَالَ: يُحِبِّ شَهَادَةَ النِّسَاءِ

[22687] Abū Bakr told us: Wakī‘ told us: Ibn Mubārak told us, from Al-Ḥasan, who said: “Their testimony is valid in debt and in matters of necessity.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنِ الْحَسَنِ، قَالَ: تَجُوزُ شَهَادَتُهُمْ فِي الدِّينِ، وَفِيمَا لَا يَدْرِي مِنْهُ

[22688] Abū Bakr told us: Wakī‘ told us: Ismā‘īl ibn Abī Khālid told us: Al-Mughīrah ibn Sa‘īd asked Ash-Sha‘bī: “Is the testimony of a man and two women valid in divorce?” He said: “Yes.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ أَبِي خَالِدٍ، قَالَ: سَأَلَ الْمُغِيرَةَ بْنَ سَعِيدِ الشَّعْبِيِّ: أَتَجُوزُ شَهَادَةَ الرَّجُلِ وَالْمَرْأَتَيْنِ فِي الطَّلاقِ؟ قَالَ: نَعَمْ

[22689] Abū Bakr told us: Waki‘ told us: Jarīr ibn Ḥāzim told us, from Az-Zubayr ibn al-Khirrīt, from Abū Labīd, that ‘Umar: “Allowed the testimony of women in divorce.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ، عَنِ الرُّبَيْرِ بْنِ الْخِرْرِيتِ، عَنْ أَبِي لَبِيدٍ، أَنَّ عُمَرَ أَجَازَ شَهادَةَ النِّسَاءِ فِي الطَّلاقِ

[22690] Abū Bakr told us: Waki‘ told us, from ‘Umar ibn Rāshid, from Abū Kathīr al-Ḥanafī, from Abū Hurayrah: “That he disliked selling his fruit and absolving himself of the Sadaqah (Zakat).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ عُمَرَ بْنِ رَاشِدٍ، عَنْ أَبِي كَثِيرِ الْحَنْفِيِّ، عَنْ أَبِي هُرَيْرَةَ: أَنَّهُ كَرِهَ أَنْ يَبْيَعَ ثَمَرَتُهُ وَيَبْرَأَ مِنَ الصَّدَقَةِ

[22691] Abū Bakr told us: Ibn ‘Ulayyah told us, from Ayyūb, from ‘Amr ibn Shu‘ayb, from Sa‘īd ibn al-Musayyib, who said: “Do not absolve yourself of the Sadaqah.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عَلَيَّةَ، عَنْ أَئُوبَ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، قَالَ: لَا تَبْرَأَنَّ مِنَ الصَّدَقَةِ

[22692] Abū Bakr told us: Ad-Daḥḥāk ibn Makhlad told us, from Ibn Jurayj, from ‘Aṭā’, who said: “If you sell your fruit and the fruit of your garden, the Sadaqah is on the garden (owner).” And Ibn Abī Mulaykah said: “It is on the buyer.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الصَّحَّافُ بْنُ مَخْلَدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: إِذَا بَعْتَ ثَمَرَاتَكَ وَثَمَرَةَ حَائِطِكَ فَالصَّدَقَةُ فِي الْحَائِطِ. وَقَالَ ابْنُ أَبِي مُلِيكَ: هِيَ عَلَى الْمُبْتَاعِ

[22693] Abū Bakr told us: Abū Mu‘āwiyah told us, from Al-A‘mash, from Ibrāhīm, from Al-Aswad, from ‘Ā’ishah, who said: The Messenger of Allah ﷺ said: “Indeed, the purest of what a man eats is from his earnings, and his child is from his earnings.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ،
عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ، قَالَتْ: قَالَ:
رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنَّ أَطْيَبَ مَا أَكَلَ
الرَّجُلُ مِنْ كَسْبِهِ، وَوَلَدُهُ مِنْ كَسْبِهِ

[22694] Abū Bakr told us: Ibn Abī Zā’idah told us, from Hishām ibn ‘Urwah, from Muḥammad ibn al-Munkadir, that a man disputed with his father regarding wealth he had acquired before the Prophet ﷺ. He said: “You and your wealth belong to your father.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ هِشَامِ بْنِ
عُرْوَةَ، عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ، أَنَّ رَجُلًا خَاصَّمَ أَبَاهُ
فِي مَالٍ كَانَ أَصَابَةً إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ،
فَقَالَ: أَنْتَ وَمَالُكُ لَأَبِيكَ

[22695] Abū Bakr told us: Ibn Khalīfah told us, from Muḥārib ibn Dithār, who said: The Messenger of Allah ﷺ said: “The child is from the earning of the parent.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ خَلِيفَةَ، عَنْ مُحَارِبِ بْنِ
دِتَّارٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْوَلْدُ
مِنْ كَسْبِ الْوَالِدِ

[22696] Abū Bakr told us: Waki‘ and Ghundar told us, from Shu‘bah, from Al-Ḥakam, from ‘Umārah ibn ‘Umayr al-Laythī, from his mother, from ‘Ā’ishah, who said: The Messenger of Allah ﷺ said: “A man's child is from his earnings, from his purest earnings.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، وَغُنْدَرٌ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، عَنْ عُمَارَةَ بْنِ عُمَيْرِ الْلَّيْثِيِّ، عَنْ أُمِّهِ، عَنْ عَائِشَةَ، قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: وَلَدُ الرَّجُلِ مِنْ كَسْبِهِ مِنْ أَطْيَبِ كَسْبِهِ

[22697] Abū Bakr told us: Ibn Abī Zā’idah told us, from Al-A‘mash, from ‘Umārah ibn ‘Umayr, from his aunt, from ‘Ā’ishah, from the Prophet ﷺ, with a similar wording.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنِ الْأَعْمَشِ، عَنْ عُمَارَةَ بْنِ عُمَيْرٍ، عَنْ عَمَّتِهِ، عَنْ عَائِشَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِنْخُوهِ

[22698] Abū Bakr told us: Waki‘ told us: Sufyān told us, from Ibrāhīm ibn ‘Abd al-A‘lā, from Suwayd ibn Ghaflah, from ‘Ā’ishah, who said: “A man eats from his child's wealth as he wishes, and the child does not eat from his parent's wealth except with his permission.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْأَعْلَى، عَنْ سُوَيْدِ بْنِ غَفَّالَةَ، عَنْ عَائِشَةَ، قَالَتْ: يَأْكُلُ الرَّجُلُ مِنْ مَالِ وَلَدِهِ مَا شَاءَ، وَلَا يَأْكُلُ الْوَلَدُ مِنْ مَالِ وَالِدِهِ إِلَّا بِإِذْنِهِ

[22699] Abū Bakr told us: Waki‘ told us: Dāwūd ibn ‘Abd Allāh told us: I heard Ash-Sha‘bī say: ‘Ā’ishah said: “A man's child is from his earnings; he eats from his wealth as he wishes.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا دَاؤِدُ بْنُ عَبْدِ اللَّهِ، قَالَ: سَمِعْتُ الشَّعْبِيَّ، يَقُولُ: قَالَتْ عَائِشَةُ: وَلَدُ الرَّجُلِ مِنْ كَسْبِهِ، يَأْكُلُ مِنْ مَالِهِ مَا شَاءَ

[22700] Abū Bakr told us: Waki‘ told us: Ibn Abī Laylā told us, from Ash-Sha‘bī, who said: A man from the Anṣār came to the Prophet ﷺ and said: “O Messenger of Allah, my father usurped my wealth.” He said: “You and your wealth belong to your father.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ابْنُ أَبِي لَيْلَى، عَنِ الشَّعْبِيِّ، قَالَ: جَاءَ رَجُلٌ مِنَ الْأَنْصَارِ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: يَا رَسُولَ اللَّهِ، إِنَّ أَبِي غَصَّبَنِي مَالِي، قَالَ: أَنْتَ وَمَالُكُ لَأَبِيكَ

[22701] Abu Bakr narrated to us, he said: Ibn Abī Zā’idah narrated to us, from Dāwūd ibn Abī Hind, from Sa‘id ibn al-Musayyib, who said: “A father may eat from his son's wealth whatever he wishes, but the son may not eat from his father's wealth except with his good pleasure.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ دَاؤِدِ بْنِ أَبِي هَنْدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: يَأْكُلُ الْوَالِدُ مِنْ مَالِ وَلَدِهِ مَا شَاءَ، وَلَا يَأْكُلُ الْوَلَدُ مِنْ مَالِ وَالِدِهِ إِلَّا بِطِيبِ نَفْسِهِ

[22702] Abu Bakr narrated to us, he said: Ibn Abī Zā’idah narrated to us, from Waki‘, from Ismā‘il, from Al-Sha‘bī, like it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ وَكِيعٍ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، مِثْلُهُ

حَدَّثَنَا أَبْنُ أَبِي زَائِدَةَ، عَنْ أَشْعَثَ، عَنْ أَبِي الرُّبَيْبِ، عَنْ جَابِرٍ، مِثْلُهُ

[22703] Ibn Abī Zā'idah narrated to us, from Ash'ath, from Abū al-Zubayr, from Jābir, like it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبْنُ أَبِي زَائِدَةَ، عَنْ صَالِحِ
بْنِ حَيٍّ، عَنْ عَامِرٍ، قَالَ: الرَّجُلُ فِي حَلٍّ مِنْ مَالٍ وَلَدِهِ

[22704] Abu Bakr narrated to us, he said: Ibn Abī Zā'idah narrated to us, from Shāliḥ ibn Ḥayy, from 'Āmir, who said: “A man is free to use his son's wealth.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا هِشَامُ بْنُ
عُرْوَةَ، عَنْ أَبِيهِ، قَالَ: صَنَعَ رَجُلٌ فِي مَالِهِ شَيْئًا وَلَمْ
يَسْتَأْذِنْ أَبَاهُ قَالَ هِشَامٌ: قَالَ أَبِي: فَسَأَلَ النَّبِيُّ صَلَّى اللَّهُ
عَلَيْهِ وَسَلَّمَ أَوْ أَبَا بَكْرٍ، أَوْ عُمَرَ قَالَ: ارْدُدْ عَلَيْهِ، فَإِنَّمَا
هُوَ سَهْمٌ مِنْ كِتَابِنِكَ

[22705] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Hishām ibn 'Urwah narrated to us, from his father, who said: “A man did something with his wealth and did not ask his father's permission.” Hishām said: My father said: So he asked the Prophet ﷺ, or Abu Bakr, or 'Umar, and he said: “Return it to him, for he is but an arrow from your quiver.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنِ ابْنِ جُرَيْجٍ، قَالَ:
كَانَ عَطَاءً: لَا يَرَى بَاسًا بِأَنْ يَأْخُذَ الرَّجُلُ مِنْ مَالِ
وَلَدِهِ مَا شَاءَ مِنْ غَيْرِ ضَرُورَةٍ

[22706] Abu Bakr narrated to us, he said: Ghundar narrated to us, from Ibn Jurayj, who said: 'Atā' used to see no harm in a man taking whatever he wished from his son's wealth without necessity.

[22707] Abu Bakr narrated to us, he said: Wakī‘ narrated to us, from Isrā’īl, from Jābir, from ‘Āmir, from Masrūq, who said: “You are from Allah's gift to your father; you and your wealth belong to your father.” Then he recited: {He grants to whom He wills females and grants to whom He wills males} [Al-Shura: 49].

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، عَنْ مَسْرُوقٍ، قَالَ: أَنْتَ مِنْ هِبَةِ اللَّهِ لِأَيِّكَ، أَنْتَ وَمَالِكٌ لِأَيِّكَ لَمْ قَالَ: {يَهَبُ لِمَنْ يَشَاءُ إِنَّا وَيَهَبُ لِمَنْ يَشَاءُ الذُّكُورَ}

[22708] Abu Bakr narrated to us, he said: Abū Khālid al-Āḥmar narrated to us, from Ḥajjāj, from ‘Amr ibn Shu‘ayb, from his father, from his grandfather, that a man came to the Prophet ﷺ and said: “O Messenger of Allah, my father needs my wealth.” He said: “You and your wealth belong to your father.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرَ، عَنْ حَجَاجَ، عَنْ عَمْرِو بْنِ شُعْبِينَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، أَنَّ رَجُلًا أَتَى النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: يَا رَسُولَ اللَّهِ، إِنَّ أَبِي احْتَاجَ مَالِيِّ، فَقَالَ: أَنْتَ وَمَالِكٌ لِأَيِّكَ

[22709] Abu Bakr narrated to us, he said: ‘Abd Allāh ibn Idrīs narrated to us, from Hishām, from Ibn Sīrīn, who said: “It is upon the child to be dutiful to his father, but every person has more right to what belongs to him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ أَبْنِ سِيرِينَ، قَالَ: عَلَى الْوَلَدِ أَنْ يَبْرُرَ وَالَّدَّ، وَكُلُّ إِنْسَانٍ أَحَقُّ بِالَّذِي لَهُ

[22710] Abu Bakr narrated to us, he said: Ibn Abī Zā'īdah narrated to us, from Ibn 'Awn, who said: A man came and said to Al-Qāsim ibn Muḥammad: "Can a man squeeze (take forcefully) whatever he wants from his son's wealth?" He said: "I do not know what this is."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ ابْنِ عَوْنِ، قَالَ: جَاءَ رَجُلٌ فَقَالَ لِلْفَاسِمِ بْنِ مُحَمَّدٍ: أَيَعْتَصِرُ الرَّجُلُ مِنْ مَالِ وَلَدِهِ مَا شَاءَ، فَقَالَ: مَا أَدْرِي مَا هَذَا؟

[22711] Abu Bakr narrated to us, he said: 'Ubayd Allāh ibn Mūsā narrated to us, from 'Uthmān ibn al-Aswad, from Mujāhid, who said: "Take from your son's wealth what you gave him, but do not take from him what you did not give him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُوسَى، عَنْ عُثْمَانَ بْنِ الْأَسْوَدِ، عَنْ مُجَاهِدٍ قَالَ: خُذْ مِنْ مَالِ وَلَدِكَ مَا أَعْطَيْتَهُ، وَلَا تَأْخُذْ مِنْهُ مَا لَمْ تُعْطِهِ

[22712] Abu Bakr narrated to us, he said: Yazīd ibn Hārūn narrated to us, from Jarīr ibn Ḥāzim, from Yūnus ibn Yazīd, from Al-Zuhri, from Sālim, that Ḥamzah ibn 'Abd Allāh ibn 'Umar slaughtered a camel. A beggar came and asked Ibn 'Umar (for charity). 'Abd Allāh said: "It does not belong to me." Ḥamzah said to him: "O my father, you are free (to use it), so feed from it whatever you wish."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ جَرِيرٍ بْنِ حَازِمٍ، عَنْ يُونُسَ بْنِ يَزِيدٍ، عَنْ الزُّهْرِيِّ، عَنْ سَالِمٍ، أَنَّ حَمْزَةَ بْنَ عَبْدِ اللَّهِ بْنِ عُمَرَ تَحْرَ حَزُورًا، فَجَاءَ سَائِلٌ فَسَأَلَ ابْنَ عُمَرَ، فَقَالَ عَبْدُ اللَّهِ: مَا هِيَ لِي؟ فَقَالَ لَهُ حَمْزَةُ: يَا أَبْنَاهُ، فَأَنْتَ فِي حَلٌّ، فَأَطْعِمْ مِنْهَا مَا شِئْتَ

[22713] Abu Bakr narrated to us, he said: Mu'tamir ibn Sulaymān narrated to us, from Ma'mar, from Al-Zuhrī, who said: "A man may spend from his son's wealth if he is in need, after he (the son) has spent on him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، قَالَ: يُنْفِقُ الرَّجُلُ مِنْ مَالِ وَلَدِهِ إِذَا كَانَ مُحْتَاجًا بَعْدَمَا أَنْفَقَ عَلَيْهِ

[22714] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Isrā'il narrated to us, from 'Abd al-A'lā, from Muḥammad ibn al-Hanafiyah, from 'Alī, who said: "A man has more right to his son's wealth if he (the son) is young. But when he grows up and possesses his wealth, he (the son) has more right to it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ عَبْدِ الْأَعْلَى، عَنْ مُحَمَّدِ بْنِ الْحَنْفِيَّةِ، عَنْ عَلَيِّ، قَالَ: الرَّجُلُ أَحَقُّ بِمَالِ وَلَدِهِ إِذَا كَانَ صَغِيرًا، فَإِذَا كَبُرَ وَاحْتَارَ مَالُهُ كَانَ أَحَقَّ بِهِ

[22715] Abu Bakr narrated to us, he said: Ibn 'Uyaynah narrated to us, from 'Amr, who said: A man said to Jābir ibn Zayd: "My father deprives me of his wealth; he says: 'I will not give you anything from it.'" He said: "Eat from your father's wealth in a reasonable manner."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، قَالَ: قَالَ رَجُلٌ لِجَابِرٍ بْنِ زَيْدٍ: إِنَّ أَبِي يَحْرُمُنِي مَالُهُ، يَقُولُ: لَا أَعْطِيَكَ مِنْهُ شَيْئًا، قَالَ: كُلْ مِنْ مَالِ أَبِيكَ بِالْمَعْرُوفِ

[22716] Abu Bakr narrated to us, he said: Jarīr ibn ‘Abd al-Ḥamīd narrated to us, from Maṇṣūr, from Al-Ḥakam, from ‘Alī and ‘Abd Allāh, both of whom said: “The Messenger of Allah ﷺ decreed pre-emption (Shuf‘ah) for the neighbor.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ مَنْصُورٍ، عَنْ الْحَكَمِ، عَنْ عَلَيِّ، وَعَبْدِ اللَّهِ، قَالَا: قَضَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالشُّفْعَةِ لِلْجَوَارِ

[22717] Abu Bakr narrated to us, he said: Wakī‘ narrated to us, he said: Sufyān narrated to us, from Maṇṣūr, from Al-Ḥakam, from ‘Alī and ‘Abd Allāh, both of whom said: “The Messenger of Allah ﷺ decreed pre-emption for the neighbor.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مَنْصُورٍ، عَنْ الْحَكَمِ، عَنْ عَلَيِّ، وَعَبْدِ اللَّهِ، قَالَا: قَضَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالشُّفْعَةِ لِلْجَوَارِ

[22718] Abu Bakr narrated to us, he said: Wakī‘ narrated to us, he said: Sufyān narrated to us, from Maṇṣūr, from Al-Ḥakam, from someone who heard ‘Alī and ‘Abd Allāh say: “The Messenger of Allah ﷺ decreed pre-emption for the neighbor.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مَنْصُورٍ، عَنْ الْحَكَمِ، عَمَّنْ، سَمِعَ عَلَيًّا، وَعَبْدِ اللَّهِ، يَقُولُونَ: قَضَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالشُّفْعَةِ لِلْجَوَارِ

[22719] Abu Bakr narrated to us, he said: Ibn ‘Uyaynah narrated to us, from Ibrāhīm ibn Maysarah, from ‘Amr ibn al-Sharīd, from Abū Rāfi‘, reaching the Prophet ﷺ, he said: “The neighbor has more right to his pre-emption.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ ابْرَاهِيمَ بْنِ مَيْسَرَةَ، عَنْ عَمْرُو بْنِ الشَّرِيدِ، عَنْ أَبِي رَافِعٍ، يَبْلُغُ بِهِ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: الْجَارُ أَحَقُّ بِشُفْعَتِهِ

[22720] Abu Bakr narrated to us, he said: ‘Abdah ibn Sulaymān narrated to us, from Sa‘īd, from Qatādah, from Al-Hasan, from Samurah, from the Prophet ﷺ, who said: “The neighbor of the house has more right to the house.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، عَنْ سَمْرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: جَارُ الدَّارِ أَحَقُّ بِالْدَارِ

[22721] Abu Bakr narrated to us, he said: ‘Abdah narrated to us, from ‘Abd al-Malik, from ‘Atā’, from Jābir, who said: The Messenger of Allah ﷺ said: “The neighbor has more right to the pre-emption of his neighbor; if their path is one, it should be waited for, even if he is absent.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَةُ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءً، عَنْ جَابِرٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْجَارُ أَحَقُّ بِشُفْعَةِ جَارٍ، إِذَا كَانَ طَرِيقُهُمَا وَاحِدًا يُنْتَظَرُ بِهَا، وَإِنْ كَانَ غَائِبًا

[22722] Abu Bakr narrated to us, he said: Wakī‘ narrated to us, from Hishām ibn al-Mughīrah al-Thaqafī, who said: I heard Al-Sha‘bī say: The Messenger of Allah ﷺ said: “The partner (Shafi‘/Co-owner) comes before the neighbor, and the neighbor comes before the stranger.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ هِشَامَ بْنِ الْمُغَرَّبَةِ الْقَفَفِيِّ، قَالَ: سَمِعْتُ الشَّعْبِيَّ، يَقُولُ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الشَّفَعِيُّ أَوْلَى مِنَ الْجَارِ، وَالْجَارُ أَوْلَى مِنَ الْجُنُبِ

[22723] Abu Bakr narrated to us, he said: Wakī‘ narrated to us, he said: Sufyān narrated to us, he said: ‘Umar ibn Rāshid al-Sulamī narrated to us, he said: I heard Al-Sha‘bī say: “The Messenger of Allah ﷺ decreed (pre-emption) based on neighborhood.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، قَالَ: حَدَّثَنَا عُمَرُ بْنُ رَاشِدٍ السُّلَمِيُّ، قَالَ: سَمِعْتُ الشَّعْبِيَّ يَقُولُ: قَضَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالْجِوَارِ

[22724] Abu Bakr narrated to us, he said: Ibn ‘Uyaynah narrated to us, from ‘Amr, from Abū Bakr ibn Ḥafṣ, who said: ‘Umar wrote to Shurayḥ to “judge based on neighborhood (regarding pre-emption).” He said: So Shurayḥ used to judge in favor of a man from the people of Kufa against a man from the people of Sham.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ أَبِي بَكْرِ بْنِ حَفْصٍ، قَالَ: كَتَبَ عُمَرُ إِلَى شُرَيْحٍ: أَنْ يَقْضِي بِالْجِوَارِ. قَالَ: فَكَانَ شُرَيْحٌ يَقْضِي لِلرَّجُلِ مِنْ أَهْلِ الْكُوفَةِ عَلَى الرَّجُلِ مِنْ أَهْلِ الشَّامِ

[22725] Abu Bakr narrated to us, he said: Abū Mu‘āwiyah narrated to us, from ‘Āsim, from Al-Sha‘bī, from Shurayh, who said: “The partner (Khaliṭ) has more right than the pre-emptor (Shafī‘ - in this context likely meaning adjacent neighbor sharing rights), and the pre-emptor has more right than the neighbor, and the neighbor has more right than anyone else.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ عَاصِمٍ، عَنِ الشَّعَيْفِيِّ، عَنْ شُرَيْحٍ، قَالَ: الْخَلِيلُ أَحَقُّ مِنَ الشَّفَاعَيْفِيِّ، وَالشَّفَاعَيْفِيِّ أَحَقُّ مِنَ الْجَارِ، وَالْجَارُ أَحَقُّ مِمَّنْ سِوَاهُ

[22726] Abu Bakr narrated to us, he said: Sharīk narrated to us, from Mughīrah, from Ibrāhīm, who said: “The partner has more right to pre-emption; if he has no partner, then the neighbor.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: الشَّرِيكُ أَحَقُّ بِالشُّفُعَةِ، فَإِنْ لَمْ يَكُنْ لَهُ شَرِيكٌ فَالْجَارُ

[22727] Abu Bakr narrated to us, he said: Wakī‘ narrated to us, he said: Sufyān narrated to us, from Al-Hasan ibn ‘Amr, from Fuḍayl ibn ‘Amr, from Ibrāhīm, who said: “The partner (Khaliṭ) has more right than the neighbor, and the neighbor has more right than others.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ الْحَسَنِ بْنِ عَمْرُو، عَنْ فُضَيْلِ بْنِ عَمْرُو، عَنْ إِبْرَاهِيمَ، قَالَ: الْخَلِيلُ أَحَقُّ مِنَ الْجَارِ، وَالْجَارُ أَحَقُّ مِنْ غَيْرِهِ

[22728] Abu Bakr narrated to us, he said: Mu‘āwiyah ibn Hishām narrated to us, he said: Sufyān narrated to us, from Abū Ḥayyān, from his father, that ‘Amr ibn Ḥurayth “used to judge based on neighborhood (in pre-emption).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعَاوِيَةُ بْنُ هِشَامٍ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَبِيهِ حَيَّانَ، عَنْ أَبِيهِ، أَنَّ عَمْرَو بْنَ حُرَيْثٍ كَانَ يَقْضِي بِالْجَوَارِ

[22729] Abu Bakr narrated to us, he said: Abū Usāmah narrated to us, from Ḥusayn the Teacher, from ‘Amr ibn Shu‘ayb, from ‘Amr ibn al-Sharīd, from his father, who said: I said: “O Messenger of Allah, (there is) land in which no one has a portion or partnership except neighborhood.” He said: “The neighbor has more right due to his proximity, whatever it may be.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ حُسَيْنِ الْمُعَلَّمِ، عَنْ عَمْرِو بْنِ شُعْبَيْنِ، عَنْ عَمْرِو بْنِ الشَّرِيدِ، عَنْ أَبِيهِ، قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ، أَرْضٌ لَيْسَ فِيهَا لِأَحَدٍ قِسْمٌ، وَلَا شِرْكٌ إِلَّا الْجِوارُ، قَالَ: الْجَارُ أَحَقُّ بِصَفَّيْهِ مَا كَانَ

[22730] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Sufyān narrated to us, from Abū al-Zubayr, from Jābir, who said: The Messenger of Allah ﷺ said: "Whoever has a partnership in land or a dwelling, he may not sell until he asks his partner's permission. If he wishes, he takes it, and if he wishes, he leaves it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ
عَنْ أَبِي الرَّبِيعِ، عَنْ جَابِرٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ كَانَتْ لَهُ شَرِكَةٌ فِي أَرْضٍ أَوْ
رَبْعَةٍ، فَلَا يَبْيَعُ حَتَّى يَسْتَأْذِنَ شَرِيكَهُ، فَإِنْ شَاءَ
أَخْدَ، وَإِنْ شَاءَ تَرَكَ

[22731] Abu Bakr narrated to us, he said: Abū Mu‘āwiyah narrated to us, from Al-Shaybānī, from Hammād, from Ibrāhīm, who said: "Pre-emption is for the polytheist, the Bedouin, and others." But Al-Sha'bī said: "There is no pre-emption for a Bedouin or a

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ، عَنِ الشَّيْبَانِيِّ
عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: الْشُّفْعَةُ لِلْمُشْرِكِ
وَالْأَعْرَابِيِّ وَغَيْرِهِ. وَقَالَ الشَّعْبِيُّ: لَا شُفْعَةُ لِأَعْرَابِيِّ
وَلَا مُشْرِكٌ

[22732] Abu Bakr narrated to us, he said: Sharīk narrated to us, from Layth, from Muhājir, from Al-Sha'bī, who said: "(Pre-emption) is not for a Bedouin nor for one who does not reside in the city."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ لَيْثٍ، عَنْ
مُهَاجِرٍ، عَنِ الشَّعْبِيِّ، قَالَ: لَيْسَ لِأَعْرَابِيِّ وَلَا لِمَنْ لَا
يَسْكُنُ الْمِصْرَ

[22733] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Sufyān narrated to us, from Ḥumayd, from Al-Ḥasan, who said: “There is no pre-emption for a Jew or a Christian.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ حُمَيْدٍ، عَنْ الْحَسَنِ، قَالَ: لَيْسَ لِيَهُودِيٍّ، وَلَا
النَّصْرَانِيِّ شُفْعَةً

[22734] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Jarīr ibn Ḥāzim narrated to us, from Abū al-Miqdām ibn Qurrah, who said: A neighbor of mine told me that Shurayḥ “ruled in favor of a Christian regarding pre-emption.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا جَرِيرُ بْنُ
حَازِمٍ، عَنْ أَبِي الْمِقْدَامِ بْنِ فُرَّةَ، قَالَ: حَدَّثَنِي جَارٌ لِي،
أَنَّ شُرَيْحًا قَضَى لِلنَّصْرَانِيِّ بِشُفْعَةٍ

[22735] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Qays ibn al-Rabī‘ narrated to us, from Khālid al-Hadhdhā’, who said: ‘Umar ibn ‘Abd al-‘Azīz wrote: “The Jew and the Christian have pre-emption.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا قَيْسُ بْنُ
الرَّبِيعِ، عَنْ خَالِدِ الْحَذَاءِ، قَالَ: كَتَبَ ʿոֹمَرُ بْنُ عَبْدِ
الْعَزِيزِ: لِلَّيَهُودِيِّ وَالنَّصْرَانِيِّ شُفْعَةً

[22736] Abu Bakr narrated to us, he said: Ḥasan ibn Ṣalīḥ narrated to us, from Al-Shaybānī, from Al-Sha‘bī, who said: “There is no pre-emption for a Jew or a Christian.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَسَنُ بْنُ صَالِحٍ، عَنْ
الشَّيْبَانِيِّ، عَنْ الشَّعْبِيِّ، قَالَ: لَيْسَ لِيَهُودِيٍّ وَلَا
نَصْرَانِيِّ شُفْعَةً

[22737] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Sufyān [said]: “The Jew and the Christian have pre-emption.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: أَتَا سُفِيَّاً:
لِلْيَهُودِيِّ وَالنَّصْرَانِيِّ شُفْعَةٌ

[22738] Abu Bakr narrated to us, he said: Ibn Abī ‘Adī narrated to us, from Ash‘ath, from Al-Ḥasan, who said: He used to not see any pre-emption for the disbelievers.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ، عَنْ أَشْعَثَ،
عَنِ الْحَسَنِ، قَالَ: كَانَ لَا يَرَى لِلْكُفَّارِ شُفْعَةً

[22739] Abu Bakr narrated to us, he said: Abū Usāmah narrated to us, from Mujālid, from ‘Āmir, from Shurayḥ, who said: “The Bedouin has pre-emption.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ مُجَالِدٍ، عَنْ
عَامِرٍ، عَنْ شُرَيْحٍ، قَالَ: لِلأَعْرَابِيِّ شُفْعَةٌ

[22740] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Sufyān narrated to us, from Jābir, from Al-Hakam, who said: “The Bedouin has pre-emption.” Waki‘ said: Sufyān said to us: “He has pre-emption.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفِيَّاً،
عَنْ جَابِرٍ، عَنْ الْحَكَمِ، قَالَ: لِلأَعْرَابِيِّ شُفْعَةٌ. قَالَ
وَكِيعٌ: قَالَ: حَدَّثَنَا سُفِيَّاً: لَهُ شُفْعَةٌ

[22741] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Zakariyyā narrated to us, from Abū Huṣayn, from Al-Sha‘bī, who said: “There is no pre-emption for the Bedouin.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا زَكَرِيَّاً،
عَنْ أَبِي حُصَيْنٍ، عَنِ الشَّعْبِيِّ، قَالَ: لَا شُفْعَةَ لِلأَعْرَابِيِّ

[22742] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Isrā’il narrated to us, from Sa‘id ibn Ashwa‘, who said: “There is no pre-emption for the Bedouin.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ،
عَنْ سَعِيدِ بْنِ أَشْوَعَ، قَالَ: لَيْسَ لِلأَعْرَابِيِّ شُفْعَةً

[22743] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Mālik ibn Anas narrated to us, from Al-Zuhri, from Sa‘id ibn al-Musayyib and Abū Salamah, both of whom said: “The Messenger of Allah ﷺ decreed pre-emption as long as it has not been divided. But when the boundaries are set, there is no pre-emption.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مَالِكُ بْنُ
أَنَسٍ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، وَأَبِي
سَلَمَةَ، قَالَا: قَضَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
بِالشُّفْعَةِ مَا لَمْ يَقْسِمْ، فَإِذَا وَقَعَتِ الْحُدُودُ فَلَا شُفْعَةَ

[22744] Abu Bakr narrated to us, he said: Ibn Idrīs narrated to us, from Muḥammad ibn ‘Umārah, from Abū Bakr ibn Muḥammad ibn ‘Amr ibn Ḥazm, from Abān ibn ‘Uthmān, who said: ‘Uthmān said: “There is no pre-emption in a well, nor in a male palm tree, and the Ardaf (division/demarcation) cuts off all pre-emption.”

[22745] Abu Bakr narrated to us, he said: Yazīd ibn Hārūn narrated to us, he said: Yaḥyā ibn Sa‘īd informed us, from ‘Awn ibn ‘Ubayd Allāh ibn Abī Rāfi‘, from ‘Ubayd Allāh ibn ‘Abd Allāh, who said: ‘Umar ibn al-Khaṭṭāb said: “When the boundaries are set, and the people know their boundaries, there is no pre-emption between them.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ مُحَمَّدِ بْنِ عُمَارَةَ، عَنْ أَبِي بَكْرٍ بْنِ مُحَمَّدٍ بْنِ عَمْرُو بْنِ حَزْمٍ، عَنْ أَبَانَ بْنِ عُثْمَانَ، قَالَ: قَالَ عُثْمَانُ: لَا شُفْعَةَ فِي بَلْ، وَلَا فَحْلٍ، وَالْأَرْدَفُ يَقْطَعُ كُلَّ شُفْعَةٍ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: أَخْبَرَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ عَوْنَ بْنِ عُبَيْدِ اللَّهِ بْنِ أَبِي رَافِعٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، قَالَ: قَالَ عُمَرُ بْنُ الْخَطَّابِ: إِذَا وَقَعَتِ الْحُدُودُ، وَعَرَفَ النَّاسُ حُدُودَهُمْ فَلَا شُفْعَةَ بَيْنَهُمْ

[22746] Abu Bakr narrated to us, he said: ‘Abd al-Wahhāb al-Thaqafī narrated to us, from Khālid, from Iyās ibn Mu‘awiyah, that he used to judge based on neighborhood until the letter of ‘Umar ibn ‘Abd al-‘Azīz came to him: “That he should not judge by it unless it was between two intermixed partners, or (a property) enclosed by a single door.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ التَّقْفِيُّ، عَنْ خَالِدٍ، عَنْ إِيَاسِ بْنِ مُعَاوِيَةَ، أَنَّهُ كَانَ يَقْضِي بِالْجِوَارِ حَتَّى جَاءَهُ كِتَابٌ عُمَرَ بْنُ عَبْدِ الْعَزِيزِ: أَلَا يَقْضِي بِهِ إِلَّا مَا كَانَ بَيْنَ شَرِيكَيْنِ مُخْتَلِطَيْنِ، أَوْ يُغْلَقُ عَلَيْهَا بَابٌ وَاحِدٌ

[22747] Abu Bakr narrated to us, he said: Ibn ‘Ulāyyah narrated to us, from Ibn Jurayj, who said: Al-Zubayr ibn Mūsā informed me, from ‘Umar ibn ‘Abd al-‘Azīz, who said: “If the land is divided, bordered, and its roads are set apart, there is no pre-emption.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرَنِي الزُّبَيْرُ بْنُ مُوسَى، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، قَالَ: إِذَا قُسِّمَتِ الْأَرْضُ، وَحُدُّثُ، وَصُرِفَتْ طُرُقُهَا، فَلَا شُفْعَةَ

[22748] Abu Bakr narrated to us, he said: ‘Abd Allāh ibn Idrīs narrated to us, from Yaḥyā ibn Sa‘īd, from ‘Awn ibn ‘Ubayd Allāh ibn Abī Rāfi‘, from ‘Ubayd Allāh ibn ‘Abd Allāh ibn ‘Umar, who said: He said: “When the boundaries are set, and the people know their rights, there is no pre-emption between them.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَوْنَ بْنِ عُبَيْدِ اللَّهِ بْنِ أَبِي رَافِعٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ، قَالَ: قَالَ إِذَا وَقَعَتِ الْحُدُودُ، وَعَرَفَ النَّاسُ حُوَقْهُمْ، فَلَا شُفْعَةَ بَيْنَهُمْ

[22749] Abu Bakr narrated to us, he said: ‘Abd al-Salām ibn Ḥarb narrated to us, from ‘Amr, from Al-Ḥasan, who said: “If there is a road between the two houses, there is no pre-emption between them.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامِ بْنُ حَرْبٍ، عَنْ عَمْرٍو، عَنْ الْحَسَنِ، قَالَ: إِذَا كَانَ بَيْنَ الدَّارَيْنِ طَرِيقٌ فَلَا شُفْعَةَ بَيْنَهُمَا

[22750] Abu Bakr narrated to us, he said: ‘Abbād ibn al-‘Awwām narrated to us, from ‘Ubaydah, who said: I heard Ibrāhīm say: “If there is a dividing road between them, there is no pre-emption.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ عُبَيْدَةَ، قَالَ: سَمِعْتُ إِبْرَاهِيمَ، يَقُولُ: إِذَا كَانَ بَيْنَهُمَا طَرِيقٌ فَأَصِلْ فَلَا شُفْعَةَ

[22751] Abu Bakr narrated to us, he said: Ghundar narrated to us, from Shu‘bah, who said: I asked Al-Ḥakam and Ḥammād about pre-emption, and he said: “If the house is next to the house with no road between them, there is pre-emption in it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، قَالَ:
سَأَلْتُ الْحَكَمَ، وَهَمَّادًا، عَنِ الشُّفْعَةِ، فَقَالَ: إِذَا كَانَتِ
الْدَّارُ إِلَى جَنْبِ الدَّارِ لَيْسَ بَيْنَهُمَا طَرِيقٌ، فَفِيهَا شُفْعَةٌ

[22752] Abu Bakr narrated to us, he said: Hushaym narrated to us, from Yūnus, from Al-Hasan, who said: “There is no pre-emption except in land (Turbah).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنِ
الْحَسَنِ، قَالَ: لَا شُفْعَةٌ إِلَّا فِي تُرْبَةٍ

[22753] Abu Bakr narrated to us, he said: Wakī‘ narrated to us, from Sufyān, from Jābir, from ‘Āmir, from Shurayḥ, who said: “There is no pre-emption except in cultivation (land) or real estate.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ
جَابِرٍ، عَنْ عَامِرٍ، عَنْ شُرَيْحٍ، قَالَ: لَا شُفْعَةٌ إِلَّا فِي
حَرْثٍ أَوْ عَقَارٍ

[22754] Abu Bakr narrated to us, he said: Hushaym narrated to us, from ‘Ubaydah, from Ibrāhīm, that he used to say that.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ عُبَيْدَةَ، عَنْ
إِبْرَاهِيمَ، أَنَّهُ كَانَ يَقُولُ ذَلِكَ

[22755] Abu Bakr narrated to us, he said: Abu Al-Aḥwaṣ narrated to us, from ‘Abd al-‘Azīz ibn Rufay’, from Ibnu Abī Mulaykah, who said: “The Messenger of Allah ﷺ decreed pre-emption in everything: land, houses, slave girls, and servants.” He said: ‘Atā’ said: “Pre-emption is only in land and houses.” He said: Ibnu Abī Mulaykah said to him: “You hear me—may you be motherless—saying 'The Messenger of Allah ﷺ said', and then you say something like this?”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَخْوَصِ، عَنْ عَبْدِ
الْعَزِيزِ بْنِ رُفَيْعٍ، عَنْ ابْنِ أَبِي مُلِيْكَةَ، قَالَ: «فَضَى
رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالشُّفْعَةِ فِي كُلِّ شَيْءٍ:
الْأَرْضِ وَالدَّارِ وَالْجَارِيَةِ وَالْخَادِمِ». قَالَ: فَقَالَ عَطَاءُ
إِنَّمَا الشُّفْعَةُ فِي الْأَرْضِ وَالدَّارِ، قَالَ فَقَالَ لَهُ ابْنُ أَبِي
مُلِيْكَةَ: «تَسْمَعُنِي لَا أُمَّ لَكَ أَقُولُ»: قَالَ رَسُولُ اللَّهِ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ، ثُمَّ نَثَرَ مِثْنَ هَذَا؟

[22756] Abu Bakr narrated to us, he said: Ibn ‘Ulayyah narrated to us, from Layth, from Al-Sha'bī, who said: “Regarding the neighbor of the house, if they are equal in neighborhood, whichever of them is first has more right to pre-emption.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ لَيْثٍ، عَنْ
الشَّعْبِيِّ، قَالَ: فِي جَارِ الدَّارِ إِذَا كَانَا فِي الْجِوارِ سَوَاءً
فَإِلَيْهِمَا سَبَقَ فَهُوَ أَحَقُّ بِالشُّفْعَةِ

[22757] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Yūnus ibn Abī Iṣhāq narrated to us, he said: I heard Al-Sha‘bī say: “Whoever has his pre-emption sold while he is present and does not object, then there is no pre-emption for him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا يُونُسُ بْنُ أَبِي إِسْحَاقَ، قَالَ: سَمِعْتُ الشَّعَبِيَّ، يَقُولُ: مَنْ بِيعَتْ شُفْعَةً وَهُوَ شَاهِدٌ لَا يُنْكِرُ، فَلَا شُفْعَةَ لَهُ

[22758] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Sufyān narrated to us, from Jābir, from ‘Āmir and Al-Qāsim, regarding a man whose house (i.e., the house over which he has pre-emption rights) was sold while he was silent and did not object. They said: “It binds him, and it is valid against him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفيَانُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، وَالْفَاسِيمِ فِي رَجُلٍ بِيعَتْ دَارُهُ وَهُوَ سَاكِنٌ لَا يُنْكِرُ، قَالَا: يَلْزَمُهُ، وَهُوَ جَائِزٌ عَلَيْهِ

[22759] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Isrā‘il narrated to us, from Jābir, from ‘Āmir and Al-Qāsim ibn ‘Abd al-Rahmān, that they used to say to the buyer: “Establish proof that it was sold while he (the pre-emptor) was present and did not object.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، وَالْفَاسِيمِ بْنِ عَبْدِ الرَّحْمَنِ أَنَّهُمَا كَانَا يَقُولانِ لِلْمُبَتَّاعِ: أَقِمِ الْبَيِّنَاتَ إِذَا بِيعَتْ وَهُوَ شَاهِدٌ لَا يُنْكِرُ

[22760] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Sufyān narrated to us, from Ash‘ath, from Al-Ḥakam, who said: “If the pre-emptor gives permission to the buyer to purchase, and he purchases, then he has no pre-emption.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَشْعَثَ، عَنْ الْحَكَمِ، قَالَ: إِذَا أَذِنَ الشَّفِيعُ لِلْمُشْتَرِي فِي الشَّرَى، فَأَشْتَرَى فَلَا شُفْعَةَ لَهُ

[22761] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Sufyān [said]: “He has pre-emption because his right occurred after the sale.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ: لَهُ الشُّفْعَةُ لِأَنَّ حَقَّهُ وَقَعَ بَعْدَ الْبَيْعِ

[22762] Abu Bakr narrated to us, he said: Ismā‘il ibn ‘Ulayyah narrated to us, from Al-Taymī, from Abū ‘Uthmān, that Ibn Mas‘ūd:

“Disliked taking better (Dirhams) than what he lent when he lent Dirhams.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عُلَيَّةَ، عَنْ التَّيْمِيِّ، عَنْ أَبِي عُثْمَانَ، أَنَّ ابْنَ مَسْعُودٍ: كَانَ يَكْرَهُ إِذَا أَفْرَضَ الدَّرَارِهِمَ أَنْ يَأْخُذَ خَيْرًا مِنْهَا

[22763] Abu Bakr narrated to us, he said: Qaṭan ibn ‘Abd Allāh Abū Murayy narrated to us, from Ash‘ath al-Ḥuddānī, who said: I asked Al-Hasan, saying: “O Abū Sa‘īd, the large (coins) come, and I have female neighbors who have a stipend. They borrow from me, and my intention is the superiority of the stipend Dirhams over my Dirhams.” He said: “There is no harm in it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا قَطْنُ بْنُ عَبْدِ اللَّهِ أَبْو مُرَيِّ، عَنْ أَشْعَثِ الْحُدَّانِيِّ، قَالَ: سَأَلْتُ الْحَسَنَ، فَقُلْتُ: يَا أَبَا سَعِيدٍ، تَحِيُّ الْكِبَارَ وَلِي جَارَاتٌ، وَلَهُنَّ عَطَاءٌ، فَيَقْتَرِضُنَّ مِنِّي، وَنَبِيَّتِي فَضْلُ دَرَاهِمِ الْعَطَاءِ عَلَى دَرَاهِمِي، قَالَ: لَا بَأْسَ بِهِ

[22764] Abu Bakr narrated to us, he said: Ibn Abī Zā’idah narrated to us, from Zakariyyā, who said: I said to ‘Āmir: “A man borrows, and when he goes out (receives his stipend), he gives him a gift better than it.” He said: “There is no harm as long as he does not stipulate it or give it to seek that.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ زَكَرِيَّاً، قَالَ: قُلْتُ لِعَامِرٍ: الرَّجُلُ يَسْتَقْرِضُ، فَإِذَا خَرَجَ أَعْطَاهُ عَطَاءً خَيْرًا مِنْهَا، قَالَ: لَا بَأْسَ مَا مَنْ يَسْتَرِطُ أَوْ يُعْطِيهِ التِّنَاسَ ذَلِكَ

[22765] Abu Bakr narrated to us, he said: Abū Usāmah narrated to us, from Juwaybir, from Al-Ḍahhāk, who said: “If you lend something, and we are paid back better than it, there is no harm if there was no condition at the time of the loan.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ جُوَيْبِرٍ، عَنِ الضَّحَّاكِ، قَالَ: إِذَا أَفْرَضْتَ شَيْئًا تَفْضِلُنَا أَفْضَلَ مِنْهُ، فَلَا بَأْسَ إِنْ لَمْ يَكُنْ شَرْطٌ عِنْدَ الْفِرْضِ

[22766] Abu Bakr narrated to us, he said: Ghundar narrated to us, from Shu‘bah, from Al-Ḥakam and Ḥammād, he said: I asked them about a man who lends a Dirham to another man and takes better than what he gave. They said: “If he did not intend (it beforehand), there is no harm.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، وَحَمَّادٍ، قَالَ: سَأَلْتُهُمَا، عَنِ الرَّجُلِ يُقْرِضُ الرَّجُلَ الدِّرْهَمَ، فَيَأْخُذُ خَيْرًا مِنَ الَّذِي أَعْطَى، فَقَالَا: إِنْ لَمْ يَكُنْ نَوْى فَلَا بَأْسَ

[22767] Abu Bakr narrated to us, he said: Rawwād ibn Jarrāḥ narrated to us, from Al-Awzā‘ī regarding a man who lent ten Dirhams to another man, and he brings ten and two Dānaqs (small coin fraction). He said: “Do not accept it.” I said to him: “He did it willingly.” He said: “Does Riba happen except willingly?”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا رَوَادُ بْنُ جَرَاحَ، عَنِ الْأُوزَاعِيِّ فِي رَجُلٍ أَفْرَضَ رَجُلًا عَشَرَةَ دَرَاهِمَ، فَيَأْتِي بِعَشَرَةِ وَدَانِقَيْنِ، قَالَ: لَا تَقْبِلْنَ، فُلِثْ لَهُ: إِنَّهُ قَدْ طَابَتْ نَفْسُهُ بِهَا، قَالَ: وَهُلْ يَكُونُ الرِّبَا إِلَّا، عَنْ طِيبِ نَفْسٍ

[22768] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Sufyān narrated to us, from Khālid ibn Dīnār, from ‘Āmir regarding a man who lends a loan to another man and intends for him to pay back better than it. He said: “That is most malicious (or very bad).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ خَالِدِ بْنِ دِينَارٍ، عَنْ عَامِرٍ فِي الرَّجُلِ يُغْرِضُ
الرَّجُلَ الْقَرْضَ، وَيَنْوِي أَنْ يَقْضِي أَجْوَدَ مِنْهُ، قَالَ:
ذَلِكَ أَخْبَثُ

[22769] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Ibn ‘Awn narrated to us, from Ibn Sīrīn, who said: A man borrowed a Dirham from Ibn Mas‘ūd and paid it back. The man said to him: “I selected for you from the best of my stipend.” Ibn Mas‘ūd disliked that and said: “(Give me) like my Dirhams.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ابْنُ عَوْنَ،
عَنْ ابْنِ سِيرِينَ، قَالَ: اسْتَقْرَضَ رَجُلٌ مِنْ ابْنِ مَسْعُودٍ
دِرْهَمًا فَقَضَاهُ، فَقَالَ لَهُ الرَّجُلُ: إِنِّي تَجَاوِزْتُ لَكَ مِنْ
جَيْدٍ عَطَائِي، فَكَرِهَ ذَلِكَ ابْنُ مَسْعُودٍ، وَقَالَ: مِثْلُ
دَرَاهِيمِي

[22770] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Hishām al-Dastuwā‘ī narrated to us, from Al-Qāsim ibn Abī Bazzah, from ‘Atā’ ibn Ya‘qūb, who said: Ibn ‘Umar borrowed one thousand Dirhams from me, and he paid me back Dirhams better than my Dirhams. He said: “Whatever surplus is in it is a gift from me to you, do you accept it?” I said: “Yes.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا هِشَامُ الدَّسْتُوَائِيُّ، عَنْ الْقَاسِمِ بْنِ أَبِي بَرَّةَ، عَنْ عَطَاءَ بْنِ يَعْفُوبَ، قَالَ: اسْتَلَفَ مِنِّي ابْنُ عُمَرَ الْأَلْفَ دِرْهَمًا، فَقَضَانِي دَرَاهِمَ أَجْوَدَ مِنْ دَرَاهِمِي، فَقَالَ: مَا كَانَ فِيهَا مِنْ فَضْلٍ فَهُوَ نَائِلٌ مِنِّي إِلَيَّكَ، أَتَقْبِلُهُ؟ فَلَّا: نَعَمْ

[22771] Abu Bakr narrated to us, he said: Waki‘ narrated to us, from Shu‘bah, who said: I asked Al-Hakam and Hammād about a man who lends Dirhams to another man and is given better than them. They said: “There is no harm as long as his intention was not for that.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَادًا، عَنِ الرَّجُلِ يُقْرِضُ الرَّجُلَ الدَّرَاهِمَ، فَيُعْطَى أَجْوَدَ مِنْهَا، قَالَا: لَا بَأْسَ مَا لَمْ تَكُنْ نِيَّتُهُ عَلَى ذَلِكَ

[22772] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Zakariyyā ibn Abī Zā’idah narrated to us, from ‘Āmir, who said: I asked him about a man who lends Dirhams to another man and is given better than them. He said: “There is no harm as long as he does not intend it or make it a condition.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا زَكَرِيَّا بْنُ أَبِي زَائِدَةَ، عَنْ عَامِرٍ، قَالَ: سَأَلَنَا الرَّجُلُ يُغْرِضُ الرَّجُلَ الدَّرَاهِمَ، فَيُعْطَى أَجْوَدُ مِنْهَا، قَالَ: لَا بَأْسَ مَا لَمْ يَعْمَدْ أَوْ يَشْرُطْ

[22773] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Ḥammād ibn Salamah narrated to us, he said: I heard a Sheikh called Al-Mughīrah say: I said to Ibn ‘Umar: “I lend to my neighbors until the stipend (payment time), and they pay me back Dirhams better than my Dirhams.” He said: “There is no harm as long as you do not make it a condition.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ، قَالَ: سَمِعْتُ شَيْخًا يُقَالُ لَهُ الْمُغَيْرَةُ، قَالَ: قُلْتُ لِابْنِ عُمَرَ: إِنِّي أَسْلَفُ جِيرَانِي إِلَى الْعَطَاءِ، فَيَقُولُونِي دَرَاهِمَ أَجْوَدُ مِنْ دَرَاهِمِي، قَالَ: لَا بَأْسَ مَا لَمْ تَشْرُطْ

[22774] Abu Bakr narrated to us, he said: Ismā‘il ibn ‘Ayyāsh narrated to us, from Salamah ibn ‘Alqamah, from Ibni Sirīn, who said: “Whoever buys a garment with a condition (option to return), and sells it for a profit before he finalizes ownership, then the profit belongs to the owner of the garment.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ سَلَمَةَ بْنَ عَلْقَمَةَ، عَنْ ابْنِ سِيرِينَ، قَالَ: مِنْ اشْتَرَ تُؤْبَأِ بِشَرْطٍ، فَبَاعَهُ مُرَابِحًا قَبْلَ أَنْ يَسْتَوْجِبَهُ، فَإِنَّ الرَّبْحَ لِصَاحِبِ التُّوبِ

[22775] Abu Bakr narrated to us, he said: Abū Usāmah narrated to us, from Hishām, from Muḥammad, who said: “Whoever buys goods with a condition, and sells them before he finalizes ownership, whatever surplus (profit) is in it belongs to the first (original owner).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ، قَالَ: مِنْ اشْتَرَ بَيْعًا بِشَرْطٍ، فَبَاعَهُ قَبْلَ أَنْ يَسْتَوْجِبَهُ، فَمَا كَانَ فِيهِ مِنْ فَضْلٍ فَهُوَ لِلأَوَّلِ

[22776] Abu Bakr narrated to us, he said: Ibn Mahdī narrated to us, from Zam‘ah, from Ibni Ṭawūs, from his father, who said: “If he buys goods on the condition that he has the option, and sells them before his companion (seller) comes, his sale is valid and it is lawful for him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ زَمْعَةَ، عَنْ ابْنِ طَاؤِسٍ، عَنْ أَبِيهِ، قَالَ: إِذَا اشْتَرَ بَيْعًا عَلَى أَنَّهُ فِيهِ بِالْخِيَارِ، فَبَاعَهُ قَبْلَ أَنْ يَأْتِي صَاحِبُهُ، فَفَدْ جَازَ بَيْعُهُ وَهُوَ لَهُ حِلٌّ

[22777] Abu Bakr narrated to us, he said: Ibn ‘Ulayyah narrated to us, from Yūnus, from Muṭarrif ibn ‘Utbah, from his father, who was a friend of Shurayḥ, he said: I said to Shurayḥ: “I come to the market, buy a garment, and stipulate that I have the option (to return it). Then I go, and if I sell it, I take the profit, and if not, I return it.” He said: “Do not do that.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ يُونُسَ، عَنْ مُطَرِّفِ بْنِ عُتْبَةَ، عَنْ أَبِيهِ، وَكَانَ صَدِيقًا لِشُرَيْحٍ، قَالَ: قُلْتُ لِشُرَيْحٍ: أَتَى السُّوقُ، فَأَشْرَى التَّوْبَ، وَأَسْتَرِطَ أَنِّي فِيهِ بِالْخَيْرِ، ثُمَّ أَنْطَلَقُ، فَإِنْ بَعْثَهُ أَحْدُثُ الرَّبْحَ، وَإِلَّا رَدَدْنَاهُ، قَالَ: فَلَا تَفْعَلْ

[22778] Abu Bakr narrated to us, he said: Abū Mu‘āwiyah narrated to us, from Ḥajjāj, from Sa‘īd ibn Zayd ibn ‘Uqbah, from his father, from Samurah, who said: The Messenger of Allah ﷺ said: “Whoever loses goods or has goods stolen from him, and finds them in the possession of a man, he has more right to them, and the buyer returns (for recourse) to the seller.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ، عَنْ حَاجَاجٍ، عَنْ سَعِيدِ بْنِ زَيْدِ بْنِ عُقْبَةَ، عَنْ أَبِيهِ، عَنْ سَمْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ ضَاعَ لَهُ مَتَّاعٌ أَوْ سُرِقَ لَهُ مَتَّاعٌ، فَوَجَدَهُ فِي يَدِ رَجُلٍ فَهُوَ أَحَقُّ بِهِ، وَيَرْجِعُ الْمُشْتَرِي عَلَى الْبَائِعِ

[22779] Abu Bakr narrated to us, he said: Wakī‘ narrated to us, from Isrā’īl, from Simāk, from Ḥajjār ibn Abjar, from ‘Alī regarding a man who had a garment in his possession, and another man established proof against him (that it was his). He said: “Give this man his garment, and pursue the one you bought it from.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنِ اسْرَائِيلَ، عَنْ سِمَاكٍ، عَنْ حَجَّارِ بْنِ أَبْجَرَ، عَنْ عَلَيٍّ فِي رَجْلِ كَانَ فِي يَدِهِ تَوْبَةً، فَأَقَامَ رَجُلٌ عَلَيْهِ الْبَيِّنَاتُ، فَقَالَ: ادْفَعْ إِلَى هَذَا تَوْبَةً، وَاتَّبِعْ مَنْ اشْتَرَيْتَ مِنْهُ

[22780] Abu Bakr narrated to us, he said: Ibn ‘Ulayyah narrated to us, from Salamah ibn ‘Alqamah, from Ibn Sīrīn, who said: “The judges used to decree: Whoever sells something that is not his, it belongs to its owner. If he claims it, this one (the buyer) takes back the equivalent value.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ سَلَمَةَ بْنِ عَلْقَمَةَ، عَنْ ابْنِ سِيرِينَ، قَالَ: "كَانَتِ الْفُضَّاهُ تَعْصِي: مَنْ بَاعَ شَيْئًا لَيْسَ لَهُ فَهُوَ لِصَاحِبِهِ، إِذَا طَالَبَهُ يُؤْخَذُ هَذَا بِالشَّرْوَى"

[22781] Abu Bakr narrated to us, he said: Ḥafṣ narrated to us, from Layth, from Al-Sha‘bī regarding people who are partners in a house, and some of them buy from others. He said: “The others have no pre-emption.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ لَيْثٍ، عَنِ الشَّعْبِيِّ فِي الْقَوْمِ يَكُونُونَ شُرَكَاءَ فِي الدَّارِ، فَإِشْتَرَى بَعْضُهُمْ مِنْ بَعْضٍ، قَالَ: لَيْسَ لِلْأَخْرِينَ شُغْلٌ

[22782] Abu Bakr narrated to us, he said: Ḥafṣ narrated to us, from ‘Amr, from Al-Ḥasan, like it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ عَمْرٍو، عَنِ الْحَسَنِ، مِثْلُهُ

[22783] Abu Bakr narrated to us, he said: Al-Ḍahḥāk ibn Makhlad narrated to us, from Ibn Jurayj, who said: I said to ‘Atā’: “I and a man bought a house, and another man has a sixth and another has a half. Then he (my companion) sold. Do I take it along with them all, or do I take it to their exclusion?” He said: “No, rather you take it to their exclusion.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلِدٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: قُلْتُ لِعَطَاءَ: ابْنَتُهُ أَنَا وَرَجُلٌ دَارَ، وَلِرَجُلٍ سُدُسٌ وَلِلآخرِ نِصْفٌ، فَبَاعَ - يَعْنِي صَاحِبِي - أَحُدُّهُ أَنَا وَهُمْ جَمِيعًا، أَوْ أَحُدُّهُ دُونَهُمْ، قَالَ: لَا، بَلْ تَأْخُذُهُ دُونَهُمْ

[22784] Abu Bakr narrated to us, he said: Al-Ḍahḥāk ibn Makhlad narrated to us, from Ibn Jurayj, who said: Ibn Abī Ḥusayn and Tāwūs informed me, both saying: “They are equal in it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلِدٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرَنِي ابْنُ أَبِي حُسَيْنٍ، وَطَلَوْسُ قَالَا: هُمْ فِيهِ سَوَاءٌ

[22785] Abu Bakr narrated to us, he said: ‘Abd Allāh ibn Mubārak narrated to us, from Muṣ‘ab ibn Thābit, who said: I heard ‘Aṭā’ narrating that a man pledged a horse to another man, and it died in his possession. The Messenger of Allah ﷺ said to the pledgee (mortgagee): “Your right is gone.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُبَارَكٍ، عَنْ مُصْعَبِ بْنِ ثَابِتٍ، قَالَ: سَمِعْتُ عَطَاءً يُحَدِّثُ أَنَّ رَجُلًا رَهَنَ رَجُلًا فَرَسًا، فَنَفَقَ فِي يَدِهِ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِلْمُرْتَهِنِ: ذَهَبَ حَقُّكَ

[22786] Abu Bakr narrated to us, he said: Sharīk narrated to us, from Abū Ḥuṣayn, who said: I heard Shurayḥ say: “The pledges are gone with what is in them.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ أَبِي حُصَيْنِ، قَالَ: سَمِعْتُ شُرَيْحًا، يَقُولُ: ذَهَبَتِ الرِّهَانُ بِمَا فِيهَا

[22787] Abu Bakr narrated to us, he said: Ibn Abī Zā’idah narrated to us, from Hishām, from Muḥammad, from Shurayḥ, like it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ، عَنْ شُرَيْحٍ، مِثْلُهُ

[22788] Abu Bakr narrated to us, he said: ‘Abd al-A’lā narrated to us, from Yūnus, from Al-Ḥasan, who said: “The pledge goes for what is in it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنْ الْحَسَنِ، قَالَ: الرَّهْنُ بِمَا فِيهِ

[22789] Abu Bakr narrated to us, he said: Ibn ‘Ulayyah narrated to us, he said: I asked Ibñ Abī Najīḥ about the pledge if it perishes. He said: ‘Atā’ used to say: “(For) Gold, silver, and goods, they compensate each other. (For) Animals, they do not compensate each other; it is from the first (it settles the debt).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، قَالَ: سَأَلْتُ ابْنَ أَبِي نَجِيْهِ عَنِ الرَّهْنِ إِذَا هَلَّكَ، قَالَ: كَانَ عَطَاءً يَقُولُ: الْذَّهَبُ وَالْفِضَّةُ وَالْعُرُوضُ يَتَرَادَّانِ، وَالْحَيَّانُ لَا يَتَرَادَّانِ، هُوَ مِنَ الْأَوَّلِ

[22790] Abu Bakr narrated to us, he said: Hushaym narrated to us, from Mughīrah, from Ibrāhīm, who said: “If the pledge is worth more than what it was pledged for, he is a trustee regarding the surplus. If it is less, then it is better that he pays him the deficit.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُسَيْمٌ، عَنْ مُخْبِرَةَ، عَنْ أَبْرَاهِيمَ، قَالَ: إِذَا كَانَ الرَّهْنُ أَكْثَرَ مِمَّا رُهِنَ فِيهِ فَهُوَ أَمِينٌ فِي الْفَضْلِ، فَإِنْ كَانَ نَاقِصًا فَأَحْسَنَ مِنْ ذَلِكَ أَنْ يَرُدَّ عَلَيْهِ النُّفُصَانَ

[22791] Abu Bakr narrated to us, he said: Ibñ Mahdī narrated to us, from Zam‘ah, from Ibñ Ṭāwūs, from his father, who said: “The pledge goes for what is in it.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ زَمْعَةَ، عَنْ ابْنِ طَاؤِسٍ، عَنْ أَبِيهِ، قَالَ: الرَّهْنُ بِمَا فِيهِ

[22792] Abu Bakr narrated to us, he said: ‘Abd al-Wahhāb ibn ‘Atā’ narrated to us, from Ibn ‘Awn, from Muḥammad ibn Sīrīn, who said: “The pledge goes for what is in it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ بْنُ عَطَاءِ، عَنِ ابْنِ عَوْنِ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، قَالَ: الرَّهْنُ بِمَا فِيهِ

[22793] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Idrīs al-Awdī narrated to us, from Ibrāhīm ibn ‘Umayr, who said: I heard Ibn ‘Umar say regarding the pledge: “They compensate each other for the surplus.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِدْرِيسُ الْأَوْدِيُّ، عَنْ ابْرَاهِيمَ بْنِ عُمَيْرٍ، قَالَ: سَمِعْتُ ابْنَ عُمَرَ يَقُولُ فِي الرَّهْنِ: يَتَرَادَانِ الْفَضْلُ

[22794] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Sufyān narrated to us, from Mānsūr, from Al-Ḥakam, from ‘Alī, who said: “They compensate each other for the surplus regarding the pledge.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مَنْصُورٍ، عَنْ الْحَكَمَ، عَنْ عَلَيٍّ، قَالَ: يَتَرَادَانِ الْفَضْلُ فِي الرَّهْنِ

[22795] Abu Bakr narrated to us, he said: Wakī‘ narrated to us, from ‘Alī ibn Ṣāliḥ, from ‘Abd al-A’lā ibn ‘Āmir, from Muḥammad ibn al-Ḥanafiyah, from ‘Alī, who said: “If the pledge is worth more than the debt and it perishes, it goes for what is in it (the debt), because he is a trustee for the surplus. And if it is less than the debt and perishes, the pledger pays back the difference.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِبِيعُ، عَنْ عَلَيِّ بْنِ صَالِحٍ، عَنْ عَبْدِ الْأَعْلَى بْنِ عَامِرٍ، عَنْ مُحَمَّدِ ابْنِ الْحَنْفِيَّةِ، عَنْ عَلَيِّ، قَالَ: إِذَا كَانَ الرَّهْنُ أَكْثَرُ مِمَّا رُهِنَ بِهِ فَهَلَكَ فَهُوَ بِمَا فِيهِ، لِأَنَّهُ أَمِينٌ فِي الْفَضْلِ، وَإِذَا كَانَ أَقْلَى مِمَّا رَهَنَ بِهِ فَهَلَكَ رَدَ الرَّاهِنُ الْفَضْلُ

[22796] Abu Bakr narrated to us, he said: Wakī‘ narrated to us, he said: Sufyān narrated to us, from Al-Qa‘qā‘ ibn Yazīd, from Ibrāhīm, who said: “If the pledge is worth more than the debt and it perishes, it goes for what is in it. If it is less, the pledger pays back the difference.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِبِيعُ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنِ الْقَعْدَاعِ بْنِ يَزِيدَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا كَانَ الرَّهْنُ أَكْثَرُ مِمَّا رُهِنَ بِهِ فَهَلَكَ ذَهَبَ بِمَا فِيهِ، وَإِنْ كَانَ أَقْلَى رَدَ الرَّاهِنُ الْفَضْلُ

[22797] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Sufyān narrated to us, from Mughīrah, from Simāk, who said: I said to Ibrāhīm: “A man pledged one hundred Dirhams (or something worth that) and the one hundred perished.” He said: “The best is that they compensate each other for the surplus.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ مُغِيرَةَ، عَنْ سِمَاكٍ، قَالَ: قُلْتُ لِإِبْرَاهِيمَ: رَجُلٌ
رَهِنَ مِائَةً دِرْهَمًا، فَهَلَكَتِ الْمِائَةُ، فَقَالَ: إِنَّ أَحْسَنَ مَا
يَرَادُونَ فِي الْفَضْلِ

[22798] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Shu‘bah narrated to us, from Al-Hakam, from Shurayh, who said: “The pledge goes for what is in it.” Shu‘bah said: I said to Al-Hakam regarding his saying: “Whether it (the value) is less or more (than the debt), is it the same?” He said: “Yes.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شُعْبَةُ، عَنِ
الْحَكَمِ، عَنْ شُرَيْحٍ، قَالَ: الرَّهْنُ بِمَا فِيهِ قَالَ شُعْبَةُ:
فَقُلْتُ لِلْحَكَمِ فِي قَوْلِهِ: إِذَا كَانَ أَقْلَى أَوْ أَكْثَرَ سَوَاءً، قَالَ:
نَعَمْ

[22799] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Ibn Abī Dhi‘b narrated to us, from Al-Zuhri, from Sa‘id ibn al-Musayyib, who said: The Messenger of Allah ﷺ said: “The pledge does not become closed (foreclosed). It belongs to the one who pledged it; he is entitled to its profit and responsible for its liability.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ابْنُ أَبِي ذِئْبٍ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا يَغْلُقُ الرَّهْنُ، هُوَ لِمَنْ رَهَنَهُ، لَهُ غُنْمَهُ وَعَلَيْهِ غُرْمَهُ

[22800] Abu Bakr narrated to us, he said: Waki‘ narrated to us, he said: Isrā‘il narrated to us, from Ibrāhīm ibn ‘Āmir ibn Mas‘ūd al-Jumahī, from Mu‘āwiyah ibn ‘Abd Allāh ibn Ja‘far, that a man pledged a house for a set term. When the pledge became due, the pledgee said: “It is my house.” The Messenger of Allah ﷺ said: “The pledge does not become closed (foreclosed).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ أَبْرَاهِيمَ بْنِ عَامِرٍ بْنِ مَسْعُودٍ الْجَمَحِيِّ، عَنْ مُعَاوِيَةَ بْنِ عَبْدِ اللَّهِ بْنِ جَعْفَرٍ أَنَّ رَجُلًا رَهَنَ دَارًا إِلَى أَجَلٍ، فَلَمَّا حَلَّ الرَّهْنُ، قَالَ الْمُرْتَهِنُ: دَارِي، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا يَغْلُقُ الرَّهْنُ

[22801] Abū Bakr told us: Ibn Fuḍayl told us, from ‘Abd al-Malik, from ‘Atā’, who said: “We have always heard that the pledge is for what is in it (i.e., it covers the debt).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ عَبْدِ الْمَالِكِ،
عَنْ عَطَاءٍ، قَالَ: مَا زِلْنَا نَسْمَعُ أَنَّ الرَّهْنَ بِمَا فِيهِ

[22802] Abū Bakr told us: Abū ‘Āsim told us, from ‘Imrān al-Qatṭān, from Maṭar, from ‘Atā’, who said: “We have always heard that the pledge is for what is in it.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو عَاصِمٍ، عَنْ عِمْرَانَ
الْقَطَّانِ، عَنْ مَطْرٍ، عَنْ عَطَاءٍ، قَالَ: مَا زِلْنَا نَسْمَعُ أَنَّ
الرَّهْنَ بِمَا فِيهِ

[22803] Abū Bakr told us: Abū ‘Āsim told us, from ‘Imrān al-Qatṭān, from Maṭar, from ‘Atā’, from ‘Ubayd ibn ‘Umayr, from ‘Umar, who said: “If the pledge is worth more than what it was pledged for, he is a trustee regarding the surplus; and if it is worth less, it is returned to him (i.e., the difference is paid).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو عَاصِمٍ، عَنْ عِمْرَانَ
الْقَطَّانِ، عَنْ مَطْرٍ، عَنْ عَطَاءٍ، عَنْ عُبَيْدِ بْنِ عُمَيْرٍ،
عَنْ عُمَرَ، قَالَ: إِذَا كَانَ الرَّهْنُ أَكْثَرَ مِمَّا رُهِنَ بِهِ فَهُوَ
أَمِينٌ فِي الْفَضْلِ، وَإِذَا كَانَ أَقْلَى رُدًّا عَلَيْهِ

[22804] Abū Bakr told us: ‘Abd al-Wahhāb ibn ‘Atā’ told us, from Ibni ‘Awn, from Muḥammad ibn Sīrīn, who said: “The pledge is for what is in it.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ بْنُ عَطَاءٍ، عَنْ
ابْنِ عَوْنِ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، قَالَ: الرَّهْنُ بِمَا فِيهِ

[22805] Abū Bakr told us: Ibn Idrīs told us, from Yazīd, from Ibni Jābān, who said: I brought a dispute to Shurayḥ regarding a gold ring. He said: “The pledge is for what is in it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ يَزِيدَ، عَنْ ابْنِ جَابَانَ، قَالَ: حَاصَمْتُ إِلَى شُرَيْحٍ فِي خَاتِمٍ ذَهَبٍ، فَقَالَ: الرَّهْنُ بِمَا فِيهِ

[22806] Abū Muḥammad ‘Abd Allāh ibn Yūnus told us: Abū ‘Abd ar-Rahmān Baqī ibn Makhlad told us: Abū Bakr ibn Abī Shaybah told us: Wakī‘ told us: Sufyān told us, from ‘Abd Allāh ibn al-Hasan, from his mother Fātimah bint Husayn, that Zayd ibn Ḥārithah arrived—meaning from Ayla—and needed riding animals, so he sold some of them (captives). When he came to the Prophet ﷺ, he saw a woman among them weeping. He said: “What is the matter with this woman?” He was informed that Zayd had sold her child. The Prophet ﷺ said to him: “Return him or buy him back.”

حَدَّثَنَا أَبُو مُحَمَّدِ عَبْدُ اللَّهِ بْنُ يُونُسَ قَالَ: حَدَّثَنَا أَبُو عَبْدِ الرَّحْمَنِ بْنَ مَخْلُدٍ قَالَ: حَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُعْيَانُ، عَنْ عَبْدِ اللَّهِ بْنِ الْحَسَنِ، عَنْ أُمِّهِ فَاطِمَةِ ابْنَةِ حُسَيْنٍ، أَنَّ زَيْدَ بْنَ حَارِثَةَ قَدِيمًا - يَعْنِي مِنْ أَيَّلَةَ - فَأَحْتَاجَ إِلَى ظَهْرٍ، فَبَاعَ بَعْضَهُمْ، فَلَمَّا قَدِيمًا عَلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَأَى امْرَأَةً مِنْهُمْ تَبْكِي، قَالَ: مَا شَاءْنَ هَذِهِ؟ فَأَخْبَرَ أَنَّ زَيْدًا بَاعَ وَلَدَهَا، فَقَالَ لَهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: ارْدُدْهُ أَوْ اشْتَرِهِ

[22807] Abū Bakr told us: Ḥafṣ told us, from Ibñ Abī Laylā, from Al-Hakam, from ‘Alī, who said: The Prophet ﷺ sent two captive slave boys with me to sell. When I came back to him, he said: “Did you keep them together or separate them?” I said: “I separated them.” He said: “Then go back and catch them, go back and catch them.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ ابْنِ أَبِي لَيْلَى،
عَنِ الْحَكَمِ، عَنْ عَلِيٍّ، قَالَ: بَعَثَ مَعِي النَّبِيُّ صَلَّى اللَّهُ
عَلَيْهِ وَسَلَّمَ بِغُلَامَيْنِ سَبِيلَيْنِ مَمْلُوكَيْنِ أَبْيَعُهُمَا، فَلَمَّا أَتَيْتُهُ
قَالَ: جَمَعْتَ أُمَّ فَرَقْتُ؟ فُلْتُ: فَرَقْتُ، قَالَ: فَأَرْكِ
أَرْكِ

[22808] Abū Bakr told us: Ibñ ‘Ulayyah told us, from Ayyūb, from ‘Amr ibn Dīnār, from ‘Abd ar-Rahmān ibn Farrūkh, who said: ‘Umar wrote: “Do not separate two brothers.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عَلَيَّةَ، عَنْ أَيُوبَ، عَنْ
عَمْرُو بْنِ دِينَارٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ فَرُوخَ، قَالَ:
كَتَبَ عُمَرُ: لَا تُفَرِّقُوا بَيْنَ الْأَخْوَيْنِ

[22809] Abū Bakr told us: Ibñ ‘Uyaynah told us, from ‘Amr, from ‘Abd ar-Rahmān ibn Farrūkh—and perhaps he said: from his father—that ‘Umar said: “Do not separate a mother and her child.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرُو، عَنْ
عَبْدِ الرَّحْمَنِ بْنِ فَرُوخَ - وَرُبَّمَا - قَالَ:، عَنْ أَبِيهِ، أَنَّ
عُمَرَ قَالَ: لَا تُفَرِّقُوا بَيْنَ الْأُمَّ وَلَدَهَا

[22810] Abū Bakr told us: Ibn ‘Ulayyah told us, from Yūnus, from Ḥumayd ibn Hilāl, who said: ‘Iqāl—or Ḥakīm ibn ‘Iqāl—said: ‘Uthmān ibn ‘Affān wrote to ‘Iqāl to buy one hundred households and send them up to Medina, and not to buy anyone separating him from his parent.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنْ حُمَيْدِ بْنِ هِلَالٍ، قَالَ: قَالَ عِقَالٌ، أَوْ حَكِيمُ بْنُ عِقَالٍ، قَالَ: كَتَبَ عُثْمَانُ بْنُ عَفَانَ إِلَى عِقَالٍ أَنْ يَشْتَرِي مائَةً أَهْلَ بَيْتٍ يَرْفَعُهُمْ إِلَى الْمَدِينَةِ، وَلَا يَشْتَرِي شَيْئًا يُفَرِّقُ بَيْنَهُ وَبَيْنَ وَالِدِيهِ

[22811] Abū Bakr told us: Ghundar told us, from Ḥabīb ibn Shihāb, from his father, that he campaigned with Abū Mūsā. When they conquered Tustar, he would not separate a woman and her child in sale.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ حَبِيبِ بْنِ شِهَابٍ، عَنْ أَبِيهِ، أَنَّهُ غَزَّا مَعَ أَبِيهِ مُوسَى، فَلَمَّا فَتَحُوا ثُسَّارَ كَانَ لَا يُفَرِّقُ بَيْنَ الْمَرْأَةِ وَوَلَدِهَا فِي الْبَيْعِ

[22812] Abū Bakr told us: Zayd ibn Khabbāb told us, from Mūsā ibn ‘Ali, who said: I heard Ibn Abī Jabalah al-Qurashī say: “They used to separate the captives, so Abū Ayyūb would come and join them together.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ خَبَابٍ، عَنْ مُوسَى بْنِ عَلَيٌّ، قَالَ: سَمِعْتُ ابْنَ أَبِي جَبَلَةَ الْقُرَاشِيَّ، يَقُولُ: كَانُوا يُفَرِّقُونَ بَيْنَ السَّبَّايمِ، فَيَجِيءُ أَبُو أَيُوبَ فَيَجْمَعُ بَيْنَهُمْ

[22813] Abū Bakr told us: Jarīr told us, from Maṇṣūr, from Ibrāhīm, who said: “They only disliked the sale of slaves for fear that they would separate a child from his parent, and siblings from each

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِنَّمَا كَرِهُوا بَيْعَ الرِّقْيقِ مَخَافَةً أَنْ يُفَرَّقُوا بَيْنَ الْوَلَدِ وَالِدِهِ، وَبَيْنَ الْأَخْوَةِ

[22814] Abū Bakr told us: Waki‘ told us: Sufyān told us, from Jābir, from Al-Qāsim ibn ‘Abd ar-Rahmān, from his father, from Ibn Mas‘ūd, who said: “When captives were brought to the Messenger of Allah ﷺ, he would give a whole family together, disliking to separate them.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفيَانُ، عَنْ جَابِرٍ، عَنْ الْفَالَّسِيمِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ، عَنْ ابْنِ مَسْعُودٍ، قَالَ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا أُتِيَ بِالسَّبْيِ أَعْطَى أَهْلَ الْبَيْتِ جَمِيعًا كَرَاهِيَةً أَنْ يُفَرِّقَ بَيْنَهُمْ

[22815] Abū Bakr told us: Waki‘ told us: Sufyān told us, from Ayyūb, from Ḥumayd ibn Hilāl, from Ḥakīm ibn ‘Iqāl, who said: ‘Uthmān wrote to my father: “Buy one hundred households, and do not separate a parent and his child.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفيَانُ، عَنْ أَيُوبَ، عَنْ حُمَيْدِ بْنِ هِلَالٍ، عَنْ حَكِيمِ بْنِ عَقْلٍ، قَالَ: كَتَبَ عُثْمَانُ إِلَيَّ أَبِي أَنْ اشْتَرِ مِائَةً أَهْلَ بَيْتٍ، وَلَا تُفَرِّقْ بَيْنَ وَالِدٍ وَوَلَدٍ

[22816] Abū Bakr told us: Ishāq al-Azraq told us, from Hishām, from Al-Hasan and Muḥammad, that they both used to dislike separating a slave woman and her child.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْحَاقُ الْأَزْرَقُ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، وَمُحَمَّدٌ أَنَّهُمَا كَانَا يَكْرَهَانِ أَنْ يُفَرَّقَ بَيْنَ الْأَمْمَةِ وَوَلِدَهَا

[22817] Abū Bakr told us: Ibn Idrīs told us, from Hishām, from Al-Hasan, that he used to dislike it (separation), but he would say: “There is no harm in it if he (the child) or she has reached an age of description (puberty/independence).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِنْرِيسَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ أَنَّهُ كَانَ يَكْرَهُهُ وَيَقُولُ: لَا بَأْسَ بِهِ إِذَا وُصِفَ أَوْ وُصِفتُ

[22818] Abū Bakr told us: ‘Ubayd Allāh told us, from Ibrāhīm ibn Ismā‘il, from Taliq ibn ‘Imrān, from Abū Burdah, from Abū Mūsā: “That the Prophet ﷺ forbade separating a slave woman and her child in sale.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عُبَيْدُ اللَّهِ، عَنْ أَبْرَاهِيمَ بْنِ إِسْمَاعِيلَ، عَنْ طَلِيقِ بْنِ عَمْرَانَ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى أَنْ يُفَرَّقَ بَيْنَ الْأَمْمَةِ وَوَلِدَهَا فِي الْبَيْعِ

[22819] Abū Bakr told us: Sahl ibn Yūsuf told us, from Ibn ‘Awn, who said: I wrote to Nāfi‘ asking him about a household belonging to a man: Is it proper to separate them? He replied: “I do not know it to be forbidden, but it is disliked among us.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ ابْنِ عَوْنِ، قَالَ: كَتَبْتُ إِلَى نَافِعٍ أَسْأَلُهُ، عَنْ أَهْلِ الْبَيْتِ يَكُونُونَ لِلرَّجُلِ، أَيْصَلْحُ أَنْ يُفَرَّقَ بَيْنَهُمْ؟ قَالَ: فَقَالَ: لَا أَعْلَمُ ذَلِكَ حَرَاماً، وَلَكِنْ يُكْرَهُ عِنْدَنَا

[22820] Abū Bakr told us: ‘Abd al-Wahhāb ibn ‘Atā’ told us, from Ibn Abī ‘Arūbah, from Dāwūd ibn Abī al-Qaṣṣāf, from Riyāḥ ibn ‘Ubaydah, that ‘Umar ibn ‘Abd al-‘Azīz wrote to him: “To sell some slaves from the government slaves, and to sell the whole household together and not separate them.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ بْنُ عَطَاءِ، عَنْ ابْنِ أَبِي عَرْوَةَ، عَنْ دَاؤَدَ بْنِ أَبِي الْقَصَافِ، عَنْ رِبَاحِ بْنِ عُبَيْدَةَ، أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ كَتَبَ إِلَيْهِ: أَنْ يَبْيَعَ رَقِيقاً مِنْ رَقِيقِ الْإِمَارَةِ، وَأَنْ يَبْيَعَ أَهْلَ الْبَيْتِ جَمِيعاً وَلَا يُفَرَّقَ بَيْنَهُمْ

[22821] Abū Bakr told us: Ibn Abī Zā’idah told us, from Ash‘ath, from ‘Āmir, who said: ‘Umar wrote: “Do not separate captive women and their children.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَشْعَثَ، عَنْ عَامِرٍ، قَالَ: كَتَبَ عُمَرُ: لَا تُفَرِّقُوا بَيْنَ السَّبَّابِيَا وَأَوْلَادِهِنَّ

[22822] Abū Bakr told us: Ibn Abī Zā’idah told us, from Yazīd ibn Ibrāhīm, from Ibn Sīrīn, who said: I was informed that a son of Ibnu ‘Umar said to him: “It is disliked to separate a slave woman and her sister, yet you have separated me and my mother.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ يَزِيدَ بْنِ إِبْرَاهِيمَ، عَنْ ابْنِ سِيرِينَ، قَالَ: نُبْتَثُ أَنَّ ابْنًا لِابْنٍ عُمَرَ قَالَ لَهُ: يُكَرِّهُ أَنْ يُفَرَّقَ بَيْنَ الْأَمَةِ وَأَخْتَهَا، وَقَدْ فَرَقْتَ بَيْنِي وَبَيْنِ أُمِّي

[22823] Abū Bakr told us: Sharīk told us, from Jābir, from Abū Ja‘far, attributing it to the Prophet ﷺ, who said: “When captives arrived to the Prophet ﷺ, he would give a household together, disliking to separate them.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكُ، عَنْ جَابِرٍ، عَنْ أَبِي جَعْفَرٍ، يَرْفَعُهُ قَالَ: كَانَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا قَدِمَ عَلَيْهِ السَّبَئُ أَعْطَى أَهْلَ الْبَيْتِ كَرَاهِيَةً أَنْ يُفَرِّقَ بَيْنَهُمْ

[22824] Abū Bakr told us: Waki‘ told us: Sufyān told us, from Maṇṣūr, from Ibrāhīm, that he sold the daughter of a slave girl of his. Maṇṣūr said: I said to him: “Did they not use to dislike separation?” He said: “Yes, but her mother agreed, and I have placed her in a good place.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ أَنَّهُ بَاعَ بَنْتَ جَارِيَةَ لَهُ، قَالَ مَنْصُورٌ: قَلْتُ لَهُ: أَلِيسَ كَانُوا يَكْرَهُونَ النَّفْرِيقَ، قَالَ: بَلَى، وَلِكُنْ أُمُّهَا رَضِيَتْ وَقَدْ وَضَعْنَاهَا مَوْضِعًا صَالِحًا

[22825] Abū Bakr told us: Wakī‘ told us: Isrā‘il told us, from Jābir, from ‘Āmir, ‘Aṭā’, and Muḥammad ibn ‘Ali, who said: “There is no harm in separating the locally born slave girls (Muwalladāt) [from their mothers].”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ،
عَنْ جَابِرٍ، عَنْ عَامِرٍ، وَعَطَاءً، وَمُحَمَّدٌ بْنُ عَلَيٌّ قَالُوا:
لَا بَأْسَ أَنْ يُفَرَّقَ بَيْنَ الْمُولَادَاتِ

[22826] Abū Bakr told us: Ibn Idrīs told us, from Hishām, from Al-Hasan, who said: “There is no harm in it if he or she has been described (reached an age of definition).” And Wakī‘ said: “Captives are not separated. As for locally born slave girls, if they are independent of their mothers, there is no harm in it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ
الْحَسَنِ، قَالَ: لَا بَأْسَ بِهِ إِذَا أُوصِفَ أَوْ أُوصِفَتْ. وَقَالَ
وَكِيعٌ: السَّبْيُ لَا يُفَرَّقُ بَيْنَهُمْ، فَأَمَّا الْمُولَادَاتُ إِذَا
اسْتَغْنَيْنَ، عَنْ أَمْهَاتِهِنَّ، فَلَا بَأْسَ بِهِ

[22827] Abū Bakr told us: Sharīk told us, from Jābir, from ‘Āmir and Abū Ja‘far: “That they both disliked separation among captives, but for locally born slaves, there is no harm.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ جَابِرٍ، عَنْ
عَامِرٍ، وَأَبِي جَعْفَرٍ: أَنَّهُمَا كَرِهَا التَّفْرِيقَ بَيْنَ السَّبَّايمَا،
فَأَمَّا الْمُولَادُونَ فَلَا بَأْسَ

[22828] Abū Bakr told us: Sharīk told us, from Firās, from ‘Āmir, who said: ‘Abd Allāh said: “There is no ghalat in Islam,” meaning no deception/taking advantage of mistakes.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ فِرَاسٍ، عَنْ عَامِرٍ، قَالَ: قَالَ عَبْدُ اللَّهِ: لَا غَلَطَ فِي الإِسْلَامِ، يَعْنِي لَا غَلَطَ

[22829] Abū Bakr told us: Ḥafṣ told us, from Ash‘ath, from Ibn Sīrīn: “That he did not allow (taking advantage of) a mistake.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ ابْنِ سِيرِينَ: أَنَّهُ كَانَ لَا يُجِيزُ الْغَلَطَ

[22830] Abū Bakr told us: Wakī‘ told us, from Isrā’il, from Jābir, from ‘Āmir, regarding a man who sold another man a garment and then said: “I made a mistake.” Ash-Sha‘bī said: “It is nothing (the sale stands); selling involves shrewdness.” But Al-Qāsim said: “He returns it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ فِي رَجُلٍ بَاعَ رَجُلًا ثُوْبًا، فَقَالَ: غَلَطْتُ، فَقَالَ الشَّعْبِيُّ: لَيْسَ بِشَيْءٍ، الْبَيْعُ خُدُوعٌ. وَقَالَ الْفَاسِمُ: يَرُدُّهُ

[22831] Abū Bakr told us: ‘Abd ar-Rahmān ibn ‘Abd Allāh, the freed slave of ‘Amr ibn Ḥurayth, told us, from his father, who said: A man from the desert people arrived with ten camels. He was offered one hundred and thirty and one hundred and twenty per camel, but he refused. Then a broker came to him and said: “I have taken them from you for a bald thousand (meaning exactly a thousand),” so he sold them. When he calculated it, he regretted it. He took the dispute to Shurayh, who validated the sale and said: “Sales involve shrewdness.”

[22832] Abū Bakr told us: Ḥafṣ told us, from Hishām, from Al-Hasan, who said: “The Messenger of Allah ﷺ forbade selling food until two Sa’s have run through it (i.e., it has been measured by both seller and buyer), so its surplus belongs to the buyer and its deficit is on the seller.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ،
مَوْلَى عَمْرِو بْنِ حُرَيْثٍ، عَنْ أَبِيهِ، قَالَ: قَدِمَ رَجُلٌ مِنْ
أَهْلِ الْبَادِيَةِ بِعَشَرَةِ أَعْبَرَةٍ، فَجَعَلَ يُعْطَى بِالْبَعِيرِ مِائَةً
وَتَلَاثَيْنَ، وَمِائَةً وَعِشْرِينَ فَيَابِيَ، فَأَتَاهُ رَجُلٌ مِنْ
النَّحَاسِينَ، فَقَالَ: قَدْ أَخْذُنَاهُ مِنْكَ بِالْفِ أَفْرَعَ، فَبَاعَهَا،
فَلَمَّا حَسِبَ حِسَابَهَا نَدِمَ، فَخَاصَّمَهُ إِلَى شُرَيْحٍ، فَأَجَازَ
الْبَيْعَ، وَقَالَ: الْبَيْعُ خُذْعَةٌ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ هِشَامٍ، عَنْ
الْحَسَنِ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ،
عَنْ بَيْعِ الطَّعَامِ حَتَّى يَجْرِي فِيهِ الصَّاعَانِ، فَتَكُونَ
زِيَادَتُهُ لِمَنْ اشْتَرَى، وَنُفْصَانَهُ عَلَى الْبَائِعِ

[22833] Abū Bakr told us: ‘Abd Allāh ibn Idrīs told us, from Hishām, from Ibn Sirīn and Al-Ḥasan, that they were asked about a man who buys food and sells it by its (original) measure. They said: “No, not until two Sa’s have run through it, so the surplus is his and the deficit is on him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ، وَالْحَسَنِ أَنَّهُمَا سُئِلَاً، عَنِ الرَّجُلِ يَشْتَرِي الطَّعَامَ يَبْيَغُهُ بِكَلِيلٍ، فَقَالَا: لَا حَتَّى يَجْرِي فِيهِ الصَّاعَانِ، فَتَكُونُ لَهُ الْزِيَادَةُ وَعَلَيْهِ النُّفُصَانُ

[22834] Abū Bakr told us: Wakī‘ told us, from Sufyān, from Jābir, from Ash-Sha‘bī and Al-Hakam, regarding a man who buys food and it increases (is more than stated). They said: “If it was a mistake (miscalculation), he returns it; and if it is an excess (not agreed upon), he returns it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ الشَّعْبِيِّ، وَالْحَكَمِ فِي الرَّجُلِ يَشْتَرِي الطَّعَامَ فَيَزِيدُ، فَقَالَا: إِنْ كَانَ غَلَطًا رَدَّهُ، وَإِنْ كَانَ زِيَادَةً رَدَّهُ

[22835] Abū Bakr told us: ‘Affān told us: Mahdī ibn Maymūn told us, from ‘Āsim ibn Bashīr ibn al-Barā’, who said: I heard Muwarriq al-‘Ijli say: “We sent a ship from Ahvaz to Basra containing thirty Kurr (a large measure of grain). It was exactly what was between the two measurements (no surplus or deficit).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَفَانُ، قَالَ: حَدَّثَنَا مَهْدِيُّ بْنُ مَهْمُونٍ، عَنْ عَاصِمٍ بْنِ بَشِيرٍ بْنِ الْبَرَاءِ، قَالَ: سَمِعْتُ مُوَرِّقاً الْعَجْلِيَّ، يَقُولُ: لَقَدْ بَعَثْنَا بِسَفِينَةٍ مِنَ الْأَهْوَازِ إِلَى الْبَصْرَةَ فِيهَا ثَلَاثُونَ كُرْراً، مَا هُوَ الْأَفْضَلُ مِنْ بَيْنِ الْكَيْلَيْنِ

[22836] Abū Bakr told us: ‘Umar told us, from Ibn Jurayj, from ‘Aṭā’, who said: “If you sell food and find a surplus, it is yours; or a deficit, it is on you.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُمَرُ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: إِنْ بِعْتَ طَعَامًا فَوَجَدْتَ زِيَادَةً فِلَكَ، أَوْ نُقصَانًا فَعَلَيْكَ

[22837] Abū Bakr told us: Sharīk told us, from Jābir, from ‘Āmir, from ‘Ali, who said: “If he acknowledges slavery against himself, he is a slave.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، عَنْ عَلَيٍّ، قَالَ: إِذَا أَفَرَّ عَلَى نَفْسِهِ بِالْعُبُودِيَّةِ، فَهُوَ عَبْدٌ

[22838] Abū Bakr told us: Ismā‘il ibn ‘Ayyāsh told us, from ‘Abd al-‘Azīz ibn ‘Ubayd Allāh, from Ash-Sha‘bī, who said: “A free man is not enslaved by his acknowledgment of slavery against himself.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ عَبْدِ الْعَزِيزِ بْنِ عُبَيْدِ اللَّهِ، عَنِ الشَّعْبِيِّ، قَالَ: لَا يُسْتَرَقُ حُرٌّ بِإِفْرَارِهِ عَلَى نَفْسِهِ بِالْعُبُودِيَّةِ

[22839] Abū Bakr told us: Jarīr told us, from Mughīrah, from Al-Ḥārith, regarding a man who says: “I was a slave of So-and-so,” or “My mother was a slave of So-and-so,” and then So-and-so says: “You are my slaves today.” He said: “If they had been emancipated and known to be Mawālī (freedmen), they do not become slaves for this claimant unless he brings just witnesses who testify that they are his slaves today.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنِ الْحَارِثِ فِي الرَّجْلِ يَقُولُ: كُنْتُ مَمْلُوكًا لِفُلَانٍ، أَوْ كَانْتُ أُمِّي مَمْلُوكَةً لِفُلَانٍ، فَقَالَ فُلَانٌ: أَنْتُمْ عَبْدِي الْيَوْمَ، قَالَ: إِذَا كَانُوا قَدْ حُرِرُوا فِي الْعُنْقِ وَعُرِفَ أَنَّهُمْ مَوَالٍ، لَا يَكُونُونَ لِهَا مَمْلُوكِينَ لِلَّذِينَ يَدْعُونَ إِلَّا أَنْ يَحِيَءَ شَهُودٍ عُدُولٍ يَشْهُدُونَ أَنَّهُمْ مَمْلُوكِيَّهُ الْيَوْمَ

[22840] Abū Bakr told us: Yahyā ibn Zakariyyā ibn Abī Zā’idah told us, from Ibn Abī Ghanniyah, from Al-Ḥakam, who said: “If one of the partners in a negotiation partnership (Mufāwaḍah) incurs a debt, it is upon both of them.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ زَكَرِيَّا بْنُ أَبِي زَائِدَةَ، عَنْ ابْنِ أَبِي غَنِيَّةَ، عَنِ الْحَكَمِ، قَالَ: إِذَا لَحِقَ أَحَدُ الْمُنَفَّاقِينَ دَيْنٌ فَهُوَ عَلَيْهِمَا جَمِيعًا

[22841] Abū Bakr told us: Ibn Abī Zā’idah told us, from Ash‘ath, from ‘Āmir, from Shurayḥ, who said: “The guarantor is a debtor (liable).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَشْعَثَ، عَنْ عَامِرٍ، عَنْ شُرَيْحٍ، قَالَ: الْكَفِيلُ غَارِمٌ

[22842] Abū Bakr told us: Ibn Abī Zā’idah told us, from Ibn ‘Awn, from Muḥammad, who said to Shurayḥ: “My guarantor has been blocked from me, my wealth was taken as a named amount, and my debtor's wealth was divided without me.” He said: “If he was given a choice, the guarantor is liable. If your wealth was taken as a named amount, you are more entitled to it. And if your debtor's wealth was divided without you, then it is by shares.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ ابْنِ عَوْنِ، عَنْ مُحَمَّدٍ، قَالَ لِشُرَيْحٍ: كَفِيلٌ حِيلٌ دُونَهُ، وَمَالِي اقْتِضَى مُسَمًّى، وَمَالٌ غَرِيمٌ اقْتِسَمَ دُونِي، فَقَالَ: إِنْ كَانَ مُخَيَّرًا فَالْكَفِيلُ عَارِمٌ، وَإِنْ كَانَ مَالُكَ اقْتِضَى مُسَمًّى، فَأَنْتَ أَحَقُّ بِهِ، وَإِنْ كَانَ مَالٌ غَرِيمٌ فَقَسِمَ دُونَكَ، فَهُوَ بِالْحِصْنِ

[22843] Abū Bakr told us: Ismā’il ibn ‘Ayyāsh told us, from Shurahbīl ibn Muslim, who said: I heard Abū Umāmah say: I heard the Messenger of Allah ﷺ in his sermon during the Farewell Pilgrimage say: “The debt must be paid, and the guarantor is liable,” meaning the surety.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ شُرَحِيلِ بْنِ مُسْلِمٍ، قَالَ: سَمِعْتُ أَبَا أُمَّامَةَ، يَقُولُ: قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي حُطْبَتِهِ فِي عَامِ حَجَّةِ الْوَدَاعِ يَقُولُ: الدَّيْنُ مَقْضِيٌّ، وَالزَّعْيمُ عَارِمٌ، يَغْنِي الْكَفِيلَ

[22844] Abū Bakr told us: Ismā‘il ibn ‘Ulayyah told us, from Ibn Abī Najīḥ, from Mujāhid and Ṭāwūs, regarding His saying: {So contract them if you know there is within them good} [An-Nūr: 33]. They said: “Money and trustworthiness.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ ابْنُ عُلَيَّهُ، عَنْ ابْنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ، وَطَاؤِسٍ فِي قَوْلِهِ: {فَكَاتِبُوهُمْ قَالَا: مَالًا وَأَمَانَةً} [النور: 33]: إِنْ عِلْمْتُمْ فِيهِمْ خَيْرًا

[22845] Abū Bakr told us: Ibn Idrīs told us, from ‘Abd al-Malik, from ‘Aṭā’, who said: “(It means) his performance (ability to pay) and his wealth.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، قَالَ: أَذَاءً وَمَالَهُ

[22846] Abū Bakr told us: Ibn Idrīs told us, from Hishām, from Ibn Sīrīn, from ‘Abd Allāh, who said: “(It means) if he prays.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ، عَنْ عَبْدِ اللَّهِ، قَالَ: إِذَا صَلَّى

[22847] Abū Bakr told us: ‘Ubayd Allāh told us, from Sufyān, from Yūnus, from Al-Ḥasan, regarding {So contract them if you know there is within them good} [An-Nūr: 33]. He said: “Religion and trustworthiness.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عُبَيْدُ اللَّهِ، عَنْ سُفْيَانَ، عَنْ يُونُسَ، عَنْ الْحَسَنِ: {فَكَاتِبُوهُمْ إِنْ عِلْمْتُمْ فِيهِمْ خَيْرًا} قَالَ: دِينًا وَأَمَانَةً [النور: 33]:

[22848] Abū Bakr told us: حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ قَالَ: حَدَّثَنَا شُعْبَةُ، عَنِ الْحَكَمِ، عَنْ مُجَاهِدٍ، قَالَ: مَا (It means) wealth.”

[22849] Abū Bakr told us: حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، وَمَالِكُ بْنُ مِغْوَلٍ، عَنْ مُعِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: صِدْقًا وَوَفَاءً Waki‘ told us: Sufyān and Mālik ibn Mighwal told us, from Mughīrah, from Ibrāhīm, who said: “Truthfulness and fulfillment (loyalty).”

[22850] Abū Bakr told us: حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مَالِكُ بْنُ مِغْوَلٍ، عَنْ عَطَاءٍ، قَالَ: مَا (It means) wealth.”

[22851] Abū Bakr told us: Ad-Dahhāk ibn Makhlad told us, from Ibn Jurayj, from ‘Atā’, who said: Ibn Ṣabābah said regarding {if you know there is within them good} [An-Nūr: 33]: “Good means wealth.” حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلِدٍ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: قَالَ ابْنُ صَبَابَةَ: {إِنْ عَلِمْتُمُ الْخَيْرَ: الْمَالَ} [فِيهِمْ خَيْرٌ] [النور 33]

[22852] Abū Bakr told us: Shabābah told us, from Warqā', from Ibñ Abī Najīḥ, from Mujāhid, regarding {So contract them if you know there is within them good} [An-Nūr: 33]. He said: "Whatever their character may be (meaning capability matters)."

[22853] Abū Bakr told us: ‘Affān told us: Ḥammād ibn Salamah told us, from Yūnus, from Al-Ḥasan, regarding His saying: {So contract them if you know there is within them good} [An-Nūr: 33]. He said: "Good means the Qur'an and Islam." And Sa'īd ibn Abī al-Ḥasan said: "Islam and wealth."

[22854] Abū Bakr told us: Sufyān told us, from 'Ubaydah, from Abū Ṣalih, from Ash-Sha'bī, who said: "Whoever stands surety for a man without being ordered by him, and pays it on his behalf, he has no claim against the one guaranteed; it is only a burden he took upon himself."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَبَابَةُ، عَنْ وَرْقَاءِ، عَنْ ابْنِ أَبِي تَحْيَى، عَنْ مُجَاهِدٍ: {فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ قَالَ: كَائِنَةً أَخْلَاقُهُمْ مَا كَانُتْ [33: خَيْرًا]} [النور]

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَفَانُ، قَالَ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ، عَنْ يُونُسَ، عَنْ الْحَسَنِ فِي قَوْلِهِ: {فَكَاتِبُوهُمْ إِنْ قَالَ: "الْخَيْرُ: الْقُرْآنُ" [33: عَلِمْتُمْ فِيهِمْ خَيْرًا] [النور] وَالْإِسْلَامُ}. وَقَالَ سَعِيدُ بْنُ أَبِي الْحَسَنِ: الْإِسْلَامُ وَالْغَنِيَّ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ عُبَيْدَةَ، عَنْ أَبِي صَالِحٍ، عَنْ الشَّعْبِيِّ، قَالَ: مَنْ كَفَلَ، عَنْ رَجُلٍ بِكَفَالَةِ، وَلَمْ يَأْمِرْهُ بِهَا، فَلَدَّاهَا عَنْهُ فَلَيْسَ لِلْمُكْفُولِ عَنْهُ شَيْءٌ، إِنَّمَا هِيَ حِمَالَةٌ تَحْمَلَهَا

[22855] Abū Bakr told us: Ḥafṣ told us, from Muḥammad ibn Zayd, from Ṭalḥah ibn ‘Abd Allāh ibn ‘Awf, who said: The Prophet ﷺ ordered a caller who called out until he reached the Thaniyyah: “Be aware, the testimony of an adversary or a suspect person is not valid, and the oath is upon the defendant.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ مُحَمَّدِ بْنِ زَيْدٍ،
عَنْ طَلْحَةِ بْنِ عَبْدِ اللَّهِ بْنِ عَوْفٍ، قَالَ: أَمْرَ النَّبِيِّ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مُنَادِيًا فَنَادَى حَتَّى انْتَهَى إِلَى
الثَّنِيَّةِ: أَلَا، لَا يَجُوزُ شَهَادَةُ حَصْمٍ وَلَا ظَنِينَ، وَإِنَّ
الْيَمِينَ عَلَى الْمُدَّعِي عَلَيْهِ

[22856] Abū Bakr told us: ‘Alī ibn Mushir told us, from Al-Ajlah, from Ash-Sha‘bī, from Shurayh, who said: “I reject the testimony of six: the adversary, the suspect, one pushing away a liability, a partner for his partner, a hired worker for his employer, and a slave for his master.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنِ الْأَجْلَحِ،
عَنِ الشَّعْبِيِّ، عَنْ شُرَيْبٍ، قَالَ: "أَرُدُّ شَهَادَةَ سِنَّةِ:
الْحَصْمِ، الْمُرِيبِ، وَدَافِعِ الْمَعْرَمِ، وَالشَّرِيكِ لِشَرِيكِهِ،
وَالْأَجِيرِ لِمَنِ اسْتَأْجَرَهُ، وَالْعَبْدِ لِسَيِّدِهِ"

[22857] Abū Bakr told us: Jarīr told us, from Maṇṣūr, from Ibrāhīm, who said: “In divorce, the testimony of a suspect person or an accused person is not valid.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ
إِبْرَاهِيمَ، قَالَ: لَا يَجُوزُ فِي الطَّلاقِ شَهَادَةُ ظَنِينَ وَلَا
مُنْهَمِّ

[22858] Abū Bakr told us: Ḥafṣ told us, from Ash’ath, from Ibn Sīrīn, who said: Shurayḥ said: “I do not allow the testimony of an adversary, nor a suspect, nor one pushing away a liability, nor a partner for his partner, nor a hired worker for his employer, nor a slave for his master.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ ابْنِ سِيرِينَ، قَالَ: قَالَ شُرَيْحٌ: لَا أَجِيزُ شَهَادَةَ حَصْنٍ، وَلَا مُرِيبٍ، وَلَا دَافِعَ مَغْرِمٍ، وَلَا الشَّرِيكَ لِشَرِيكِهِ، وَلَا الْأَجِيرُ لِمَنِ اسْتَأْجَرَهُ، وَلَا الْعَبْدُ لِسَيِّدِهِ

[22859] Abū Bakr told us: Waki‘ told us: Sufyān told us, from Jābir, from ‘Amir, from Shurayḥ, who said: “The testimony of a son for his father is not valid, nor a father for his son, nor a wife for her husband, nor a husband for his wife.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، عَنْ شُرَيْحٍ، قَالَ: لَا تَجُوزُ شَهَادَةُ الْابْنِ لِأَبِيهِ، وَلَا الْأَبُ لِابْنِهِ، وَلَا الْمَرْأَةُ لِزَوْجِهَا، وَلَا الزَّوْجُ لِإِمْرَأَهُ

[22860] Abū Bakr told us: Waki‘ told us: Sufyān told us, from Maṇṣūr, from Ibrāhīm, who said: “The testimony of a parent for his child is not valid, nor a child for his parent, nor a wife for her husband, nor a husband for his wife, nor a slave for his master, nor a master for his slave, nor a partner for his partner, nor either of them for his companion.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا تَجُوزُ شَهَادَةُ الْوَالِدِ لِوَلَدِهِ، وَلَا الْوَالِدِ لِوَالِدِهِ وَلَا الْمَرْأَةُ لِزَوْجِهَا، وَلَا الرَّوْجِ لِإِمْرَأَتِهِ، وَلَا الْعَبْدُ لِسَيِّدِهِ، وَلَا السَّيِّدُ لِعَبْدِهِ، وَلَا الشَّرِيكُ لِشَرِيكِهِ، وَلَا كُلُّ وَاحِدٍ مِنْهُمَا لِصَاحِبِهِ

[22861] Abū Bakr told us: Ibn Abī Zā’idah told us, from Ash‘ath, from ‘Āmir, that: “He did not allow the testimony of a man for his father, nor the testimony of a woman for her husband, but he allowed the testimony of a man for his son, and the testimony of a man for his wife.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَشْعَثَ، عَنْ عَامِرٍ أَنَّهُ: ”كَانَ لَا يُجِيزُ شَهَادَةَ الرَّجُلِ لِأَبِيهِ، وَلَا شَهَادَةَ الْمَرْأَةِ لِزَوْجِهَا، وَكَانَ يُجِيزُ شَهَادَةَ الرَّجُلِ لِابْنِهِ، وَشَهَادَةَ الرَّجُلِ لِإِمْرَأَتِهِ“

[22862] Abū Bakr told us: Muḥammad ibn ‘Abd Allāh al-Anṣārī told us, from Ash‘ath, from Al-Ḥasan, that he used to say: “The testimony of a man for his son is not valid, nor the testimony of a son for his father, nor the testimony of a husband for his wife, nor the testimony of a wife for her husband.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْأَنْصَارِيُّ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، أَنَّهُ كَانَ يَقُولُ: لَا تَجُوزُ شَهَادَةُ الرَّجُلِ لِابْنِهِ، وَلَا شَهَادَةُ الابْنِ لِأَبِيهِ، وَلَا شَهَادَةُ الزَّوْجِ لِزَوْجِهِ، وَلَا شَهَادَةُ الزَّوْجَةِ لِزَوْجِهَا

[22863] Abū Bakr told us: Wakī‘ told us: Sufyān told us, from Shabīb ibn Gharqadah, who said: I witnessed Shurayḥ allowing the testimony of a husband for his wife. It was said to him: “He is a husband.” He said: “And who testifies for a woman except her husband?”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ شَبِيبِ بْنِ غَرْقَدَةَ، قَالَ: شَهَدْتُ شُرِيكًا أَجَازَ شَهَادَةَ زَوْجٍ لِإِمْرَأَتِهِ، فَقِيلَ لَهُ: إِنَّهُ زَوْجٌ، فَقَالَ: وَمَنْ يَشَهِّدُ لِلْمَرْأَةِ إِلَّا زَوْجُهَا؟

[22864] Abū Bakr told us: Wakī‘ said: “Ibn Abī Laylā used to allow the testimony of a husband for his wife, but he did not allow the testimony of a wife for her husband.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: كَانَ ابْنُ أَبِي لَيْلَةَ يُجِيزُ شَهَادَةَ الرَّوْجِ لِإِمْرَأَتِهِ، وَلَا يُجِيزُ شَهَادَةَ الْمَرْأَةِ لِزَوْجِهَا

[22865] Abū Bakr told us: Abū Nu‘aym told us, from Abū Ḥubāb, from Shurayḥ: “That he allowed the testimony of a husband and a father.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو نُعَيْمٍ، عَنْ أَبِي حُبَابٍ، عَنْ شُرَيْحٍ: أَنَّهُ أَجَازَ شَهَادَةَ رَوْجٍ وَأَبٍ

[22866] Abū Bakr told us: Abū Nu‘aym told us, from Abū Ḥubāb, from Shurayḥ: “That he allowed the testimony of a father and a husband.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو نُعَيْمٍ، عَنْ أَبِي حُبَابٍ، عَنْ شُرَيْحٍ: أَنَّهُ أَجَازَ شَهَادَةَ أَبٍ وَرَوْجٍ

[22867] Abū Bakr told us: Shabābah told us, from Ibn Abī Dhi’b, from Sulaymān ibn Abī Sulaymān, who said: “I testified for my mother before Abū Bakr ibn Muḥammad ibn ‘Amr ibn Ḥazm, and he accepted my testimony.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَبَابَةُ، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنْ سُلَيْمَانَ بْنِ أَبِي سُلَيْمَانَ، قَالَ: شَهَدْتُ لِأُمِّي عِنْدَ أَبِي بَكْرٍ بْنِ مُحَمَّدٍ بْنِ عَمْرُو بْنِ حَزْمٍ فَأَجَازَ شَهَادَتِي

[22868] Abū Bakr told us: Wakī‘ told us: Sufyān told us, from ‘Amr ibn Maymūn, from ‘Umar ibn ‘Abd al-‘Azīz: “That he allowed the testimony of a Magian against a Jew or a Christian.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ عَمْرُو بْنِ مَيْمُونٍ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ: أَنَّهُ أَجَازَ شَهَادَةَ مَجُوسِي عَلَى يَهُودِيٍّ، أَوْ نَصْرَانِيٍّ

[22869] Abū Bakr told us: Waki‘ told us: Sufyān told us, from Abū Ḥuṣayn, from Yaḥyā ibn Waṭhṭāb, from Shurayḥ: “That he used to allow the testimony of the People of the Book against each other.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَبِي حُصَيْنٍ، عَنْ يَحْيَى بْنِ وَاثِبٍ، عَنْ شُرَيْحٍ: أَنَّهُ كَانَ يُجِيزُ شَهَادَةً أَهْلِ الْكِتَابِ بَعْضِهِمْ عَلَى بَعْضٍ

[22870] Abū Bakr told us: Sufyān told us, from ‘Isā ibn Abī ‘Azzah, from ‘Amir: “That he allowed the testimony of a Jew against a Christian, or a Christian against a Jew.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ عِيسَى بْنِ أَبِي عَزَّةَ، عَنْ عَامِرٍ: أَنَّهُ أَجَازَ شَهَادَةَ يَهُودِيٍّ عَلَى نَصْرَانِيٍّ، أَوْ نَصْرَانِيٍّ عَلَى يَهُودِيٍّ

[22871] Abū Bakr told us: Waki‘ told us: Khālid ibn ‘Abd ar-Raḥmān ibn Bukayr as-Sulamī told us, from Ibn Sirīn, who said: “I witnessed Shurayḥ allowing the testimony of some polytheists against each other while the dust was still on their boots (i.e., immediately upon arrival).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا خَالِدُ بْنُ عَبْدِ الرَّحْمَنِ بْنُ بُكَيْرِ السُّلَمِيِّ، عَنْ ابْنِ سِيرِينَ، قَالَ: شَهِدْتُ شُرَيْحًا أَجَازَ شَهَادَةَ قَوْمٍ مِنْ أَهْلِ الشَّرْكِ بَعْضِهِمْ عَلَى بَعْضٍ بِخَفَافِهِمْ نَفْعٌ

[22872] Abū Bakr told us: Zayd ibn Ḥubāb told us, from ‘Awn ibn Ma‘mar, from Ibrāhīm aṣ-Ṣā’igh, who said: I asked Nāfi‘ about the testimony of the People of the Book against each other. He said: “It is valid.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، عَنْ عَوْنَ بْنِ مَعْمَرٍ، عَنْ ابْرَاهِيمَ الصَّائِغِ، قَالَ: سَأَلْتُ نَافِعًا عَنْ شَهَادَةِ أَهْلِ الْكِتَابِ بَعْضِهِمْ عَلَى بَعْضٍ، فَقَالَ: تَجُوزُ

[22873] Abū Bakr told us: Wakī‘ told us, from Shu‘bah, who said: I asked Ḥammād, and he said: “The testimony of all polytheists against each other is valid.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ حَمَادًا، فَقَالَ: أَهْلُ الشَّرْكِ جَمِيعًا تَجُوزُ شَهَادَةُ بَعْضِهِمْ عَلَى بَعْضٍ

[22874] Abū Bakr told us: Wakī‘ told us: Sufyān told us: “Islam is a religion (Millah) and Polytheism is a religion (Millah); their testimony against each other is valid.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ: إِلْسَلَامٌ مِلَّةٌ وَالشَّرْكُ مِلَّةٌ، تَجُوزُ شَهَادَةُ بَعْضِهِمْ عَلَى بَعْضٍ

[22875] Wakī‘ told us, and he says the same.

حَدَّثَنَا وَكِيعٌ، وَكَذَلِكَ يَقُولُ

[22876] Abū Bakr told us: Ibn ‘Ulayyah told us, from Yūnus, from Al-Ḥasan, that he used to say: “If the religions differ, the testimony of one against the other is not valid.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، أَنَّهُ كَانَ يَقُولُ: إِذَا اخْتَلَفَتِ الْمِلَلُ لَمْ تَجُزْ شَهَادَةُ بَعْضِهِمْ عَلَى بَعْضٍ

[22877] Abū Bakr told us: Ibn Idrīs told us, from Layth, from ‘Atā’, who said: “The testimony of a Jew against a Christian is not valid, nor a Christian against a Magian, nor any religion against another religion, except for Muslims.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ لَيْثٍ، عَنْ عَطَاءٍ، قَالَ: لَا تَجُوزُ شَهَادَةُ الْيَهُودِيِّ عَلَى النَّصْرَانِيِّ، وَلَا النَّصْرَانِيُّ عَلَى الْمَجُوسِيِّ، وَلَا مِلَّةٌ عَلَى غَيْرِ مِلَّتِهَا إِلَّا الْمُسْلِمِينَ

[22878] Abū Bakr told us: Wakī‘ told us: Sufyān told us, from Dāwūd, from Ash-Sha‘bī, who said: “The testimony of one religion against another is not valid, except for Muslims.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ دَاؤَدَ، عَنْ الشَّعْبِيِّ، قَالَ: لَا تَجُوزُ شَهَادَةُ مِلَّةٍ عَلَى مِلَّةٍ إِلَّا الْمُسْلِمِينَ

[22879] Abū Bakr told us: Ibn ‘Ulayyah told us, from Ma‘mar, from Az-Zuhri, who said: “The testimony of the People of the Book against each other is not valid.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عَلَيَّةَ، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، قَالَ: لَا تَجُوزُ شَهَادَةُ أَهْلِ الْكِتَابِ بِعَضِيهِمْ عَلَى بَعْضِ

[22880] Abū Bakr told us: Ḥafṣ told us, from Ash‘ath, from Al-Ḥakam and Ḥammād, from Ibrāhīm, who said: “The testimony of the People of the Book against each other is not valid.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ الْحَكَمِ، وَحَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا تَجُوزُ شَهَادَةُ أَهْلِ الْكِتَابِ بِعَضِيهِمْ عَلَى بَعْضِ

[22881] Abū Bakr told us: Ḥafṣ told us, from Ash‘ath, from Al-Ḥakam and Ḥammād, from Ibrāhīm—or Ash-Sha‘bī, or Al-Ḥasan—who said: “The testimony of the people of a religion is not valid except against the people of their own religion: a Jew against a Jew, and a Christian against a Christian.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَسْعَثَ، عَنِ الْحَكْمِ، وَحَمَادِ، عَنْ إِبْرَاهِيمَ، أَوِ الشَّعْبِيِّ، أَوِ الْحَسَنِ، قَالَ: لَا تَجُوزُ شَهَادَةُ أَهْلِ مِلَّةٍ إِلَّا عَلَى أَهْلِ مِلَّتِهَا: الْيَهُودِيُّ عَلَى الْيَهُودِيِّ، وَالنَّصْرَانِيُّ عَلَى النَّصْرَانِيِّ

[22882] Abū Bakr told us: Yazīd ibn Hārūn told us, from Juwaybir, from Ad-Dahhāk: “That he did not accept the testimony of a religion against others.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ جُوَيْرِ، عَنِ الضَّحَّاكِ: أَنَّهُ كَانَ لَا يَقْبِلُ شَهَادَةً مِلَّةً عَلَى عَيْرِهِمْ

[22883] Abū Bakr told us: Waki‘ told us, from Shu‘bah, who said: I asked Al-Ḥakam about the testimony of a Jew against a Christian, and a Christian against a Jew. Al-Ḥakam said: “The testimony of people of one religion against another is not valid.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكْمَ عَنْ شَهَادَةِ الْيَهُودِيِّ عَلَى النَّصْرَانِيِّ، وَالنَّصْرَانِيُّ عَلَى الْيَهُودِيِّ، فَقَالَ الْحَكْمُ: لَا تَجُوزُ شَهَادَةُ أَهْلِ دِينٍ عَلَى دِينٍ

[22884] Abū Bakr told us: Waki‘ told us: ‘Umar ibn Rāshid told us, from Yaḥyā ibn Abī Kathīr, from Abū Salamah ibn ‘Abd ar-Rahmān, who said: “The testimony of one religion against another is not valid, except for Muslims.” Waki‘ said: Ibn Abī Laylā used to not allow the testimony of a Jew against a Christian, nor a Christian against a Jew.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا عُمَرُ بْنُ رَاشِدٍ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلْمَةَ بْنِ عَبْدِ الرَّحْمَنِ، قَالَ: لَا تَجُوزُ شَهَادَةُ مَلَةٍ عَلَى مَلَةٍ إِلَّا الْمُسْلِمِينَ. قَالَ وَكِيعٌ: كَانَ ابْنُ أَبِي لَيْلَى لَا يُجِيزُ شَهَادَةَ الْيَهُودِيِّ عَلَى النَّصْرَانِيِّ، وَلَا النَّصْرَانِيُّ عَلَى الْيَهُودِيِّ

[22885] Abū Bakr told us: Abū Khālid told us, from Ash‘ath, from Jahm, from Ibrāhīm, who said: “The testimony of the People of the Book against each other is (valid) for Muslims (to judge upon).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنْ أَشْعَثَ، عَنْ جَهْمٍ، عَنْ إِبْرَاهِيمَ، قَالَ: شَهَادَةُ أَهْلِ الْكِتَابِ بَعْضُهُمْ عَلَى بَعْضٍ لِلْمُسْلِمِينَ

[22886] Abū Bakr told us: Asbāṭ ibn Muḥammad told us, from Ash‘ath, from Ash-Sha‘bī, who said: “Their testimony is valid for Muslims, (regarding) each other.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَسْبَاطُ بْنُ مُحَمَّدٍ، عَنْ أَشْعَثَ، عَنْ الشَّعْبِيِّ، قَالَ: تَجُوزُ شَهَادُتُهُمْ لِلْمُسْلِمِينَ بَعْضُهُمْ عَلَى بَعْضٍ

[22887] Abū Bakr told us: Sharīk told us, from ‘Ayyāsh, from Shurayḥ, and from Jābir, from ‘Āmir, who both said: “There is no bail/surety for a slave.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ عَيَّاشٍ، عَنْ شُرَيْحٍ، وَعَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَا: لَا كَفَالَةً لِلْعَبْدِ

[22888] Abū Bakr told us: Ibn Mahdī told us, from Hammād ibn Salamah, from Qatādah and Humayd, from Al-Hasan: That a man from Quraysh stole a camel, so the Prophet ﷺ cut off his hand. He said: “And his testimony was valid.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ قَتَادَةَ، وَحُمَيْدَ، عَنْ الْحَسَنِ، أَنَّ رَجُلًا مِنْ فُرَيْشٍ سَرَقَ بَعِيرًا، فَقَطَعَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَدَهُ، قَالَ: وَكَانَتْ تَجُوزُ شَهَادَتُهُ

[22889] Abū Bakr told us: Ibn Abī Zā’idah told us, from Ash’ath, from Ash-Sha’bī, who said: A man with a severed hand testified before Shurayḥ, and he praised him. Shurayḥ said: “We accept the testimony of everyone who has received a Ḥadd punishment if he is upright on the day he testifies, except for the slanderer (Qādhif), for his repentance is between him and Allah.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، قَالَ: شَهَدَ عِنْدَ شُرَيْحٍ أَقْطَعَ، فَأَنَّى عَلَيْهِ خَيْرًا، فَقَالَ شُرَيْحٌ: تُحِيزُ شَهَادَةَ كُلُّ صَاحِبٍ حَدًّا إِذَا كَانَ يَوْمَ يَشْهُدُ عَدْلًا، إِلَّا الْقَاذِفَ، فَإِنَّ تَوْبَتَهُ فِيمَا بَيْنَهُ وَبَيْنَ اللَّهِ

[22890] Abū Bakr told us: Waki‘ told us, from Sufyān, from Abū Ḥuṣayn, from Shurayḥ: “That he accepted the testimony of a man with a severed hand.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِبِيعُ، عَنْ سُفْيَانَ، عَنْ أَبِي حُصَيْنٍ، عَنْ شُرَبْحِ، أَنَّهُ: أَجَازَ شَهَادَةً أَفْطَعَ

[22891] Abū Bakr told us: Ibn Abī Zā’idah and Waki‘ told us, from Ismā‘īl, from ‘Āmir, who said: ‘Ali was brought a matter—Waki‘ said: regarding something—and he said: “It is indeed injustice, and were it not a settlement (Šulh), I would have rejected it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، وَوَكِبِيعُ، عَنْ إِسْمَاعِيلَ، عَنْ عَامِرٍ، قَالَ: أُتِيَ عَلَيْ فِي بَعْضِ الْأَمْرِ، - قَالَ وَكِبِيعُ: فِي شَيْءٍ - فَقَالَ: إِنَّهُ لَجُورٌ، وَلَوْلَا أَنَّهُ صُلْحٌ لَرَدَدْتُهُ

[22892] Abū Bakr told us: Ibn Abī Zā’idah told us, from Ismā‘īl, from Ash-Sha‘bī, from Shurayḥ, who said: “Any woman who settles regarding her price (inheritance share), and what her husband left was not made clear to her, that is entirely suspicion (and invalid).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، عَنْ شُرَبْحِ، قَالَ: أَيْمَأْ امْرَأَةٌ صُولَحَتْ، عَنْ ثَمَنِهَا، وَلَمْ يُبَيِّنْ لَهَا مَا تَرَكَ زَوْجُهَا، فَقِيلَ لِرَبِّهِ كُلُّهَا

[22893] Abū Bakr told us: ‘Abd al-Wahhāb ath-Thaqafī told us, from Ayyūb, from Muḥammad, who said: I never witnessed Shurayḥ ordering a settlement except once. That was when a black man entrusted a woman with eighty dirhams, and she moved her goods, and the dirhams were lost. He disputed with her before Shurayḥ. He (Shurayḥ) said: “Do you accuse her?” He said: “No.” He said: “If you wish, you may take fifty.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ التَّقْفِيُّ، عَنْ أَيُّوبَ، عَنْ مُحَمَّدٍ، قَالَ: مَا شَهَدْتُ شَرِيفًا أَمْرَ بِصُلْحٍ إِلَّا مَرْأَةً، وَذَلِكَ أَنَّ رَجُلًا أَسْوَدَ اسْتَوْدَعَ امْرَأَةً لَّمَانِيَّ دِرْهَمًا فَحَوَّلَتْ مَتَاعَهَا، فَضَاعَتِ الدَّرَاهِمُ، فَخَاصَّمَهَا إِلَى شَرِيفٍ، فَقَالَ: أَتَنْهَمُهَا، قَالَ: لَا، قَالَ: إِنْ شِئْتَ أَخْدُثَ خَمْسِينَ

[22894] Abū Bakr told us: Ibn Mahdī told us, from Sufyān, from Abū Ḥuṣayn, from ‘Abd Allāh ibn ‘Utbah, that sometimes people would come to him disputing about something, and he would say: “Go and make peace (settle it).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيًّا، عَنْ سُفيَّانَ، عَنْ أَبِي حُصَيْنٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُثْمَانَ، أَنَّهُ رُبَّمَا أَتَاهُ الْقَوْمُ يَخْتَصِمُونَ إِلَيْهِ فِي الشَّيْءٍ، فَيَقُولُ: اذْهَبُوا فَاصْطَلُحُوا

[22895] Abū Bakr told us: Ibn Idrīs told us, from Ash‘ath, from Ash-Sha‘bī, from Ibn Sīrīn, that he said: Sometimes people would come to Shurayḥ disputing, and he would say: “Go to ‘Ubaydah.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ أَشْعَثَ، عَنْ الشَّعَبِيِّ، عَنْ ابْنِ سِيرِينَ، أَنَّهُ قَالَ: رُبَّمَا أَتَى شَرِيفًا الْقَوْمُ يَخْتَصِمُونَ إِلَيْهِ، فَيَقُولُ: اذْهَبُوا إِلَى عُبَيْدَةَ

[22896] Abū Bakr told us: Waki‘ told us: Mis‘ar told us, from Azhar al-‘Aṭṭār, from Muḥārib ibn Dithār, who said: ‘Umar said: “Send back the disputants until they reconcile, for the rendering of judgment causes grudges among the people.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مِسْعُرٌ،
عَنْ أَزْهَرِ الْعَطَّارِ، عَنْ مُحَارِبِ بْنِ دِئْنَارٍ، قَالَ: قَالَ
عُمَرُ: رُدُوا الْخُصُومَ حَتَّى يَصْطَلُحُوا، فَإِنْ فَصَلَ
الْقَضَاءِ يُورِثُ بَيْنَ الْقَوْمِ الضَّغَائِنَ

[22897] Abū Bakr told us: Jarīr ibn Ḥāzim told us, from Ibn Sīrīn, who said: ‘Umar ibn Al-Khaṭṭāb sent a judge. Two men disputed before him regarding a dinar. He said: “He gave it to one of them, and gave the other a dinar from his own pocket.” This reached ‘Umar, so he sent for him and dismissed him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ، عَنْ ابْنِ
سِيرِينَ، قَالَ: بَعَثَ عُمَرُ بْنُ الْخَطَّابَ قَاضِيًّا، فَأَخْصَصَ
إِلَيْهِ رَجُلَيْنِ فِي دِينَارٍ، قَالَ: فَأَعْطَاهُمَا وَأَعْطَى
الْأُخْرَ دِينَارًا مِنْ عِنْدِهِ، فَبَلَغَ ذَلِكَ عُمَرَ فَبَعَثَ إِلَيْهِ
فَعَرَّلَهُ

[22898] Abū Bakr told us: ‘Abd Allāh ibn Mubārak told us, from ‘Āsim, from Ash-Sha‘bī, who said: “If two disputants agree to the word of a man, whatever he says is binding upon them.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُبَارِكٍ، عَنْ
عَاصِمٍ، عَنِ الشَّعْبِيِّ، قَالَ: إِذَا رَضِيَ الْخَصْمَانِ بِقَوْلِ
رَجُلٍ، جَازَ عَلَيْهِمَا مَا قَالَ

[22899] Abū Bakr told us: Waki‘ told us: Sufyān told us, from ‘Āsim al-Aḥwal, from Ibn Sīrīn, who said: Two men came disputing to ‘Ubaydah. He said: “Do you appoint me as authority over you?” They said: “Yes.” So he judged between them.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ عَاصِمِ الْأَحْوَلِ، عَنْ ابْنِ سِيرِينَ، قَالَ: جَاءَ
رَجُلٌ يَخْتَصِمَانِ إِلَى عَبِيدَةَ، فَقَالَ: ثُومَرَانِي عَلَيْكُمَا؟
فَالَا: نَعَمْ، فَقَضَى بَيْنَهُمَا

[22900] Abū Bakr told us: ‘Abd as-Salām told us, from Ishāq ibn ‘Abd Allāh—meaning Ibn Abī Farwah—from Ghaylān, who said: I said to ‘Umar ibn ‘Abd al-‘Azīz: “If only you would change these dirhams (coins with images/inscriptions), for they fall into the hands of the Jew, the Christian, the sexually impure, and the Magian.” He said: “You want the nations to have an argument against us.” He said: “You want to change a Monotheism (Tawhīd) [inscribed on them] while we are here and they are among us?”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ اسْحَاقَ بْنِ
عَبْدِ اللَّهِ يَعْنِي ابْنَ أَبِي فَرْوَةَ، عَنْ غَيْلَانَ، قَالَ: قُلْتُ
لِعُمَرَ بْنَ عَبْدِ الْغَزِيزِ: لَوْ غَيَّرْتَ هَذِهِ الدَّرَارِمَ، فَإِنَّهَا
تَقْعُدُ فِي يَدِ الْيَهُودِيِّ وَالنَّصَارَائِيِّ وَالْجُنُبِ وَالْمَجُوسِيِّ،
قَالَ: أَرَدْتُ أَنْ تَحْجَجَ عَلَيْنَا الْأَمْمُ، قَالَ: ثُرِيدُ أَنْ تُغَيِّرَ
تَوْحِيدًا بِنَا وَهُمْ بَيْنَنَا

[22901] Abu Bakr narrated to us, he said: Mu'tamir narrated to us, from Muhammad ibn Fada', from his father, from Alqamah ibn Abdullah, from his father, he said: "The Messenger of Allah ﷺ forbade breaking the Muslims' coins that are in circulation among them unless there is a valid reason."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعْتَمِرٌ، عَنْ مُحَمَّدِ بْنِ فَضَّاءَ، عَنْ أَبِيهِ، عَنْ عَلْقَمَةَ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ كُسْرِ سِكِّةِ الْمُسْلِمِينَ الْجَائزَةِ بَيْنَهُمْ إِلَّا مَنْ بَأْسَ

[22902] Abu Bakr narrated to us, he said: Ibn 'Ulayyah narrated to us, from Ibn Jurayj, from 'Ata', he said: "People have sinned regarding the pure silver Dirhams."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّهُ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: أَتَمِ النَّاسُ فِي الدِّرَاهِمِ الْبِيْضِ

[22903] Abu Bakr narrated to us, he said: Sufyan ibn 'Uyaynah narrated to us, from Abu Farwah, who heard Ibn Abi Layla, he said: Umar said: "Whoever finds his silver coins to be counterfeit, let him not swear to the people that they are good. Rather, let him go out to the market with them and say: 'Who will sell me something for these counterfeit Dirhams, such as a garment or some other need of his?'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سُعِيْدُ بْنُ عُيَيْنَةَ، عَنْ أَبِي فَرْوَةَ، سَمِعَ ابْنَ أَبِي لَيْلَى، قَالَ: قَالَ عُمَرُ: "مَنْ رَأَفْتَ عَلَيْهِ وَرْقَهُ، فَلَا يُحَالِفِ النَّاسَ أَنَّهَا طَيِّبَةٌ، وَلَكِنْ لِيُخْرُجَ إِلَيْهَا إِلَى السُّوقِ فَلْيَقُلْ: مَنْ يَبِيْعُنِي هَذِهِ الدِّرَاهِمُ الرُّبُوْفَ بِنْحُو تُوبٌ أَوْ حَاجَةٌ مِنْ حَاجَتِهِ"

[22904] Abu Bakr narrated to us, he said: Jarir narrated to us, from Mughirah, from his father, from a man among the Sammanin (butter sellers), he said: Ali said: “If one of you has a Dirham that is not accepted from him (due to being bad), let him buy gold with it, then let him buy with the gold what will be accepted from him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ أَبِيهِ، عَنْ رَجُلٍ مِنَ السَّمَانِينَ، قَالَ: قَالَ عَلِيُّ: إِذَا كَانَ لِأَحَدْكُمْ دِرْهَمٌ لَا يُنْفَقُ عَنْهُ، فَلْيُبْتَعِ لَهَا ذَهَبًا فَلْيُبْتَعِ بِالذَّهَبِ مَا يُنْفَقُ عَنْهُ

[22905] Abu Bakr narrated to us, he said: Salamah ibn Nubayt narrated to us, from Al-Dahhak ibn Muzahim, he said: “Ibn Mas'ud once sold the scrap (bad coins) of the Bayt al-Mal, then he met Umar and did not do that again.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سَلَمَةُ بْنُ ثُبَيْطٍ، عَنِ الصَّحَّاْكِ بْنِ مُزَاحِمٍ، قَالَ: بَاعَ ابْنُ مَسْعُودٍ نُفَایَةً بَیْتِ الْمَالِ مَرَّةً، ثُمَّ لَقِيَ عُمَرَ فَلَمْ يَعْدْ بِذَلِكِ

[22906] Abu Bakr narrated to us, he said: Hafs ibn Ghiyath narrated to us, from Al-A'mash, from Ibrahim, that Umar forbade Abdullah from selling the scrap (bad coins) of the Bayt al-Mal.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، أَنَّ عُمَرَ نَهَى عَبْدَ اللَّهِ أَنْ يَبْتَعِ نُفَایَةً بَیْتِ الْمَالِ

[22907] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Mis'ar narrated to us, from Abdul-Malik ibn Maysarah, from Hawt Al-Abdi, he said: Abdullah put me in charge of the Bayt al-Mal. Whenever a counterfeit Dirham passed by me, he would break it and say: "The Muslims should not be deceived by it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مِسْعَرٌ،
عَنْ عَبْدِ الْمَلِكِ بْنِ مَيْسَرَةَ، عَنْ حَوْطِ الْعَبْدِيِّ، قَالَ:
جَعَلَنِي عَبْدُ اللَّهِ عَلَى بَيْتِ الْمَالِ، فَكُنْتُ إِذَا مَرَّ بِي
دِرْهَمٌ رَّيْفٌ كَسَرَهُ، وَيَقُولُ: لَا يُغَرِّ بِهِ الْمُسْلِمُونَ

[22908] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Ibn 'Awn narrated to us, he said: I said to Muhammad ibn Sirin: "Can I buy with a counterfeit Dirham and explain it (that it is counterfeit)?" He said: "There is no harm."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ابْنُ عَوْنَ،
قَالَ: قُلْتُ لِمُحَمَّدٍ بْنِ سِيرِينَ: أَشْتَرِي بِالدِّرْهَمِ الرَّيْفِ
وَأَبْيَثُه؟ قَالَ: لَا بَأْسَ

[22909] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Abu Ja'far Al-Razi narrated to us, from Al-Rabi' ibn Anas, he said: I saw Safwan ibn Muhriz coming to the market with a counterfeit Dirham. He said: "Who will sell me something good for a bad Dirham?" So he bought something and did not call for witnesses.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا أَبُو جَعْفَرِ الرَّازِيُّ، عَنِ الرَّبِيعِ بْنِ أَنَسٍ، قَالَ: رَأَيْتُ صَفْوَانَ بْنَ مُحْرِزَ، وَأَئِي السُّوقَ وَمَعَهُ دِرْهَمٌ رَّبِيعٌ، فَقَالَ: مَنْ يَبِينُنِي عَيْنًا طَبَّيْنَا بِدِرْهَمٍ خَبِيثٍ فَاسْتَرَى وَلَمْ يُشْهِدْ

[22910] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Al-Rabi' narrated to us, he said: I said to Al-Hasan: "O Abu Sa'id, defective Dirhams gather with me, can I sell them and explain (their defect)?" He said: "There is no harm."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الرَّبِيعُ، قَالَ: قُلْتُ لِلْحَسَنِ: يَا أَبَا سَعِيدٍ، يَجْمَعُ عَنِي الدَّرَاهُمُ الْبُخَاسُ، فَأَبِيَعُهَا وَأَبِيَّنُهَا؟ قَالَ: لَا بَأْسَ

[22911] Abu Bakr narrated to us, he said: Ziyad ibn Al-Rabi' narrated to us, from Salih Al-Dahhan, from Jabir ibn Zayd, that when a (counterfeit) Dirham fell into his hand, he would break it and say: "It is not lawful for a Muslim to be deceived by it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ الرَّبِيعِ، عَنْ صَالِحِ الدَّهَانِ، عَنْ جَابِرِ بْنِ زَيْدٍ، أَنَّهُ كَانَ إِذَا وَقَعَ فِي يَدِهِ دِرْهَمٌ كَسَرَهُ، وَقَالَ: مَا يَحُلُّ أَنْ يُغَرَّ بِهِ مُسْلِمٌ

[22912] Abu Bakr narrated to us, he said: Muhammad ibn Ubayd narrated to us, from Ya'qub ibn Qays, that Sa'id ibn Jubayr had a Dirham in his hand. I said to him: "Shall I embellish it (make it look better)?" He gave it to me and said: "If it were bad, I would not have given it to you."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عُبَيْدٍ، عَنْ يَعْقُوبِ
بْنِ قَيْسٍ، أَنَّ سَعِيدَ بْنَ جُبَيْرٍ كَانَ فِي يَدِهِ دِرْهَمٌ، فَقُلْتُ
لَهُ: أَرَيْتُمْ؟ فَأَعْطَانِيهِ، وَقَالَ: لَوْ كَانَ رَدِيًّا لَمْ أَعْطِكُهُ

[22913] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Sufyan narrated to us, from Ma'mar, from Al-Zuhri, that Mu'adh ibn Jabal fell into debt, so the Prophet ﷺ took him out of his wealth (bankruptcy) for his creditors.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، أَنَّ مُعَاذَ بْنَ جَبَلٍ دَارَ عَلَيْهِ
دَيْنٌ، فَأَخْرَجَهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنْ مَالِهِ
لِغُرَمَائِهِ

[22914] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Hasan ibn Salih narrated to us, from Mansur, from Shurayh, he said: "He used to sell what was above the Izar (waist wrapper, meaning taking surplus clothes to pay debt)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا حَسَنُ بْنُ
صَالِحٍ، عَنْ مَنْصُورٍ، عَنْ شُرَيْحٍ، قَالَ: كَانَ يَبْيَعُ مَا
فَوْقَ الْإِزَارِ

[22915] Abu Bakr narrated to us, he said: Ibn Idris narrated to us, from Ubaydullah ibn Umar, from Umar ibn Abdul-Rahman ibn Dilaf, from his father, from his paternal uncle Bilal ibn Al-Harith, he said: There was a man who used to overprice camels and race ahead of the pilgrims until he went bankrupt. He said: So Umar ibn Al-Khattab gave a sermon and said: "To proceed, indeed Al-Usayfi', the Usayfi' of Juhaynah, was satisfied regarding his trustworthiness and religion that it be said: 'He outstripped the pilgrims.' So he took on debts recklessly until he became overwhelmed by debt. Whoever has a claim against him, let him come to us so we can divide his wealth among them."

[22916] Abu Bakr narrated to us, he said: Ibn Mahdi narrated to us, from Sufyan, from Ibn Abi Dhi'b, that Umar ibn Abdul-Aziz would not sell a man's servant nor his dwelling for debt.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِنْدِرِيسَ، عَنْ عُبَيْدِ اللَّهِ
بْنِ عُمَرَ، عَنْ عُمَرَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ دَلَافٍ، عَنْ
أَبِيهِ، عَنْ عَمِّ أَبِيهِ بِلَالِ بْنِ الْحَارِثِ، قَالَ: كَانَ رَجُلٌ
يُغَالِي بِالرَّوَاحِلِ، وَيَسْبِقُ الْحَاجَ، حَتَّىٰ أَفْلَسَ، قَالَ:
فَخَطَبَ عُمَرُ بْنُ الْخَطَّابِ، فَقَالَ: "أَمَا بَعْدُ، فَإِنَّ الْأُسْفِعَ
أُسْفِعَ جُهَيْنَةَ رَضِيَ مِنْ أَمَانَتِهِ وَدِينِهِ أَنْ يُقَالُ: سَبَقَ
الْحَاجَ، فَإِذَا مُعْرِضًا، فَأَصْبِحَ قَذْ دِينَ بِهِ، فَمَنْ كَانَ لَهُ
شَيْءٌ فَلِيُأْتِنَا حَتَّىٰ نُقْسِمَ مَالَهُ بَيْنَهُمْ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ
ابْنِ أَبِي ذِئْبٍ، أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ كَانَ لَا يَبْيَعُ
خَادِمَ الرَّجُلِ وَلَا مَسْكَنَهُ فِي الدِّينِ

[22917] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Sufyan narrated to us, from Amr ibn Maymun, from Umar ibn Abdul-Aziz: "That he declared a man bankrupt and hired him out."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ عَمْرِ بْنِ مَيْمُونٍ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ: أَنَّهُ
فَلَسَ رَجُلًا وَأَجَرَهُ

[22918] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Sufyan narrated to us, from a man, from Ibn Sirin, from Shurayh: "That whenever he declared a man bankrupt, he would divide what remained among his creditors."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ رَجُلٍ، عَنْ ابْنِ سِيرِينَ، عَنْ شُرَيْحٍ: أَنَّهُ كَانَ إِذَا
فَلَسَ رَجُلًا قَسَمَ مَا يَقِيَ بَيْنَ غَرَامَائِهِ

[22919] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Sharik narrated to us, from Jabir, from Salim, Al-Qasim, Tawus, Mujahid, Muhammad ibn Ali, and Ata', they said: "There is no harm in Salam (advanced payment) in silk."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شَرِيكٌ،
عَنْ جَابِرٍ، عَنْ سَالِيمٍ، وَالْقَاسِيمِ، وَطَاؤِسٍ، وَمُجَاهِدٍ،
وَمُحَمَّدِ بْنِ عَلَيٍّ، وَعَطَاءً، قَالُوا: لَا بَأْسَ بِالسَّلَمِ فِي
الْخَرِيرِ

[22920] Abu Bakr narrated to us, he said: Waki' narrated to us: "We hope there is no harm in it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ: نَرْجُوا أَنْ لَا يَكُونَ بِهِ
بَأْسٌ

[22921] Abu Bakr narrated to us, he said: Ibn 'Ulayyah narrated to us, from Yunus, from Al-Sar' ibn Aqiq, he said: I said to Ibn Umar: "What do you say about Al-Saraq?" He said: "And what is Al-Saraq?" I said: "Silk or pieces of silk." He said: "O people of Iraq, you use detestable names. Do you not say: 'pieces of silk'?" We said: "It has a market price; we buy it at a price and sell it until the stipend comes out for more than that." He said: "If you buy it and take possession of it, then sell it however you wish."

[22922] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Abdullah ibn Al-Walid Al-Muzani narrated to us, from a man, from Abu Ma'qil: "That he disliked Salam (advanced payment) in silk."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ يُونُسَ، عَنِ السَّرْعِ بْنِ عَقِيقٍ، قَالَ: قُلْتُ لِابْنِ عُمَرَ: مَا تَقُولُ فِي السَّرْقِ؟ قَالَ: وَمَا السَّرْقُ فَقُلْتُ: الْحَرِيرُ أَوْ شُقْقُ الْحَرِيرِ، قَالَ: "يَا أَهْلَ الْعِرَاقِ، إِنَّكُمْ تُسَمِّونَ أَسْمَاءً مُنْكَرَةً، أَوْ لَا تَقُولُونَ: شُقْقُ الْحَرِيرِ؟" قُلْنَا: فَإِنَّ لَهُ فِي السُّوقِ سِعْرًا نَشَرِيهِ بِسِعْرٍ، وَنَبِيعُهُ إِلَى الْعَطَاءِ بِأَكْثَرِ مِنْ ذَلِكَ، قَالَ: إِذَا اشْتَرَيْتُهُ وَقَبَضْتَهُ فَبِعْهُ كَيْفَ شِئْتَ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْوَلِيدِ الْمُزَانِيُّ، عَنْ رَجُلٍ، عَنْ أَبِي مَعْقِلٍ: أَنَّهُ كَرِهَ السَّلَمَ فِي الْحَرِيرِ

[22923] Abu Bakr narrated to us, he said: Mu'tamir narrated to us, from his father, he said: Tawus was asked about Salam in goods - or he said: goods - he said: "There is no harm." And he was asked about Salam in silk, and he said: "I do not know what silk is."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعْتَمِرٌ، عَنْ أَبِيهِ، قَالَ: سُئِلَ طَاؤُسٌ، عَنِ السَّلَمِ فِي الْعُرُوضِ - أَوْ قَالَ: الْعُرُوضِ -
قَالَ: لَا بُأْسَ، وَسُئِلَ، عَنِ السَّلَمِ فِي الْحَرِيرِ، فَقَالَ: لَا
أَدْرِي مَا الْحَرِيرُ

[22924] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Isra'il and Sharik narrated to us, from Abu Ishaq, from Masruq: "That he disliked Salam in silk."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ،
وَشَرِيكٌ، عَنْ أَبِي إِسْحَاقَ، عَنْ مَسْرُوقٍ: أَنَّهُ كَرِهَ السَّلَمَ
فِي الْحَرِيرِ

[22925] Abu Bakr narrated to us, he said: Hushaym narrated to us, from Ash'ath, from Al-Sha'bi, and from Mughirah, from Ibrahim, he said: "Whatever is lost from the pledge, it is accounted for accordingly."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ أَشْعَثَ، عَنْ
الشَّعْبِيِّ، وَعَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: مَا ذَهَبَ مِنْ
الرَّهْنِ مِنْ شَيْءٍ فَيُحِسَّبُ ذَلِكَ

[22926] Abu Bakr narrated to us, he said: Yahya ibn Sa'id narrated to us, from Ash'ath, from Al-Hasan, he said: I asked about a man who took a house as a pledge, and it burned down. He said: "His right is in what was lost, and his right is in what remains."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ أَشْعَثَ
عَنِ الْحَسَنِ، قَالَ: سَأَلْتُ عَنْ رَجُلٍ ارْتَهَنَ دَارًا،
فَاحْتَرَقَتْ، قَالَ: حَقُّهُ فِيمَا ذَهَبَ، وَحَقُّهُ فِيمَا بَقِيَ

[22927] Abu Bakr narrated to us, he said: Ibn Mahdi narrated to us, from Hammad ibn Salamah, from Qatadah, regarding a man who took a house as a pledge and it burned down. He said: "His right is in the land (plot)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَمَادِ بْنِ
سَلَمَةَ، عَنْ قَتَادَةَ، فِي رَجُلٍ ارْتَهَنَ دَارًا، فَاحْتَرَقَتْ،
قَالَ: حَقُّهُ فِي الْعَرْصَةِ

[22928] Abu Bakr narrated to us, he said: Yahya ibn Adam narrated to us, he said: Hammad ibn Salamah narrated to us, from Hammad, from Ibrahim, regarding a man who pledged a garment and it got eaten (by moths or similar). He said: "He deducts from it according to what diminished from the garment's value."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ، قَالَ: حَدَّثَنَا
حَمَادُ بْنُ سَلَمَةَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، فِي رَجُلٍ
رَهَنَ ثُوبًا فَانْتَكَلَ قَالَ: يُلْقِي مِنْهُ بِقَدْرِ مَا نَقَصَ مِنْ قِيمَةِ
الثُّوبِ

[22929] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Sufyan narrated to us, from Jabir, from 'Amir, he said: "If the pledge is possessed, then the pledger dies while owing a debt, he (the pledgee) has more right to it than the creditors until he is fully paid."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: إِذَا قُبِضَ الرَّهْنُ ثُمَّ ماتَ
الرَّاهِنُ وَعَلَيْهِ دَيْنٌ، فَهُوَ أَحَقُّ بِهِ مِنَ الْغُرَمَاءِ حَتَّى
يَسْتُوفَى

[22930] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Isra'il narrated to us, from Jabir, from Ata', Salim, and 'Amir, they said: "If the pledger dies while owing a debt, the pledgee has more right to it than the creditors until he is fully paid."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ،
عَنْ جَابِرٍ، عَنْ عَطَاءٍ، وَسَالِمٍ، وَعَامِرٍ، قَالُوا: إِذَا ماتَ
الرَّاهِنُ وَعَلَيْهِ دَيْنٌ فَالْمُرْتَهِنُ أَحَقُّ بِهِ مِنَ الْغُرَمَاءِ حَتَّى
يَسْتُوفَى

[22931] Abu Bakr narrated to us, he said: Hamid ibn Abdul-Rahman narrated to us, from Al-Hasan, from Mutarrif, from Al-Hakam, regarding a man who gives a pledge, then its owner dies leaving no wealth other than the pledge, and he owes debt other than the debt of the pledgee. He said: “The pledgee has more right to the pledge than the creditors of the deceased.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنِ الْحَسَنِ، عَنْ مُطَرِّفٍ، عَنِ الْحَكَمِ، فِي الرَّجُلِ يَرْهَنُ الرَّهْنَ، ثُمَّ يَمُوتُ صَاحِبُهُ وَلَا يَدْعُ مَالًا غَيْرَ الرَّهْنِ، وَعَلَيْهِ دَيْنٌ سَوَى دَيْنِ صَاحِبِ الرَّهْنِ، قَالَ: الْمُرْتَهِنُ أَحَقُّ بِالرَّهْنِ مِنْ غُرَماءِ الْمَيِّتِ

[22932] Abu Bakr narrated to us, he said: Ibn Idris narrated to us, from Hisham, from Al-Hasan, he said: “Indeed, the possessed pledge, if its owner dies or goes bankrupt, the one who has it in his hand has more right to it. If it is not possessed, then it is shared among the creditors.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، قَالَ: إِنَّ الرَّهْنَ الْمَقْبُوضَ إِذَا ماتَ صَاحِبُهُ أَوْ أَفْلَسَ فَالَّذِي هُوَ فِي يَدِهِ أَحَقُّ بِهِ، فَإِنْ لَمْ يَكُنْ مَقْبُوضًا فَهُوَ بَيْنَ الْغُرَماءِ

[22933] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Zakariya narrated to us, he said: 'Amir narrated to us, “That the Prophet ﷺ allowed the testimony of Khuzaimah ibn Thabit as the testimony of two men.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا زَكَرِيَّاً، قَالَ: حَدَّثَنَا عَامِرٌ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَجَارَ شَهَادَةَ حُرَيْمَةَ بْنِ تَأْبِيتٍ شَهَادَةَ رَجُلَيْنِ

[22934] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Imran ibn Hudayr narrated to us, from Abu Mijlaz, he said: "I testified before Zurarah ibn Awfa regarding a testimony alone, and he accepted my testimony, and how bad was what he did."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا عِمْرَانَ بْنَ حُذَيْرٍ، عَنْ أَبِي مِجْلَزٍ، قَالَ: شَهَدْتُ عِنْدَ زُرَارَةَ بْنَ أَوْفَى عَلَى شَهَادَةٍ وَحْدَيْ، فَأَجَازَ شَهَادَتِي، وَبِئْسَ مَا صَنَعَ

[22935] Abu Bakr narrated to us, he said: Sufyan narrated to us, from Abu Ishaq, he said: "I testified before Shurayh regarding a testimony alone, and he accepted my testimony."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَبِي إِسْحَاقَ قَالَ: شَهَدْتُ عِنْدَ شُرَيْحٍ عَلَى شَهَادَةٍ وَحْدَيْ فَأَجَازَ شَهَادَتِي

[22936] Abu Bakr narrated to us, he said: Sufyan narrated to us, from Abu Ishaq, he said: Shurayh said to me: "Do you testify that it is your handwriting by your hand, because of what has been embellished for you?" I said: "Yes." "So he accepted my testimony alone."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَبِي إِسْحَاقَ، قَالَ: قَالَ لِي شُرَيْحٌ: تَشْهُدُ أَنَّهُ خَطُّكَ بِيَدِكَ، لِمَا زُيِّنَ عَلَيْكَ، قُلْتُ: نَعَمْ، فَأَجَازَ شَهَادَتِي وَحْدَه

[22937] Abu Bakr narrated to us, he said: Sharik narrated to us, from Abu Ishaq, from Shurayh: "That he allowed his testimony alone."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ أَبِي إِسْحَاقَ، عَنْ شُرَيْحٍ: أَنَّهُ أَجَازَ شَهَادَتَهُ وَحْدَه

[22938] Abu Bakr narrated to us, he said: Jarir narrated to us, from Ata' ibn Al-Sa'ib, from Ibn Mughaffal, regarding a man who is owed a debt by another man who denies it, then he gains control over some of his wealth. He said: "He should not counteract him; he should return his trust."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ ابْنِ مُعْقَلٍ، فِي الرَّجُلِ يَكُونُ لَهُ عَلَى الرَّجُلِ الدَّيْنُ فَيَجْحَدُهُ، ثُمَّ يَقْدِرُ لَهُ عَلَى مَالٍ، قَالَ: لَا يُعَارِضُهُ، يُؤَدِّي وَدِيَّهُ

[22939] Abu Bakr narrated to us, he said: Yahya ibn Sa'id narrated to us, from Dawud, from Al-Sha'bi, he said: "He is more deserving of it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ دَاؤِدَ، عَنْ الشَّعْبِيِّ، قَالَ: هُوَ أَسْعَدُ بِهِ

[22940] Abu Bakr narrated to us, he said: Abdul-Salam narrated to us, from Ata', he said: A man from our companions was owed money by a man who denied it. Then something of his came into my possession. So he came to me and asked me, and he asked our companions. They said: 'Take it.' But I asked Ibn Mughaffal, and he said: 'He should return his trust and seek his right. If he has proof (produce it), otherwise he should ask him to swear.'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ عَطَاءِ، قَالَ: كَانَ لِرَجُلٍ مِنْ أَصْحَابِنَا عَلَى رَجُلٍ مَالٌ فَجَحَدَهُ، ثُمَّ وَقَعَ لَهُ عِنْدِي شَيْءٌ، فَجَاءَنِي وَسَأَلَنِي وَسَأَلَ أَصْحَابَنَا، فَقَالُوا: يَأْخُذُهُ، وَسَأَلْتُ ابْنَ مُعْقَلٍ، فَقَالَ: يُؤَدِّي أَمَانَتَهُ وَيَطْلُبُ حَقَّهُ، فَإِنْ كَانَ لَهُ بَيْنَهُ، وَإِلَّا اسْتَخْفَفَهُ

[22941] Abu Bakr narrated to us, he said: Abdul-Salam narrated to us, from Khalid, from Muhammad ibn Sirin: “That whenever he was asked about this, he recited this verse: {And if you punish [an enemy, O believers], punish with an equivalent of that with which you were harmed} [An-Nahl: 126].”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ خَالِدٍ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ: أَنَّهُ كَانَ إِذَا سُئِلَ عَنْ هَذَا، قَرَا هَذِهِ الْآيَةَ: {وَإِنْ عَاقَبْتُمْ فَعَاقِبُوا بِمِثْلِ مَا عُوقِبْتُمْ بِهِ}

[22942] Abu Bakr narrated to us, he said: Abdul-Salam narrated to us, from Sa'id, from Al-Hakam, from Ibrahim, he said: “He can seize it as long as he does not swear.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ سَعِيدٍ، عَنْ الْحَكَمَ، عَنْ إِبْرَاهِيمَ، قَالَ: يَقْبِضُ مَا لَمْ يَحْلِفْ

[22943] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Shu'bah narrated to us, he said: I asked Al-Hakam about a man who is owed a debt by another man who denies it, then money belonging to him comes into his possession. Al-Hakam said: Ibrahim said: “There is no harm in him seizing it as long as he does not fear being made to swear.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شُعْبَةُ، قَالَ: سَأَلْتُ الْحَكَمَ عَنِ الرَّجُلِ يَكُونُ لَهُ عَلَى الرَّجُلِ الدَّيْنُ فَيَجْحَدُهُ، فَيَقُولُ لَهُ عِنْدُهُ الْمَالُ، قَالَ الْحَكَمُ: قَالَ إِبْرَاهِيمُ: لَا بَأْسَ أَنْ يَقْبِضَ مَا لَمْ يَحْفَظْ أَنْ يُسْتَحْلِفَ

[22944] Waki' narrated to us, and حَدَّثَنَا وَكِبْعٌ، وَكَلِيلٌ تَقُولُ
we say the same.

[22945] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Hisham narrated to us, from his father, he said: "It is written in the Torah: Do not betray the traitor; his treachery is enough for you (to be recompensed)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِبْعٌ، قَالَ: حَدَّثَنَا هِشَامٌ،
عَنْ أَبِيهِ، قَالَ: "مَكْتُوبٌ فِي التُّورَاةِ: لَا تَحْنُنُ الْخَائِنَ،
خِبَائِثُهُ تَخْفِيَكَ

[22946] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Miskin Abu Hurayrah Al-Taymi narrated to us, I asked Mujahid about that, and he said: "He should not encompass (seize) it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِبْعٌ، قَالَ: حَدَّثَنَا مِسْكِينٌ
أَبُو هُرَيْرَةَ التَّيَمِّيُّ، سَأَلْتُ مُجَاهِدًا، عَنْ ذَلِكَ، فَقَالَ: لَا
يَحُوِيهُ

[22947] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Shu'bah narrated to us, from a man, from Al-Hasan, he said: "He should not encompass (seize) it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِبْعٌ، قَالَ: حَدَّثَنَا شُعْبَةُ، عَنْ
رَجُلٍ، عَنْ الْحَسَنِ، قَالَ: لَا يَحُوِيهُ

[22948] Abu Bakr narrated to us, he said: Khalid ibn Al-Harith narrated to us, from Abu Makin, that Abu Mijlaz and Yahya ibn Aqil, one of them said: "A man betrayed me and took a Dirham from me, then some of his Dirhams came into my possession. Should I not take from his Dirhams as he took from my Dirhams? He said to me: 'Do not take so that I do not take.' The taker said: 'But I will take.'"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ، عَنْ أَبِي مَكِينٍ، أَنَّ أَبَا مِجْلَزٍ، وَيَحْيَى بْنَ عَقِيلٍ، قَالَ أَحَدُهُمَا: "رَجُلٌ خَانَنِي فَذَهَبَ مِنِّي بِدِرْهَمٍ، فَصَارَتْ لَهُ عِنْدِي دَرَاهِمٌ، أَفَلَا أَخْذُ مِنْ دَرَاهِمِهِ كَمَا أَخْذَ مِنْ دَرَاهِمِي؟" قَالَ لِي: لَا تَأْخُذْ لِكَيْ لَا آخُذَ، قَالَ الْأَخْذُ: لَكِنِي آخُذَ

[22949] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Al-Rabi' narrated to us, from Al-Hasan, he said: The Messenger of Allah ﷺ said: "Fulfill the trust, and do not betray the one who betrayed you."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الرَّبِيعُ، عَنِ الْحَسَنِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَدَّ الْأَمَانَةَ، وَلَا تَخُنْ مَنْ خَانَكَ

[22950] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: I heard Sufyan saying: "There is no harm in seizing gold for gold and silver for silver, but he should not seize goods or animals for gold or silver."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: سَمِعْتُ سُفْيَانَ، يَقُولُ: لَا يَأْسَ أَنْ يَقْبِضَ الدَّهْبَ مِنَ الدَّهْبِ وَالْفِضَّةَ مِنَ الْفِضَّةِ، وَلَا يَقْبِضَ عُرُوضًا، وَلَا حَيَوَانًا مِنْ دَهْبٍ وَلَا فِضَّةً

[22951] Waki' narrated to us, حَدَّثَنَا وَكِيعٌ، قَالَ: وَكَذَلِكَ نَقُولُ saying: And we say the same.

[22952] Abu Bakr narrated to us, حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ سُفْيَانَ، عَنْ ذَاوْدَ، عَنْ الشَّعْبِيِّ، قَالَ: هُوَ أَسْعَدُ بِهِ he said: Yahya ibn Sa'id narrated to us, from Sufyan, from Dawud, from Al-Sha'bi, he said: "He is more deserving of it."

[22953] Abu Bakr narrated to us, حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، قَالَ: إِذَا أَفْلَسَ الْعَبْدُ فَأَعْتَرَفَ بِالدَّيْنِ، فَإِنَّهُ لَا يَجُوزُ قَوْلُهُ he said: Ghundar narrated to us, from Hisham, from Al-Hasan, he said: "If a slave becomes bankrupt and admits a debt, his statement is not accepted."

[22954] Abu Bakr narrated to us, حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو بَكْرٍ بْنُ عَيَّاشٍ، عَنْ مُطَرِّفٍ، عَنِ الْحَكَمِ، قَالَ: لَا يُفْضِي دَيْنُ الْمَمْلُوكِ إِلَّا بِبَيْنَةٍ he said: Abu Bakr ibn Ayyash narrated to us, from Mutarrif, from Al-Hakam, he said: "The debt of a slave is not decreed except with proof."

[22955] Abu Bakr narrated to us, he said: Yazid ibn Harun narrated to us, from Muhammad ibn Salim, from Al-Sha'bi, he said: "The acknowledgement of a debt by a slave is not accepted unless he is permitted to trade."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ مُحَمَّدِ
بْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ، قَالَ: لَا يَجُوزُ إفْرَارُ مَمْلُوكٍ
بِدِينٍ إِلَّا أَنْ يَكُونَ مَأْذُونًا لَهُ فِي التِّجَارَةِ

[22956] Abu Bakr narrated to us, he said: Muhammad ibn Abi 'Adi narrated to us, from Ibn 'Awn, from Ibn Sirin, he said: "It was disliked for someone to say: 'I will guide you to the goods and you include me as a partner in it.'"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ ابْنِ
عُوْنِ، عَنْ ابْنِ سِيرِينَ، قَالَ: "كَانَ يُكْرَهُ أَنْ يَقُولَ:
أَدْلُكُ عَلَى الْمَتَاعِ وَتُشْرِكُنِي فِيهِ

[22957] Abu Bakr narrated to us, he said: Abu Dawud Al-Tayalisi narrated to us, from Abu Hurrah, from Al-Hasan regarding a man who said: 'I will guide you to such and such sale, and you include my brother as a partner.' He said: "Sale is by mutual consent."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو دَاؤَدَ الطَّيَالِسِيُّ، عَنْ أَبِي
حُرَّةَ، عَنِ الْحَسَنِ فِي رَجْلٍ قَالَ: أَدْلُكُ عَلَى بَيْعٍ كَذَا
وَكَذَا، وَتُشْرِكُ أَخِي، قَالَ: الْبَيْعُ، عَنْ تَرَاضٍ

[22958] Abu Bakr narrated to us, he said: Ibn Numayr narrated to us, from Sufyan, from Zakariya, from Al-Sha'bi: “That it was disliked for a man to guide someone to goods on the condition that he includes him as a partner.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ نُعَيْرٍ، عَنْ سُفْيَانَ، عَنْ زَكَرِيَّاً، عَنِ الشَّعْبِيِّ: أَنَّهُ كَانَ يُكْرَهُ أَنْ يَدْلِلَ الرَّجُلُ عَلَى الْمَتَاعِ عَلَى أَنْ يُشْرِكَهُ

[22959] Abu Bakr narrated to us, he said: Jarir narrated to us, from Qabus, from his father, from Ibn Abbas regarding His saying: {O you who have believed, be persistently standing firm in justice} [An-Nisa: 135], he said: “Two men sit before the judge, and the judge's attentiveness and turning away is towards one of the men and not the other.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ قَابُوسَ، عَنْ أَبِيهِ، عَنْ ابْنِ عَبَّاسٍ فِي قَوْلِهِ تَعَالَى: {إِنَّمَا أَلِيهَا الْذِينَ قَالُوا: [آمَنُوا كُونُوا قَوَامِينَ بِالْقِسْطِ] [النَّسَاءُ الرَّجُلَانِ يَجْلِسَانِ عِنْدَ الْقَاضِيِّ، فَيَكُونُ لَيُّ الْقَاضِي وَإِغْرَاصُهُ لِأَحَدِ الرَّجُلَيْنِ دُونَ الْأُخْرَى}

[22960] Abu Bakr narrated to us, he said: Abdul-Salam ibn Sulayman narrated to us, from Mujalid, from Al-Sha'bi, from Masruq, from Abdullah, he said: "There is no judge who judges between people except that he will be gathered on the Day of Resurrection with an angel holding him by his nape until he stands over Hell. Then he raises his head to the Most Merciful. If He says to him: 'Throw him,' he throws him into an abyss of forty autumns." He said: And Masruq said: "To judge for a day taking (deciding) with truth and justice is more beloved to me than a year of fighting in the way of Allah."

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامِ بْنُ سُلَيْمَانَ، عَنْ مُجَالِدٍ، عَنْ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ، قَالَ: "مَا مِنْ حَكَمَ يَحْكُمُ بَيْنَ النَّاسِ إِلَّا حُشِرَ يَوْمُ الْقِيَامَةِ وَمَلَكٌ أَخْذَ بِقَفَاهَ حَتَّى يَقِفَ بِهِ عَلَى جَهَنَّمَ، ثُمَّ يَرْفَعُ رَأْسَهُ إِلَى الرَّحْمَنِ، فَإِنْ قَالَ لَهُ: اطْرَحْهُ فِي مَهْوَى أَرْبَعِينَ حَرَبِيًّا". قَالَ: وَقَالَ مَسْرُوقٌ: لَأْنَ أَفْضَى يَوْمًا أَحُدُّ بِحَقٍّ وَأَدْنَى أَحَدًا إِلَيَّ مِنْ سَنَةٍ أَغْزُوهَا فِي سَبِيلِ اللَّهِ

[22961] Abu Bakr narrated to us, he said: Abu Mu'awiyah narrated to us, he said: Al-A'mash narrated to us, from Al-Minhal, from Sa'id ibn Jubayr, from Ibn Abbas, he said: “The trial of Solomon with which he was tested was concerning some people from the family of Al-Jaradah. Al-Jaradah was a woman, and Solomon's desire was that the right be with the family of Al-Jaradah so he could judge in their favor.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، قَالَ: حَدَّثَنَا الأَعْمَشُ، عَنِ الْمِنْهَلِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ أَبْنِ عَبَّاسٍ، قَالَ: كَانَ بِلَاءُ سُلَيْمَانَ الَّذِي ابْتُلِيَ بِهِ فِي نَاسٍ مِنْ أَهْلِ الْجَرَادَةِ، كَانَتْ الْجَرَادَةُ امْرَأَةً، وَكَانَ هَوَى سُلَيْمَانَ أَنْ يَكُونَ الْحُقْقُ لِأَهْلِ الْجَرَادَةِ فَيَقْضِيَ لَهُمْ بِهِ

[22962] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Sa'id ibn Abdul-Aziz Al-Tanukhi narrated to us, from Isma'il ibn Ubaydullah ibn Al-Muhajir, from Abdul-Rahman ibn Ghann Al-Ash'ari, he said: Umar said: "Woe to the judge of the people of the earth from the Judge of the people of the heaven on the day they meet Him, except for the one who intended justice and judged with truth, and did not judge out of desire, nor kinship, nor greed, nor fear, and made the Book of Allah a mirror before his eyes."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سَعِيدُ بْنُ عَبْدِ الْعَزِيزِ التَّوْخِيُّ، عَنْ اسْمَاعِيلَ بْنِ عَبْدِ اللَّهِ بْنِ الْمُهَاجِرِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَثْمَانِ الْأَشْعَرِيِّ، قَالَ: قَالَ عُمَرُ: وَيْلٌ لِدَيَانِ أَهْلِ الْأَرْضِ مِنْ دَيَانِ أَهْلِ السَّمَاءِ يَوْمَ يَلْقَوْنَاهُ، إِلَّا مَنْ أَمَّ الْعَدْلَ وَقَضَى بِالْحَقِّ، وَلَمْ يَغْضِلْ لِهَوَى وَلَا فَرَابَةً، وَلَا لِرَغْبَةٍ وَلَا لِرَهْبَةٍ، وَجَعَلَ كِتَابَ اللَّهِ مِرْآةً بَيْنَ عَيْنَيْهِ

[22963] Abu Bakr narrated to us, he said: Shababah ibn Sawwar narrated to us, from Shu'bah, from Qatadah, he said: I heard Rufay' Abu Al-Aliyah say: Ali said: "Judges are three: two in the Fire and one in Paradise." He mentioned the two in the Fire, saying: "A man who commits injustice deliberately is in the Fire, and a man who sought the truth but erred is in the Fire. Another sought the truth and was correct, so he is in Paradise." He said: I said to Rufay': "What about this one who sought the truth but erred?" He said: "His duty, if he did not know judgment, was not to be a judge."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَبَابَةُ بْنُ سَوَّارٍ، عَنْ شُعْبَةَ،
عَنْ فَتَاهَةَ، قَالَ: سَمِعْتُ رُفَيْعًا أَبَا الْعَالِيَّةَ، قَالَ: قَالَ
عَلِيٌّ: "الْقُضَاءُ لَلَّهُ أَعْلَمُ". اثْنَانِ فِي النَّارِ، وَوَاحِدٌ فِي
الجَنَّةِ"، فَذَكَرَ الَّذِينَ فِي النَّارِ، قَالَ: رَجُلٌ جَازَ مُتَعَمِّدًا
فَهُوَ فِي النَّارِ، وَرَجُلٌ أَرَادَ الْحَقَّ فَأَخْطَأَ فَهُوَ فِي النَّارِ،
آخَرُ أَرَادَ الْحَقَّ فَأَصَابَ فَهُوَ فِي الْجَنَّةِ قَالَ: فَقُلْتُ
لِرُفَيْعَ: أَرَأَيْتَ هَذَا الَّذِي أَرَادَ الْحَقَّ فَأَخْطَأَ؟ قَالَ: كَانَ
حُكْمُهُ إِذَا لَمْ يَعْلَمِ الْقُضَاءَ لَا يَكُونُ فَاضِيًّا

[22964] Abu Bakr narrated to us, he said: Yazid ibn Harun narrated to us, he said: Hammad ibn Salamah narrated to us, from Qatadah, that Abu Musa Al-Ash'ari said: “It is not appropriate for a judge to pass judgment until the truth becomes clear to him just as night becomes distinct from day.” He said: That reached Umar, and he said: “Abu Musa has spoken the truth.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ، عَنْ قَتَادَةَ، أَنَّ أَبَا مُوسَى الْأَشْعَرِيَّ، قَالَ: لَا يَنْبَغِي لِقاضٍ أَنْ يَقْضِي حَتَّى يَتَبَيَّنَ لَهُ الْحَقُّ كَمَا يَتَبَيَّنُ اللَّيلُ مِنَ النَّهَارِ. قَالَ: فَبَلَّغَ ذَلِكَ عُمَرَ، فَقَالَ: صَدَقَ أَبُو مُوسَى

[22965] Abu Bakr narrated to us, he said: Ali ibn Mushir narrated to us, from Ash'ath, from Al-Hasan, regarding His saying: {and decisive speech} [Sad: 20], he said: “Knowledge of judgment.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنْ أَشْعَثَ، [20: عَنِ الْحَسَنِ، فِي قَوْلِهِ: {وَفَصْلُ الْخَطَابِ}] [ص] قَالَ: الْعِلْمُ بِالْقَضَاءِ

[22966] Abu Bakr narrated to us, he said: Ali ibn Mushir narrated to us, from Ash'ath, from Al-Hakam, from Shurayh, he said: “(It means) witnesses and oaths.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ، عَنْ شُرَيْحٍ، قَالَ: الشُّهُودُ وَالْأَيْمَانُ

[22967] Abu Bakr narrated to us, he said: Jarir narrated to us, from Layth, from Mujahid, regarding His saying: {He gives wisdom to whom He wills} [Al-Baqarah: 269], he said: “It is not prophethood, but it is knowledge, the Quran, and understanding (Fiqh).”

[22968] Abu Bakr narrated to us, he said: Waki' narrated to us, from Zakariya, from Al-Sha'bi, from Ziyad, he said: “{Decisive speech} [Sad: 20] is (saying): Amma Ba'du (To proceed).”

[22969] Abu Bakr narrated to us, he said: Waki' narrated to us, from Shu'bah, from Al-Hakam, from Shurayh, he said: “(It means) witnesses and oaths.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، فِي قَوْلِهِ: {يُؤْتِي الْحِكْمَةَ مَنْ يَشَاءُ} [البقرة 269]
قَالَ: لَيْسَ النُّبُوَّةُ، وَلَكِنَّهُ الْعِلْمُ وَالْقُرْآنُ وَالْفِقْهُ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ زَكَرِيَّا، عَنْ 20 [الشَّعْبِيِّ، عَنْ زَيَادٍ، قَالَ: {فَصْلُ الْخَطَابِ} [صَ : أَمَّا بَعْدُ :

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ الْحَمَّ، عَنْ شُرَيْبٍ، قَالَ: الشُّهُودُ وَالْأَيْمَانُ

[22970] Abu Bakr narrated to us, he said: Waki' narrated to us, from Mis'ar, from Abu Husayn, from Abdul-Rahman ibn Abi Bakrah, from his father, he said: The Messenger of Allah ﷺ said: "A judge should not judge between two people while he is angry."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مِسْعَرٍ، عَنْ أَبِي حُصَيْنٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرَةَ، عَنْ أَبِيهِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا يَحْكُمُ الْحَاكِمُ بَيْنَ اثْتَيْنِ وَهُوَ غَضِيبٌ

[22971] Abu Bakr narrated to us, he said: Yazid ibn Harun narrated to us, he said: Dawud ibn Abi Hind informed us, from Al-Sha'bi, from Shurayh, he said: "I have never tightened upon the uvula (speech) of a disputant, nor have I prompted him with his argument."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: أَخْبَرَنَا دَاؤُدُ بْنُ أَبِي هِنْدٍ، عَنْ الشَّعْبِيِّ، عَنْ شُرَيْحٍ، قَالَ: مَا شَدَّدْتُ عَلَى لَهَوَاتِ خَصِّمٍ، وَلَا لَقَنَّتُهُ حَجَّةً

[22972] Abu Bakr narrated to us, he said: Ubaydah narrated to us, from Abdul-Malik, from Umayr, from Abdul-Rahman ibn Abi Bakrah, from his father, he said: "A judge should not judge between two people while he is angry."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُبَيْدَةُ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عُمَيْرٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرَةَ، عَنْ أَبِيهِ، قَالَ: لَا يَحْكُمُ الْحَاكِمُ بَيْنَ اثْتَيْنِ وَهُوَ غَضِيبٌ

[22973] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Hisham ibn Urwah narrated to us, from his father, from Zaynab bint Umm Salamah, from Umm Salamah, she said: The Messenger of Allah ﷺ said: "You bring your disputes to me, and I am only a human being. Perhaps some of you are more eloquent in their argument than others, and I judge between you according to what I hear from you. So whoever I judge in favor of, giving him something of his brother's right, let him not take it, for I am only cutting out a piece of Fire for him which he will bring on the Day of Resurrection."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ زَيْنَبَ بِنْتِ أُمِّ سَلَمَةَ، عَنْ أُمِّ سَلَمَةَ، قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنَّكُمْ تَخْتَصِمُونَ إِلَيَّ، وَإِنَّمَا أَنَا بَشَرٌ، وَلَعَلَّ بَعْضَكُمْ أَنْ يُكُونَ الْحُنْدُ بِحُجْجَتِهِ مِنْ بَعْضٍ، وَإِنَّمَا أَفْضِلُ بَيْنَكُمْ عَلَىٰ حَوْرٍ مِمَّا أَسْمَعْتُكُمْ، فَمَنْ قَضَيْتُ لَهُ مِنْ حَقٍّ أَخْبِهِ بِشَيْءٍ فَلَا يَأْخُذُهُ، فَإِنَّمَا أَفْطَعُ لَهُ قِطْعَةً مِنَ النَّارِ يَأْتِي بِهَا يَوْمَ الْقِيَامَةِ

[22974] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Usamah ibn Zayd Al-Laythi narrated to us, from Abdullah ibn Rafi', the freed slave of Umm Salamah, from Umm Salamah, she said: Two men from the Ansar came to the Prophet ﷺ disputing over inheritances between them that had become old and for which they had no proof. The Messenger of Allah ﷺ said: "You bring your disputes to me, and I am only a human being. Perhaps some of you are more eloquent in their argument than others, and I judge between you according to what I hear from you. So whoever I judge in favor of, giving him something of his brother's right, let him not take it, for I am only cutting out a piece of Fire for him, which he will bring as a yoke on his neck on the Day of Resurrection." She said: The two men wept, and each of them said: "My right belongs to my brother." The Messenger of Allah ﷺ said: "Since you have done this, go and divide it between yourselves, seek the truth and then let each of you

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَسَمَّةُ بْنُ رَيْدٍ الْلَّيْثِيُّ، عَنْ عَبْدِ اللَّهِ بْنِ رَافِعٍ، مَوْلَى أُمِّ سَلَمَةَ، عَنْ أُمِّ سَلَمَةَ، قَالَتْ: جَاءَ رَجُلًا مِنَ الْأَنْصَارِ إِلَيَّ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَخْتَصِمُانِ فِي مَوَارِيثِ بَيْنَهُمَا فَذَرَّتْ لَيْسَ لَهُمَا بَيْنَهُمَا، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنَّكُمْ تَخْتَصِمُونَ إِلَيَّ، وَإِنَّمَا أَنَا بَشَرٌ، وَلَعَلَّ بَعْضَنِّي أَنْ يَكُونَ الْحَقُّ بِحُجَّتِهِ مِنْ بَعْضٍ، وَإِنَّمَا أَفْضِيَ بَيْنَكُمْ عَلَى تَحْوِيْمِ مِمَّا أَسْمَعَ مِنْكُمْ، فَمَنْ قُضِيَّتْ لَهُ مِنْ حَقٍّ أَخِيهِ بِشَيْءٍ فَلَا يَأْخُذُهُ، فَإِنَّمَا أَفْطَعُ لَهُ بِقِطْعَةٍ مِنَ النَّارِ، يَأْتِي بِهَا إِسْطَامًا فِي عُنْقِهِ يَوْمَ الْقِيَامَةِ، قَالَتْ: فَبَكَى الرَّجُلُانِ، وَقَالَ كُلُّ مِنْهُمَا: حَفَّيْ لِأَخِي، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَمَا إِذْ قَاعِدُنَا فَأَذْهَبَنَا وَأَفْسِسَنَا، وَتَوَحَّيَا الْحَقَّ، ثُمَّ لِيَحْلِلَ كُلُّ وَاحِدٍ مِنْكُمَا صَاحِبَهُ

[22975] Abu Bakr narrated to us, he said: Muhammad ibn Bishr Al-Abdi narrated to us, he said: Muhammad ibn Amr narrated to us, he said: Abu Salamah narrated to us, from Abu Hurayrah, he said: The Messenger of Allah ﷺ said: “I am only a human being, and perhaps some of you are more eloquent in their argument than others. So whoever I cut out a piece of his brother's right for, I am only cutting out a piece of Fire for him.”

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ الْعَبْدِيُّ، قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرٍو، قَالَ: حَدَّثَنَا أُبُو سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنَّمَا أَنَا بَشَرٌ، وَلَعَلَّ بَعْضَكُمْ أَنْ يَكُونُ الْحَنْبَلُجَتَهُ مِنْ بَعْضٍ، فَمَنْ قَطَعَ لَهُ مِنْ حَقٍّ أَخِيهِ قِطْعَةً، فَإِنَّمَا أَقْطَعَ لَهُ قِطْعَةً مِنَ النَّارِ

[22976] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Ibn 'Awn narrated to us, from Ibrahim, from Shurayh, that he used to say to disputants: “The oppressors will know whose right they diminished. Indeed, the oppressor waits for punishment, and indeed the oppressed waits for victory.”

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ابْنُ عَوْنَ، عَنْ إِبْرَاهِيمَ، عَنْ شُرَيْبٍ أَنَّهُ كَانَ يَقُولُ لِلْخُصُومِ: سَيَعْلَمُ الظَّالِمُونَ حَقَّ مَنْ نَقَصُوا، إِنَّ الظَّالِمَ يَنْتَظِرُ الْعَقَابَ، وَإِنَّ الْمَظْلُومَ يَنْتَظِرُ النَّصْرَ

[22977] Abu Bakr narrated to us, he said: Ibn Abi Za'idah narrated to us, from Awf, from Muhammad, he said: Shurayh used to say to the disputant: "O servant of Allah, by Allah, I judge in your favor while I suspect you are unjust. But I do not judge based on suspicion; rather, I judge based on what is presented to me. And my judgment does not make lawful for you what is forbidden to you."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ عَوْفٍ، عَنْ مُحَمَّدٍ، قَالَ: كَانَ شُرَيْحٌ مَمَّا يَقُولُ لِلْخَصِيمِ: يَا عَبْدَ اللَّهِ، وَاللَّهُ إِنِّي لَأَقْضِي لَكَ وَإِنِّي لَأَظْنُك ظَالِمًا، وَلَكُنِّي أَسْتُ أَقْضِي بِالظَّنِّ، وَلَكُنْ أَقْضِي بِمَا أَحْضَرَنِي، وَإِنَّ قَضَائِي لَا يُجْلِي لَكَ مَا حُرِّمَ عَلَيْكَ

[22978] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Isra'il narrated to us, from Abdul-A'la ibn 'Amir Al-Tha'labi, from Bilal ibn Abi Burdah ibn Abi Musa, from Anas ibn Malik, he said: The Messenger of Allah ﷺ said: "Whoever asks for the judiciary is entrusted to himself, and whoever is forced into it, an angel descends upon him and guides him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ عَبْدِ الْأَعْلَى بْنِ عَامِرِ الشَّعْلَى، عَنْ بِلَالِ بْنِ أَبِي بُرْدَةَ بْنِ أَبِي مُوسَى، عَنْ أَنَسِ بْنِ مَالِكٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ سَأَلَ الْقَضَاءَ وُكِلَ إِلَى نَفْسِهِ، وَمَنْ جُرِّدَ عَلَيْهِ نَزَلَ عَلَيْهِ مَلَكٌ فَسَدَّدَهُ

[22979] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Sharik narrated to us, from Al-Harith Al-'Ukli, he said: "The Children of Israel, when a man among them was appointed as a judge, it was as if... [text seems incomplete or ambiguous, possibly referring to prophecy or lack thereof]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شَرِيكٌ، عَنِ الْحَارِثِ الْعُكْلِيِّ، قَالَ: كَانَتْ بَنُو إِسْرَائِيلَ إِذَا اسْتُقْضِيَ لِلرَّجُلِ مِنْهُمْ أَوْ لَيْسَ لَهُمْ مِنَ النُّبُوَّةِ

[22980] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Some of the Medinans narrated to us, from Al-Maqburi, from Abu Hurayrah, he said: The Messenger of Allah ﷺ said: "Whoever is appointed to the judiciary has been slaughtered without a knife."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا بَعْضُ الْمَدِينَيْنَ، عَنِ الْمَقْبُرِيِّ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ وَلَيَ الْفَضَاءَ كَأَنَّمَا ذُبِحَ بِغَيْرِ سِكِّينٍ

[22981] Abu Bakr narrated to us, he said: Waki' narrated to us, from Mis'ar, from Abu Husayn, from Shurayh, he said: "Judgment is but a live coal, so push the live coal away from yourself with two sticks, meaning the two witnesses."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مِسْعَرٍ، عَنْ أَبِي حُصَيْنٍ، عَنْ شُرَيْحٍ، قَالَ: إِنَّمَا الْفَضَاءَ جَمْرٌ، فَادْفَعْ الْجَمْرَ عَنْكَ بِعُودَيْنِ، يَعْنِي الشَّاهِدَيْنِ

[22982] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Mis'ar narrated to us, from Abdul-Rahman, he said: Shurayh used to say to the two witnesses: "I did not summon you, nor will I prevent you if you stand up (to leave). It is you who judge. I am shielding myself with you, so shield yourselves."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مِسْعَرٌ، عَنْ عَبْدِ الرَّحْمَنِ، قَالَ: كَانَ شُرَيْحٌ يَقُولُ لِلشَّاهِدَيْنِ: إِنِّي لَمْ أَدْعُكُمَا، وَلَا أَنَا مَا نِعْكُمَا إِنْ قُمْتُمَا، وَإِنَّمَا يَقْضِي أَنْتُمَا، وَإِنِّي مُتَحَرِّزٌ بِكُمَا، فَتَحَرَّزَا لِأَنْفُسِكُمَا

[22983] Abu Bakr narrated to us, he said: Waki' narrated to us, he said: Furat ibn Abi Bahr narrated to us, he said: I heard Al-Sha'bi, and a man said to him: 'Judge between us with what Allah shows you.' He said: "I do not judge based on my opinion."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا فُرَاتُ بْنُ أَبِي بَحْرٍ، قَالَ: سَمِعْتُ الشَّعْبِيَّ، وَقَالَ لَهُ رَجُلٌ: اقْضِ بِيَنَّا بِمَا أَرَاكَ اللَّهُ، قَالَ: إِنِّي لَسْتُ بِرَأِيِّي أَقْضِي

[22984] Abu Bakr narrated to us, he said: Waki' narrated to us, from Mis'ar, from Abu Husayn, from Abu Abdul-Rahman, he said: "When David was ordered to judge, he was cut off (felt overwhelmed). So Allah revealed to him: 'Ask them for proof and make them swear.'"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مِسْعَرٍ، عَنْ أَبِي حُصَيْنٍ، عَنْ أَبِي عَبْدِ الرَّحْمَنِ، قَالَ: "لَمَّا أُمِرَ ذَوِي دِلْكَ بِالْقَضَاءِ قَطَعَ بِهِ، فَأَوْحَى اللَّهُ إِلَيْهِ: سَلِّهُمُ الْبَيِّنَاتَ وَاسْتَحْلِفْهُمْ

[22985] Abu Bakr narrated to us, he said: Sufyan ibn 'Uyaynah narrated to us, from Amr, he said: Al-Hakam ibn Ayyub wrote regarding some people to employ them in the judiciary. Jabir ibn Zayd said: "If he had sent for me, I would have fled."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سُفِيَّانُ بْنُ عُيَيْنَةَ، عَنْ عَمْرٍو، قَالَ: كَتَبَ الْحَكَمُ بْنُ أَئْيُوبَ فِي نَفْرٍ يَسْتَعْمِلُهُمْ عَلَى الْقُضَاءِ، فَقَالَ جَابِرُ بْنُ زَيْدٍ: لَوْ أَرْسَلَ إِلَيَّ لَهَرَبْتُ

[22986] Abu Bakr narrated to us, he said: Ibn 'Ulayyah narrated to us, from Ayyub, he said: When Abdul-Rahman ibn Udhaynah passed away, Abu Qilabah was mentioned for the judgeship. So he fled until he came to Sham, which coincided with the dismissal of its governor. Then he fled until he came to Al-Yamamah. I met him after that, and he said: "I have not found a likeness for the judge except like a man swimming in a sea; how long can he swim before he drowns?"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ أَئْيُوبَ، قَالَ: لَمَّا تُوفِيَ عَبْدُ الرَّحْمَنِ بْنُ أَذِيَّنَةَ ذُكِرَ أَبُو قِلَابَةَ لِلْقُضَاءِ، فَهَرَبَ حَتَّى آتَى الشَّامَ، فَوَافَقَ ذَلِكَ عَزْلَ صَاحِبِهَا، فَهَرَبَ حَتَّى آتَى الْيَمَامَةَ فَلَفِتَهُ بَعْدَ ذَلِكَ، فَقَالَ: مَا وَجَدْتُ مِثْلَ الْقَاضِيِّ إِلَّا كَمَثْلِ رَجُلٍ سَابِحٍ فِي بَحْرٍ، وَكُمْ عَسَى أَنْ يَسْبَحَ حَتَّى يَغْرِقَ

[22987] Abu Bakr narrated to us, he said: Ya'la ibn Mansur narrated to us, from Abdullah ibn Ja'far, from Uthman ibn Muhammad, from Al-Maqburi, from Abu Hurayrah, from the Prophet ﷺ, he said: "Whoever is made a judge between people has been slaughtered without a knife."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَعْلَى بْنُ مَنْصُورٍ، عَنْ عَبْدِ اللَّهِ بْنِ جَعْفَرٍ، عَنْ عُثْمَانَ بْنِ مُحَمَّدٍ، عَنِ الْمَقْبُرِيِّ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: مَنْ جَعَلَ قَاضِيًّا بَيْنَ النَّاسِ فَقَدْ ذَبَحَ بِغَيْرِ سِكِّينٍ

[22988] Abu Bakr narrated to us, he said: Waki' narrated to us, from Shu'bah, from Abu 'Awn, from Al-Harith ibn Amr Al-Hamdani, from men of the people of Homs from the companions of Mu'adh, from Mu'adh, that when the Prophet ﷺ sent him, he said: "How will you judge?" He said: "I will judge by what is in the Book of Allah." He said: "If a matter comes to you that is not in the Book of Allah?" He said: "I will judge by the Sunnah of the Messenger of Allah ﷺ." He said: "If there is no Sunnah from the Messenger of Allah?" He said: "I will strive to form my own opinion." He said: "Praise be to Allah who has guided the messenger of the Messenger of Allah ﷺ."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ أَبِي عَوْنَى، عَنْ الْحَارِثِ بْنِ عَمْرُو الْهَمْدَانِيِّ، عَنْ رَجَالٍ، مِنْ أَهْلِ جَمْعٍ مِنْ أَصْحَابِ مَعَاذِنَ، عَنْ مَعَاذِنَ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَمَّا بَعَثَهُ، قَالَ: كَيْفَ تَقْضِي؟ قَالَ: أَقْضِي بِمَا فِي كِتَابِ اللَّهِ، قَالَ: فَإِنْ جَاءَكَ أَمْرٌ لَيْسَ فِي كِتَابِ اللَّهِ، قَالَ: أَقْضِي بِسُنْنَةِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: فَإِنْ لَمْ تَكُنْ سُنْنَةً مِنْ رَسُولِ اللَّهِ؟ قَالَ: أَجْتَهُدُ رَأِيِّي، قَالَ: الْحَمْدُ لِلَّهِ الَّذِي وَفَقَ رَسُولُ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

[22989] Abu Bakr narrated to us, he said: Abu Mu'awiyah narrated to us, from Al-Shaybani, from Muhammad ibn Abdullah Al-Thaqafi, he said: When the Messenger of Allah ﷺ sent Mu'adh to Yemen, he said: "O Mu'adh, by what will you judge?" He said: "I will judge by the Book of Allah." He said: "If a matter comes to you that is not in the Book of Allah, and His Prophet has not judged in it, nor have the righteous judged in it?" He said: "I will seek the truth to the best of my ability." He said: The Messenger of Allah ﷺ said: "Praise be to Allah who has made the messenger of the Messenger of Allah ﷺ judge by what pleases the Messenger of Allah ﷺ."^{ابن معاویہ}

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الشَّيْبَانِيِّ،
عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ التَّقْفِيِّ، قَالَ: لَمَّا بَعَثَ رَسُولُ
اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مُعَاذًا إِلَى الْيَمَنِ قَالَ: يَا مُعَاذُ
بِمِ تَقْضِي؟ قَالَ: أَقْضِي بِكِتَابِ اللَّهِ، قَالَ: فَإِنْ جَاءَكَ
أَمْرٌ لَيْسَ فِي كِتَابِ اللَّهِ، وَلَمْ يَقْضِ فِيهِ نَبِيُّهُ، وَلَمْ يَقْضِ
فِيهِ الصَّالِحُونَ؟ قَالَ: أُرْأُمُ الْحَقَّ جَهْدِي، قَالَ: فَقَالَ
رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْحَمْدُ لِلَّهِ الَّذِي جَعَلَ
رَسُولَ الرَّحْمَنِ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقْضِي بِمَا
يَرْضَى بِهِ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

[22990] Abu Bakr narrated to us, he said: Ali ibn Mushir narrated to us, from Al-Shaybani, from Al-Sha'bi, from Shurayh, that Umar ibn Al-Khattab, may Allah be pleased with him, wrote to him: “If something comes to you in the Book of Allah, judge by it, and let not men divert you from it. If a matter comes to you that is not in the Book of Allah, look at the Sunnah of the Messenger of Allah ﷺ and judge by it. If something comes to you that is not in the Book of Allah, and there is no Sunnah from the Messenger of Allah ﷺ regarding it, look at what the people have agreed upon and take it. If something comes to you that is not in the Book of Allah, and there is no Sunnah from the Messenger of Allah ﷺ regarding it, and no one before you has spoken about it, then choose whichever of the two options you wish: If you wish to strive with your own opinion and proceed, then proceed. And if you wish to hold back, then hold back. And I do not see holding back except as better for you.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ، كَتَبَ إِلَيْهِ: ”إِذَا جَاءَكَ شَيْءٌ فِي كِتَابِ اللَّهِ فَاقْضِ بِهِ، وَلَا يُفْتَنَكَ عَنْهُ الرِّجَالُ، فَإِنْ جَاءَكَ أَمْرٌ لَّيْسَ فِي كِتَابِ اللَّهِ فَانْظُرْ سُنَّةَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَاقْضِ بِهَا، فَإِنْ جَاءَكَ مَا لَيْسَ فِي كِتَابِ اللَّهِ، وَلَيْسَ فِيهِ سُنَّةً مِّنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَانْظُرْ مَا اجْتَمَعَ النَّاسُ عَلَيْهِ فَخُذْ بِهِ، فَإِنْ جَاءَكَ مَا لَيْسَ فِي كِتَابِ اللَّهِ، وَلَمْ يَكُنْ فِيهِ أَحَدٌ قَبْلَكَ فَاخْتُرْ أَيَّ الْأَمْرَيْنِ شِئْتَ: إِنْ شِئْتَ أَنْ تَجْهَدَ بِرَأْيِكَ وَتَقْدَمْ فَتَقْدَمْ، وَإِنْ شِئْتَ أَنْ تَتَأَخَّرَ فَتَأَخَّرْ، وَلَا أَرَى التَّأْخُرَ إِلَّا خَيْرًا لَكَ

[22991] Abu Bakr narrated to us, he said: Abu Mu'awiyah narrated to us, from Al-A'mash, from 'Umarah, from Abdul-Rahman ibn Yazid, he said: They overwhelmed Abdullah (with questions) one day, so he said: "O people, a time has come upon us when we do not judge, and we are not in that position. But now Allah has decreed the matter as you see. So whoever among you faces a judgment after today, let him judge by what is in the Book of Allah. If a matter comes to him that is not in the Book of Allah, let him judge by what His Prophet ﷺ judged. If a matter comes to him that is not in the Book of Allah and His Prophet did not judge in it, let him judge by what the righteous judged. If a matter comes to him that is not in the Book of Allah, and the Messenger of Allah ﷺ did not judge in it, and the righteous did not judge in it, let him strive with his own opinion. And let him not say: 'I think' or 'I fear.' For indeed the lawful is clear and the unlawful is clear, and between that are ambiguous matters. So leave what

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ،
عَنْ عُمَارَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ، قَالَ: أَكْتُرُوا
عَلَى عَبْدِ اللَّهِ دَاتِ يَوْمٍ، فَقَالَ: "يَا أَيُّهَا النَّاسُ، قَدْ أَتَى
عَلَيْنَا زَمَانٌ لَسْنًا نَقْضِي، وَلَسْنًا هُنَاكَ، ثُمَّ إِنَّ اللَّهَ قَدْ
رَأَى مِنَ الْأَمْرِ مَا تَرَوْنَ، فَمَنْ عَرَضَ لَهُ مِنْكُمْ قَضَاءً
بَعْدَ الْيَوْمِ، فَلَيُقْضَى بِمَا فِي كِتَابِ اللَّهِ، فَإِنْ جَاءَهُ أَمْرٌ
لَيْسَ فِي كِتَابِ اللَّهِ فَلَيُقْضَى بِمَا قَضَى بِهِ نَبِيُّهُ صَلَّى اللَّهُ
عَلَيْهِ وَسَلَّمَ، فَإِنْ جَاءَهُ أَمْرٌ لَيْسَ فِي كِتَابِ اللَّهِ وَلَمْ
يَقْضَى بِهِ نَبِيُّهُ فَلَيُقْضَى بِمَا قَضَى بِهِ الصَّالِحُونَ، فَإِنْ أَتَاهُ
أَمْرٌ لَيْسَ فِي كِتَابِ اللَّهِ وَلَمْ يَقْضَى بِهِ رَسُولُ اللَّهِ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ، وَلَمْ يَقْضَى بِهِ الصَّالِحُونَ فَلَيُجْتَهَدْ
بِرَأْيِهِ، وَلَا يَقُولُ: إِنِّي أَرَى، وَإِنِّي أَخَافُ، فَإِنَّ الْحَالَانِ
بَيْنَ، وَالْحَرَامَ بَيْنَ، وَبَيْنَ ذَلِكَ أُمُورٌ مُتَشَابِهَاتٌ، فَدَعْ مَا
يَرِيُكَ إِلَى مَا لَا يَرِيُكَ

[22992] Abu Bakr narrated to us, he said: Ibn Abi Za'idah narrated to us, from Al-A'mash, from 'Umarah, from Abdul-Rahman ibn Yazid, from Abdullah, similar to the hadith of Abu Mu'awiyah.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنِ الْأَعْمَشِ، عَنْ عُمَارَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدٍ، عَنْ عَبْدِ اللَّهِ، مِثْلُ حَدِيثِ أَبِي مُعَاوِيَةَ

[22993] Ibn Abi Za'idah narrated to us, from Al-A'mash, from Al-Qasim, from his father, from Abdullah, similar to it, except that he added in it: "If a matter comes to him that he does not know, let him admit it, and let him not be shy."

حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنِ الْأَعْمَشِ، عَنِ الْفَاسِيمِ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ، نَحْوَهُ إِلَّا أَنَّهُ زَادَ فِيهِ قَالْ أَنَّهُ أَمْرٌ لَا يَعْرُفُهُ فَلْيُقُرَّ، وَلَا يَسْتَحْيِي

[22994] Abu Bakr narrated to us, he said: Ibn 'Uyaynah narrated to us, from Ubaydullah ibn Abi Yazid, he said: "Whenever Ibn Abbas was asked about a matter, if it was in the Quran, he would inform about it. If it was not in the Quran but was from the Messenger of Allah ﷺ, he would inform about it. If it was not there, then from Abu Bakr and Umar, may Allah be pleased with them. If it was not there, he would give his opinion on it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي يَزِيدٍ، قَالَ: كَانَ ابْنُ عَبَّاسٍ إِذَا سُئِلَ، عَنِ الْأَمْرِ، وَكَانَ فِي الْقُرْآنِ أَخْبَرَ بِهِ، وَإِنْ لَمْ يَكُنْ فِي الْقُرْآنِ فَكَانَ، عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَخْبَرَ بِهِ، فَإِنْ لَمْ يَكُنْ فَعَنْ أَبِي بَكْرٍ وَعُمَرَ رَضِيَ اللَّهُ عَنْهُمَا، فَإِنْ لَمْ يَكُنْ قَالَ فِيهِ بِرَأْيِهِ

[22995] Abu Bakr narrated to us, he said: Zayd ibn Al-Hubab narrated to us, he said: Sayf ibn Sulayman Al-Makki narrated to us, from Qays ibn Sa'd, from Amr ibn Dinar, from Ibn Abbas: “That the Prophet ﷺ judged based on a witness along with an oath.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ، قَالَ: حَدَّثَنَا سَيْفُ بْنُ سُلَيْمَانَ الْمَكِّيَّ، عَنْ قَيْسِ بْنِ سَعْدٍ، عَنْ عَمْرُو بْنِ دِينَارٍ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَضَى بِشَاهِدٍ مَعَ يَمِينٍ

[22996] Abu Bakr narrated to us, he said: Yazid ibn Harun narrated to us, he said: Juwayriyah ibn Asma' narrated to us, from Abdullah ibn Yazid, the freed slave of Al-Munba'ith, from a man of the people of Egypt, from Surraq: “That the Messenger of Allah ﷺ judged based on the testimony of a witness along with an oath.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: حَدَّثَنَا جُوَيْرِيَةُ بْنُ أَسْمَاءَ، عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ مَوْلَى الْمُنْبَعِثِ، عَنْ رَجُلٍ مِنْ أَهْلِ مِصْرَ، عَنْ سُرْقَ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَضَى بِشَاهِدَةٍ شَاهِدٍ مَعَ يَمِينٍ

[22997] Abu Bakr narrated to us, he said: Waki' narrated to us, from Sufyan, from Ja'far ibn Muhammad, from his father: “That the Prophet ﷺ judged based on the testimony of a witness and an oath.” He said: And Ali, may Allah be pleased with him, judged by it among you.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَضَى بِشَاهِدَةٍ شَاهِدٍ وَيَمِينٍ، قَالَ: وَقَضَى بِهَا عَلَيْ رَضِيَ اللَّهُ عَنْهُ بَيْنَ أَظْهَرِهِمْ

[22998] Abu Bakr narrated to us, he said: Waki' narrated to us, from Khalid ibn Abi Karimah, from Abu Ja'far: "That the Prophet ﷺ judged based on the testimony of a witness and an oath regarding rights."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ خَالِدِ بْنِ أَبِي كَرِيمَةَ، عَنْ أَبِي جَعْفَرٍ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَضَى بِشَهَادَةِ شَاهِدٍ وَيَمِينٍ فِي الْحُقُوقِ

[22999] Abu Bakr narrated to us, he said: Ibn 'Ulayyah narrated to us, from Sawwar ibn Abdullah, he said: I said to Rabi'ah: "What is your opinion regarding the testimony of a witness and the oath of the right holder?" He said: "It was found in the book of Sa'd."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ سَوَارِ بْنِ عَبْدِ اللَّهِ، قَالَ: قُلْتُ لِرَبِيعَةَ: قَوْلُكُمْ فِي شَهَادَةِ شَاهِدٍ وَيَمِينٍ صَاحِبِ الْحَقِّ؟ قَالَ: وُجِدَ فِي كِتَابِ سَعْدٍ

[23000] Abu Bakr narrated to us, he said: Yahya ibn Sa'id Al-Qattan narrated to us, from Muhammad ibn Ajlan, from Abu Al-Zinad, that Abdul-Hamid used to judge with the oath along with the witness in Kufa. He said: Some people of Kufa disapproved of that, so he wrote to Umar ibn Abdul-Aziz. He wrote back to him: "To judge with the oath along with the witness." Then a shaykh from their elders - or he said: from their leaders - said: "I witnessed Shurayh judging with the oath along with the witness."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ الْقَطَانُ، عَنْ مُحَمَّدِ بْنِ عَجْلَانَ، عَنْ أَبِي الرَّنَادِ، أَنَّ عَبْدَ الْحَمِيدَ، كَانَ يَقْضِي بِالْيَمِينِ بِالْكُوفَةِ مَعَ الشَّاهِدِ، قَالَ: فَأَنَّكَ عَلَيْهِ نَاسٌ مِنْ أَهْلِ الْكُوفَةِ، وَكَتَبَ إِلَى عُمَرَ بْنِ عَبْدِ الْغَزِيزِ، فَكَتَبَ إِلَيْهِ: أَنْ يَقْضِي بِالْيَمِينِ مَعَ الشَّاهِدِ، فَقَالَ شَيْخٌ مِنْ مَشِيقَتِهِمْ - أَوْ قَالَ: مِنْ كُبَرَائِهِمْ: شَهِدْتُ شُرَيْحًا يَقْضِي بِالْيَمِينِ مَعَ الشَّاهِدِ