

(56) CHAPTER. Whoever had the opinion that whoever bought foodstuff without measuring or weighing (blindly) should not sell it before bringing it into his house; and the punishment for whoever disobeys this order.

2137. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُمَا: I saw the people buy foodstuff randomly (i.e., blindly without measuring it) in the lifetime of Allāh's Messenger ﷺ and they were punished (by beating), if they tried to sell it before carrying it to their own houses.

(57) CHAPTER. If somebody buys some goods or (an) animal and let it with the seller, or it dies before he takes it into his possession.

Ibn 'Umar رَضِيَ اللهُ عَنْهُمَا said, "If at the time of the transaction the sold animal is living and then it dies while still in the custody of the seller, then the buyer is the loser."

2138. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: Rarely did the Prophet ﷺ fail to visit Abū Bakr's house everyday, either in the morning or in the evening. When the permission for emigration to Al-Madina was granted, all of a sudden the Prophet ﷺ came to us at noon and Abū Bakr was informed, who said, "Certainly the Prophet ﷺ has come for some urgent matter." The Prophet ﷺ said to Abū Bakr, when the latter entered, "Let nobody stay in your home." Abū Bakr said, "O Allāh's Messenger! There are only my two daughters (namely 'Āishah and Asmā) present." The Prophet ﷺ said, "I feel (am

(٥٦) بَابٌ مَنْ رَأَى إِذَا اشْتَرَى طَعَامًا جِزَافًا أَنْ لَا يَبِيعَهُ حَتَّى يُؤْوِيَهُ إِلَى رَحْلِهِ، وَالْأَدَبِ فِي ذَلِكَ.

٢١٣٧ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ:

حَدَّثَنَا اللَّيْثُ، عَنْ يُونُسَ، عَنِ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي سَالِمُ بْنُ عَبْدِ اللَّهِ: أَنَّ ابْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: لَقَدْ رَأَيْتُ النَّاسَ فِي عَهْدِ رَسُولِ اللَّهِ ﷺ يَبْتَاعُونَ جِزَافًا - يَعْنِي الطَّعَامَ - يُضْرَبُونَ أَنْ يَبِيعُوهُ فِي مَكَانِهِمْ حَتَّى يُؤْوُوهُ إِلَى رِحَالِهِمْ.

[راجع: ٢١٢٣]

(٥٧) بَابٌ إِذَا اشْتَرَى مَتَاعًا أَوْ دَابَّةً فَوَضَعَهُ عِنْدَ الْبَائِعِ أَوْ مَاتَ قَبْلَ أَنْ يُقْبِضَ.

وقال ابن عمر رضي الله عنهما: ما أدركت الصفقة حيا مجموعا فهو من المتاع.

٢١٣٨ - حَدَّثَنَا قُرُوبٌ بْنُ أَبِي

المَعْرَاءِ: أَخْبَرَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: لَقَلَّ يَوْمَ كَانَ يَأْتِي عَلَى النَّبِيِّ ﷺ إِلَّا يَأْتِي فِيهِ بَيْتَ أَبِي بَكْرٍ أَحَدَ طَرَفِي النَّهَارِ، فَلَمَّا أُذِنَ لَهُ فِي الْخُرُوجِ إِلَى الْمَدِينَةِ لَمْ يَرْغَبْنَا إِلَّا وَقَدْ أَنَا نَاظِرًا فَحَبَّرَ بِهِ أَبُو بَكْرٍ، فَقَالَ: مَا جَاءَنَا النَّبِيُّ ﷺ فِي هَذِهِ

informed) that I have been granted the permission for emigration.” Abū Bakr said, “I will accompany you, O Allāh’s Messenger!” The Prophet ﷺ said, “You will accompany me.” Abū Bakr then said, “O Allāh’s Messenger! I have two she-camels I have prepared specially for emigration, so I offer you one of them.” The Prophet ﷺ said, “I have accepted it on the condition that I will pay its price.”

السَّاعَةَ إِلَّا لِأَمْرِ حَدَثَ. فَلَمَّا دَخَلَ عَلَيْهِ قَالَ لِأَبِي بَكْرٍ: «أَخْرِجْ مِنْ عِنْدِكَ». قَالَ: يَا رَسُولَ اللَّهِ، إِنَّمَا هُمَا ابْتَتَايَ - يَعْنِي عَائِشَةَ وَأَسْمَاءَ - قَالَ: «أَشْعَرْتَ أَنَّهُ قَدْ أُذِنَ لِي فِي الْخُرُوجِ؟» قَالَ: الصُّحْبَةَ يَا رَسُولَ اللَّهِ، قَالَ: «الصُّحْبَةَ»، قَالَ: يَا رَسُولَ اللَّهِ، إِنَّ عِنْدِي نَاقَتَيْنِ أَغَدَّدْتُهُمَا لِلْخُرُوجِ فَخُذْ إِحْدَاهُمَا، قَالَ: «قَدْ أَخَذْتُهَا بِالثَّمَنِ».

[راجع: ٤٧٦]

(58) CHAPTER. A seller should not urge somebody (in case of optional sale) to cancel a bargain the latter has already agreed upon with another seller so as to sell him his own goods; and a buyer should not urge the seller to cancel a bargain already agreed upon with another buyer so as to buy the goods himself, unless they are given permission in both cases, or the bargains are cancelled with the willingness of both the seller and the buyer.

(٥٨) بَابٌ لَا يَبِيعُ عَلَى بَيْعِ أَحِيهِ، وَلَا يَسُومُ عَلَى سَوْمِ أَحِيهِ حَتَّى يَأْذَنَ لَهُ أَوْ يَتَرَكَ.

2139. Narrated ‘Abdullāh bin ‘Umar رضي الله عنهما said, “Do not urge somebody to return what he has already bought (i.e., in optional sale) from another seller so as to sell him your own goods.”

٢١٣٩ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يَبِيعُ بَعْضُكُمْ عَلَى بَيْعِ أَحِيهِ». [انظر: ٢١٦٥، ٥١٤٢]

2140. Narrated Abū Hurairah رضي الله عنه said, “Allāh’s Messenger ﷺ forbade the selling of things by a town dweller on behalf of a desert dweller; and similarly *Najsh*⁽¹⁾ was

٢١٤٠ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا الزُّهْرِيُّ، عَنْ سَعِيدِ ابْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ

(1) (H. 2140) *Najsh* means to offer a high price for something without having the intention to buy it but just to cheat somebody else who really wants to buy it. Such a person may agree with the seller to offer high prices before the buyers to cheat them, in which=

forbidden. And one should not urge somebody to return the goods to the seller so as to sell him his own goods; nor should one demand the hand of a girl who has already been engaged to someone else; and a woman should not try to cause some other woman to be divorced in order to take her place.

رَضِيَ اللهُ عَنْهُ قَالَ: نَهَى رَسُولُ اللهِ ﷺ أَنْ يَبِيعَ حَاضِرٌ لِبَادٍ وَلَا تَنَاجَشُوا، وَلَا يَبِيعَ الرَّجُلُ عَلَى بَيْعِ أَخِيهِ، وَلَا يَحْطُبُ عَلَى خِطْبَةِ أُخِيهِ، وَلَا تَسْأَلُ الْمَرْأَةُ طَلَاقَ أُخْتِهَا لِتَكْفَأَ مَا فِي إِنْائِهَا». [انظر: ٢١٤٨، ٢١٥٠، ٢١٥١، ٢١٦٠، ٢١٦٢، ٢٧٢٣، ٢٧٢٧،

٥١٤٤، ٥١٥٢، ٦٦٠١]

(59) CHAPTER. Selling by auction.

‘Aṭā’ said, “I saw the people seeing no harm in selling war booty by auction.”

2141. Narrated Jābir bin ‘Abdullāh رضي الله عنه: A man decided that a slave of his would be manumitted after his death and later on he was in need of money, so the Prophet ﷺ took the slave and said, “Who will buy this slave from me?” Nu‘aim bin ‘Abdullāh bought him for such price and the Prophet ﷺ gave him the slave.

(٥٩) بَابُ بَيْعِ الْمُرَايَدَةِ
وقال عطاء: أدركت الناس لا يرون بأساً ببيع المعانيم فيمن يزيد.

٢١٤١ - حَدَّثَنَا بَشْرُ بْنُ مُحَمَّدٍ: أَخْبَرَنَا عَبْدُ اللهِ: أَخْبَرَنَا الْحُسَيْنُ الْمُكْتَبُ، عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ عَنْ جَابِرِ بْنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُمَا: أَنَّ رَجُلًا أَعْتَقَ غُلَامًا لَهُ عَنْ ذُبُرٍ. فَاحْتَاجَ فَأَخَذَهُ النَّبِيُّ ﷺ فَقَالَ: «مَنْ يَشْتَرِيهِ مِنِّي؟» فَاشْتَرَاهُ نَعِيمُ بْنُ عَبْدِ اللهِ بِكَذَا وَكَذَا، فَدَفَعَهُ إِلَيْهِ. [انظر: ٢٢٣٠، ٢٢٣١، ٢٤٠٣، ٢٤١٥، ٢٥٣٤،

٦٧١٦، ٦٩٤٧، ٧١٨٦]

(60) CHAPTER. *An-Najsh*⁽¹⁾ and whoever said: “A bargain carried out in such a way (*Najsh*) is not valid.”

Ibn Abi Aūfā said, “One who practices *Najsh* is a *Ribā*-eating traitor.” And such a practice is a false trick which is forbidden, and the Prophet ﷺ said, “Deception would

(٦٠) بَابُ النَّجْشِ، وَمَنْ قَالَ: لَا يَجُوزُ ذَلِكَ الْبَيْعُ
وقال ابن أبي أوفى: النَّجْشُ كِلُّ رَبَا حَائِنٌ. وَهُوَ خِدَاعٌ بَاطِلٌ لَا يَحِلُّ. قَالَ النَّبِيُّ ﷺ: «الْحَدِيثَةُ فِي

=case both this man and the seller are sinful. The seller may falsely tell the buyer that he (i.e. the seller) has previously bought the goods at a certain price which is in reality higher than the actual price.

(1) (Chap. 60) *An-Najsh*: See the glossary.

lead to the Fire (Hell) and whoever does a deed which we have not ordered (anyone) to do (or is not in accord with our religion of Islāmic Monotheism) then that deed will not be accepted.” [See *Ḥadīth* No.2697. Also see *Fath Al-Bārī*]

2142. Narrated Ibn ‘Umar رضي الله عنهما: Allāh’s Messenger ﷺ forbade *Najsh*.

(61) CHAPTER. *Al-Gharar* (the sale of what is not present)⁽¹⁾ and *Habal-il-Habala* (i.e., the sale of what is in the womb of an animal).

2143. Narrated ‘Abdullah bin ‘Umar رضي الله عنهما: Allāh’s Messenger ﷺ forbade the sale called *Habal-il-Habala* which was a kind of sale practised in the Pre-Islāmic Period of Ignorance. One would pay the price of a she-camel which was not born yet, and would be born by the immediate offspring of an extant she-camel.

(62) CHAPTER. *Al-Limās* or *Mulāmasa* sale⁽²⁾, i.e., by touching the thing only and not looking at it.

Anas said, “The Prophet ﷺ forbade it (i.e., *Al-Mulāmasa* sale).

2144. Narrated Abū Sa‘īd رضي الله عنه: Allāh’s Messenger ﷺ forbade the selling by

النَّارِ، وَمَنْ عَمِلَ عَمَلًا لَيْسَ عَلَيْهِ أَمْرُنَا فَهُوَ رَدٌّ.

٢١٤٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ: حَدَّثَنَا مَالِكٌ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: نَهَى النَّبِيُّ ﷺ عَنِ النَّجْشِ. [انظر: ٦٩٦٣]

(٦١) بَابُ بَيْعِ الْغَرَرِ وَحَبْلِ الْحَبَلَةِ

٢١٤٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنِ بَيْعِ حَبْلِ الْحَبَلَةِ، وَكَانَ بَيْعًا يَتَّبِعُهُ أَهْلُ الْجَاهِلِيَّةِ كَانَ الرَّجُلُ يَبْتَاعُ الْجَزُورَ إِلَى أَنْ تُنْتِجَ النَّاقَةُ ثُمَّ تُنْتِجَ اللَّيْثُ فِي بَطْنِهَا. [انظر: ٢٢٥٦، ٣٨٤٣]

(٦٢) بَابُ بَيْعِ الْمُلَامَسَةِ

قَالَ أَنَسٌ: نَهَى النَّبِيُّ ﷺ عَنْهُ.

٢١٤٤ - حَدَّثَنَا سَعِيدُ بْنُ عُمَيْرٍ قَالَ: حَدَّثَنِي اللَّيْثُ قَالَ: حَدَّثَنِي

(1) (Ch. 61) As an example of *Al-Gharar* sale is to sell fish that are still not caught or a bird that has not been caught yet, etc.

(2) (Ch. 62) The sale of *Mulāmasa* has different forms: The sale becomes valid on the buyer’s touching the clothes without checking or looking at them. For example, one brings a folded garment, or in the dark and the buyer offers a price and the owner of the garment says, “I sell it to you on condition that you will only touch it, not see it, and if you see it, you have no option to cancel the sale.”

Munābadha,⁽¹⁾ i.e., to sell one's garment by casting it to the buyer not allowing him to examine or see it.

Similarly he forbade the selling by *Mulāmasa*. *Mulāmasa* is to buy a garment, for example, by merely touching it, not looking at it.

عُقَيْلٌ، عَنِ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي
عَامِرُ بْنُ سَعْدٍ أَنَّ أَبَا سَعِيدٍ رَضِيَ اللَّهُ
عَنْهُ: أَخْبَرَهُ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى
عَنِ الْمُنَابَذَةِ، وَهِيَ طَرْحُ الرَّجُلِ ثَوْبَهُ
بِالْبَيْعِ إِلَى رَجُلٍ قَبْلَ أَنْ يُقْلَبَهُ أَوْ يُنْظَرَ
إِلَيْهِ. وَنَهَى عَنِ الْمُلَامَسَةِ،
وَالْمُلَامَسَةُ لِمَسِّ الثَّوْبِ لَا يُنْظَرُ إِلَيْهِ.

[راجع: ٣٦٧]

2145. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ:
The Prophet ﷺ forbade two kinds of
dressing; (one of them) is to sit with one's
legs drawn up while wrapped in one garment.
(The other) is to lift that garment on one's
shoulders. And also forbade two kinds of
sale: *Al-Limās* and *An-Nibādḥ*.

٢١٤٥ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ
الْوَهَّابِ: حَدَّثَنَا أَيُّوبُ، عَنْ مُحَمَّدٍ،
عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ:
نَهَى عَنْ لِيْسَتَيْنِ، أَنْ يَخْتَبِيَ الرَّجُلُ
فِي الثَّوْبِ الْوَاحِدِ ثُمَّ يَرْفَعُهُ عَلَى
مَنْكِبِهِ. وَعَنْ بَيْعَتَيْنِ: اللَّمَّاسِ
وَالنَّبَاذِ. [راجع: ٣٦٨]

(٦٣) بَابُ بَيْعِ الْمُنَابَذَةِ.

(63) CHAPTER. Selling by *Munābadha*.

And Anas said, "The Prophet ﷺ forbade
such sale."

2146. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ:
Allāh's Messenger ﷺ forbade selling by
Mulāmasa and *Munābadha*.

وَقَالَ أَنَسٌ: نَهَى عَنْهُ النَّبِيُّ ﷺ.
٢١٤٦ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ:
حَدَّثَنِي مَالِكٌ، عَنْ مُحَمَّدِ بْنِ يَحْيَى
بِإِسْنَانٍ، عَنْ أَبِي الزُّنَادِ، عَنِ
الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ
عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنِ
الْمُلَامَسَةِ وَالْمُنَابَذَةِ. [راجع: ٣٦٨]

2147. Narrated Abū Sa'īd رَضِيَ اللَّهُ عَنْهُ: The
Prophet ﷺ forbade two kinds of dresses and

٢١٤٧ - حَدَّثَنَا عَيَّاشُ بْنُ الْوَلِيدِ:

(1) (H. 2144) The sale by *Munābadha* is like gambling: Two persons may agree to barter one thing for another without seeing or checking either of them. One may say to another, "I barter my garment for your garment," and the sale is achieved without either of them seeing the garment of the other. Or, one may say, "I give you what I have and you give me what you have," and thus they buy from each other without knowing how much each has had.

two kinds of sale, i.e., *Mulāmasa* and *Munābadha*.

(64) CHAPTER. The seller is not allowed to keep camels, cows, sheep or any other animal un milked for a long time (so as to get more price by cheating).

2148. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Don't keep camels and sheep un milked for a long time, for whoever buys such an animal has the option to milk it, and then either to keep it or return it to the owner along with one *Ṣā'* of dates."

Some narrated from Ibn Sīrīn (that the Prophet ﷺ had said), "One *Ṣā'* of wheat, and he has the option for three days."

And some narrated from Ibn Sīrīn, "...a *Ṣā'* of dates," not mentioning the option for three days. But a *Ṣā'* of dates' is mentioned in most of the narrations.

2149. Narrated 'Abdullāh bin Mas'ūd رَضِيَ اللهُ عَنْهُ: Whoever buys a sheep which has not been milked for a long time, has the option of

حَدَّثَنَا عَبْدُ الْأَعْلَى: حَدَّثَنَا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ عَطَاءِ بْنِ يَزِيدَ، عَنْ أَبِي سَعِيدٍ رَضِيَ اللهُ عَنْهُ قَالَ: نَهَى النَّبِيُّ ﷺ عَنْ لَيْسَتَيْنِ وَعَنْ بَيْعَتَيْنِ، الْمُلَامَسَةِ وَالْمُنَابَذَةِ. [راجع: ٣٦٧]

(٦٤) بَابُ النَّهْيِ لِلْبَائِعِ أَنْ لَا يُحْفَلَ الْإِبِلَ وَالْبَقَرَ وَالغَنَمَ وَكُلَّ مُحْفَلَةٍ، وَالْمُصْرَأَةَ الَّتِي صُرِّي لَبْنُهَا وَحُقِنَ فِيهِ وَجُمِعَ فَلَمْ يُحْلَبْ أَيَّامًا. وَأَصْلُ التَّصْرِيَةِ: حَبَسَ الْمَاءَ، يُقَالُ مِنْهُ: صَرَيْتُ الْمَاءَ: إِذَا حَبَسْتَهُ.

٢١٤٨ - حَدَّثَنَا ابْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ، عَنْ جَعْفَرِ بْنِ رَبِيعَةَ، عَنِ الْأَعْرَجِ، قَالَ أَبُو هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ: «لَا تُصْرُوا الْإِبِلَ وَالغَنَمَ، فَمَنْ ابْتَاعَهَا بَعْدَ فَإِنَّهُ بِخَيْرِ الظَّنِّ بَعْدَ أَنْ يَحْتَلِبَهَا، إِنْ شَاءَ أَمْسَكَ وَإِنْ شَاءَ رَدَّهَا وَصَاعَ تَمْرٍ». وَيَذْكُرُ عَنْ أَبِي صَالِحٍ وَمُجَاهِدٍ وَالْوَلِيدِ بْنِ رَبَاحٍ وَمُوسَى بْنِ يَسَارٍ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ: «صَاعَ تَمْرٍ». وَقَالَ بَعْضُهُمْ عَنْ ابْنِ سِيرِينَ صَاعًا مِنْ طَعَامٍ وَهُوَ بِالْخِيَارِ ثَلَاثًا. وَقَالَ بَعْضُهُمْ عَنْ ابْنِ سِيرِينَ: «صَاعًا مِنْ تَمْرٍ»، وَلَمْ يَذْكُرْ: ثَلَاثًا. وَالتَّمْرُ أَكْثَرُ. [راجع: ٢١٤٠]

٢١٤٩ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا مُعْتَمِرٌ قَالَ: سَمِعْتُ أَبِي يَقُولُ:

returning it along with one *Ṣā'* of dates; and the Prophet ﷺ forbade going to meet the seller on the way (as he has no knowledge of the market price and he may sell his goods at a low price).

2150. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Do not go forward to meet the caravan (to buy from it on the way before it reaches the town). And do not urge buyers to cancel their purchases to sell them (your own goods) yourselves, and do not practise *Najsh*. A town dweller should not sell the goods for the desert dweller. Do not leave sheep un milked for a long time when they are on sale, and whoever buys such an animal has the option of returning it, after milking it, along with a *Ṣā'* of dates or keeping it."

(65) CHAPTER. The option of returning an animal, after milking it, along with a *Ṣā'* of dates (as the price of the milk), if it has been kept un milked for a long period by the seller (to deceive others).

2151. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Whoever buys a sheep which has been kept un milked for a long period, and milks it, can keep it if he is satisfied, and if he is not satisfied, he can return it, but he should pay one *Ṣā'* of dates for the milk."

حَدَّثَنَا أَبُو عُمَانَ، عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: مَنْ اشْتَرَى شَاةً مُحْفَلَةً فَرَدَّهَا فَلْيُرِدَّ مَعَهَا صَاعًا مِنْ تَمْرٍ وَنَهَى النَّبِيُّ ﷺ أَنْ تُلْقَى الْبَيْعُ. [انظر: ٢١٦٤]

٢١٥٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ أَبِي الزُّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا تَلْقُوا الرُّكْبَانَ، وَلَا يَبِعْ بَعْضُكُمْ عَلَى بَيْعِ بَعْضٍ وَلَا تَنَاجَشُوا، وَلَا يَبِعْ حَاضِرٌ لِبَادٍ، وَلَا تُصَرُّوا الْعَنَمَ. وَمَنْ ابْتَاعَهَا فَهُوَ بِخَيْرِ النَّظَرَيْنِ بَعْدَ أَنْ يَحْلِبُهَا، إِنْ رَضِيَهَا أَمْسَكَهَا، وَإِنْ سَخِطَهَا رَدَّهَا وَصَاعًا مِنْ تَمْرٍ». [راجع: ٢١٤٠]

(٦٥) بَابُ إِنْ شَاءَ رَدُّ الْمُصْرَاةِ وَفِي حَلْبَتِهَا صَاعٌ مِنْ تَمْرٍ.

٢١٥١ - حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرٍو: حَدَّثَنَا الْمَكِّيُّ: أَخْبَرَنَا ابْنُ جُرَيْجٍ قَالَ: أَخْبَرَنِي زِيَادٌ: أَنَّ ثَابِتًا مَوْلَى عَبْدِ الرَّحْمَنِ بْنِ زَيْدٍ أَخْبَرَهُ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ اشْتَرَى عَنَمًا مُصْرَاةً فَاحْتَلَبَهَا فَإِنْ رَضِيَهَا أَمْسَكَهَا، وَإِنْ سَخِطَهَا فَفِي حَلْبَتِهَا صَاعٌ مِنْ تَمْرٍ». [راجع: ٢١٤٠]

(66) CHAPTER. The selling of an adulterer slave.

And Shuraih said, "The buyer can return him to the owner if he wishes because of illegal sexual intercourse."

2152. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "If a slave-girl commits illegal sexual intercourse and it is proved beyond doubt, then her owner should lash her and should not blame her after the legal punishment. And then if she repeats the illegal sexual intercourse, he should lash her again and should not blame her after the legal punishment, and if she commits it a third time then he should sell her even for a hair rope."

2153, 2154. Narrated Abū Hurairah and Zaid bin Khalid رَضِيَ اللهُ عَنْهُمَا: Allāh's Messenger ﷺ was asked about the slave-girl, if she was a virgin and committed illegal sexual intercourse. The Prophet ﷺ said, "If she committed sexual intercourse, lash her, and if she did it a second time, then lash her again, and if she repeated the third time, then sell her even for a hair rope." Ibn Shihāb said, "I don't know whether to sell her after the third or fourth offense."

(67) CHAPTER. Dealing with women in selling and buying.

2155. Narrated 'Aishah رَضِيَ اللهُ عَنْهَا: Allāh's Messenger ﷺ came to me and I told

(٦٦) بَابُ بَيْعِ الْعَبْدِ الرَّانِي .

وقال شُرَيْحٌ: إِنْ شَاءَ رَدَّ مِنَ الرَّانَا .

٢١٥٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: حَدَّثَنَا اللَّيْثُ قَالَ: حَدَّثَنِي سَعِيدُ الْمَقْبُرِيُّ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّهُ سَمِعَهُ يَقُولُ: قَالَ النَّبِيُّ ﷺ: «إِذَا زَنَتِ الْأَمَةُ فَتَبَيَّنَ زَنَاهَا فَلْيَجْلِدْهَا وَلَا يَتْرَبْ. ثُمَّ إِنْ زَنَتِ فَلْيَجْلِدْهَا وَلَا يَتْرَبْ. ثُمَّ إِنْ زَنَتِ الثَّلَاثَةَ فَلْيَبِعْهَا وَلَوْ بِحَبْلِ مِنْ شَعْرٍ». [انظر: ٢١٥٣، ٢٢٣٣، ٢٢٣٤، ٢٥٥٥، ٦٨٣٧، ٦٨٣٩]

٢١٥٣، ٢١٥٤ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنِي مَالِكٌ، عَنْ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِي هُرَيْرَةَ وَزَيْدِ بْنِ خَالِدٍ رَضِيَ اللهُ عَنْهُمَا: أَنَّ رَسُولَ اللهِ ﷺ سُئِلَ عَنِ الْأَمَةِ إِذَا زَنَتِ وَلَمْ تُحْصَن قَالَ: «إِنْ زَنَتِ فَاجْلِدُوهَا، ثُمَّ إِنْ زَنَتِ فَاجْلِدُوهَا، ثُمَّ إِنْ زَنَتِ فَبِيعُوهَا وَلَوْ بِصَفِيرٍ». قَالَ ابْنُ شِهَابٍ: لَا أَذْرِي أْبَعْدَ الثَّلَاثَةِ أَوْ الرَّابِعَةِ. [راجع: ٢١٥٢، ٢٢٣٢، ٢٥٥٦، ٦٨٣٨]

(٦٧) بَابُ الشَّرَاءِ وَالْبَيْعِ مَعَ النِّسَاءِ

٢١٥٥ - حَدَّثَنَا أَبُو الْيَمَانِ:

him about the slave-girl (Barira) Allāh's Messenger ﷺ said, "Buy and manumit her, for the *Walā'*⁽¹⁾ is for the one who manumits." In the evening the Prophet ﷺ got up and glorified Allāh as He deserved and then said, "Why do some people impose conditions which are not present in Allāh's Book (laws)? Whoever imposes such a condition as is not in Allāh's Laws, then that condition is invalid even if he imposes one hundred conditions, for Allāh's Conditions are the Truth and the most reliable."

أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ، قَالَ عُرْوَةُ بْنُ الزُّبَيْرِ: قَالَتْ عَائِشَةُ رَضِيَ اللَّهُ عَنْهَا: دَخَلَ عَلَيَّ رَسُولُ اللَّهِ ﷺ فَذَكَرْتُ لَهُ فَقَالَ رَسُولُ اللَّهِ ﷺ: «اشْتَرِي وَأَعْتَقِي فَإِنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ»، ثُمَّ قَامَ النَّبِيُّ ﷺ مِنَ الْعَشِيِّ فَأَنْتَى عَلَى اللَّهِ بِمَا هُوَ أَهْلُهُ، ثُمَّ قَالَ: «مَا بَالُ النَّاسِ يَشْتَرِطُونَ شُرُوطًا لَيْسَ فِي كِتَابِ اللَّهِ مِنْ اشْتَرَطَ شَرْطًا لَيْسَ فِي كِتَابِ اللَّهِ فَهُوَ بَاطِلٌ وَإِنْ اشْتَرَطَ مِائَةَ شَرْطٍ، شَرْطَ اللَّهِ أَحَقُّ وَأَوْثَقُ». [راجع: ٤٥٦]

2156. Narrated 'Abdullāh bin 'Umar رضي الله عنهما wanted to buy Barira and he (the Prophet ﷺ) went out for the *Salāt* (prayer). When he returned, she told him that they (her masters) refused to sell her except on the condition that her *Walā'* would go to them. The Prophet ﷺ replied, "The *Walā'* would go to him who manumits." Hammām asked Nāfi' whether Barira's husband was a free man or a slave. He replied that he did not know.

٢١٥٦ - حَدَّثَنَا حَسَّانُ بْنُ أَبِي عَبَّادٍ: حَدَّثَنَا هَمَّامٌ قَالَ: سَمِعْتُ نَافِعًا: عَنِ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا سَأَمَتْ بَرِيرَةَ فَخَرَجَ إِلَى الصَّلَاةِ. فَلَمَّا جَاءَ قَالَتْ: إِنَّهُمْ أَبَوَا أَنْ يَبِيعُوهَا إِلَّا أَنْ يَشْتَرِطُوا الْوَلَاءَ فَقَالَ النَّبِيُّ ﷺ: «إِنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ». قُلْتُ لِنَافِعٍ: حُرًّا كَانَ زَوْجَهَا أَوْ عَبْدًا؟ فَقَالَ: مَا يُدْرِينِي؟ [انظر: ٢١٦٩، ٢٥٦٢، ٦٧٥٢، ٦٧٥٧، ٦٧٥٩]

(68) CHAPTER. Is it permissible for a person from the town to sell the goods of a desert dweller without taking commission? Should he help him or try to advise him?

(٦٨) بَابُ هَلْ يَبِيعُ حَاضِرٌ لِبَادٍ بَغِيرِ أَجْرٍ؟ وَهَلْ يُعِينُهُ أَوْ يَنْصَحُهُ؟

The Prophet ﷺ said, "If somebody asked

وَقَالَ النَّبِيُّ ﷺ: «إِذَا اسْتَنْصَحَ

(1) (H. 2155) *Walā'*: See glossary.

the advice of someone else, then the latter should advise him." Aṭā allowed it (selling the goods of a desert dweller by a town dweller).

2157. Narrated Jarīr رَضِيَ اللهُ عَنْهُ: I gave the *Bai'a* (pledge) to Allāh's Messenger ﷺ for the following: (1) To testify that *Lā ilāha illallāh wā anna Muḥammad-ar-Rasūl Allāh* (none has the right to be worshipped but Allāh, and Muḥammad is Allāh's Messenger), (2) *Iqāmat-aṣ-Ṣalāt*, (3) To pay the *Zakāt*, (4) To listen to and obey (Allāh's and His Prophet's Orders), (5) To be sincere and true to every Muslim [i.e. order them for *Al-Ma'rūf* (Islamic Monotheism and all that Islam orders one to do) and forbid them from *Al-Munkar* (disbelief and polytheism and all that Islam has forbidden) and to help them, and to be merciful and kind to them].

[See H.57 & its chapter].

2158. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُمَا: Allāh's Messenger ﷺ said, "Do not go to meet the caravans on the way (for buying their goods without letting them know the market price); a town dweller should not sell the goods of a desert dweller on behalf of the latter." Ibn 'Abbās was asked, "What does he mean by not selling the goods of a desert dweller by a town dweller?" He said, "He should not become his broker."

(69) CHAPTER. Whoever hated that an urban person should sell the goods of a desert dweller and charge him for that.

2159. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُمَا: Allāh's Messenger ﷺ forbade the selling of the goods of a desert dweller by a town person.

أَحَدُكُمْ أَخَاهُ فَلْيَنْصَحْ لَهُ»، وَرَحَّصَ فِيهِ عَطَاءٌ.

٢١٥٧ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانُ، عَنْ إِسْمَاعِيلَ، عَنْ قَيْسٍ: سَمِعْتُ جَرِيرًا رَضِيَ اللَّهُ عَنْهُ يَقُولُ: بَايَعْتُ رَسُولَ اللَّهِ ﷺ عَلَى شَهَادَةِ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ، وَإِقَامِ الصَّلَاةِ، وَإِيتَاءِ الزَّكَاةِ، وَالسَّمْعِ وَالطَّاعَةِ، وَالنُّصْحِ لِكُلِّ مُسْلِمٍ». [راجع: ٥٧]

٢١٥٨ - حَدَّثَنَا الصَّلْتُ بْنُ مُحَمَّدٍ: حَدَّثَنَا عَبْدُ الْوَاحِدِ: حَدَّثَنَا مَعْمَرٌ، عَنْ عَبْدِ اللَّهِ بْنِ طَاوُسٍ عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَلْقُوا الرُّكْبَانَ وَلَا يَبِيعَ حَاضِرٌ لِبَادٍ». قَالَ: قُلْتُ لَابْنِ عَبَّاسٍ: مَا قَوْلُهُ: «لَا يَبِيعُ حَاضِرٌ لِبَادٍ»؟ قَالَ: لَا يَكُونُ لَهُ سِمْسَارًا. [انظر: ٢١٦٣، ٢٢٧٤]

(٦٩) بَابُ مَنْ كَرِهَ أَنْ يَبِيعَ حَاضِرٌ لِبَادٍ بِأَجْرِ

٢١٥٩ - حَدَّثَنِي عَبْدُ اللَّهِ بْنُ صَبَّاحٍ: حَدَّثَنَا أَبُو عَلِيٍّ الْحَنْفِيُّ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدِ اللَّهِ بْنِ دِينَارٍ