

فَإِنهَا لَيْسَتْ نَسَمَةٌ كَتَبَ اللَّهُ أَنْ تَخْرُجَ
إِلَّا هِيَ خَارِجَةٌ.
(١١٠) بَابُ بَيْعِ الْمُدَبَّرِ.

(110) CHAPTER. The sale of *Mudabbar* (i.e., a slave who is promised by his master to be manumitted after the latter's death).

2230. Narrated Jābir عنه رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ sold a *Mudabbar* (on behalf of his master who was still living and was in need of money).

٢٢٣٠ - حَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا
وَكَيْعٌ: حَدَّثَنَا إِسْمَاعِيلُ عَنْ سَلَمَةَ بْنِ
كُهَيْلٍ، عَنْ عَطَاءٍ عَنْ جَابِرِ رَضِيَ اللَّهُ
عَنْهُ قَالَ: بَاعَ النَّبِيُّ ﷺ الْمُدَبَّرَ.
[راجع: ٢١٤١]

2231. Narrated Jābir bin ‘Abdullāh عنه رَضِيَ اللَّهُ عَنْهُ: Allāh’s Messenger ﷺ sold (a *Mudabbar*). [See *Fath Al-Bārī*]

٢٢٣١ - حَدَّثَنَا فُتَيْبَةُ: حَدَّثَنَا
سُفْيَانُ عَنْ عَمْرِو: سَمِعَ جَابِرَ بْنَ عَبْدِ
اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ: بَاعَهُ
رَسُولُ اللَّهِ ﷺ. [راجع: ٢١٤١]

2232, 2233. Narrated Zaid bin Khālid and Abū Hurairah عنه رَضِيَ اللَّهُ عَنْهُمَا that Allāh’s Messenger ﷺ was asked about an unmarried slave-girl who committed illegal sexual intercourse. They heard him saying, “Flog⁽¹⁾ her, and if she commits illegal sexual intercourse again after that, flog her again, and on the third (or the fourth) offense, sell her.”⁽²⁾

٢٢٣٢، ٢٢٣٣ - حَدَّثَنِي زُهَيْرٌ
بُنُ حَرَبٍ: حَدَّثَنَا يَعْقُوبُ: حَدَّثَنَا
أَبِي، عَنْ صَالِحٍ قَالَ: حَدَّثَ ابْنُ
شَهَابٍ أَنَّ عُبَيْدَ اللَّهِ أَخْبَرَهُ أَنَّ زَيْدَ بْنَ
خَالِدٍ وَأَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُمَا
أَخْبَرَاهُ أَنَّهُمَا سَمِعَا رَسُولَ اللَّهِ ﷺ
يُسْأَلُ عَنِ الْأَمَةِ تَزَوَّجَ وَلَمْ تُحْصَنَ.
قَالَ: «اجْلِدُوهَا، ثُمَّ إِنْ زَنَتْ
فَاجْلِدُوهَا ثُمَّ يَبْعُوهَا بَعْدَ الثَّلَاثَةِ أَوْ
الرَّابِعَةِ». [راجع: ٢١٥٢]

2234. Narrated Abū Hurairah عنه رَضِيَ اللَّهُ عَنْهُ: I heard the Prophet ﷺ saying, “If a slave-girl of yours commits illegal sexual intercourse

٢٢٣٤ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ
عَبْدِ اللَّهِ قَالَ: أَخْبَرَنِي اللَّيْثُ، عَنْ

(1) (H. 2232) A slave-girl committing illegal sexual intercourse is punished with 50 lashes, which are half the lashes given to a free unmarried person. Stoning is not prescribed for slaves committing illegal sexual intercourse.

(2) (H. 2232) The narrator is not sure whether the Prophet ﷺ said, “...the third or the fourth offense...”

and her illegal sexual intercourse is proved, she should be lashed, and after that nobody should blame her, and if she commits illegal sexual intercourse the second time, she should be lashed and nobody should blame her after that, and if she does the offense for the third time and her illegal sexual intercourse is proved, she should be sold, even for a hair rope.”

(111) CHAPTER. One can travel with a slave-girl without knowing whether she is pregnant or not?

Al-Ḥasan found no harm in her master's kissing or fondling with her.

Ibn 'Umar رَضِيَ اللهُ عَنْهُمَا said, “If a slave-girl who is suitable to have sexual relations is given to somebody as a gift, or sold or manumitted, her master should not have sexual intercourse with her before she gets one menstruation so as to be sure of absence of pregnancy, and there is no such necessity for a virgin.”

‘Atā said, “There is no harm in fondling with one's pregnant⁽¹⁾ slave-girl without having sexual intercourse with her. Allāh said:

“Except with their wives and the (woman slaves) whom their right hands possess...” (V.70:30)

2235. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: the Prophet ﷺ came to Khaibar and when Allāh made him victorious and he conquered the town by breaking the enemy's defense, the beauty of Ṣafīyya bint Ḥuyai bin Akḥṭab was mentioned to him. Her husband had been killed while she was a bride. Allāh's

سَعِيدٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «إِذَا زَنَتْ أُمَّهُ أَحَدِكُمْ فَتَيَّنَ زَنَاهَا فَلْيَجْلِدْهَا الْحَدَّ وَلَا يُثْرَبْ عَلَيْهَا، ثُمَّ إِنْ زَنَتْ فَلْيَجْلِدْهَا الْحَدَّ وَلَا يُثْرَبْ، ثُمَّ إِنْ زَنَتْ الثَّلَاثَةَ فَتَيَّنَ زَنَاهَا فَلْيَبِعْهَا وَلَوْ بِحَبْلِ مِنْ شَعْرٍ.»

[راجع: ٢١٥٢]

(١١١) بَابُ هَلْ يُسَافِرُ بِالْجَارِيَةِ قَبْلَ أَنْ يَسْتَبْرَأَهَا؟

وَلَمْ يَرَ الْحَسَنُ بَأْسًا أَنْ يُقَبِّلَهَا أَوْ يُبَاشِرَهَا. وَقَالَ ابْنُ عُمَرَ رَضِيَ اللهُ عَنْهُمَا: إِذَا وَهَبْتَ الْوَالِدَةَ الَّتِي تُوطَأُ أَوْ بِيَعْتَ أَوْ عَتَقْتَ فَلْيَسْتَبْرَأْ رَحِمَهَا بِحَيْضَةٍ، وَلَا تُسْتَبْرَأَ الْعَذْرَاءُ. وَقَالَ عَطَاءٌ: لَا بَأْسَ أَنْ يُصِيبَ مِنْ جَارِيَتِهِ الْحَامِلَ مَا دُونَ الْفَرْجِ. وَقَالَ اللهُ تَعَالَى: ﴿لَا عَلَيَّ أَرْوَاحُهُمْ أَوْ مَا مَلَكَتْ أَيْمَانُهُمْ﴾ [المؤمنون: ٦].

٢٢٣٥ - حَدَّثَنَا عَبْدُ الْعَقَّارِ بْنُ دَاوُدَ: حَدَّثَنَا يَعْقُوبُ بْنُ عَبْدِ الرَّحْمَنِ عَنْ عَمْرِو بْنِ أَبِي عَمْرٍو عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللهُ عَنْهُ قَالَ: قَدِمَ النَّبِيُّ ﷺ خَيْبَرَ فَلَمَّا فَتَحَ اللهُ عَلَيْهِ الْحِصْنَ

(1) (Ch. 111) Pregnant from another man, not her master.

Messenger ﷺ selected her for himself and he set out in her company till he reached Sadder-Rawḥā' where her menses were over and he married her. Then *Hais* (a kind of meal) was prepared and served on a small leather sheet (used for serving meals). Allāh's Messenger ﷺ then said to me, "Inform those who are around you (about the wedding banquet)." So that was the marriage banquet given by Allāh's Messenger for (his marriage with) Ṣāfiyya. After that we proceeded to Al-Madīna and I saw that Allāh's Messenger ﷺ was covering her with a cloak while she was behind him. Then he would sit beside his camel and let Ṣāfiyya put her feet on his knees to ride (the camel).

ذَكَرَ لَهُ جَمَالٌ صَفِيَّةَ بِنْتِ حُيَيِّ بْنِ أَحْطَبٍ، وَقَدْ قُتِلَ زَوْجُهَا وَكَانَتْ عَرُوسًا، فَاصْطَفَاهَا رَسُولُ اللَّهِ ﷺ لِنَفْسِهِ، فَخَرَجَ بِهَا حَتَّى بَلَّغْنَا سَدَّ الرَّوْحَاءِ حَلَّتْ قَبَتِي بِهَا ثُمَّ صَنَعَ حَيْسًا فِي نِطْعٍ صَغِيرٍ. ثُمَّ قَالَ رَسُولُ اللَّهِ ﷺ: «أَذِنَ مَنْ حَوْلَكَ»، فَكَانَتْ تِلْكَ وَوَلِيمَةَ رَسُولِ اللَّهِ ﷺ عَلَى صَفِيَّةَ. ثُمَّ خَرَجْنَا إِلَى الْمَدِينَةِ، قَالَ: فَرَأَيْتُ رَسُولَ اللَّهِ ﷺ يُحَوِّي لَهَا وَرَاءَهُ بَعَاءَةً. ثُمَّ يَجْلِسُ عِنْدَ بَعِيرِهِ فَيَضَعُ رُكْبَتَهُ فَتَضَعُ صَفِيَّةُ رِجْلَهَا عَلَى رُكْبَتِهِ حَتَّى تَرْتَكِبَ. [راجع: ٣٧١]

(112) CHAPTER. The sale of dead animals and idols.

(١١٢) بَابُ بَيْعِ الْمَيْتَةِ وَالْأَصْنَامِ.

2236. Narrated Jābir bin 'Abdullāh رضي الله عنه: In the year of the conquest of Makkah, I heard Allāh's Messenger ﷺ saying, "Allāh and His Messenger made illegal the trade of alcoholic liquors, dead animals, pigs and idols." The people asked, "O Allāh's Messenger! What about the fat of dead animals, for it was used for greasing the boats and the hides; and people use it for lights?" He said, "No, it is illegal." Allāh's Messenger ﷺ further said, "May Allāh curse the Jews, for Allāh made the fat (of animals) illegal for them, yet they melted the fat and sold it and ate its price."

٢٢٣٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يَقُولُ وَهُوَ بِمَكَّةَ عَامَ الْفَتْحِ: «إِنَّ اللَّهَ وَرَسُولَهُ حَرَّمَ بَيْعَ الْحَمْرِ وَالْمَيْتَةِ وَالْخِنْزِيرِ وَالْأَصْنَامِ». فَقِيلَ: يَا رَسُولَ اللَّهِ، أَرَأَيْتَ شُحُومَ الْمَيْتَةِ فَإِنَّهَا يُطْلَى بِهَا السُّفُنُ وَيُدْهَنُ بِهَا الْجُلُودُ. وَيَسْتَضْبِحُ بِهَا النَّاسُ. فَقَالَ: «لَا، هُوَ حَرَامٌ» ثُمَّ قَالَ رَسُولُ اللَّهِ ﷺ: «قَاتَلَ اللَّهُ الْيَهُودَ، إِنَّ اللَّهَ لَمَّا حَرَّمَ شُحُومَهَا جَمَلُوهَا ثُمَّ

بَاعُوهُ فَأَكَلُوا ثَمَنَهُ»، وَقَالَ أَبُو
عَاصِمٍ: حَدَّثَنَا عَبْدُ الْحَمِيدِ: حَدَّثَنَا
يَزِيدٌ: كَتَبَ إِلَيَّ عَطَاءٌ: سَمِعْتُ جَابِرًا
رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ. [انظر:

[٤٢٩٦، ٤٦٣٣]

(113) CHAPTER. The price of a dog.

2237. Narrated Abū Mas'ūd Al-Anṣārī
Allāh's Messenger ﷺ forbade
taking the price of a dog, money earned by
prostitution and the earnings of a soothsayer.

(١١٣) بَابُ ثَمَنِ الْكَلْبِ.

٢٢٣٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ
يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنِ ابْنِ
شِهَابٍ. عَنْ أَبِي بَكْرٍ بْنِ عَبْدِ
الرَّحْمَنِ عَنِ أَبِي مَسْعُودٍ الْأَنْصَارِيِّ
رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ
نَهَى عَنِ ثَمَنِ الْكَلْبِ، وَمَهْرِ الْبَغِيِّ،
وَحُلُوانِ الْكَاهِنِ. [انظر: ٢٢٨٢،

[٥٣٤٦، ٥٧٦١]

2238. Narrated Aun bin Abū Juhaifa: I
saw my father buying a slave whose
profession was cupping, and ordered that
his instruments (of cupping) be broken. I
asked him the reason for doing so. He
replied, "Allāh's Messenger ﷺ prohibited
taking money for blood, the price of a dog,
and the earnings of a slave-girl by
prostitution; he ﷺ cursed her who tattoos
and her who gets tattooed, the eater of *Ribā*
(usury) and also the one who gives it and the
maker of pictures."

٢٢٣٨ - حَدَّثَنَا حَجَّاجُ بْنُ
مِنْهَالٍ: حَدَّثَنَا شُعْبَةُ قَالَ: أَخْبَرَنِي
عَوْنُ بْنُ أَبِي جُحَيْفَةَ قَالَ: رَأَيْتُ أَبِي
اشْتَرَى حَجَامًا فَأَمَرَ بِمَحَاجِمِهِ
فَكَسِرَتْ فَسَأَلْتُهُ عَنْ ذَلِكَ، فَقَالَ: إِنَّ
رَسُولَ اللَّهِ ﷺ نَهَى عَنِ ثَمَنِ الدَّمِ،
وَتَمَنِ الْكَلْبِ، وَكَسْبِ الْأَمَةِ، وَلَعَنَ
الْوَأَشِمَةَ وَالْمُسْتَوْشِمَةَ، وَأَكَلَ الرَّبَا
وَمُوكِلَهُ وَلَعَنَ الْمُصَوِّرَ. [راجع: ٢٠٨٦]

35 - THE BOOK OF AS-SALAM
(A sale in which the price is paid at once for goods to be delivered later)

٣٥ - كِتَابُ السَّلَامِ

(1) CHAPTER. As-Salam by a definite known specified measure.

(١) بَابُ السَّلَامِ فِي كَيْلِ مَعْلُومٍ

2239. Narrated Ibn ‘Abbās رَضِيَ اللهُ عَنْهُمَا : Allāh’s Messenger ﷺ came to Al-Madina and the people used to pay in advance the price of fruits to be delivered within one or two years. (The subnarrator is in doubt whether it was one to two years or two to three years.) The Prophet ﷺ said, “Whoever pays money in advance for dates (to be delivered later) should pay it for known specified weight and measure (of the dates).”

Narrated Ibn Abī Najīh as above, mentioning only known specific measure.

٢٢٣٩ - حَدَّثَنِي عَمْرُو بْنُ زُرَّارَةَ: أَخْبَرَنَا إِسْمَاعِيلُ بْنُ عَلِيَّةَ: أَخْبَرَنَا ابْنُ أَبِي نَجِيحٍ، عَنْ عَبْدِ اللَّهِ بْنِ كَثِيرٍ، عَنْ أَبِي الْمُنْهَالِ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا قَالَ: قَدِمَ رَسُولُ اللهِ ﷺ الْمَدِينَةَ وَالنَّاسُ يُسَلِّفُونَ فِي الثَّمْرِ الْعَامَ وَالْعَامَيْنِ - أَوْ قَالَ: عَامَيْنِ أَوْ ثَلَاثَةَ، شَكَ إِسْمَاعِيلُ - فَقَالَ: «مَنْ سَلَفَ فِي تَمْرِ فَلْيُسَلِّفْ فِي كَيْلٍ مَعْلُومٍ وَوَزْنٍ مَعْلُومٍ».

حَدَّثَنَا مُحَمَّدٌ: أَخْبَرَنَا إِسْمَاعِيلُ، عَنْ ابْنِ أَبِي نَجِيحٍ بِهَذَا: «فِي كَيْلِ مَعْلُومٍ وَوَزْنٍ مَعْلُومٍ». [انظر: ٢٢٤٠، ٢٢٤١، ٢٢٥٣]

(2) CHAPTER. As-Salam for a known specified weight.

(٢) بَابُ السَّلَامِ فِي وَزْنِ مَعْلُومٍ

2240. Narrated Ibn ‘Abbās رَضِيَ اللهُ عَنْهُمَا : The Prophet ﷺ came to Al-Madina and the people used to pay in advance the price of dates to be delivered within two or three years. He said (to them), “Whoever pays in advance the price of a thing to be delivered later should pay it for a known specified measure, at known specified weight, for a known specified time-period,”

٢٢٤٠ - حَدَّثَنَا صَدَقَةُ: أَخْبَرَنَا ابْنُ عُيَيْنَةَ: أَخْبَرَنَا ابْنُ أَبِي نَجِيحٍ، عَنْ عَبْدِ اللَّهِ بْنِ كَثِيرٍ، عَنْ أَبِي الْمُنْهَالِ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا قَالَ: قَدِمَ النَّبِيُّ ﷺ الْمَدِينَةَ وَهُمْ يُسَلِّفُونَ بِالثَّمْرِ السَّنَتَيْنِ

Narrated Ibn Abī Najīh as above, saying, "He should pay the price in advance for a known specified measure and for a known specified time-period."

2241. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُمَا: The Prophet ﷺ came (to Al-Madina) and he told the people (regarding the payment of money in advance that they should pay it) for known specified measure and a known specified weight and known specified time-period.

2242, 2243. Narrated Shu'ba: Muḥammad or 'Abdullāh bin Abū Al-Mujālid said, " 'Abdullāh bin Shaddād and Abū Burda differed regarding *As-Salam*, so they sent me to Ibn Abī Aūfā رَضِيَ اللهُ عَنْهُمَا and I asked him about it. He replied, 'In the lifetime of Allāh's Messenger ﷺ, Abū Bakr and 'Umar, we used to pay in advance the prices of wheat, barley, dried grapes and dates to be delivered later.' I also asked Ibn Abzā and he, too, replied as above."

وَالثَّلَاثَ، فَقَالَ: «مَنْ أَسْلَفَ فِي شَيْءٍ فَفِي كَيْلٍ مَعْلُومٍ وَوَزْنٍ مَعْلُومٍ إِلَى أَجَلٍ مَعْلُومٍ». [راجع: ٢٢٣٩]

حَدَّثَنَا عَلِيُّ: حَدَّثَنَا سُفْيَانُ قَالَ: حَدَّثَنِي ابْنُ أَبِي نَجِيحٍ وَقَالَ: «فَلْيُسَلَفَ فِي كَيْلٍ مَعْلُومٍ إِلَى أَجَلٍ مَعْلُومٍ».

٢٢٤١ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا سُفْيَانُ، عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ عَبْدِ اللَّهِ بْنِ كَثِيرٍ، عَنْ أَبِي الْمِنْهَالِ قَالَ سَمِعْتُ ابْنَ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ: قَدِمَ النَّبِيُّ ﷺ وَقَالَ: «فِي كَيْلٍ مَعْلُومٍ، وَوَزْنٍ مَعْلُومٍ إِلَى أَجَلٍ مَعْلُومٍ». [راجع: ٢٢٣٩]

٢٢٤٢، ٢٢٤٣ - حَدَّثَنَا أَبُو الْوَلِيدِ: حَدَّثَنَا شُعْبَةُ، عَنِ ابْنِ أَبِي الْمُجَالِدِ. ح وَحَدَّثَنَا يَحْيَى: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ مُحَمَّدِ بْنِ أَبِي الْمُجَالِدِ: حَدَّثَنَا حَفْصُ بْنُ عُمَرَ: حَدَّثَنَا شُعْبَةُ قَالَ: أَخْبَرَنِي مُحَمَّدٌ أَوْ عَبْدُ اللَّهِ بْنُ أَبِي الْمُجَالِدِ، قَالَ: اخْتَلَفَ عَبْدُ اللَّهِ بْنُ شَدَّادِ بْنِ الْهَادِ وَأَبُو بُرْدَةَ فِي السَّلْفِ فَبَعَثُونِي إِلَى ابْنِ أَبِي أَوْفَى رَضِيَ اللَّهُ عَنْهُ فَسَأَلْتُهُ فَقَالَ: إِنَّا كُنَّا نُسَلِفُ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ وَأَبِي بَكْرٍ وَعُمَرَ فِي الْجَنْطَةِ وَالشَّعِيرِ وَالرَّيْبِ وَالتَّمْرِ. وَسَأَلْتُ ابْنَ أَبِي بَرزَةَ فَقَالَ مِثْلَ ذَلِكَ. [الحدث:

(3) CHAPTER. *As-Salam* to a person who has got nothing (to pay for the prices he receives in advance).

2244, 2245. Narrated Muḥammad bin Al-Mujālid: ‘Abdullāh bin Shaddād and Abū Burda sent me to ‘Abdullāh bin Abī Aūfā and told me to ask ‘Abdullāh whether the people in the lifetime of the Prophet ﷺ used to pay in advance for wheat (to be delivered later). ‘Abdullāh replied, “We used to pay in advance to the peasants of Sham for wheat, barley and olive oil for a known specified measure to be delivered in a known specified time-period.” I asked (him), “Was the price paid (in advance) to those who had the things to be delivered later?” ‘Abdullāh bin Aūfā replied, “We did not use to ask them about that.” Then they sent me to ‘Abdur Raḥmān bin Abzā and I asked him. He replied, “The Companions of the Prophet ﷺ used to practise *As-Salam* in the lifetime of the Prophet ﷺ and we did not use to ask them whether they had standing crops or not.”

Narrated Muḥammad bin Abī Al-Mujālid as above (*Hadīth* No.2244, 2245) and said, “We used to pay them in advance for wheat and barley (to be delivered later).”

Narrated Ash-Shaibānī, “And also for oil.”

Narrated Ash-Shaibānī (who said) “We used to pay in advance for wheat, barley and dried grapes.”

۲۲۴۲، انظر: ۲۲۴۴، ۲۲۵۵؛

[الحديث: ۲۲۴۳، انظر: ۲۲۴۵، ۲۲۵۴]

(۳) بَابُ السَّلَمِ إِلَى مَنْ لَيْسَ عِنْدَهُ أَصْلٌ

۲۲۴۴، ۲۲۴۵ - حَدَّثَنَا مُوسَى

بْنُ إِسْمَاعِيلَ: حَدَّثَنَا عَبْدُ الْوَاحِدِ:

حَدَّثَنَا الشَّيْبَانِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي

مُجَالِيدٍ قَالَ: بَعَثَنِي عَبْدُ اللَّهِ بْنُ شَدَادٍ

وَأَبُو بُرْدَةَ إِلَى عَبْدِ اللَّهِ بْنِ أَبِي أَوْفَى

رَضِيَ اللَّهُ عَنْهُمَا فَقَالَا: سَلَهُ هَلْ كَانَ

أَصْحَابُ النَّبِيِّ ﷺ فِي عَهْدِ النَّبِيِّ ﷺ

يُسَلِّفُونَ فِي الْحِنْطَةِ؟ فَقَالَ عَبْدُ اللَّهِ:

كُنَّا نُسَلِّفُ نَبِيْطَ أَهْلِ الشَّامِ فِي

الْحِنْطَةِ وَالشَّعِيرِ وَالرَّيْتِ، فِي كَيْلِ

مَعْلُومٍ إِلَى أَجَلٍ مَعْلُومٍ. قُلْتُ: إِلَى

مَنْ كَانَ أَصْلُهُ عِنْدَهُ؟ قَالَ: مَا كُنَّا

نَسْأَلُهُمْ عَنْ ذَلِكَ. ثُمَّ بَعَثَانِي إِلَى عَبْدِ

الرَّحْمَنِ بْنِ أَبِزَى. فَسَأَلْتُهُ فَقَالَ: كَانَ

أَصْحَابُ النَّبِيِّ ﷺ يُسَلِّفُونَ فِي عَهْدِ

النَّبِيِّ ﷺ وَلَمْ نَسْأَلُهُمْ: أَلَهُمْ حَرْثٌ

أَمْ لَا؟. [راجع: ۲۲۴۲، ۲۲۴۳]

حَدَّثَنَا إِسْحَاقُ: حَدَّثَنَا خَالِدُ بْنُ

عَبْدِ اللَّهِ، عَنِ الشَّيْبَانِيِّ، عَنْ مُحَمَّدِ

بْنِ أَبِي مُجَالِيدٍ بِهَذَا، وَقَالَ: فَسَلِّفُهُمْ

فِي الْحِنْطَةِ وَالشَّعِيرِ. وَقَالَ عَبْدُ اللَّهِ

بْنُ الْوَلِيدِ، عَنْ سُفْيَانَ: حَدَّثَنَا

الشَّيْبَانِيُّ وَقَالَ: وَالرَّيْتِ. حَدَّثَنَا

قُتَيْبَةُ: حَدَّثَنَا جَرِيرٌ، عَنِ الشَّيْبَانِيِّ

2246. Narrated Abū Bakhtari Aṭ-Ṭāi: I asked Ibn ‘Abbas رَضِيَ اللهُ عَنْهُمَا about *As-Salam* for (the fruits of) date-palms. He replied, “The Prophet ﷺ forbade the sale of dates on the trees till they became fit for eating and could be weighed.” A man asked what to be weighed (as the dates were still on the trees). Another man sitting beside Ibn ‘Abbas replied, “Till they are cut and stored.”⁽¹⁾

Narrated Abū Al-Bakhtari: I heard Ibn ‘Abbas رَضِيَ اللهُ عَنْهُمَا (saying) that the Prophet ﷺ forbade... etc. as above.

(4) CHAPTER. *As-Salam* for (the fruits of) date-palms.

2247, 2248. Narrated Abū al-Bakhtari: I asked Ibn ‘Umar رَضِيَ اللهُ عَنْهُمَا about *As-Salam* for (the fruits) of date-palms. He replied, “The Prophet ﷺ forbade the sale of dates till their benefit becomes evident and fit for eating, and also the sale of silver (for gold) on credit.”

I asked Ibn ‘Abbas about *As-Salam* for dates and he replied, “The Prophet ﷺ forbade the sale of dates till they were fit for eating and could be estimated.”

2249, 2250. Narrated Abū Al-Bakhtari: I

وَقَالَ: فِي الْحِنَظَةِ وَالشَّعِيرِ وَالزَّيْبِ.
 ٢٢٤٦ - حَدَّثَنَا آدَمُ: حَدَّثَنَا شُعْبَةُ: أَخْبَرَنَا عَمْرُو قَالَ: سَمِعْتُ أَبَا الْبَحْتَرِيِّ الطَّائِيَّ قَالَ: سَأَلْتُ ابْنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا عَنِ السَّلْمِ فِي النَّخْلِ، قَالَ: نَهَى النَّبِيُّ ﷺ عَنْ بَيْعِ النَّخْلِ حَتَّى يُؤَكَّلَ مِنْهُ وَحَتَّى يُوزَنَ، فَقَالَ رَجُلٌ: مَا يُوزَنُ؟ فَقَالَ لَهُ رَجُلٌ إِلَى جَانِبِهِ: حَتَّى يُحَرَّرَ». وَقَالَ مُعَاذٌ: حَدَّثَنَا شُعْبَةُ، عَنْ عَمْرٍو قَالَ أَبُو الْبَحْتَرِيِّ: سَمِعْتُ ابْنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا: نَهَى النَّبِيُّ ﷺ مِثْلَهُ. [انظر: ٢٢٤٨، ٢٢٥٠]

(٤) بَابُ السَّلْمِ فِي النَّخْلِ

٢٢٤٧، ٢٢٤٨ - حَدَّثَنَا أَبُو الْوَلِيدِ: حَدَّثَنَا شُعْبَةُ، عَنْ عَمْرٍو، عَنْ أَبِي الْبَحْتَرِيِّ قَالَ: سَأَلْتُ ابْنَ عَمْرٍو رَضِيَ اللهُ عَنْهُمَا عَنِ السَّلْمِ فِي النَّخْلِ، فَقَالَ: نُهِيَ عَنْ بَيْعِ النَّخْلِ حَتَّى يَصْلُحَ وَعَنْ بَيْعِ الْوَرِقِ نَسَاءً بِنَاجِزٍ. وَسَأَلْتُ ابْنَ عَبَّاسٍ عَنِ السَّلْمِ فِي النَّخْلِ فَقَالَ: نَهَى النَّبِيُّ ﷺ عَنْ بَيْعِ النَّخْلِ حَتَّى يُؤَكَّلَ مِنْهُ - أَوْ يَأْكُلَ مِنْهُ - وَحَتَّى يُوزَنَ. [راجع: ١٤٨٦،

[٢٢٤٦

٢٢٤٩، ٢٢٥٠ - حَدَّثَنَا مُحَمَّدٌ

(1) (H. 2246) In some narrations occurs: ‘Till they could be estimated (while still on the trees).’

asked Ibn 'Umar رَضِيَ اللهُ عَنْهُمَا about *As-Salam* for dates. Ibn 'Umar replied, "The Prophet ﷺ forbade the sale (of fruits) of date-palms until they were fit for eating; and also forbade the sale of silver for gold on credit." I also asked Ibn 'Abbās about it. Ibn 'Abbās replied, "The Prophet ﷺ forbade the sale of dates till they were fit for eating, and could be weighed." I asked him, "What is to be weighed (as the dates are on the trees)?" A man sitting by Ibn 'Abbās said, "It means till they are cut and stored."

بْنُ بَشَّارٍ: حَدَّثَنَا عُندَرٌ: حَدَّثَنَا شُعْبَةُ،
عَنْ عَمْرٍو، عَنْ أَبِي الْبَحْتَرِيِّ: سَأَلْتُ
ابْنَ عُمَرَ رَضِيَ اللهُ عَنْهُمَا عَنِ السَّلْمِ
فِي النَّحْلِ، فَقَالَ: نَهَى النَّبِيُّ ﷺ عَنْ
بَيْعِ الثَّمَرِ حَتَّى يَصْلَحَ. وَنَهَى عَنِ
الْوَرِقِ بِالذَّهَبِ نِسَاءً بِنَاجِزٍ. وَسَأَلْتُ
ابْنَ عَبَّاسٍ فَقَالَ: نَهَى النَّبِيُّ ﷺ عَنْ
بَيْعِ النَّحْلِ حَتَّى يَأْكُلَ أَوْ يُوَكَّلَ،
وَحَتَّى يُوزَنَ. قُلْتُ: وَمَا يُوزَنُ؟ قَالَ
رَجُلٌ عِنْدَهُ: حَتَّى يُحَرَّرَ. [راجع:

[١٤٨٦، ٢٢٤٦]

(5) CHAPTER. The guarantor in *As-Salam*.

2251. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: Allāh's Messenger ﷺ bought some foodstuff (barley) from a jew on credit and mortgaged his iron armour to him (the amour stands for a guarantor).

(٥) بَابُ الْكَفِيلِ فِي السَّلْمِ
٢٢٥١ - حَدَّثَنِي مُحَمَّدُ بْنُ
سَلَامٍ: حَدَّثَنَا يَغْلَى: حَدَّثَنَا
الْأَعْمَشُ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ،
عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا قَالَتْ:
اشْتَرَى رَسُولُ اللهِ ﷺ طَعَاماً مِنْ
يَهُودِي بَنِيْسِيَّةٍ وَرَهْنَهُ دِرْعاً لَهُ مِنْ
حَدِيدٍ. [راجع: ٢٠٦٨]

(6) CHAPTER. Mortgaging in *As-Salam*.

2252. Narrated Al-A'mash: We argued at Ibrāhīm's dwelling place about mortgaging in *As-Salam*. He said, "Āishah رَضِيَ اللهُ عَنْهَا said, "The Prophet ﷺ bought some foodstuff from a jew on credit and the payment was to be made by a known definite time-period, and he mortgaged his iron armour to him'."

(٦) بَابُ الرَّهْنِ فِي السَّلْمِ
٢٢٥٢ - حَدَّثَنِي مُحَمَّدُ بْنُ
مَخْبُوبٍ: حَدَّثَنَا عَبْدُ الْوَاحِدِ: حَدَّثَنَا
الْأَعْمَشُ قَالَ: تَذَاكَرْنَا عِنْدَ إِبْرَاهِيمَ
الرَّهْنَ فِي السَّلْفِ، فَقَالَ: حَدَّثَنِي
الْأَسْوَدُ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا:
أَنَّ النَّبِيَّ ﷺ اشْتَرَى مِنْ يَهُودِي
طَعَاماً إِلَى أَجَلٍ مَعْلُومٍ وَارْتَهَنَ مِنْهُ
دِرْعاً مِنْ حَدِيدٍ. [راجع: ٢٠٦٨]

(7) CHAPTER. *As-Salam* for a fixed specified period.

Ibn 'Abbās, Abu Sa'īd, Al-Aswad and Al-Ḥasan permitted it. Ibn 'Umar said, "There is no harm in buying foodstuff to be delivered within a known specified time-period, at a known fixed price provided that it is not standing crops that have not yet become ripe and free from blights and diseases."

2253. Narrated Ibn 'Abbās رضي الله عنهما: The Prophet ﷺ came to Al-Madīna and the people used to pay in advance the prices of fruits to be delivered within two to three years. The Prophet ﷺ said (to them), "Buy fruits by paying their prices in advance on condition that the fruits are to be delivered to you according to a known specified measure, within a known specified time-period." Ibn Najīh said, "...by a known specified measure and a known specified weight."

2254, 2255. Narrated Muḥammad bin Abī Al-Mujālid: Abū Burda and 'Abdullāh bin Shaddād sent me to 'Abdur Raḥmān bin Abzā and 'Abdullāh bin Abi Aūfā to ask them about the *As-Salaf* (*As-Salam*). They said, "We used to get war booty while we were with Allāh's Messenger ﷺ, and when the peasants of Ḥam came to us we used to pay them in advance for wheat, barley, and oil to be delivered within a known fixed time-period." I asked them, "Did the peasants own standing crops or not?" They replied, "We never asked them about it."

(٧) بَابُ السَّلْمِ إِلَى أَجَلٍ مَعْلُومٍ،

وَبِهِ قَالَ ابْنُ عَبَّاسٍ وَأَبُو سَعِيدٍ وَالْحَسَنُ وَالْأَسْوَدُ. وَقَالَ ابْنُ عُمَرَ: لَا بَأْسَ فِي الطَّعَامِ الْمَوْصُوفِ بِسَعِيرٍ مَعْلُومٍ إِلَى أَجَلٍ مَعْلُومٍ، مَا لَمْ يَكُنْ ذَلِكَ فِي زَرْعٍ لَمْ يَبْدُ صَلَاحُهُ.

٢٢٥٣ - حَدَّثَنَا أَبُو نَعِيمٍ: حَدَّثَنَا سُفْيَانُ، عَنِ ابْنِ أَبِي نَجِيحٍ عَنْ عَبْدِ اللَّهِ بْنِ كَثِيرٍ، عَنْ أَبِي الْمُنْهَالِ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَدِمَ النَّبِيُّ ﷺ الْمَدِينَةَ وَهُمْ يُسَلِفُونَ فِي الثَّمَارِ السَّنَتَيْنِ وَالثَّلَاثَ، فَقَالَ: «أَسَلِفُوا فِي الثَّمَارِ فِي كَيْلٍ مَعْلُومٍ إِلَى أَجَلٍ مَعْلُومٍ». وَقَالَ عَبْدُ اللَّهِ بْنُ الْوَلِيدِ: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا ابْنُ أَبِي نَجِيحٍ، وَقَالَ: «فِي كَيْلٍ مَعْلُومٍ وَوَزْنٍ مَعْلُومٍ». [راجع: ٢٢٣٩]

٢٢٥٤، ٢٢٥٥ - حَدَّثَنَا مُحَمَّدُ بْنُ مُقَاتِلٍ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا سُفْيَانُ، عَنْ سُلَيْمَانَ السِّنِّيَّيْنِ، عَنْ مُحَمَّدِ بْنِ أَبِي الْمُجَالِيدِ قَالَ: أُرْسَلَنِي أَبُو بُرْدَةَ وَعَبْدُ اللَّهِ بْنُ شَدَّادٍ إِلَى عَبْدِ الرَّحْمَنِ بْنِ أَبِيزَى وَعَبْدِ اللَّهِ بْنِ أَبِي أَوْفَى، فَسَأَلْتُهُمَا عَنِ السَّلْفِ، فَقَالَا: كُنَّا نَصِيبُ الْمَغَاظِمَ مَعَ رَسُولِ اللَّهِ ﷺ فَكَانَ يَأْتِينَا أَنْبَاطٌ مِنْ أَنْبَاطِ الشَّامِ فَسَلِفُهُمْ فِي الْحِنْطَةِ وَالشَّعِيرِ وَالرَّيْبِ إِلَى أَجَلٍ مُسَمًّى، قَالَ: قُلْتُ: أَكَانَ