

حَمْسَةَ أَوْسُقِي؟ قَالَ: نَعَمْ.

[انظر: ٢٣٨٢]

2191. Narrated Sahl bin Abū Ḥathma: Allāh's Messenger ﷺ forbade the selling of fruits (fresh dates) for dried dates, but allowed the sale of fruits on the *'Arāyā* by estimation and their new owners might eat their dates fresh. Sufyān (in another narration) said, "I told Yahyā (a subnarrator) when I was a mere boy, 'Makkahns say that the Prophet ﷺ allowed them the sale of the fruits on *'Arāyā* by estimation.' Yahyā asked, 'How do the Makkahns know about it?' I replied, 'They narrated it (from the Prophet ﷺ) through Jābir.' On that, Yahyā kept quiet." Sufyān said, "I meant that Jābir belonged to Al-Madīna." Sufyān was asked whether in Jābir's narration there was any prohibition of selling fruits before their benefit is evident (i.e., no dangers of being spoil or blighted). He replied that there was none.

٢١٩١ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانُ قَالَ: قَالَ يَحْيَى بْنُ سَعِيدٍ: سَمِعْتُ بُشَيْرًا قَالَ: سَمِعْتُ سَهْلَ بْنَ أَبِي حَتْمَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ بَيْعِ التَّمْرِ بِالتَّمْرِ، وَرَخَّصَ فِي الْعَرِيَّةِ أَنْ تُبَاعَ بِخَرَصِهَا، يَأْكُلُهَا أَهْلُهَا رُطْبًا. وَقَالَ سُفْيَانُ مَرَّةً أُخْرَى: إِلَّا أَنَّهُ رَخَّصَ فِي الْعَرِيَّةِ بِبَيْعِهَا أَهْلُهَا بِخَرَصِهَا، يَأْكُلُونَهَا رُطْبًا. قَالَ: هُوَ سَوَاءٌ، قَالَ سُفْيَانُ: فَقُلْتُ لِيَحْيَى وَأَنَا غَلَامٌ: إِنَّ أَهْلَ مَكَّةَ يَقُولُونَ: إِنَّ النَّبِيَّ ﷺ رَخَّصَ لَهُمْ فِي بَيْعِ الْعَرَايَا، فَقَالَ: وَمَا يُدْرِي أَهْلَ مَكَّةَ؟ قُلْتُ: إِنَّهُمْ يَرَوُونَهُ عَنْ جَابِرٍ، فَسَكَتَ قَالَ سُفْيَانُ: إِنَّمَا أَرَدْتُ أَنَّ جَابِرًا مِنْ أَهْلِ الْمَدِينَةِ. قِيلَ لِسُفْيَانَ: أَلَيْسَ فِيهِ: نَهَى عَنْ بَيْعِ التَّمْرِ حَتَّى يَبْدُوَ صَلاَحُهُ؟ قَالَ: لَا. [انظر: ٢٣٨٤]

(84) CHAPTER. The explanation of *'Arāyā*.

Mālik said, "*'Arāya* (plural *'Arāyā*) means that a person gives a date-palm (i.e., its product of dates) as a gift to another person, and then the giver is troubled by the latter's coming to the giver's private garden (to cut the dates), so the giver is allowed to purchase those date fruits with dried dates."

Ibn Idrīs said, "The sale of the dates of an *'Arāya* should be for measured dates delivered

(٨٤) **بَابُ تَفْسِيرِ الْعَرَايَا**
وَقَالَ مَالِكٌ: الْعَرِيَّةُ أَنْ يُعْرِيَ الرَّجُلُ الرَّجُلَ الرَّجُلَ النَّخْلَةَ، ثُمَّ يَتَأَذَى بِدُخُولِهِ عَلَيْهِ. فَرُخَّصَ لَهُ أَنْ يَشْتَرِيهَا مِنْهُ بِتَمْرٍ. وَقَالَ ابْنُ إِدْرِيسَ: الْعَرِيَّةُ لَا تَكُونُ إِلَّا بِالْكَيْلِ مِنَ التَّمْرِ يَدًا يَبِيدُ، وَلَا تَكُونُ بِالْحِزَافِ. وَمِمَّا يَقْوَى

from hand to hand and not to be done at random.” The saying of Sahl bin Ḥathma confirms this verdict, i.e., that the exchange of dates should not be at random but by measure of *Awsūq*. Ibn ‘Umar رضي الله عنهما said, “*Al-‘Arāyā* meant to give one or two date palms to someone.”

Sufyān bin Ḥusain said, “*Al-‘Arāyā* were date-palms given as a gift to the poor who could not wait till the fruits were ripe, so they were allowed to sell them for dates as they wished.”

2192. Narrated Ibn ‘Umar from Zaid bin Thābit رضي الله عنه: Allāh’s Messenger ﷺ allowed the sale of ‘*Arāyā* by estimating the dates on them for measured amounts of dried dates.

Mūsa bin ‘Uqba said, “*Al-‘Arāyā* were distinguished date-palms; one could come and buy them (i.e., their fruits).”

(85) CHAPTER. The sale of fruits before their benefit is evident (i.e., they are free from all the dangers of being spoilt or blighted).

2193. Zaid bin Thābit رضي الله عنه said, “In the lifetime of Allāh’s Messenger ﷺ, the people used to trade with fruits. When they cut their date-fruits and the purchasers came to receive their rights, the sellers would say, ‘My dates have got rotten; they are blighted with disease, they are afflicted with *Qushām* (a disease which causes the fruit to fall before ripening).’ They would go on complaining of defects in their purchases. Allāh’s Messenger ﷺ said, “Do not sell the fruits before their

قَوْلُ سَهْلِ بْنِ أَبِي حَثْمَةَ: بِالْأَوْسُقِ الْمَوْسَقَةِ. وَقَالَ ابْنُ إِسْحَاقَ فِي حَدِيثِهِ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: كَانَتِ الْعَرَايَا أَنْ يُعْرِيَ الرَّجُلُ الرَّجُلَ فِي مَالِهِ النَّخْلَةَ وَالتَّخْلَتَيْنِ. وَقَالَ يَزِيدُ عَنْ سُفْيَانَ بْنِ حُسَيْنٍ: الْعَرَايَا نَخْلٌ كَانَتْ تُوهَبُ لِلْمَسَاكِينِ فَلَا يَسْتَطِيعُونَ أَنْ يَنْتَظِرُوا بِهَا، فَرُخِّصَ لَهُمْ أَنْ يَبِيعُوهَا بِمَا شَاءُوا مِنَ التَّمْرِ.

٢١٩٢ - حَدَّثَنَا مُحَمَّدٌ أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا مُوسَى بْنُ عُقْبَةَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، عَنْ زَيْدِ بْنِ ثَابِتٍ رَضِيَ اللَّهُ عَنْهُمْ: أَنَّ رَسُولَ اللَّهِ ﷺ رَخِّصَ فِي الْعَرَايَا أَنْ تَبَاعَ بِحَرْصِهَا كَثِيلًا. قَالَ مُوسَى بْنُ عُقْبَةَ: وَالْعَرَايَا نَخْلَاتٌ مَعْلُومَاتٌ تَأْتِيهَا فَتَشْتَرِيهَا. [راجع: ٢١٧٣]

(٨٥) بَابُ بَيْعِ الثَّمَارِ قَبْلَ أَنْ يَبْدُو صِلَاحُهَا

٢١٩٣ - وَقَالَ اللَّيْثُ، عَنْ أَبِي الزُّنَادِ: كَانَ عُرُوءَةُ بْنُ الزُّبَيْرِ يُحَدِّثُ عَنْ سَهْلِ بْنِ أَبِي حَثْمَةَ الْأَنْصَارِيِّ مِنْ بَنِي حَارِثَةَ أَنَّهُ: حَدَّثَهُ عَنْ زَيْدِ بْنِ ثَابِتٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: كَانَ النَّاسُ فِي عَهْدِ رَسُولِ اللَّهِ ﷺ يَتَنَاعُونَ الثَّمَارَ، فَإِذَا جَدَّ النَّاسُ وَحَضَرَ

benefit is evident (i.e., free from all the dangers of being spoiled or blighted), by way of advice for they quarrelled too much.” Khārija bin Zaid bin Thābit said that Zaid bin Thābit رَضِيَ اللهُ عَنْهُ used not to sell the fruits of his land till Pleiades⁽¹⁾ appeared and one could distinguish the yellow fruits from the red (ripe) ones.

تَقَاضِيهِمْ، قَالَ الْمُتَبَاعُ: إِنَّهُ أَصَابَ التَّمَرَ الدُّمَانُ، أَصَابَهُ مَرَضٌ، أَصَابَهُ قُشَامٌ، عَاهَاتٌ يَحْتَجُونَ بِهَا. فَقَالَ رَسُولُ اللَّهِ ﷺ لَمَّا كَثُرَتْ عِنْدَهُ الْخُصُومَةُ فِي ذَلِكَ: «فِيمَا لَا، فَلَا تَتَبَايَعُوا حَتَّى يَبْدُوَ صِلَاحُ التَّمْرِ»، كَالْمَسُورَةِ يُشِيرُ بِهَا لِكَثْرَةِ خُصُومَتِهِمْ. وَأَخْبَرَنِي خَارِجَةُ بِنُ زَيْدِ بْنِ ثَابِتٍ: أَنَّ زَيْدَ بْنَ ثَابِتٍ لَمْ يَكُنْ يَبِيعُ ثَمَارَ أَرْضِهِ حَتَّى تَطْلُعَ الثَّرِيَا، فَيَبَيِّنَ الْأَضْفَرَ مِنَ الْأَحْمَرِ. قَالَ أَبُو عَبْدِ اللَّهِ: رَوَاهُ عَلِيُّ بْنُ بَحْرٍ: حَدَّثَنَا حَكَّامٌ: حَدَّثَنَا عَبْسَةُ، عَنْ زَكَرِيَّا، عَنْ أَبِي الزَّنَادِ، عَنْ عُرْوَةَ، عَنْ سَهْلٍ، عَنْ زَيْدٍ.

2194. Narrated ‘Abdullāh bin ‘Umar رَضِيَ اللهُ عَنْهُمَا: Allāh’s Messenger ﷺ forbade the sale of fruits till their benefit is evident. He forbade both the seller and the buyer (of such a sale).

٢١٩٤ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُونُسَ: أَخْبَرَنَا مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ بَيْعِ الثَّمَارِ حَتَّى يَبْدُوَ صِلَاحُهَا. نَهَى الْبَائِعَ وَالْمُتَبَاعَ. [راجع: ١٤٨٦]

2195. Narrated Anas رَضِيَ اللهُ عَنْهُ: Allāh’s Messenger ﷺ forbade the sale of date-fruits till they were ripe.

Abū ‘Abdullāh (Al-Bukhārī) said, “That means till they were red (can be eaten).”

٢١٩٥ - حَدَّثَنَا ابْنُ مُقَاتِلٍ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا حَمِيدُ الطَّوِيلِ، عَنْ أَنَسِ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى أَنْ تُبَاعَ ثَمَرَةُ النَّخْلِ حَتَّى تَزْهَوْ.

(1) (Ch. 2193) Pleiades is the collection of stars which start to appear at dawn in the early summer when it gets very hot in Hijāz at the early season of the ripening of fruits. The appearance of these stars is a sign of the ripening of dates.

قَالَ أَبُو عَبْدِ اللَّهِ: يَغْنِي حَتَّى
تَحْمَرَّ. [راجع: ١٤٨٨]

2196. Narrated Jābir bin ‘Abdullāh رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ forbade the sale of (date) fruits till they were red or yellow and fit for eating.

٢١٩٦ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى ابْنُ سَعِيدٍ، عَنْ سَلِيمِ بْنِ حَيَّانَ: حَدَّثَنَا سَعِيدُ بْنُ مِينَاءَ قَالَ: سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: نَهَى النَّبِيُّ ﷺ أَنْ تُبَاعَ الثَّمَرَةُ حَتَّى تُشْفِحَ. فَقِيلَ: وَمَا تُشْفِحُ؟ قَالَ: تَحْمَارٌ وَتَصْفَارٌ وَيُؤْكَلُ مِنْهَا. [راجع: ١٤٨٧]

(86) CHAPTER. The sale of date-palms (date trees) before their benefit is evident. (i.e., their dates are ripe).

(٨٦) بَابُ بَيْعِ النَّخْلِ قَبْلَ أَنْ يَبْدُو صَلَاحُهَا.

2197. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ forbade the sale of fruits till their benefit is evident; and the sale of date-palms till the dates are almost ripe. He was asked what ‘are almost ripe’ meant. He replied, “Got red and yellow.”

٢١٩٧ - حَدَّثَنِي عَلِيُّ بْنُ الْهَيْثَمِ: حَدَّثَنَا مُعَلَّى: حَدَّثَنَا هُشَيْمٌ: أَخْبَرَنَا حُمَيْدٌ: حَدَّثَنَا أَنَسُ بْنُ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ، عَنِ النَّبِيِّ ﷺ أَنَّهُ نَهَى عَنِ بَيْعِ الثَّمَرَةِ حَتَّى يَبْدُو صَلَاحُهَا، وَعَنِ النَّخْلِ حَتَّى يَزْهُو. قِيلَ: وَمَا يَزْهُو؟ قَالَ: يَحْمَارٌ أَوْ يَصْفَارٌ.

[راجع: ١٤٨٨]

(87) CHAPTER. If somebody sells fruits before their benefit is evident and free from blights and then they get afflicted with some defects, they will be given back to the seller.

(٨٧) بَابُ إِذَا بَاعَ الثَّمَارَ قَبْلَ أَنْ يَبْدُو صَلَاحُهَا ثُمَّ أَصَابَتْهُ عَاهَةٌ فَهِيَ مِنَ الْبَائِعِ.

2198. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: Allāh’s Messenger ﷺ forbade the sale of fruits till they are almost ripe. He was asked what is meant by ‘are almost ripe.’ He replied, “Till they become red.” Allāh’s Messenger ﷺ further said, “If Allāh spoiled the fruits, what right would one have to take the money of one’s brother.”

٢١٩٨ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُونُسَ: أَخْبَرَنَا مَالِكٌ، عَنْ حُمَيْدٍ، عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنِ بَيْعِ الثَّمَارِ حَتَّى تَزْهِيَ، فَقِيلَ لَهُ: وَمَا تَزْهِي؟ قَالَ:

حَتَّى تَحْمَرَ. فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَرَأَيْتَ إِذَا مَنَّعَ اللَّهُ الثَّمْرَةَ، بِمَ يَأْخُذُ أَحَدُكُمْ مَالَ أَخِيهِ؟». [راجع: ١٤٨٨]

2199. Narrated Ibn Shihāb: If somebody bought fruits before their benefit is evident and then the fruits were spoiled with blights, the loss would be suffered by the owner (not the buyer).

Narrated Ibn ‘Umar رَضِيَ اللهُ عَنْهُمَا: Allāh’s Messenger ﷺ said, “Do not sell or buy fruits before their benefit was evident and do not sell fresh fruits (dates) for dried dates.”

٢١٩٩ - وَقَالَ اللَّيْثُ: حَدَّثَنِي يُونُسُ، عَنِ ابْنِ شِهَابٍ قَالَ: لَوْ أَنَّ رَجُلًا ابْتَاعَ ثَمْرًا قَبْلَ أَنْ يَبْدُوَ صَلَاحُهُ ثُمَّ أَصَابَتْهُ غَاةٌ كَانَ مَا أَصَابَهُ عَلَى رَبِّهِ.

أُخْبِرَنِي سَالِمُ بْنُ عَبْدِ اللَّهِ عَنِ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا تَتْبَاعُوا الثَّمْرَةَ حَتَّى يَبْدُوَ صَلَاحُهَا، وَلَا تَبِيعُوا الثَّمْرَ بِالثَّمْرِ». [راجع: ١٤٨٦]

(88) CHAPTER. To buy foodstuff on credit.

2200. Narrated ‘Āishah رَضِيَ اللهُ عَنْهَا: The Prophet ﷺ bought some foodstuff from a Jew on credit and mortgaged his armour to him.

(٨٨) بَابُ شِرَاءِ الطَّعَامِ إِلَى أَجَلٍ
٢٢٠٠ - حَدَّثَنَا عُمَرُ بْنُ حَفْصِ بْنِ غِيَاثٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا الْأَعْمَشُ، قَالَ: ذَكَرْنَا عِنْدَ إِبْرَاهِيمَ الرَّهْنِ فِي السَّلَفِ فَقَالَ: لَا بَأْسَ بِهِ. ثُمَّ حَدَّثَنَا عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا: أَنَّ النَّبِيَّ ﷺ اشْتَرَى طَعَامًا مِنْ يَهُودِيٍّ إِلَى أَجَلٍ فَرَهَنَهُ دِرْعَهُ. [راجع: ٢٠٦٨]

(89) CHAPTER. If one wishes to buy (a better quality of) dates for (a low quality of) dates [that is a kind of Ribā (usury) and is called Ribā-Al-Faḍl].

2201, 2202. Narrated Abū Sa’īd Al-Khudrī and Abū Hurairah رَضِيَ اللهُ عَنْهُمَا: Allāh’s Messenger ﷺ appointed somebody as a governor of Khaibar. That governor brought to him an excellent kind of dates

(٨٩) بَابُ إِذَا أَرَادَ بَيْعَ ثَمَرٍ بِثَمَرٍ خَيْرٍ مِنْهُ

٢٢٠١، ٢٢٠٢ - حَدَّثَنَا قُتَيْبَةُ، عَنْ مَالِكٍ، عَنْ عَبْدِ الْمَجِيدِ بْنِ سَهْلٍ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ سَعِيدِ بْنِ

(from Khaibar). The Prophet ﷺ asked, “Are all the dates of Khaibar like this?” He replied, “By Allāh, no, O Allāh’s Messenger! But we barter one Ṣā‘ of this (type of dates) for two Ṣā‘ of dates of ours and two Ṣā‘ of it for three of ours.” Allāh’s Messenger ﷺ said, “Do not do so [as that is a kind of Ribā (usury)] but sell the mixed dates (of inferior quality) for money, and then buy good dates with money.”

المُسَيَّبِ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ، وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ اسْتَعْمَلَ رَجُلًا عَلَى خَيْبَرَ فَجَاءَهُ بِتَمْرٍ جَنِيْبٍ فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَكُلْ تَمْرٍ خَيْبَرَ هَكَذَا؟» قَالَ: لَا، وَاللَّهِ يَا رَسُولَ اللَّهِ إِنَّا لَنَأْخُذُ الصَّاعَ مِنْ هَذَا بِالصَّاعَيْنِ وَالصَّاعَيْنِ بِالثَّلَاثِ. فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَفْعَلْ، بَعِ الْجَمْعَ بِالذَّرَاهِمِ ثُمَّ ابْتَغِ بِالذَّرَاهِمِ جَنِيْبًا». [الحديث: ٢٢٠١، انظر: ٢٣٠٢، ٤٢٤٤، ٤٢٤٦،

٧٣٥٠؛] [الحديث: ٢٢٠٢، انظر:

٢٣٠٣، ٤٢٤٥، ٤٢٤٧، ٧٣٥١]

(90) CHAPTER. Whoever sold or rented date-palms which were pollinated, or land which was sown (with wheat or barley).

2203. Narrated Nāfi‘, the freed-slave of Ibn ‘Umar: If pollinated date-palms are sold and nothing is mentioned (in the contract) about their fruits, the fruits will go to the person who has pollinated them, and so will be the case with the slave and the cultivator. Nāfi‘ mentioned those three things.

(٩٠) بَابُ مَنْ بَاعَ نَخْلًا قَدْ أُبْرِثَ، أَوْ أَرْضًا مَرْوُوعَةً، أَوْ بِإِجَارَةٍ

٢٢٠٣ - قَالَ أَبُو عَبْدِ اللَّهِ: وَقَالَ لِي إِبْرَاهِيمُ: أَخْبَرَنَا هِشَامٌ: أَخْبَرَنَا ابْنُ جُرَيْجٍ قَالَ: سَمِعْتُ ابْنَ أَبِي مُلَيْكَةَ: يُخْبِرُ عَنْ نَافِعِ مَوْلَى ابْنِ عُمَرَ: أَيُّمَا نَخْلٍ بَعَثَ قَدْ أُبْرِثَ لَمْ يُذْكَرِ الثَّمَرُ، فَالْثَّمَرُ لِلَّذِي أَبْرَاهَا. وَكَذَلِكَ الْعَبْدُ وَالْحَرْثُ، سَمَى لَهُ نَافِعٌ هُوَ لَاءِ الثَّلَاثَةِ». [انظر: ٢٢٠٤،

٢٢٠٦، ٢٢٧٩، ٢٧١٦]

2204. Narrated ‘Abdullāh bin ‘Umar رضي الله عنهما: Allāh’s Messenger ﷺ said, “If somebody sells pollinated date-palms, the fruits will be for the seller unless the buyer stipulates that they will be for himself (and the seller agrees).”

٢٢٠٤ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ نَافِعِ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ

بَاعَ نَحْلًا قَدْ أُبْرَتْ فَتَمَرْتُهَا لِلْبَائِعِ
إِلَّا أَنْ يَشْتَرِطَ الْمُبْتَاعُ». [راجع:

[٢٢٠٣

(91) CHAPTER. The sale of unharvested crops for a measured quantity of foodstuff.

2205. Narrated Ibn ‘Umar رَضِيَ اللهُ عَنْهُمَا :
Allāh’s Messenger ﷺ forbade *Al-Muzābana*,
i.e., to sell ungathered dates of one’s garden
for measured dried dates or fresh ungathered
grapes for measured dried grapes; or
standing crops for measured quantity of
foodstuff. He forbade all such bargains.

(92) CHAPTER. The sale of date-palms
completely (with roots and stems).

2206. Narrated Ibn ‘Umar رَضِيَ اللهُ عَنْهُمَا :
The Prophet ﷺ said, “Whoever pollinates
date-palms and then sells them, the fruits will
belong to him unless the buyer stipulates that
the fruits should belong to him (and the seller
agrees).”

(93) CHAPTER. *Bai‘ Al-Mukhāḍara* (the sale
of grains or vegetables before their benefit is
evident).

2207. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ :
Allāh’s Messenger ﷺ forbade *Muhāqala*,
Mukhāḍara, *Mulamasa*, *Munābadha* and
Muzābana. (See glossary and previous
Aḥādīth for the meanings of these terms.)

(٩١) بَابُ بَيْعِ الرَّزْعِ بِالطَّعَامِ كَيْلًا

٢٢٠٥ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا
اللَّيْثُ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ رَضِيَ
اللهُ عَنْهُمَا قَالَ: نَهَى رَسُولُ اللهِ ﷺ
عَنِ الْمَزَابِنَةِ، أَنْ يَبِيعَ ثَمَرَ حَائِطِهِ إِنْ
كَانَ نَحْلًا يَتَمَرُ كَيْلًا. وَإِنْ كَانَ كَرْمًا
أَنْ يَبِيعَهُ بِرَيْبٍ كَيْلًا، وَإِنْ كَانَ زَرْعًا
أَنْ يَبِيعَهُ بِكَيْلِ طَعَامٍ. وَنَهَى عَنْ ذَلِكَ
كُلَّهُ. [راجع: ٢١٧١]

(٩٢) بَابُ بَيْعِ النَّخْلِ بِأَصْلِهِ

٢٢٠٦ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ:
حَدَّثَنَا اللَّيْثُ، عَنِ نَافِعٍ، عَنِ ابْنِ
عُمَرَ رَضِيَ اللهُ عَنْهُمَا: أَنَّ النَّبِيَّ ﷺ
قَالَ: «أَيُّمَا امْرِئٍ أُبْرَ نَحْلًا ثُمَّ بَاعَ
أَصْلَهَا فَلِلَّذِي أُبْرَ ثَمَرُ النَّخْلِ إِلَّا أَنْ
يَشْتَرِطَهُ الْمُبْتَاعُ». [راجع: ٢٢٠٣]

(٩٣) بَابُ بَيْعِ الْمُحَاضَرَةِ

٢٢٠٧ - حَدَّثَنَا إِسْحَاقُ بْنُ
وَهْبٍ: حَدَّثَنَا عُمَرُ بْنُ يُونُسَ حَدَّثَنَا
أَبِي قَالَ: حَدَّثَنِي إِسْحَاقُ بْنُ أَبِي
طَلْحَةَ الْأَنْصَارِيِّ، عَنْ أَنَسِ بْنِ مَالِكٍ
رَضِيَ اللهُ عَنْهُ قَالَ: نَهَى رَسُولُ اللهِ

عَنِ الْمُحَاقَلَةِ وَالْمُحَاضِرَةِ
وَالْمُلَامَسَةِ وَالْمُنَابَذَةِ وَالْمُرَابِنَةِ .

2208. Narrated Ḥumaid: Anas رَضِيَ اللهُ عَنْهُ said, “The Prophet ﷺ forbade the selling of dates till they were almost ripe.” We asked Anas, “What does ‘almost ripe’ mean?” He replied, “They get red and yellow. The Prophet ﷺ added, ‘If Allāh destroyed the fruits present on the trees, what right would the seller have to take the money of his brother (somebody else)?’”

٢٢٠٨ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا

إِسْمَاعِيلُ بْنُ جَعْفَرٍ، عَنْ حُمَيْدٍ، عَنْ
أَنْسِ رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ
نَهَى عَنْ بَيْعِ ثَمَرِ التَّمْرِ حَتَّى يَرْهُو،
فَقُلْنَا لِأَنْسٍ: مَا يَرْهُوهَا؟ قَالَ: تَحْمَرُ
وَتَضْفَرُ. أَرَأَيْتَ إِنْ مَنَّ اللهُ التَّمَرَ بِمِ
تَسْتَحِلُّ مَالَ أَخِيكَ؟. [راجع: ١٤٨٨]

(94) CHAPTER. The sale and eating of spadix (edible pith growing at the upper part of the trunk of a palm tree).

(٩٤) بَابُ بَيْعِ الْجَمَارِ وَأَكْلِهِ .

2209. Narrated Ibn ‘Umar رَضِيَ اللهُ عَنْهُمَا: I was with the Prophet ﷺ while he was eating spadix. He said, “From the trees there is a tree which resembles a faithful believer.” I wanted to say that it was the date palm, but I was the youngest among them (so I kept quiet). He added, “It is the date-palm.”

٢٢٠٩ - حَدَّثَنَا أَبُو الْوَلِيدِ هِشَامٌ

بُنْ عَبْدِ الْمَلِكِ: حَدَّثَنَا أَبُو عَوَانَةَ،
عَنْ أَبِي بَشِيرٍ، عَنْ مُجَاهِدٍ، عَنْ ابْنِ
عُمَرَ رَضِيَ اللهُ عَنْهُمَا، قَالَ: كُنْتُ
عِنْدَ النَّبِيِّ ﷺ وَهُوَ يَأْكُلُ جُمَارًا،
فَقَالَ: «مِنَ الشَّجَرِ شَجَرَةٌ كَالرَّجُلِ
الْمُؤْمِنِ»، فَأَرَدْتُ أَنْ أَقُولَ: هِيَ
النَّخْلَةُ، فَإِذَا أَنَا أَحَدُهُمْ، قَالَ: «هِيَ
النَّخْلَةُ». [راجع: ٦١]

(95) CHAPTER. In cases where there is no fixed judgement, the traditions and conventions of each community are to be referred to, to deduce a judgement in such matters as sales, renting, measuring and weighing.

(٩٥) بَابُ مَنْ أَجْرَى أَمْرَ الْأَمْصَارِ
عَلَى مَا يَتَعَارَفُونَ بَيْنَهُمْ فِي الْبَيْعِ
وَالِإِجَارَةِ، وَالْكَيْلِ وَالْوَزْنِ، وَسُنَنِهِمْ
عَلَى نِيَّاتِهِمْ وَمَدَاهِبِهِمْ الْمَشْهُورَةِ .

Shuraih told the weavers, “You are permitted to follow your own conventions to solve your problems (it is legal for you to stick to your traditions in bargain).”

وقال شُرَيْحٌ لِلْعَزَّالِيِّنَ: سُنَّتُكُمْ
بَيْنَكُمْ وَقَالَ عَبْدُ الْوَهَّابِ، عَنْ
أَيُّوبَ، عَنْ مُحَمَّدٍ: لَا بَأْسَ الْعَشْرَةَ
بِأَحَدِ عَشَرَ، وَيَأْخُذُ لِلتَّقْفَةِ رِبْحًا .

Narrated ‘Abdul Wahāb: Ayyūb said he heard from Muḥammad who said, “There is

no harm in selling for eleven what you buy for ten, and you are allowed to take a profit for expenses.”

The Prophet ﷺ told Hind, “Take what is reasonable and sufficient for you and your sons.” Allāh تعالى says: “Whoever is poor, can eat (from the orphan’s property) what is just and reasonable (according to his labours).” (V.4:6).

Al-Ḥasan hired a donkey from ‘Abdullāh bin Mirdās and asked him about the hire. The latter replied that it was for two *Danīq* (a *Danīq* equals 1/6th Dirham). So Al-Ḥasan rode away. Another time, Al-Ḥasan came to ‘Abdullāh bin Mirdās and asked him to hire the donkey to him and rode away without asking him about the hire, but he sent him half a Dirham.⁽¹⁾

2210. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: Abū Ṭaiba cupped Allāh’s Messenger ﷺ and so Allāh’s Messenger ﷺ ordered that a *Ṣā’* of dates be paid to him and ordered his masters (for he was a slave) to reduce his tax.⁽²⁾

2211. Narrated ‘Āishah رَضِيَ اللهُ عَنْهَا: Hind, the mother of Mu‘āwiyā said to Allāh’s Messenger ﷺ, “Abū Sufyān (her husband) is a miser. Am I allowed to take from his money secretly?” The Prophet ﷺ said to her, “You and your sons may take what is sufficient, just and reasonable.”

وَقَالَ النَّبِيُّ ﷺ لِهِنْدٍ: «خُذِي مَا يَكْفِيكَ وَوَلَدِكَ بِالْمَعْرُوفِ». وَقَالَ تَعَالَى: ﴿وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ﴾ [النساء: ٦] وَاكْتَرَى الْحَسَنُ مِنْ عَبْدِ اللَّهِ بْنِ مِرْدَاسٍ حِمَارًا فَقَالَ: بِكَمْ؟ قَالَ: بِدَانِقَيْنِ، فَرَكِبَهُ ثُمَّ جَاءَ مَرَّةً أُخْرَى فَقَالَ: الْحِمَارَ الْجِمَارَ، فَرَكِبَهُ وَلَمْ يُشَارِطْهُ. فَبَعَثَ إِلَيْهِ بِنِصْفِ دِرْهَمٍ.

٢٢١٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ حُمَيْدِ الطَّوِيلِ، عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: حَجَّمَ رَسُولُ اللَّهِ ﷺ أَبُو طَيْبَةَ فَأَمَرَ لَهُ رَسُولُ اللَّهِ ﷺ بِصَاعٍ مِنْ تَمْرٍ، وَأَمَرَ أَهْلَهُ أَنْ يُخَفِّفُوا عَنْهُ مِنْ خَرَاجِهِ. [راجع: ٢١٠٢]

٢٢١١ - حَدَّثَنَا أَبُو نُعَيْمٍ: حَدَّثَنَا سُفْيَانُ. عَنْ هِشَامٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: قَالَتْ هِنْدُ أُمُّ مُعَاوِيَةَ لِرَسُولِ اللَّهِ ﷺ: إِنَّ أَبَا سُفْيَانَ رَجُلٌ شَحِيحٌ، فَهَلْ عَلَيَّ جُنَاحٌ أَنْ أَخَذَ مِنْ مَالِهِ سِرًّا؟ قَالَ: «خُذِي أَنْتِ

(1) (Ch. 95) Al-Ḥasan did not ask about the hire the second time depending on what they had agreed upon the first time. He sent ‘Abdullāh more than what was due out of generosity.

(2) (H. 2210) Slaves had to pay their masters certain taxes.

وَبُئِكَ مَا يَكْفِيكَ بِالْمَعْرُوفِ». [انظر: ٢٤٦٠، ٣٨٢٥، ٥٣٥٩، ٥٣٦٤، ٥٣٧٠،

[٦٦٤١، ٧١٦١، ٧١٨٠]

2212. Narrated 'Urwa: I heard 'Āishah saying, "The Holy Verse: '...Whoever amongst guardians is rich, he should take no wages but if he is poor, let him have for himself what is just and reasonable (according to his labour)' (V.4:6), was revealed concerning the guardian of the orphans who looks after them and manages favourably their financial affairs; if the guardian is poor, he could have from it what is just and reasonable (according to his labour)."

٢٢١٢ - حَدَّثَنِي إِسْحَاقُ: حَدَّثَنَا ابْنُ نُمَيْرٍ: أَخْبَرَنَا هِشَامُ ح.

وَحَدَّثَنِي مُحَمَّدُ بْنُ سَلَامٍ قَالَ: سَمِعْتُ عُثْمَانَ بْنَ فَرْقَدٍ قَالَ: سَمِعْتُ هِشَامَ بْنَ عُرْوَةَ يُحَدِّثُ عَنْ أَبِيهِ: أَنَّهُ سَمِعَ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا تَقُولُ ﴿وَمَنْ كَانَ غَنِيًّا فَلْيَسْعِفْ وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ﴾ [النساء: ٦]: أَنْزَلَتْ فِي وَالِي الْيَتِيمِ الَّذِي يُقِيمُ عَلَيْهِ وَيُضْلِحُ فِي مَالِهِ، إِنْ كَانَ فَقِيرًا أَكَلَ مِنْهُ بِالْمَعْرُوفِ». [انظر: ٢٧٦٥، ٤٥٧٥]

(٩٦) بَابُ بَيْعِ الشَّرِيكَ مِنْ شَرِيكِهِ.

(96) CHAPTER. Selling of a joint property by one partner to the other.

2213. Narrated Jābir عنہ رضي الله عنه: Allāh's Messenger ﷺ gave pre-emption (to the partner) in every joint property, but if the boundaries of the property were demarcated or the ways and streets were fixed, then there was no pre-emption.

٢٢١٣ - حَدَّثَنِي مَحْمُودٌ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، عَنْ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرِ رَضِيَ اللَّهُ عَنْهُ قَالَ: جَعَلَ رَسُولُ اللَّهِ ﷺ الشُّفْعَةَ فِي كُلِّ مَالٍ لَمْ يُقَسِّمَ، فَإِذَا وَقَعَتِ الْحُدُودُ وَضُرِّقَتِ الطَّرِيقُ فَلَا شُفْعَةَ. [انظر: ٢٢١٤، ٢٢٥٧،

[٢٤٩٦، ٢٤٩٦، ٦٩٧٦]

(97) CHAPTER. The sale of undivided common land, buildings and belongings.

(٩٧) بَابُ بَيْعِ الْأَرْضِ وَالذُّورِ وَالْمَعْرُوضِ مُشَاعًا غَيْرَ مَقْسُومٍ.

2214. Narrated Jābir bin 'Abullāh رضي الله عنه: Allāh's Messenger ﷺ decided the validity of pre-emption in every joint

٢٢١٤ - حَدَّثَنَا مُحَمَّدُ بْنُ مَحْبُوبٍ: حَدَّثَنَا عَبْدُ الْوَاحِدِ: حَدَّثَنَا