

undivided property, but if the boundaries were well marked or the ways and streets were fixed, then there was no pre-emption.

Narrated 'Abdul Wāhid the same as above but said, "...in every joint undivided thing..."

Narrated Hishām from Ma'mar the same as above but said, "...in every property..."

مَعْمَرٌ، عَنِ الرَّهْرِيِّ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَضَى النَّبِيُّ ﷺ بِالشُّفْعَةِ فِي كُلِّ مَالٍ لَمْ يُقَسِّمْ. فَإِذَا وَقَعَتِ الْحُدُودُ، وَصُرِّفَتِ الطَّرِيقُ فَلَا شُفْعَةَ.

حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ الْوَاحِدِ بِهَذَا. وَقَالَ: فِي كُلِّ مَا لَمْ يُقَسِّمْ. تَابَعَهُ هِشَامٌ، عَنْ مَعْمَرٍ. قَالَ عَبْدُ الرَّزَّاقِ: فِي كُلِّ مَالٍ، رَوَاهُ عَبْدُ الرَّحْمَنِ بْنُ إِسْحَاقَ عَنِ الرَّهْرِيِّ.

[راجع: ٢٢١٣]

(98) CHAPTER. If somebody buys something for another without his permission and the latter accepts it.

2215. Narrated Ibn 'Umar رضي الله عنهما : رضي الله عنهما said, "While three persons were walking, rain began to fall and they had to enter a cave in a mountain. A big rock rolled over and blocked the mouth of the cave. They said to each other, 'Invoke Allāh with the best deed you have performed (so that Allāh might remove the rock)'. One of them said, 'O Allāh! My parents were old and I used to go out for to graze (my animals). On my return I would milk (the animals) and take the milk in a vessel to my parents to drink. After they had drunk from it, I would give it to my children, family and wife. One day I was delayed and on my return I found my parents sleeping, and I disliked to wake them up. The children were crying at my feet (because of hunger). That state of affairs continued till it was dawn. O Allāh! If You regard that I did it only for Your sake, then please remove this rock so that we may

(٩٨) بَابُ إِذَا اشْتَرَى شَيْئًا لِعَیْرِهِ بِعَیْرِ إِذْنِهِ فَرَضِي.

٢٢١٥ - حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا أَبُو عَاصِمٍ: أَخْبَرَنَا ابْنُ جُرَيْجٍ قَالَ: أَخْبَرَنِي مُوسَى بْنُ عُقْبَةَ، عَنْ نَافِعٍ، عَنِ ابْنِ عَمَرَ رَضِيَ اللَّهُ عَنْهُمَا، عَنِ النَّبِيِّ ﷺ قَالَ: «خَرَجَ ثَلَاثَةٌ نَفَرٍ يَمْشُونَ فَأَصَابَهُمُ الْمَطَرُ فَدَخَلُوا فِي غَارٍ فِي جَبَلٍ فَانْحَطَّتْ عَلَيْهِمْ صَخْرَةٌ. قَالَ: فَقَالَ بَعْضُهُمْ لِبَعْضٍ: ادْعُوا اللَّهَ بِأَفْضَلِ عَمَلٍ عَمِلْتُمُوهُ. فَقَالَ أَحَدُهُم: اللَّهُمَّ إِنِّي كَانَ لِي أَبُوَانِ شَيْخَانِ كَبِيرَانِ فَكُنْتُ أَخْرُجُ فَأَرْعَى، ثُمَّ أَجِيءُ فَأَحْلُبُ فَأَجِيءُ بِالْحِلَابِ فَآتِي بِهِ أَبُوِّي فَيَسْرَبَانِ. ثُمَّ أَسْقِي الصَّبِيَّةَ

see the sky.' So, the rock was moved a bit. The second said, 'O Allāh! You know that I was in love with a cousin of mine, like the deepest love a man may have for a woman, and she told me that I would not get my desire fulfilled unless I paid her one hundred Dīnār (gold pieces). So, I struggled for it till I gathered the desired amount, and when I sat in between her legs, she told me to be afraid of Allāh, and asked me not to deflower her except rightfully (by marriage). So, I got up and left her. O Allāh! If You regard that I did it only for Your sake, kindly remove this rock.' So, two-thirds of the rock was removed. Then the third man said, 'O Allāh! No doubt You know that once I employed a worker for one *Faraq* (three *Sā'*) of millet, and when I wanted to pay him, he refused to take it, so I sowed it and from its yield I bought cows and a shepherd. After a time that man came and demanded his money. I said to him: Go to those cows and the shepherd and take them for they are for you. He asked me whether I was joking with him. I told him that I was not joking with him, and all that belonged to him. O Allāh! If You regard that I did it only for Your sake, then please remove the rock.' So, the rock was removed completely from the mouth of the cave." [See Vol 4. *Hadith* No.3465.]

وأهلي وامرأتي. فاحتبست ليلة فحجث فإذا هما نائمان، قال: فكبرهت أن أوقفهما، والصبيته يتضاغون عند رجلي. فلم يزل ذلك دأبي ودأبهما حتى طلع الفجر. اللهم إن كنت تعلم أنني فعلت ذلك ابتغاء وجهك فأفرج عني فأفرج عني من السماء. قال: ففرج عنهم. وقال الآخر: اللهم إن كنت تعلم أنني كنت أحب امرأة من بنات عمي كأشد ما يحب الرجل النساء. فقالت: لا تنال ذلك منها حتى تعطيتها مائة دينار، فسعيت فيها حتى جمعتها فلما فعدت بين رجليها قالت: اتق الله ولا تفض الخاتم إلا بحقه. فممت وتركتها. فإن كنت تعلم أنني فعلت ذلك ابتغاء وجهك فأفرج عني فأفرج عني، قال: ففرج عنهم الثلثين. وقال الآخر: اللهم إن كنت تعلم أنني استأجرت أجيراً بفرق من ذرة فأعطيته وأبي ذلك أن يأخذ، فعمدت إلى ذلك الفرق فرزغته حتى اشتريت منه بقرًا وراعيها. ثم جاء فقال: يا عبد الله، أعطني حقي. فقلت: انطلق إلى تلك البقر راعيها فإنها لك. فقال: استهزي بي؟ قال: فقلت: ما استهزي بك ولكنها لك، اللهم إن كنت تعلم أنني فعلت

ذَلِكَ ابْتِغَاءً وَجْهَكَ فَافْرُجْ عَنَّا،
فَكُشِفَ عَنْهُمْ». [انظر: ٢٢٧٢، ٢٣٣٣،
٥٩٧٤، ٣٤٦٥]

(99) CHAPTER. Buying and selling with *Mushrikun* (pagans) and with the enemy at war.

2216. Narrated 'Abdur-Rahmān bin Abū Bakr رضي الله عنهما: We were with the Prophet ﷺ when a tall *Mushrik* with long matted unkempt hair came driving his sheep. The Prophet ﷺ asked him, "Are those sheep for sale or for gifts?" The *Mushrik* replied, "They are for sale." The Prophet ﷺ bought one sheep from him.

(٩٩) بَابُ الشَّرَاءِ وَالْبَيْعِ مَعَ الْمُشْرِكِينَ وَأَهْلِ الْحَرْبِ

٢٢١٦ - حَدَّثَنَا أَبُو التَّعْمَانِ:
حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ أَبِيهِ،
عَنْ أَبِي عُمَانَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ
أَبِي بَكْرٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: كُنَّا
مَعَ النَّبِيِّ ﷺ ثُمَّ جَاءَ رَجُلٌ مُشْرِكٌ
مُسْعَانٌ طَوِيلٌ بَعْنَمٍ يَسُوقُهَا. فَقَالَ
النَّبِيُّ ﷺ: «أَبِيعَا أَمْ عَطِيَّةٌ؟» أَوْ قَالَ:
«أَمْ هَبَةٌ؟» قَالَ: لَا، بَلْ بَيْعٌ، فَاشْتَرَى
مِنْهُ شَاةً. [انظر: ٢٦١٨، ٥٣٨٢]

(100) CHAPTER. The purchase of a slave from the enemy at war and giving him (to somebody) as a gift and manumitting him.

The Prophet ﷺ asked Salmān to make a contract of his manumission with his masters. In reality Salmān was a free man but the *Mushrikun* oppressed him and sold him.

'Ammār, Şuhaib and Bilāl were taken as captives in (war) booty.

Allāh تعالى said:
"And Allāh has preferred some of you above others in wealth and properties. Then, those who are preferred will by no means hand over their wealth and properties to those (slaves) whom their right hand possess, so that they may be equal with them in respect thereof.⁽¹⁾ Do they then deny the Favour of Allāh?" (V.16:71)

(١٠٠) بَابُ شِرَاءِ الْمَمْلُوكِ مِنَ الْحَرْبِيِّ وَهَبَتِهِ وَعِتْمِهِ

وقَالَ النَّبِيُّ ﷺ لِسَلْمَانَ: كَاتِبٌ،
وَكَانَ حُرًّا فَظَلَمُوهُ وَبَاعُوهُ. وَسَيِّئَ
عَمَارٌ وَضَهَيْبٌ وَبِلَالٌ. وَقَالَ اللَّهُ
تَعَالَى: ﴿وَاللَّهُ فَضَّلَ بَعْضَكُمْ عَلَى بَعْضٍ
فِي الرِّزْقِ فَمَا الَّذِينَ فُضِّلُوا بِرَادِي رِزْقِهِمْ
عَلَى مَا مَلَكَتْ أَيْمَانُهُمْ فَهُمْ فِيهِ سَوَاءٌ
أَفْبِنِعْمَةِ اللَّهِ يَجْحَدُونَ﴾ (٧١) [النحل:

[٧١]

(1) (Ch. 100) This example Allāh has set forth for the (pagans, etc.) who associate false deities with Allāh that they would not agree to share their wealth with their slaves, then how they agree to share false deities with Allāh in His worship.

2217. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "The Prophet Ibrahim (Abraham) عليه السلام emigrated with Sārah and entered a village where there was a king from amongst the kings, or a tyrant from amongst the tyrants. (The king) was told that Ibrāhīm (Abraham) had entered (the village) accompanied by a woman who was one of the most charming woman. So, the king sent for Ibrāhīm and asked, 'O Ibrāhīm (Abraham)! Who is this lady accompanying you?' Ibrāhīm replied, 'She is my sister (i.e., in religion).' Then Ibrāhīm (Abraham) returned to her and said, 'Do not contradict my statement, for I have informed them that you are my sister. By Allāh, there are no true believers on the earth except you and I.' Then Ibrāhīm (Abraham) sent her to the king. When the king got to her, she got up and performed ablution, offered *Ṣalāt* (prayer) and said, 'O Allāh! If I have believed in You and Your Messenger, and have saved my private parts from everybody except my husband, then please do not let this disbeliever overpower me.' On that the king fell in a state of unconsciousness (or had an epileptic fit) and started moving his legs. On seeing the condition of the king, Sārah said, 'O Allāh! If he should die, the people will say that I have killed him.' The king regained his power, and proceeded towards her but she got up again and performed ablution, offered *Ṣalāt* (prayer) and said, 'O Allāh! If I have believed in You and Your Messenger and have kept my private parts safe from all except my husband, then please do not let this disbeliever overpower me.' The king again fell in a state of unconsciousness (or had an epileptic fit) and started moving his legs. On seeing that state of the king, Sārah said, 'O Allāh! If he should die, the people will say that I have killed him.' The king got

٢٢١٧ - حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شُعَيْبٌ: حَدَّثَنَا أَبُو الزَّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: قَالَ النَّبِيُّ ﷺ: «هَاجَرَ إِبْرَاهِيمُ عَلَيْهِ السَّلَامُ بِسَارَةَ فَدَخَلَ بِهَا قَرْيَةً فِيهَا مَلِكٌ مِنَ الْمُلُوكِ، أَوْ جَبَّارٌ مِنَ الْجَبَابِرَةِ. فَقِيلَ: دَخَلَ إِبْرَاهِيمُ بِامْرَأَةٍ هِيَ مِنْ أَحْسَنِ النِّسَاءِ. فَأَرْسَلَ إِلَيْهِ: أَنْ يَا إِبْرَاهِيمُ، مَنْ هَذِهِ الَّتِي مَعَكَ؟ قَالَ: أُخْتِي، ثُمَّ رَجَعَ إِلَيْهَا فَقَالَ: لَا تُكَذِّبِي حَدِيثِي، فَإِنِّي أَخْبَرْتُهُمْ أَنَّكَ أُخْتِي، وَاللَّهِ إِنْ عَلَى الْأَرْضِ مِنْ مُؤْمِنٍ غَيْرِي وَغَيْرِكَ. فَأَرْسَلَ بِهَا إِلَيْهِ فَقَامَ إِلَيْهَا فَقَامَتْ تَوَضُّأً وَتُصَلِّي، فَقَالَتْ: اللَّهُمَّ إِنْ كُنْتُ آمَنْتُ بِكَ وَبِرَسُولِكَ وَأَحْصَنْتُ فَرْجِي إِلَّا عَلَى زَوْجِي فَلَا تُسَلِّطْ عَلَيَّ الْكَافِرَ. فَعُظَّ حَتَّى رَكَضَ بِرِجْلِهِ»، قَالَ الْأَعْرَجُ قَالَ: أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ: إِنَّ أَبَا هُرَيْرَةَ قَالَ: «قَالَتْ: اللَّهُمَّ إِنْ يَمُتُ يُقَالُ: هِيَ فَتَنَتْهُ. فَأَرْسَلَ ثُمَّ قَامَ إِلَيْهَا فَقَامَتْ تَوَضُّأً وَتُصَلِّي وَتَقُولُ: اللَّهُمَّ إِنْ كُنْتُ آمَنْتُ بِكَ وَبِرَسُولِكَ وَأَحْصَنْتُ فَرْجِي إِلَّا عَلَى زَوْجِي فَلَا تُسَلِّطْ عَلَيَّ هَذَا الْكَافِرَ. فَعُظَّ حَتَّى رَكَضَ بِرِجْلِهِ». قَالَ عَبْدُ الرَّحْمَنِ: قَالَ أَبُو سَلَمَةَ قَالَ أَبُو هُرَيْرَةَ: «قَالَتْ: اللَّهُمَّ إِنْ يَمُتُ

either two or three attacks, and after recovering from the last attack he said, 'By Allāh! You have sent a Satan to me. Take her to Ibrāhīm (Abraham) عليه السلام and give her to Ibrāhīm (Abraham) and said, 'Allāh humiliated the disbeliever and gave us a slave-girl for service'.⁽¹⁾

فَيَقُولُ: هِيَ قَتَلْتَهُ. فَأُرْسِلَ فِي الثَّانِيَةِ أَوْ فِي الثَّلَاثَةِ، فَقَالَ: وَاللَّهِ مَا أُرْسَلْتُمْ إِلَيَّ إِلَّا شَيْطَانًا، أَرْجِعُوهَا إِلَى إِبْرَاهِيمَ عَلَيْهِ السَّلَامُ وَأَعْطُوهَا آجَرَ. فَرَجَعْتُ إِلَى إِبْرَاهِيمَ عَلَيْهِ السَّلَامُ، فَقَالَتْ: أَشَعْرْتُ أَنْ اللَّهُ كَبَتَ الْكَافِرَ وَأَخْدَمَ وَلِيدَةً؟». [انظر: ٢٦٣٥،

٣٣٥٧، ٣٣٥٨، ٥٠٨٤، ٦٩٥٠]

2218. Narrated 'Āishah رضي الله عنها Sa'd bin Abī Waqqāṣ and 'Abd bin Zam'a quarrelled over a boy. Sa'd said, "O Allāh's Messenger! This boy is the son of my brother ('Utba bin Abī Waqqāṣ) who took a promise from me that I would take him as he was his (illegal) son. Look at him and see whom he resembles." 'Abd bin Zam'a said, "O Allāh's Messenger! This is my brother and was born on my father's bed from his slave-girl." Allāh's Messenger ﷺ cast a look at the boy and found definite resemblance to 'Utba and then said, "The boy is for you, O'Abd bin Zam'a. The child goes to the owner of the bed (on which he was born), and the adulterer gets nothing but the stones (despair, i.e., to be stoned to death). Then the Prophet ﷺ said, "O Sauda bint Zam'a! Screen yourself from this boy." So, Sauda never saw him again.

١٢٢١٨ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا أَنَّهَا قَالَتْ: اخْتَصَمَ سَعْدُ ابْنُ أَبِي وَقَاصٍ وَعَبْدُ بْنُ زَمْعَةَ فِي غُلَامٍ، فَقَالَ سَعْدُ: هَذَا يَا رَسُولَ اللَّهِ ابْنُ أُخِي عْتَبَةَ بْنِ أَبِي وَقَاصٍ عَهْدَ إِلَيَّ أَنَّهُ ابْنُهُ، أَنْظِرْ إِلَى شَبْهِهِ. وَقَالَ عَبْدُ بْنُ زَمْعَةَ: هَذَا أُخِي يَا رَسُولَ اللَّهِ، وُلِدَ عَلَيَّ فِرَاشِ أَبِي مِنْ وَلِيدَتِهِ. فَتَنَظَرَ رَسُولُ اللَّهِ ﷺ إِلَى شَبْهِهِ فَرَأَى شَبْهًا بَيْنًا بَعْثَةً فَقَالَ: «هُوَ لَكَ يَا عَبْدُ، الْوَلَدُ لِلْفِرَاشِ وَلِلْعَاهِرِ الْحَجَرُ. وَاخْتَجِبِي مِنْهُ يَا سَوْدَةَ بِنْتُ زَمْعَةَ»، فَلَمْ تَرَهُ سَوْدَةُ قَطُّ.

2219. Narrated Sa'd that his father said: 'Abdur-Raḥmān bin 'Aūf said to Ṣuḥaib, "Fear Allāh and do not ascribe yourself to somebody other than your father." Ṣuḥaib replied, "I would not like to say it even if I were given large amounts of money, but I say

٢٢١٩ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا غُنْدَرٌ: حَدَّثَنَا شُعْبَةُ، عَنْ سَعْدِ بْنِ أَبِيهِ: قَالَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ رَضِيَ اللَّهُ عَنْهُ لِيُصْهَبِ: اتَّقِ اللَّهَ وَلَا

(1) (H. 2217) Ibrāhīm (Abraham) عليه السلام accepted the gift from the infidel.

I was kidnapped in my childhood.”

2220. Narrated ‘Urwa bin Az-Zubair: Ḥakīm bin Ḥizām said, “O Allāh’s Messenger! I used to do good deeds in the Pre-Islāmic Period of Ignorance, such as keeping good relations with my kith and kin, manumitting slaves and giving alms. Shall I receive a reward for all that?” Allāh’s Messenger ﷺ replied, “You embraced Islām with all the good deeds which you did in the past.”

(101) CHAPTER. The hides of dead animals before tanning.

2221. Narrated ‘Abdullāh bin ‘Abbās رضي الله عنهما:

Once Allāh’s Messenger ﷺ passed by a dead sheep and said to the people, “Wouldn’t you benefit by its skin?”

The people replied that it was dead.

The Prophet ﷺ said, “But its eating only is illegal.”

(102) CHAPTER. The killing of pigs.

And Jābir said, “The Prophet ﷺ made the sale of pigs illegal.”

2222. Narrated Abū Hurairah رضي الله عنه: Allāh’s Messenger ﷺ said, “By Him (Allāh)

تَدَعَ إِلَى غَيْرِ أَيْكَ. فَقَالَ صُهَيْبٌ: مَا يُسْرُنِي أَنْ لِي كَذَا وَكَذَا وَأَنِّي قُلْتُ ذَلِكَ. وَلِكِنِّي سُرِفْتُ وَأَنَا صَبِيٌّ.

٢٢٢٠ - حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي عُرْوَةُ ابْنُ الزُّبَيْرِ: أَنَّ حَكِيمَ بْنَ حِزَامٍ أَخْبَرَهُ أَنَّهُ قَالَ: يَا رَسُولَ اللَّهِ، أَرَأَيْتَ أُمُورًا كُنْتُ أَتَحَنَّتُ أَوْ أَتَحَنَّتْ بِهَا فِي الْجَاهِلِيَّةِ مِنْ صَلَاةٍ وَعَتَاqَةٍ وَصَدَقَةٍ، هَلْ لِي فِيهَا أَجْرٌ؟ قَالَ حَكِيمٌ رَضِيَ اللَّهُ عَنْهُ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَسَلِمْتَ عَلَى مَا سَلَفَ لَكَ مِنْ خَيْرٍ». [راجع: ١٤٣٦]

(١٠١) بَابُ جُلُودِ الْمَيِّتَةِ قَبْلَ أَنْ تُدْبَعِ.

٢٢٢١ - حَدَّثَنَا زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا أَبِي، عَنْ صَالِحٍ قَالَ: حَدَّثَنِي ابْنُ شِهَابٍ أَنَّ عُيَيْدَ اللَّهِ بْنَ عَبْدِ اللَّهِ أَخْبَرَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا أَخْبَرَهُ: أَنَّ رَسُولَ اللَّهِ ﷺ مَرَّ بِشَاةٍ مَيِّتَةٍ فَقَالَ: «هَلَّا اسْتَمْتَعْتُمْ بِهَا بِهَا؟» قَالُوا: إِنَّهَا مَيِّتَةٌ، قَالَ: «إِنَّمَا حَرُمَ أَكْلُهَا». [راجع: ١٤٩٢]

(١٠٢) بَابُ قَتْلِ الْخِنْزِيرِ.

وقال جابر: حَرَّمَ النَّبِيُّ ﷺ بَيْعَ الْخِنْزِيرِ.

٢٢٢٢ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ:

in Whose Hands my soul is, surely the son of Maryam (Mary) 'Iesa (Jesus)⁽¹⁾ will shortly descend amongst you people (Muslims) and will judge mankind justly by the Law of the Qur'an (as a just ruler) and will break the cross and kill the pigs and abolish the *Jizya* (a tax taken from the non-Muslims, who are under the protection of the Muslim government. This *Jizya* tax will not be accepted by 'Iesa [(Jesus) عليه السلام]. Then there will be abundance of money and nobody will accept charitable gifts. [See *Fath Al-Bāri*, for details].

(103) CHAPTER. The fat of the dead animal should not be melted, nor should it be sold.

Jābir narrated this from the Prophet ﷺ.

2223. Narrated Ibn 'Abbās رضي الله عنهما: Once 'Umar was informed that a certain man has sold an alcoholic drink. 'Umar said, "May Allāh curse him! Doesn't he know that Allāh's Messenger ﷺ said, 'May Allāh curse the Jews, for Allāh had forbidden them to eat the fat of animals but they melted it and sold it.'"⁽²⁾

2224. Narrated Abū Hurairah رضي الله عنه: Allāh's Messenger ﷺ said, "May Allāh curse the jews, because Allāh made fat illegal for

حَدَّثَنَا اللَّيْثُ، عَنِ ابْنِ شِهَابٍ، عَنِ ابْنِ الْمُسَيَّبِ: أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «وَالَّذِي نَفْسِي بِيَدِهِ لَيُوشِكَنَّ أَنْ يَنْزَلَ فِيكُمْ ابْنُ مَرْيَمَ حَكَمًا مُفْسِطًا، فَيَكْسِرَ الصَّلِيبَ، وَيَقْتُلَ الْخَنزِيرَ، وَيَضَعَ الْجِزْيَةَ، وَيَقْبِضَ الْمَالَ حَتَّى لَا يَقْبَلَهُ أَحَدٌ». [انظر: ٢٤٧٦، ٣٤٤٨، ٣٤٤٩]

(١٠٣) بَابٌ لَا يُذَابُ شَحْمُ الْمَيِّتَةِ وَلَا يُبَاعُ وَدَكَّهُ.

رَوَاهُ جَابِرٌ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ.

٢٢٢٣ - حَدَّثَنَا الْحُمَيْدِيُّ: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا عَمْرُو بْنُ دِينَارٍ، قَالَ: أَخْبَرَنِي طَاوُسٌ: أَنَّهُ سَمِعَ ابْنَ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ: بَلَغَ عُمَرَ أَنَّ فُلَانًا بَاعَ خَمْرًا، فَقَالَ: قَاتَلَ اللَّهُ فُلَانًا، أَلَمْ يَعْلَمْ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «قَاتَلَ اللَّهُ الْيَهُودَ. حُرِّمَتْ عَلَيْهِمُ الشُّحُومُ فَجَمَلُوهَا فَبَاعُوهَا». [انظر: ٣٤٦٠]

٢٢٢٤ - حَدَّثَنَا عَبْدَانُ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا يُونُسُ، عَنِ ابْنِ

(1) (H. 2222) 'Iesa (Jesus), the son of Maryam (Mary) عليه السلام will descend as a leader of the Muslims, and it is a severe warning to the Christians who claim to be the followers of 'Iesa (Jesus) and he will break the cross and kill the pigs, and he (عليه السلام) will abolish the *Jizya* tax and all mankind will be required to embrace Islam with no other alternative.

(2) (H. 2223) This indicates that it is not permissible to sell a thing which is illegal to eat.

them but they sold it and ate its price.”

شِهَاب: سَمِعْتُ سَعِيدَ بْنَ الْمُسَيَّبِ،
عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ
رَسُولَ اللَّهِ ﷺ قَالَ: «قَاتَلَ اللَّهُ
يَهُودًا. حُرِّمَتْ عَلَيْهِمُ الشُّحُومُ
فَبَاعُوهَا وَأَكَلُوا أَثْمَانَهَا».

قَالَ أَبُو عَبْدِ اللَّهِ: قَاتَلَهُمُ اللَّهُ:
لَعَنَهُمْ. ﴿قِيلَ﴾: لُعِنَ ﴿الْمُحْرَصُونَ﴾:
الكَذَّابُونَ.

(104) CHAPTER. The selling of the pictures of inanimated objects having no souls and what is hated from that.

(١٠٤) بَابُ بَيْعِ التَّصَاوِيرِ الَّتِي لَيْسَ
فِيهَا رُوحٌ، وَمَا يُكْرَهُ مِنْ ذَلِكَ.

2225. Narrated Sa'īd bin Abū Al-Ḥasan: While I was with Ibn 'Abbās رضي الله عنهما, a man came and said, "O father of 'Abbās! I am a human being and my sustenance is from my manual profession and I make these pictures." Ibn 'Abbās said, "I will tell you only what I heard from Allāh's Messenger ﷺ. I heard him saying, 'Whoever makes a picture will be punished by Allāh till he puts soul (life) in it, and he will never be able to put soul (life) in it.'" Hearing this, that man heaved a sigh and his face turned pale. Ibn 'Abbās said to him, "What a pity! If you insist on making pictures I advise you to make pictures of trees and any other inanimated objects having no souls."

٢٢٢٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَبْدِ
الْوَهَّابِ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ:
أَخْبَرَنَا عَوْفٌ عَنْ سَعِيدِ بْنِ أَبِي
الْحَسَنِ قَالَ: كُنْتُ عِنْدَ ابْنِ عَبَّاسٍ
رَضِيَ اللَّهُ عَنْهُمَا إِذْ آتَاهُ رَجُلٌ فَقَالَ:
يَا أَبَا عَبَّاسٍ، إِنِّي إِنْسَانٌ إِنَّمَا مَعِيشَتِي
مِنْ صَنْعَةِ يَدَيَّ، وَإِنِّي أَصْنَعُ هَذِهِ
التَّصَاوِيرَ، فَقَالَ ابْنُ عَبَّاسٍ: لَا
أُحَدِّثُكَ إِلَّا مَا سَمِعْتُ مِنْ رَسُولِ اللَّهِ
ﷺ، سَمِعْتُهُ يَقُولُ: «مَنْ صَوَّرَ صُورَةَ
فِيهِ رُوحٌ حَتَّى يَنْفُخَ فِيهَا الرُّوحَ
وَلَيْسَ بِنَافِخٍ فِيهَا أَبَدًا». فَرَبَّأَ الرَّجُلُ
رَبْوَةً شَدِيدَةً وَاصْفَرَ وَجْهُهُ فَقَالَ:
وَيْحَكَ إِنْ أَبَيْتَ إِلَّا أَنْ تَضَعَّ فَعَلَيْكَ
بِهَذَا الشَّجَرِ، كُلُّ شَيْءٍ لَيْسَ فِيهِ
رُوحٌ. قَالَ أَبُو عَبْدِ اللَّهِ: سَمِعَ سَعِيدُ
بْنَ أَبِي عَرُوبَةَ مِنَ النَّضْرِ بْنِ أَنَسٍ هَذَا
الْوَاحِدَ. [انظر: ٥٩٦٣، ٧٠٤٢]

[See *Fath Al-Bārī*, for details]

(105) CHAPTER. Trade of alcoholic drinks is illegal.

Jābir رضي الله عنه said, "The Prophet ﷺ made the trade of alcoholic drinks illegal."

2226. Narrated 'Āishah رضي الله عنها: When the last verses of *Sūrat Al-Baqarah* were revealed, the Prophet ﷺ went out (of his house to the mosque) and said, "The trade of alcoholic drinks has been made illegal."

(106) CHAPTER. The sin of a person who sells a free man (knowingly and intentionally).

2227. Narrated Abū Hurairah رضي الله عنه: The Prophet ﷺ said, "Allāh says, 'I will be against three persons on the Day of Resurrection:

1. One who makes a covenant in My Name, but he proves treacherous.
2. One who sells a free person (as a slave) and eats the price.
3. And one who employs a labourer and gets the full work done by him but does not pay him his wages'."

(107) CHAPTER. The Prophet ﷺ ordered the Jews to sell their land when he exiled them (drove them out of Al-Madina).

(108) CHAPTER. The sale of a slave (for a slave) and an animal for an animal on credit.

And Ibn 'Umar bought a mount (riding camel) for four camels which he promised to

(١٠٥) بَابُ تَحْرِيمِ التَّجَارَةِ فِي الْخَمْرِ.

وَقَالَ جَابِرٌ رَضِيَ اللَّهُ عَنْهُ: حَرَّمَ النَّبِيُّ ﷺ بَيْعَ الْخَمْرِ.

٢٢٢٦ - حَدَّثَنَا مُسْلِمٌ: حَدَّثَنَا شُعْبَةُ، عَنِ الْأَعْمَشِ، عَنْ أَبِي الضُّحَى، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: لَمَّا نَزَلَتْ آيَاتُ سُورَةِ الْبَقَرَةِ عَنْ آخِرِهَا خَرَجَ النَّبِيُّ ﷺ فَقَالَ: حُرِّمَتِ التَّجَارَةُ فِي الْخَمْرِ.

(١٠٦) بَابُ إِثْمٍ مَنْ بَاعَ حُرًّا.

٢٢٢٧ - حَدَّثَنِي بِشْرُ بْنُ مَرْحُومٍ: حَدَّثَنَا يَحْيَى بْنُ سُلَيْمٍ، عَنْ إِسْمَاعِيلَ بْنِ أُمَيَّةَ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ، عَنِ النَّبِيِّ ﷺ قَالَ: «قَالَ اللَّهُ: ثَلَاثَةٌ أَنَا خَصْمُهُمْ يَوْمَ الْقِيَامَةِ: رَجُلٌ أَعْطَى بِي ثُمَّ عَدَرَ. وَرَجُلٌ بَاعَ حُرًّا فَأَكَلَ ثَمَنَهُ. وَرَجُلٌ اسْتَأْجَرَ أَجِيرًا فَاسْتَوْفَى مِنْهُ وَلَمْ يُعْطِهِ أَجْرَهُ».

(١٠٧) بَابُ أَمْرِ النَّبِيِّ ﷺ الْيَهُودَ بِبَيْعِ أَرْضِيهِمْ حِينَ أُجْلَاهُمْ. فِيهِ الْمُقْبِرِيُّ، عَنْ أَبِي هُرَيْرَةَ.

(١٠٨) بَابُ بَيْعِ الْعَبْدِ وَالْحَيَوَانَ بِالْحَيَوَانَ نَسِيئَةً.

وَأَشْتَرَى ابْنُ عُمَرَ رَاحِلَةً بِأَرْبَعَةِ

deliver at Ar-Rabadha. Ibn 'Abbās said, "One camel may be better than two." Rāfi' bin Khadīj once bought a camel for two camels and he delivered one instantly and said, "If Allāh will, I will bring you the other tomorrow without delay." And said Ibn Al-Musaiyab. "There is no *Ribā* (in animals) i.e., in selling one camel for two, or one sheep for two sheep on credit."

Ibn Sīrīn said, "There is no harm in selling one camel for two on credit."

2228. Narrated Anas رَضِيَ اللهُ عَنْهُ: Amongst the captives was Şafīyya. First she was given to Dihya Al-Kalbi and then to the Prophet ﷺ.⁽¹⁾

(109) CHAPTER. The sale of slaves.

2229. Narrated Abū Sa'īd Al-Khudrī رَضِيَ اللهُ عَنْهُ that while he was sitting with Allāh's Messenger ﷺ (an *Anṣārī* man came) and said, "O Allāh's Messenger! We get female captives as our share of booty, and we are interested in their prices, what is your opinion about coitus interruptus?" The Prophet ﷺ said, "Do you really do that? It is better for you not to do it. No soul that which Allāh has destined to exist, but will surely come into existence."

[See *Fath Al-Bārī*]

أَبْعَرَةَ مَضْمُونَةٍ عَلَيْهِ يُوقِيهَا صَاحِبَهَا بِالرَّبْدَةِ. وَقَالَ ابْنُ عَبَّاسٍ: قَدْ يَكُونُ الْبَعِيرُ خَيْرًا مِنَ الْبَعِيرَيْنِ. وَاشْتَرَى رَافِعُ بْنُ خَدِيجٍ بَعِيرًا بِبَعِيرَيْنِ فَأَعْطَاهُ أَحَدَهُمَا، وَقَالَ: آتِيكَ بِالْآخَرِ غَدًا رَهْوًا إِنْ شَاءَ اللَّهُ. وَقَالَ ابْنُ الْمُسَيَّبِ: لَا رَبًّا فِي الْحَيَوَانِ، الْبَعِيرُ بِالْبَعِيرَيْنِ. وَالشَّاءُ بِالشَّاتَيْنِ إِلَى أَجْلِ. وَقَالَ ابْنُ سِيرِينَ: لَا بِأَسْ بَعِيرٍ بِبَعِيرَيْنِ وَدِرْهَمٍ بِدِرْهَمٍ نَسِيئَةً.

٢٢٢٨ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ، عَنْ ثَابِتٍ، عَنْ أَنَسِ رَضِيَ اللهُ عَنْهُ قَالَ: كَانَ فِي السَّبْيِ صَفِيَّةٌ، فَصَارَتْ إِلَى دِحْيَةَ الْكَلْبِيِّ. ثُمَّ صَارَتْ إِلَى النَّبِيِّ ﷺ. [راجع: ٣٧١]

(١٠٩) بَابُ بَيْعِ الرَّقِيقِ

٢٢٢٩ - حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي ابْنُ مُحَرَّرٍ أَنَّ أَبَا سَعِيدٍ الْخُدْرِيَّ رَضِيَ اللهُ عَنْهُ أَخْبَرَهُ: أَنَّهُ بَيْنَمَا هُوَ جَالِسٌ عِنْدَ النَّبِيِّ ﷺ قَالَ: يَا رَسُولَ اللَّهِ، إِنَّا نَصِيبُ سَبِيًّا. فَنُحِبُّ الْأَثْمَانَ فَكَيْفَ تَرَى فِي الْعَزْلِ؟ فَقَالَ: «أَوْ إِنَّكُمْ تَفْعَلُونَ ذَلِكَ؟ لَا عَلَيْكُمْ أَنْ لَا تَفْعَلُوا ذَلِكَ،

(1) (H. 431) When the Prophet ﷺ took Şafīyya for himself, he told Dihya to choose another slave-girl from among the captives. So, this case is a kind of buying a slave on credit. [See *Fath Al-Bārī*].