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Of the majestic narrator and the scholar, the jurist, the Sheykh
Muhammad Bin Yaqoub Al-Kulayni

Well known as 'The trustworthy of Al-Islam Al-Kulayni'

Who died in the year 329 H

كتاب المَعِيشَةِ

THE BOOK OF SUBSISTENCE (4)

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ، وَصَلَّى اللَّهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَآلِهِ الطَّاهِرِينَ، وَسَلَّم تَسْلِيمًا.

In the Name of Allah^{azwj} the Beneficent, the Merciful. The Praise is for Allah^{azwj} Lord^{azwj} of the Worlds, and Blessing be upon our Chief Muhammad^{saww} and his^{saww} Purified Progeny^{asws}, and greetings with abundant greetings.

باب فَضْلِ شِرَاءِ الْحِنْطَةِ وَ الطَّعَامِ

Chapter 66 – The merits of buying the wheat and the foodstuffs

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ نَصْرِ بْنِ إِسْحَاقَ الْكُوفِيِّ عَنْ عَبَّادِ بْنِ حَبِيبٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ شِرَاءُ الْحِنْطَةِ يَنْفِي الْفَقْرَ وَ شِرَاءُ الدَّقِيقِ يُنْشِئُ الْفَقْرَ وَ شِرَاءُ الْخُبْزِ مَحَقٌّ قَالَ قُلْتُ لَهُ أَبَقَاكَ اللَّهُ فَمَنْ لَمْ يَفْعَلْ عَلَى شِرَاءِ الْحِنْطَةِ قَالَ ذَلِكَ لِمَنْ يَفْعَلُ وَ لَا يَفْعَلُ .

A number of our companions, from Ahmad Bin Muhammad, from Ibn Mahboub, from Nasr Bin Is'haq Al Kufy, from Abbad Bin Habeeb who said,

'I heard Abu Abdullah^{asws} saying: 'Buying the wheat negates the poverty, and buying the flour initiates the poverty, and buying the bread is annihilation (of the wealth)'. I said to him^{asws}, 'May Allah^{saww} Make you^{asws} to remain! So (what about) the one who is unable upon buying the wheat?' He^{asws} said: 'That is for the one who is able, but does not do it'.¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ سَلَمَةَ بْنِ الْخَطَّابِ عَنْ عَلِيِّ بْنِ الْمُنْذِرِ الرَّبَّالِيِّ عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا كَانَ عِنْدَكَ دِرْهَمٌ فَاشْتَرِ بِهِ الْحِنْطَةَ فَإِنَّ الْمَحَقَّ فِي الدَّقِيقِ .

Muhammad Bin Yahya, from Salma Bin Al Khattab, from Ali Bin Al Munzir Al Zayyad, from Muhammad Bin Al Fuzayl,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Whenever there was a Dirham with you, so buy the wheat with it, for the annihilation is in the flour'.²

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ خَالِدٍ عَنْ مُحَمَّدِ بْنِ عَلِيٍّ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ قَالَ قَالَ لِي أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَا أَبَا الصَّبَّاحِ شِرَاءُ الدَّقِيقِ ذُلٌّ وَ شِرَاءُ الْحِنْطَةِ عِزٌّ وَ شِرَاءُ الْخُبْزِ فَقْرٌ فَتَعُوذُ بِاللَّهِ مِنَ الْفَقْرِ .

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from Muhammad Bin Ali, from Abdullah Bin Jabala, from Abu Al Sabbah Al Kinany who said,

'Abu Abdullah^{asws} said to me: 'O Abu Al Sabbah! Buying the flour is a disgrace, and buying the wheat is an honour, and buying the bread is poverty. We^{asws} seek Refuge with Allah^{saww} from the poverty'.³

¹ Al Kafi – V 5 – The Book of Subsistence Ch 66 H 1

² Al Kafi – V 5 – The Book of Subsistence Ch 66 H 2

³ Al Kafi – V 5 – The Book of Subsistence Ch 66 H 3

بَابُ كَرَاهَةِ الْجَزَافِ وَ فَضْلِ الْمَكَايِلَةِ**Chapter 67 – Abhorrence of the thing of unknown measurement or weight, and preference of the measurement**

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنْ يُونُسَ بْنِ يَعْقُوبَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ شَكَأَ قَوْمٌ إِلَى النَّبِيِّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) سُرْعَةَ نَفَادِ طَعَامِهِمْ فَقَالَ تَكِيلُونَ أَوْ تَهِيلُونَ قَالُوا نَهَيْلُ يَا رَسُولَ اللَّهِ يَعْنِي الْجَزَافَ قَالَ كِيلُوا وَ لَا تَهِيلُوا فَإِنَّهُ أَكْبَرُ لِلْبَرَكَةِ .

A number of our companions, from Ahmad Bin Muhammad, from Ibn Fazzal, from Yunus Bin Yaquob,

(It has been narrated) from Abu Abdullah^{asws} having said: ‘A group of people complained to the Prophet^{saww} of the rapid depletion of their foodstuffs, so he^{saww} said: ‘Are you measuring out or heaping?’ They said, ‘We heap, O Rasool-Allah^{saww}! – meaning the estimation. He^{saww} said: ‘Measure out and do not heap, for it is greater for the Blessings’.⁴

عَلِيُّ بْنُ مُحَمَّدٍ بْنِ بُنْدَارٍ عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنْ هَارُونَ بْنِ الْجَهْمِ عَنْ حَفْصِ بْنِ عُمَرَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) كِيلُوا طَعَامَكُمْ فَإِنَّ الْبَرَكَةَ فِي الطَّعَامِ الْمَكِيلِ .

Ali Bin Muhammad Bin Bundar, from Ahmad Bin Abu Abdullah, from his father, from Haroun Bin Al Jahm, from Hafs Bin Umar,

(It has been narrated) from Abu Abdullah^{asws} having said: ‘Rasool-Allah^{saww} said: ‘Measure out your foodstuffs, for the Blessings are in the measured foodstuffs’.⁵

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شَمُونٍ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ مِسْمَعٍ قَالَ قَالَ لِي أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَا أَبَا سَيَّارٍ إِذَا أَرَادَتِ الْخَادِمَةُ أَنْ تَعْمَلَ الطَّعَامَ فَمُرْهَا فَلْتَكِيلْهُ فَإِنَّ الْبَرَكَةَ فِيهَا كَيْلٌ .

A number of our companions, from Sahl Bin Ziyad, from Muhammad Bin Al Hassan Bin Shamoun, from Abdullah Bin Abdul Rahman, from Misma'a who said,

‘Abu Abdullah^{asws} said to me: ‘O Abu Sayyar! Whenever you want the maid to make the food, so instruct her for measuring it, for the Blessings are in what is measured’.⁶

بَابُ لُزُومِ مَا يَنْفَعُ مِنَ الْمَعَامَلَاتِ**Chapter 68 – Necessity of (continuing in) what is beneficial from the transactions**

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ عَمْرِو بْنِ عُثْمَانَ عَنْ مُحَمَّدِ بْنِ عُدَّافِرٍ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ شَكَأَ رَجُلٌ إِلَى رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) الْحَرْفَةَ فَقَالَ أَنْظِرْ بِيوعاً فَاشْتَرِهَا ثُمَّ بَعْهَا فَمَا رِبِحَتْ فِيهِ فَأَلْزَمَهُ .

A number of our companions, from Ahmad Bin Abu Abdullah, from Amro Bin Usman, from Muhammad Bin Uzafir, from Is'haq Bin Ammar,

⁴ Al Kafi – V 5 – The Book of Subsistence Ch 67 H 1

⁵ Al Kafi – V 5 – The Book of Subsistence Ch 67 H 2

⁶ Al Kafi – V 5 – The Book of Subsistence Ch 67 H 3

(It has been narrated) from Abu Abdullah^{asws} having said: 'A man complained to Rasool-Allah^{saww} of the profession, so he^{saww} said: 'Look at the saleable items, so buy it then sell it. So whatever is profitable therein, so necessitate (continuing) it (so continue with the trading of those items/business)'.⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا نَظَرَ الرَّجُلُ فِي تِجَارَةٍ فَلَمْ يَرَ فِيهَا شَيْئًا فَلْيَتَحَوَّنْ إِلَى غَيْرِهَا .

Ali Bin Ibrahim, from his father, from Al Nowfaly, from Al Sakuny,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the man takes up a business, so he does not see anything in it (no profits in it), so let him change it to other than it'.⁸

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنْ عَلِيِّ بْنِ شَجْرَةَ عَنْ بَشِيرِ النَّبَّالِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا رُفِّقَتْ فِي شَيْءٍ فَالْزَمَهُ .

A number of our companions, from Ahmad Bin Muhammad, from Ibn Fazzal, from Ali Bin Shajara, from Basheer Al Nabbal,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Whenever you are Graced in something, so necessitate (continue with) it'.⁹

باب التَّقَى

Chapter 69 – Receiving the goods outside the city

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ أَحْمَدَ بْنِ النَّضْرِ عَنْ عَمْرِو بْنِ شِمْرِ عَنْ عُرْوَةَ بْنِ عَبْدِ اللَّهِ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) لَا يَتَلَقَى أَحَدُكُمْ تِجَارَةً خَارِجًا مِنَ الْمِصْرِ وَلَا يَبِيعُ حَاضِرًا لِبَادٍ وَ الْمُسْلِمُونَ يَرْزُقُ اللَّهُ بَعْضُهُمْ مِنْ بَعْضٍ

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Ahmad Bin Al Nazar, from Amro Bin Shimr, from Urwa Bin Abdullah,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Rasool-Allah^{saww} said: 'You should not travel to meet the caravan of suppliers out of the city before other buyers' One should not buy for the ones who are not present. Allah^{azwj} Grants sustenance to the Muslims through one another.¹⁰

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ مُتَنَّى الْحَنَاطِ عَنْ مِنْهَالِ الْقَصَّابِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ لَا تَلَقَّ وَلَا تَشْتَرِ مَا تُلْقَى وَلَا تَأْكُلْ مِنْهُ .

A number of our companions, from Sahl Bin Ziyad, and Ahmad Bin Muhammad, from Ibn Mahboub, from Musa Al Hannat, from Minhal Al Qassab,

⁷ Al Kafi – V 5 – The Book of Subsistence Ch 68 H 1

⁸ Al Kafi – V 5 – The Book of Subsistence Ch 68 H 2

⁹ Al Kafi – V 5 – The Book of Subsistence Ch 68 H 3

¹⁰ Al Kafi – V 5 – The Book of Subsistence Ch 69 H 1

(It has been narrated) from Abu Abdullah^{asws} having said: 'Neither receive trade (outside the city) before others (are able to), nor buy what is received (outside the city), nor eat from it'.¹¹

ابْنُ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ يَحْيَى الْكَاهِلِيِّ عَنِ مَنَهَالِ الْقَصَّابِ قَالَ قُلْتُ لَهُ مَا حَدُّ التَّلْقِي قَالَ رَوْحَةٌ .

Ibn Mahboub, from Abdullah Bin Yahya Al Kahily, from Minhal Al Qassab who said,

'I said to him^{asws}, 'What is the limit of the receipt of trade outside the city?' He^{asws} said: 'A *Rawha* (four *Fasakhs* – about six miles)'.¹²

عَلِيُّ بْنُ إِبرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنِ مَنَهَالِ الْقَصَّابِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) لَا تَلْقُ فَإِنَّ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) نَهَى عَنِ التَّلْقِي قُلْتُ وَ مَا حَدُّ التَّلْقِي قَالَ مَا دُونَ عُدْوَةٍ أَوْ رَوْحَةٍ قُلْتُ وَ كَمْ الْعُدْوَةُ وَ الرُّوحَةُ قَالَ أَرْبَعُ فَرَاسِخَ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Abdul Rahman Bin Al Hajjaj, from Minhal Al Qassab who said,

'Abu Abdullah^{asws} said: 'Do not receive trade outside the city, for Rasool-Allah^{saww} forbade from the receiving of trade outside the city'. I said, 'And what is the limit of the receiving the trade outside the city?' He^{asws} said: 'What is less than one *Gadwa* or a *Rawha*'. I said, 'And how much is the *Gadwa* and the *Rawha*?' He^{asws} said: 'Four Farsakhs (about six miles)'.¹³

قَالَ ابْنُ أَبِي عُمَيْرٍ وَ مَا فَوْقَ ذَلِكَ فَلَيْسَ بِتَلْقٍ .

Ibn Abu Umeyr (the narrator) said, 'And what is above that, so it is not (classified as) receiving the trade outside the city'.¹³

باب الشَّرْطِ وَ الْخِيَارِ فِي الْبَيْعِ

Chapter 70 – The stipulation (of returning goods) and the choice regarding (not transacting) the sale

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنِ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَمِعْتُهُ يَقُولُ مَنْ اشْتَرَطَ شَرْطاً مُخَالَفاً لِكِتَابِ اللَّهِ فَلَا يَجُوزُ لَهُ وَ لَا يَجُوزُ عَلَى الَّذِي اشْتَرَطَ عَلَيْهِ وَ الْمُسْلِمُونَ عِنْدَ شُرُوطِهِمْ فِيمَا وَ أَفَقَ كِتَابَ اللَّهِ عَزَّ وَ جَلَّ .

A number of our companions, from Sahl Bin Ziyad, and Ahmad Bin Muhammad, altogether from Ibn Mahboub, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I heard him^{asws} saying: 'The one who stipulates a condition opposite to the Book of Allah^{saww}, so it is not allowed for him, nor is it allowed for whom it is stipulated upon, and the Muslims are with their

¹¹ Al Kafi – V 5 – The Book of Subsistence Ch 69 H 2

¹² Al Kafi – V 5 – The Book of Subsistence Ch 69 H 3

¹³ Al Kafi – V 5 – The Book of Subsistence Ch 69 H 4

stipulations regarding what is in accordance with the Book of Allah^{saww} Mighty and Majestic'.¹⁴

ابْنُ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ الشَّرْطُ فِي الْحَيَوَانِ ثَلَاثَةٌ أَيَّامٍ لِلْمُشْتَرِيِ اشْتَرَطَ أَمْ لَمْ يَشْتَرِطْ فَإِنْ أَحْدَثَ الْمُشْتَرِيِ فِيمَا اشْتَرَى حَدَثًا قَبْلَ الثَّلَاثَةِ الْأَيَّامِ فَذَلِكَ رِضًا مِنْهُ فَلَا شَرْطَ قِيْلَ لَهُ وَ مَا أَحْدَثَ قَالَ أَنْ لَأَمَسَ أَوْ قَبْلَ أَوْ نَظَرَ مِنْهَا إِلَى مَا كَانَ يَحْرُمُ عَلَيْهِ قَبْلَ الشَّرَاءِ

Ibn Mahboub, from Ali Bin Raib,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The stipulation (of return) regarding the animals is of three days for the buyer, whether it has been stipulated or not stipulated. So if the buyer were to do something new regarding what he bought before the expiry of the three days, so that is an acceptance from him. Thus, there is no stipulation (applicable)'. It was said to him^{asws}, 'And what is the new occurrence?' He^{asws} said: 'If he touches, or welcomes it, or to look at that what was Prohibited unto him before the buying'.¹⁵

ابْنُ مَحْبُوبٍ عَنْ ابْنِ سِنَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يَشْتَرِي الدَّابَّةَ أَوْ الْعَبْدَ وَ يَشْتَرِطُ إِلَى يَوْمٍ أَوْ يَوْمَيْنِ فَيَمُوتُ الْعَبْدُ أَوْ الدَّابَّةُ أَوْ يَحْدُثُ فِيهِ حَدَثٌ عَلَى مَنْ ضَمَانٌ ذَلِكَ فَقَالَ عَلَى الْبَائِعِ حَتَّى يَنْقَضِيَ الشَّرْطُ ثَلَاثَةَ أَيَّامٍ وَ يَصِيرَ الْمَبِيعُ لِلْمُشْتَرِيِ .

Ibn Mahboub, from Ibn Sinan who said,

'I asked Abu Abdullah^{asws} about the man who buys the animal or the slave, and he stipulates to a day or two days, so the slave or the animal dies, or something occurs with him, upon whom would that responsibility be?' So he^{asws} said: 'Upon the seller until the expiry of the stipulation of three days, and (beyond three days) the sold (item) would come to be for the buyer'.¹⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلٍ وَ ابْنِ بُكَيْرٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سَمِعْتُهُ يَقُولُ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) الْبَيْعَانِ بِالْخِيَارِ حَتَّى يَفْتَرِقَا وَ صَاحِبُ الْحَيَوَانِ ثَلَاثَةَ أَيَّامٍ قُلْتُ الرَّجُلُ يَشْتَرِي مِنَ الرَّجُلِ الْمَتَاعَ ثُمَّ يَدَعُهُ عِنْدَهُ وَ يَقُولُ حَتَّى نَأْتِيكَ بِثَمَنِهِ قَالَ إِنْ جَاءَ فِيمَا بَيْنَهُ وَ بَيْنَ ثَلَاثَةِ أَيَّامٍ وَ إِلَّا فَلَا بَيْعَ لَهُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel, and Ibn Bukeyr, from Zurara,

(It has been narrated) from Abu Ja'far^{asws}, said, 'I heard him^{asws} saying: 'Rasool-Allah^{saww} said: 'The two parties are with the choice until they both separate (after concluding the deal), and the owner of the animal has three days'. I said, 'The man buys the goods from the man, then he leaves it with him and is saying, '(Keep it) until I come up with the price'. He^{asws} said: 'Either he comes in what is between it and the three days, or else so there is no sale (having taken place) for him'.¹⁷

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) الْبَيْعَانِ بِالْخِيَارِ حَتَّى يَفْتَرِقَا وَ صَاحِبُ الْحَيَوَانِ ثَلَاثَةَ أَيَّامٍ .

¹⁴ Al Kafi – V 5 – The Book of Subsistence Ch 70 H 1

¹⁵ Al Kafi – V 5 – The Book of Subsistence Ch 70 H 2

¹⁶ Al Kafi – V 5 – The Book of Subsistence Ch 70 H 3

¹⁷ Al Kafi – V 5 – The Book of Subsistence Ch 70 H 4

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Al A'ala, from Muhammad Bin Muslim,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} said: 'The two parties are with the choice until they both separate, but the owner of the animal is with the choice of three days'.¹⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ جَمِيلٍ عَنْ فَضِيلٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ مَا الشَّرْطُ فِي الْحَيَّانِ فَقَالَ إِلَى ثَلَاثَةِ أَيَّامٍ لِلْمُشْتَرِي قُلْتُ فَمَا الشَّرْطُ فِي غَيْرِ الْحَيَّانِ قَالَ الْبَيْعَانِ بِالْخِيَارِ مَا لَمْ يَفْتَرَقَا فَإِذَا افْتَرَقَا فَلَا خِيَارَ بَعْدَ الرِّضَا مِنْهُمَا

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Jameel, from Fazeyl,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I said to him^{asws}, 'What is the stipulation regarding the animals?' So he^{asws} said: 'Up to three days for the buyer'. I said, 'So what is the stipulation regarding other than the animals'. He^{asws} said: 'The two parties are with the choice for as long as they have not separated. So when they both separate, so there is no choice after the agreement from both of them'.¹⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ أَيُّمًا رَجُلٍ اشْتَرَى مِنْ رَجُلٍ بَيْعًا فَهَمَّا بِالْخِيَارِ حَتَّى يَفْتَرَقَا فَإِذَا افْتَرَقَا وَجَبَ الْبَيْعُ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Whichever man buys an item from a man, so they are both with the choice until they both separate. So when they separate, the item sold is binding'.

قَالَ وَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنْ أَبِي اشْتَرَى أَرْضًا يُقَالُ لَهَا الْعُرْيُضُ فَأَبْتَاعَهَا مِنْ صَاحِبِهَا بِدَنَانِيرٍ فَقَالَ لَهُ أُعْطِيكَ وَرِقًا بِكُلِّ دِينَارٍ عَشْرَةَ دَرَاهِمَ فَبَاعَهُ بِهَا فَقَامَ أَبِي فَأَتْبَعْتُهُ فَقُلْتُ يَا أَبَتِ لِمَ قُمْتَ سَرِيعًا قَالَ أَرَدْتُ أَنْ يَجِبَ الْبَيْعُ .

He (the narrator) said, 'And Abu Abdullah^{asws} said: 'My^{asws} father^{asws} bought a land called Al-Urayz, so he^{asws} purchased it from its owner for (some) Dinars. So he^{asws} said to him: 'I^{asws} will give you one leaf (silver) of ten Dirhams with every Dinar'. So he sold it to him^{asws} with it. So my^{asws} father arose, and I^{asws} followed him^{asws}, so I^{asws} said: 'O father^{asws}! Why did you^{asws} arise quickly?' He^{asws} said: 'I^{asws} wanted that the sale would become binding'.²⁰

عَلِيُّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ أَبِي أَيُّوبَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَمِعْتُ أَبَا جَعْفَرَ (عَلَيْهِ السَّلَامُ) يَقُولُ بَايَعْتُ رَجُلًا فَلَمَّا بَايَعْتُهُ قُمْتُ فَمَشَيْتُ خِطَاءً ثُمَّ رَجَعْتُ إِلَى مَجْلِسِي لِيَجِبَ الْبَيْعُ حِينَ افْتَرَقْنَا .

Ali, from his father, from Ibn Abu Umeyr, from Abu Ayoub, from Muhammad Bin Muslim who said,

¹⁸ Al Kafi – V 5 – The Book of Subsistence Ch 70 H 5

¹⁹ Al Kafi – V 5 – The Book of Subsistence Ch 70 H 6

²⁰ Al Kafi – V 5 – The Book of Subsistence Ch 70 H 7

'I heard Abu Ja'far^{asws} saying: 'I^{asws} was sold (something) by a man. So when he had sold it, I^{asws} arose, walked some steps, then I^{asws} returned to my^{asws} seat, in order for the sale to become binding when we separated'.²¹

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ غَيْرِ وَاحِدٍ عَنْ أَبِي بِنِ عُثْمَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ اشْتَرَى أُمَّةً بِشَرْطٍ مِنْ رَجُلٍ يَوْمًا أَوْ يَوْمَيْنِ فَمَاتَتْ عِنْدَهُ وَ قَدْ قَطَعَ التَّمَنُّ عَلَى مَنْ يَكُونُ الضَّمَانُ فَقَالَ لَيْسَ عَلَى الَّذِي اشْتَرَى ضَمَانًا حَتَّى يَمْضِيَ بِشَرْطِهِ .

Humejd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from someone else, from Aban Bin Usman, from Abdul Rahman Bin Abu Abdullah who said,

'I asked Abu Abdullah^{asws} about a man who bought a maid with a stipulation from a man or one day or two days. So she died while she was with him, and the price had been paid. Upon whom would the responsibility happen to be?' So he^{asws} said: 'There is no responsibility upon the one who buys until his stipulated (term) expires'.²²

مُحَمَّدُ بْنُ يَحْيَى عَنِ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ أَخْبَرَنِي مَنْ سَمِعَ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلَهُ رَجُلٌ وَ أَنَا عِنْدَهُ فَقَالَ لَهُ رَجُلٌ مُسْلِمٌ اِحْتَاَجَ إِلَى بَيْعِ دَارِهِ فَمَشَى إِلَى أَخِيهِ فَقَالَ لَهُ أبيعُكَ دَارِي هَذِهِ وَ تَكُونُ لَكَ أَحَبُّ إِلَيَّ مِنْ أَنْ تَكُونَ لِغَيْرِكَ عَلَى أَنْ تَشْتَرِيَ لِي إِنْ أَنَا جِئْتُكَ بِثَمَنِهَا إِلَى سَنَةٍ أَوْ تَرُدَّ عَلَيَّ فَقَالَ لَا بَأْسَ بِهَذَا إِنْ جَاءَ بِثَمَنِهَا إِلَى سَنَةٍ رَدَّهَا عَلَيْهِ

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Safwan, from Is'haq Bin Ammar who said,

'The one who heard Abu Abdullah^{asws} informed me saying, 'A man asked him^{asws} and I was in his^{asws} presence, so he said to him^{asws}, 'A Muslim man was needy to sell his house. So he walked over to his brother and said to him, 'I sell you this house of mine, and for it to happen to be for you is more beloved to me than if it happens to be for other than you, upon the stipulation for me that if I were to come up with its price within a year, you would return it to me'. So he^{asws} said: 'There is no problem with this if he comes up with its price within a year, he should return it to him'.

قُلْتُ فَإِنَّمَا كَانَتْ فِيهَا غَلَّةٌ كَثِيرَةٌ فَأَخَذَ الْغَلَّةَ لِمَنْ تَكُونُ فَقَالَ الْغَلَّةُ لِلْمُشْتَرِي أَوْ لَا تَرَى أَنَّهُ لَوْ احْتَرَفَتْ لَكَانَتْ مِنْ مَالِهِ .

I said, 'Supposing there was a lot of yield (income) in it, for whom would it happen to be?' So he^{asws} said: 'The yield is for the buyer. Do you not see that if it were to burn down, it would be from his wealth?'²³

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عَلِيِّ بْنِ حَبِيبٍ عَنْ جَمِيلٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ الرَّجُلُ يَشْتَرِي مِنَ الرَّجُلِ الْمَتَاعَ ثُمَّ يَدْعُهُ عِنْدَهُ يَقُولُ حَتَّى آتِيكَ بِثَمَنِهِ قَالَ إِنْ جَاءَ بِثَمَنِهِ فِيمَا بَيْنَهُ وَ بَيْنَ ثَلَاثَةِ أَيَّامٍ وَ إِلَّا فَلَا يَبِيعُ لَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Hadeed, from Jameel, from Zurara,

(It has been narrated) from Abu Ja'far^{asws}, 'I said, 'The man buys the goods from the man, then he leaves it with him saying, '(Keep it) until I come to you with its price'.

²¹ Al Kafi – V 5 – The Book of Subsistence Ch 70 H 8

²² Al Kafi – V 5 – The Book of Subsistence Ch 70 H 9

²³ Al Kafi – V 5 – The Book of Subsistence Ch 70 H 10

He^{asws} said: 'Either he comes up with its price in what is between it and three days, or else, so there is no sale for him'.²⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ هِلَالٍ عَنْ عُقْبَةَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي رَجُلٍ اشْتَرَى مَتَاعاً مِنْ رَجُلٍ وَ أَوْجَبَهُ غَيْرَ أَنَّهُ تَرَكَ الْمَتَاعَ عِنْدَهُ وَ لَمْ يَقْبِضْهُ قَالَ آتِيكَ غَدًا إِنْ شَاءَ اللَّهُ فَسُرِقَ الْمَتَاعُ مِنْ مَالٍ مَنْ يَكُونُ قَالَ مِنْ مَالِ صَاحِبِ الْمَتَاعِ الَّذِي هُوَ فِي بَيْتِهِ حَتَّى يَقْبِضَ الْمَتَاعَ وَ يُخْرِجَهُ مِنْ بَيْتِهِ فَإِذَا أَخْرَجَهُ مِنْ بَيْتِهِ فَالْمُتَبَاعُ ضَامِنٌ لِحَقِّهِ حَتَّى يَرُدَّ مَالَهُ إِلَيْهِ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Muhammad Bin Abdullah Bin Hilal, from Uqba Bin Khalid,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who buys some goods from a man and makes it binding apart from that he leave the goods with him and does not take possession of it, saying, 'I will come to you tomorrow, Allah^{saww} Willing'. So the goods get stolen. From whose wealth would that happen to be (stolen)?' He^{asws} said: 'From the wealth of the owner of the goods which are in his house until the goods are taken possession of, and it goes out from his house. So when it goes out from his house, so the buyer is responsible for his right until he return his wealth back to him'.²⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ عُهْدَةُ الْبَيْعِ فِي الرَّقِيقِ ثَلَاثَةُ أَيَّامٍ إِنْ كَانَ بِهَا خَبْلٌ أَوْ بَرَصٌ أَوْ نَحْوُ هَذَا وَ عُهْدَتُهُ السَّنَةُ مِنَ الْجُنُونِ فَمَا بَعْدَ السَّنَةِ فَلَيْسَ بِشَيْءٍ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Washa, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The custody of the sale regarding the slaves is of three days if there was a dementia or leprosy with it, or approximat to this, and its custody is of a year from the insanity. So whatever was after the (expiry) of the year, so it is not with anything (invalid)'.²⁶

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ عَلِيِّ بْنِ التُّعْمَانَ عَنْ سَعِيدِ بْنِ يَسَارٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) إِنَّا نَخَالِطُ أَنَاسًا مِنْ أَهْلِ السَّوَادِ وَ غَيْرِهِمْ فَتَبِيعُهُمْ وَ نَرِبِحُ عَلَيْهِمُ الْعَشْرَةَ اثْنَا عَشَرَ وَ الْعَشْرَةَ ثَلَاثَةَ عَشَرَ وَ نُؤَخِّرُ ذَلِكَ فِيمَا بَيْنَنَا وَ بَيْنَهُمُ السَّنَةَ وَ نَحْوَهَا وَ يَكْتُبُ لَنَا الرَّجُلُ عَلَى دَارِهِ أَوْ أَرْضِهِ بِذَلِكَ الْمَالِ الَّذِي فِيهِ الْفَضْلُ الَّذِي أَخَذَ مِنَّا شِرَاءً وَ قَدْ بَاعَ وَ قَبِضَ الثَّمَنَ مِنْهُ فَتَعَدُّهُ إِنْ هُوَ جَاءَ بِالْمَالِ إِلَيَّ وَ قَفْتِ بَيْنَنَا وَ بَيْنَهُ أَنْ نَرُدَّ عَلَيْهِ الشِّرَاءَ فَإِنْ جَاءَ الْوَقْتُ وَ لَمْ يَأْتِنَا بِالْأَرْهَامِ فَهَوَ لَنَا فَمَا تَرَى فِي ذَلِكَ الشِّرَاءِ قَالَ أَرَى أَنَّهُ لَكَ إِنْ لَمْ يَفْعَلْ وَ إِنْ جَاءَ بِالْمَالِ لِلْوَقْتِ فَرُدَّ عَلَيْهِ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Ali Bin Al Numan, from Saeed Bin Yasaar who said,

'I said to Abu Abdullah^{asws}, 'We tend to mix with the people from Africa and other, so we sell to them and we profit upon them with say ten (per cent) and the twelve and the thirteen, and we delay that in what is between us them for the year and approximate to it, and the man (buyer) contract for us upon his house or his land (as security) with those goods wherein is the preference which was taken from us as a bought item, and we have sold and taken the price from him. So we await, if he comes with the wealth to a determined term between us and him, so we return the item (house or land) to him. But if the determined time comes and he does not come

²⁴ Al Kafi – V 5 – The Book of Subsistence Ch 70 H 11

²⁵ Al Kafi – V 5 – The Book of Subsistence Ch 70 H 12

²⁶ Al Kafi – V 5 – The Book of Subsistence Ch 70 H 13

to us with the Dirhams, so it is for us. So what is your^{asws} view regarding the security item?’ He^{asws} said: ‘I^{asws} see that it is for you if he does not do it, and if he does come with the wealth in time, so return it to him’.²⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ يَعْقُوبَ بْنِ زَيْدٍ عَنْ مُحَمَّدِ بْنِ أَبِي حَمْرَةَ أَوْ غَيْرِهِ عَمَّنْ ذَكَرَهُ عَنْ أَبِي عَبْدِ اللَّهِ أَوْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يَسْتَرِي الشَّيْءَ الَّذِي يَفْسُدُ فِي يَوْمِهِ وَ يَبْرُكُهُ حَتَّى يَأْتِيَهُ بِالثَّمَنِ قَالَ إِنْ جَاءَ فِيمَا بَيْنَهُ وَ بَيْنَ اللَّيْلِ بِالثَّمَنِ وَ إِلَّا فَلَا بَيْعَ لَهُ .

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Yaqoub Bin Yazeed, from Muhammad Bin Abu Hamza, or someone else, from the one who mentioned it,

(It has been narrated) from Abu Abdullah^{asws}, or Abu Al-Hassan^{asws} regarding the man who buys the thing which spoils during its day (perishable item), and he leaves it until he comes with the price. He^{asws} said: ‘Either he comes with the price between what is between it and the night or else, so there is no sale for him’.²⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ الْحَسَنِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ قَالَ اشْتَرَيْتُ مَحْمَلًا فَأَعْطَيْتُ بَعْضَ ثَمَنِهِ وَ تَرَكْتُهُ عِنْدَ صَاحِبِهِ ثُمَّ احْتَبَسْتُ أَيَّامًا ثُمَّ جِئْتُ إِلَى بَائِعِ الْمَحْمَلِ لِأَخْذِهِ فَقَالَ قَدْ بَعْتُهُ فَصَحَّكَتُ ثُمَّ قُلْتُ لَا وَ اللَّهُ لَا أَدْعُكَ أَوْ أَقَاضِيكَ فَقَالَ لِي تَرْضَى بِأَبِي بَكْرٍ بْنِ عَيَّاشٍ قُلْتُ نَعَمْ

Ali Bin Ibrahim, from his father, from Al Hassan Bin Al Husayn, from Safwan Bin Yahya, from Abdul Rahman Bin Al Hajjaj who said,

‘I bought a loader, so I gave part of its price, and left it with its owner. Then I awaited for a few days, then I came over to the seller of the loader in order to take it, so he said, ‘I have sold it’. So I laughed, then I said, ‘No, by Allah^{saww}, I will not let you (do this), or I shall seek judgement over you’. So he said to me, ‘Would you be pleased with Abu Bakr Bin Ayyash (as a judge)?’ I said, ‘Yes’.

فَأْتَيْنَاهُ فَفَصَّصْنَا عَلَيْهِ قِصَّتَنَا فَقَالَ أَبُو بَكْرٍ يَقُولُ مَنْ تُحِبُّ أَنْ أَقْضِيَ بَيْنَكُمَا أَوْ يَقُولُ صَاحِبِكَ أَوْ غَيْرِهِ قَالَ قُلْتُ بِقَوْلِ صَاحِبِي قَالَ سَمِعْتُهُ يَقُولُ مَنْ اشْتَرَى شَيْئًا فَجَاءَ بِالثَّمَنِ فِي مَا بَيْنَهُ وَ بَيْنَ ثَلَاثَةِ أَيَّامٍ وَ إِلَّا فَلَا بَيْعَ لَهُ .

So we went over to him, and we related our stories to him. So Abu Bakr said, ‘By whose words would you like that I judge between the two of you, by the words of your Master^{asws} or someone else?’ I said, ‘By the words of my Master^{asws}’. He said, ‘I heard him^{asws} saying: ‘The one who buys something, so either he comes up with the price in what is between it and three days, or else there is no sale for him’.²⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (صَلَوَاتُ اللَّهِ عَلَيْهِ) قَضَى فِي رَجُلٍ اشْتَرَى ثَوْبًا بِشَرْطٍ إِلَى نِصْفِ النَّهَارِ فَعَرَضَ لَهُ رِبْحٌ فَأَرَادَ بَيْعَهُ قَالَ لِيُشْهَدَ أَنَّهُ قَدْ رَضِيَهِ فَاسْتَوْجَبَهُ ثُمَّ لِيَبْعَهُ إِنْ شَاءَ فَإِنْ أَقَامَهُ فِي السُّوقِ وَ لَمْ يَبِعْ فَقَدْ وَجِبَ عَلَيْهِ

Ali Bin Ibrahim, from his father, from Al Nowfaly, from Sal sakuny,

(It has been narrated) from Abu Abdullah^{asws} that Amir Al-Momineen^{asws} judged regarding a man who bought some clothes with a stipulation to (be awaited with) to midday. So a profit was presented to him (the buyer), so he intended to sell it’. He^{asws}

²⁷ Al Kafi – V 5 – The Book of Subsistence Ch 70 H 14

²⁸ Al Kafi – V 5 – The Book of Subsistence Ch 70 H 15

²⁹ Al Kafi – V 5 – The Book of Subsistence Ch 70 H 16

said: 'Let him testify that he had pleased him, so it was binding on him, then let him sell it, if he so desires to. So if he were to display it in the marketplace and did not sell it, so it is binding upon him'.³⁰

بَاب مَنْ يَشْتَرِي الْحَيَوَانَ وَ لَهُ لَبَنٌ يَشْرِبُهُ ثُمَّ يَرُدُّهُ

Chapter 71 – The one who buys the animal and for it is milk; he drinks it then returns it

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَمَّنْ ذَكَرَهُ عَنْ أَبِي الْمُغْرَاءِ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ اشْتَرَى شَاةً فَأَمْسَكَهَا ثَلَاثَةَ أَيَّامٍ ثُمَّ رَدَّهَا قَالَ إِنْ كَانَ فِي تِلْكَ الثَّلَاثَةِ الْأَيَّامِ يَشْرَبُ لَبَنَهَا رَدَّ مَعَهَا ثَلَاثَةَ أَمْدَادٍ وَإِنْ لَمْ يَكُنْ لَهَا لَبَنٌ فَلَيْسَ عَلَيْهِ شَيْءٌ

A number of our companions, from Ahmad Bin Muhammad, from the one who mentioned it, from Abu Al Magra, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who bought a sheep, so he kept it for three days, then returned it. He^{asws} said: 'If it was such that during those three days he had drunk its milk, so he should return it along with three handfuls (of grain etc.); and if there did not happen to have any milk for it, so there is nothing upon him'.³¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) مِثْلَهُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby, from Abu Abdullah^{asws} – similar to it'.

بَابُ إِذَا اِخْتَلَفَ الْبَائِعُ وَالْمُشْتَرِي

Chapter 72 – When the seller and the buyer differ

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يَبِيعُ الشَّيْءَ فَيَقُولُ الْمُشْتَرِي هُوَ بِكَذَا وَ كَذَا بِأَقْلٍ مَا قَالَ الْبَائِعُ قَالَ الْقَوْلُ قَوْلُ الْبَائِعِ مَعَ يَمِينِهِ إِذَا كَانَ الشَّيْءُ قَائِمًا بِعَيْنِهِ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from one of his companions, from Abu Abdullah^{asws} regarding the man who sells the thing, so the buyer is saying,

'It is for such and such', being less than what the seller said. He^{asws} said: 'The (final) word is the word of the seller along with his oath, when the thing still remained standing exactly as it was'.³²

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنِ الْحُسَيْنِ بْنِ عَمْرٍو بْنِ يَزِيدَ عَنْ أَبِيهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) إِذَا التَّاجِرَانِ صَدَقَا بَوْرِكَ لُهُمَا فَإِذَا كَذَبَا وَ خَانَا لَمْ يُبَارَكْ لَهُمَا وَ هُمَا بِالْخِيَارِ مَا لَمْ يَفْتَرِقَا فَإِنْ اِخْتَلَفَا فَأَقْوَلُ قَوْلَ رَبِّ السَّلْعَةِ أَوْ يَتَنَارَكَا .

³⁰ Al Kafi – V 5 – The Book of Subsistence Ch 70 H 17

³¹ Al Kafi – V 5 – The Book of Subsistence Ch 71 H 1

³² Al Kafi – V 5 – The Book of Subsistence Ch 72 H 1

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Al Husayn Bin Umar Bin Yazeed, from his father,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} said: 'When the two merchants (buyer and seller) are both truthful, there would be Blessings for both of them. So when they are both liars, and betrayers, there would be no Blessings for both of them, and they are both with the choice (not to transact) for as long as they do not separate (from each other). So if they differ, so the (final) word is the word of the owner of the item, or they both leave it'.³³

باب بَيْعِ الثَّمَارِ وَشِرَائِهَا

Chapter 73 – Selling of the fruits and its buying

مُجَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَجَّالِ عَنْ ثَعْلَبَةَ عَنْ بُرَيْدٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنِ الرَّطْبَةِ تَبَاغٍ قِطْعَةً أَوْ قِطْعَتَيْنِ أَوْ ثَلَاثَ قِطْعَاتٍ فَقَالَ لَا بَأْسَ قَالَ وَ أَكْثَرْتُ السُّؤَالَ عَنْ أَشْبَاهِ هَذِهِ فَجَعَلَ يَقُولُ لَا بَأْسَ بِهِ فَقُلْتُ لَهُ أَصْلَحَكَ اللَّهُ اسْتِحْيَاءً مِنْ كَثْرَةِ مَا سَأَلْتُهُ وَ قَوْلِهِ لَا بَأْسَ بِهِ إِنَّ مَنْ يَلِينَا يُفْسِدُونَ عَلَيْنَا هَذَا كُلُّهُ فَقَالَ أَظَنَّهُمْ سَمِعُوا حَدِيثَ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فِي النَّخْلِ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hajjal, from Sa'alba, from Bureyd who said,

'I asked Abu Ja'far^{asws} about the dates which are sold by one lot, or two lots, or three lots. So he^{asws} said: 'There is no problem'. And I asked many question about things resembling these, so he^{asws} went on saying: 'There is no problem with it'. So I said to him^{asws}, being embarrassed from the many which I had asked him^{asws} and his^{asws} words: 'There is no problem with it', 'May Allah^{saww} Keep you^{asws} well! Those around us would be spoiling all of these upon us'. So he^{asws} said: 'I^{asws} think they have heard a Hadeeth of Rasool-Allah^{saww} regarding the palm trees'.

ثُمَّ حَالَ بَيْنِي وَ بَيْنَهُ رَجُلٌ فَسَكَتَ فَأَمَرْتُ مُحَمَّدَ بْنَ مُسْلِمٍ أَنْ يَسْأَلَ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنِ قَوْلِ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فِي النَّخْلِ فَقَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَامُ) خَرَجَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَسَمِعَ ضَوْضَاءً فَقَالَ مَا هَذَا فَقِيلَ لَهُ تَبَايَعَ النَّاسُ بِالنَّخْلِ فَقَعَدَ النَّخْلُ الْعَامَ فَقَالَ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَمَا إِذَا فَعَلُوا فَلَا يَشْتَرُوا النَّخْلَ الْعَامَ حَتَّى يَطْلُعَ فِيهِ شَيْءٌ وَ لَمْ يُحَرِّمَهُ .

Then a man interposed between me and him^{asws}, so I kept quiet. Then I instructed Muhammad Bin Muslim that he asks Abu Ja'far^{asws} about the words of Rasool-Allah^{saww} regarding the palm tree. So Abu Ja'far^{asws} said: 'Rasool-Allah^{saww} came out and he^{saww} heard commotion, so he^{saww} said: 'What is this?' So it was said to him^{saww}, 'The people are buying and selling the palm tree, and the palm tree would sit (awaiting fruits) for the year (forward buying & selling)'. So he^{saww} said: 'But when they do it, they must buy the fruits of the coming year when something of such fruits appears, and they must not make it unlawful.'³⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عَثْمَانَ عَنِ الْحَلْبِيِّ قَالَ سِئِلَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ شِرَاءِ النَّخْلِ وَ الْكُرْمِ وَ الثَّمَارِ ثَلَاثَ سِنِينَ أَوْ أَرْبَعَ سِنِينَ قَالَ لَا بَأْسَ بِهِ يَقُولُ إِنَّ لَمْ يُخْرَجْ فِي هَذِهِ السَّنَةِ أَخْرَجَ فِي قَابِلٍ وَ إِنْ اشْتَرَيْتَهُ فِي سَنَةٍ وَاحِدَةٍ فَلَا تَشْتَرِهِ حَتَّى يَبْلُغَ فَإِنْ اشْتَرَيْتَهُ ثَلَاثَ سِنِينَ قَبْلَ أَنْ يَبْلُغَ فَلَا بَأْسَ

³³ Al Kafi – V 5 – The Book of Subsistence Ch 72 H 2

³⁴ Al Kafi – V 5 – The Book of Subsistence Ch 73 H 1

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad Bin Usman, form Al Halby who said,

‘Abu Abdullah^{asws} was asked about buying the palm tree and the orchard, and the fruits for the next three years or four years. He^{asws} said: ‘There is no problem with it. They are saying that if these do not come out in this year, they would come in the following year, and if it is bought in one year, so do not buy it until it ripens. So if it is bought for three years before the ripening, so there is no problem’.

وَسُئِلَ عَنِ الرَّجُلِ يَشْتَرِي الثَّمْرَةَ الْمُسَمَّاةَ مِنْ أَرْضٍ فَهَلْكَ ثَمَرُهُ تِلْكَ الْأَرْضِ كُلُّهَا فَقَالَ قَدِ اخْتَصَمُوا فِي ذَلِكَ إِلَى رَسُولِ اللَّهِ (صلى الله عليه وآله) فَكَانُوا يَذْكُرُونَ ذَلِكَ فَلَمَّا رَأَهُمْ لَا يَدْعُونَ الْخُصُومَةَ نَهَاَهُمْ عَنْ ذَلِكَ الْبَيْعِ حَتَّى تَبْلُغَ الثَّمْرَةُ وَ لَمْ يُحَرِّمَهُ وَ لَكِنْ فَعَلَ ذَلِكَ مِنْ أَجْلِ خُصُومَتِهِمْ .

And he^{asws} was asked about the man who buys the fruits of the season from a land, so all of the fruits of that particular land perish. So he^{asws} said: ‘They had disputed regarding that to Rasool-Allah^{saww} and they were mentioning that. So when he^{saww} saw them that they are not leaving the dispute, he^{saww} forbade them from that transaction until the fruits ripened, and he^{saww} did not Prohibit it, but he^{saww} did that due to the reason of their dispute’.³⁵

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ الْوَشَّاءِ قَالَ سَأَلْتُ الرَّضَا (عليه السلام) هَلْ يَجُوزُ بَيْعُ النَّخْلِ إِذَا حَمَلَ فَقَالَ يَجُوزُ بَيْعُهُ حَتَّى يَزْهُوَ فَقُلْتُ وَ مَا الزَّهْوُ جُعِلْتُ فِدَاكَ قَالَ يَحْمَرُ وَ يَصْفَرُ وَ شِبْهُ ذَلِكَ .

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from Al Hassan Bin Ali Al Washa who said,

‘I asked Al-Reza^{asws}, ‘Is it allowed to sell the palm tree when it is born (sprouts)?’ So he^{asws} said: ‘It is allowed until it is in splendour’. So I said, ‘And what is ‘the splendour’, may I be sacrificed for you^{asws}?’ He^{asws} said: ‘When it becomes red, and yellow, and similar to that’.³⁶

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ رَبِيعِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) إِنَّ لِي نَخْلًا بِالْبَصْرَةِ فَأَبِيعُهُ وَ أَسْمِي الثَّمْرَ وَ أَسْتَنْتِي الْكُرَّ مِنَ الثَّمْرِ أَوْ أَكْثَرَ أَوْ الْعِدْقَ مِنَ النَّخْلِ قَالَ لَا بَأْسَ قُلْتُ جُعِلْتُ فِدَاكَ بَيْعُ السَّنَنِ قَالَ لَا بَأْسَ قُلْتُ جُعِلْتُ فِدَاكَ إِنَّ ذَا عِنْدَنَا عَظِيمٌ قَالَ أَمَا إِنَّكَ إِنْ قُلْتَ ذَلِكَ لَقَدْ كَانَ رَسُولُ اللَّهِ (صلى الله عليه وآله) أَحَلَّ ذَلِكَ فَتَطَالَمُوا فَقَالَ (عليه السلام) لَا تَبَاغِ الثَّمْرَةَ حَتَّى يَبْدُو صَلَاحُهَا .

Muhammad Bin Ismail, from Al Fazal Bin Shazaan, from Ibn Abu Umeyr, from Rabie who said,

‘I said to Abu Abdullah^{asws}, ‘There is a palm tree for me at Al-Basra. So I sell it, and I name (determine) the fruits, and exclude Al-Kurra (a unit of measurement) from the fruits, or more, or a cluster of the dates’. He^{asws} said: ‘There is no problem’. I said, ‘May I be sacrificed for you^{asws}! Can I sell it (yield) for the two years?’ He^{asws} said: ‘There is no problem’. I said, ‘May I be sacrificed for you^{asws}! That is a great matter among us’. He^{asws} said: ‘But you, if you are saying that, so Rasool-Allah^{saww} had Permitted that, but they were unjust to each other, so he^{saww} said: ‘You must not buy it until fruits appear and are out of danger (of dying)’.³⁷

³⁵ Al Kafi – V 5 – The Book of Subsistence Ch 73 H 2

³⁶ Al Kafi – V 5 – The Book of Subsistence Ch 73 H 3

³⁷ Al Kafi – V 5 – The Book of Subsistence Ch 73 H 4

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ عَنْ يَعْقُوبَ بْنِ شُعَيْبٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عليه السلام) إِذَا كَانَ الْحَائِطُ فِيهِ ثِمَارٌ مُخْتَلِفَةٌ فَأَدْرَكَتْ بَعْضُهَا فَلَا بَأْسَ بِبَيْعِهَا جَمِيعًا .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Safwan, from Yaqoub Bin Shuayb who said,

'Abu Abdullah^{asws} said: 'If there was a wall in which there were different fruits, and some of them had ripened, so there is no problem with selling them in their entirety'.³⁸

حُمَيْدُ بْنُ زِيَادٍ عَنْ ابْنِ سَمَاعَةَ عَنْ عَيْرٍ وَاحِدٍ عَنْ إِسْمَاعِيلِ بْنِ الْفَضْلِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنْ بَيْعِ الثَّمَرَةِ قَبْلَ أَنْ تُدْرِكَ فَقَالَ إِذَا كَانَ فِي تِلْكَ الْأَرْضِ بَيْعٌ لَهُ غَلَّةٌ قَدْ أُدْرِكَتْ فَبَيْعُ ذَلِكَ كُلِّهِ حَلَالٌ .

Humejd Bin Ziyad, from Ibn Sama'at, from someone else, from Ismail Bin Al Fazl who said,

'I asked Abu Abdullah^{asws} about selling the fruits before they ripen, so he^{asws} said: 'If it was such that in that particular land, selling of it is (like selling) a crop which has ripened, so selling all of that is Permissible'.³⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ خَالِدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنْ بَيْعِ الثَّمَرَةِ هَلْ يَصْلُحُ شِرَاؤُهَا قَبْلَ أَنْ يَخْرُجَ طَلْعُهَا فَقَالَ لَا إِلَّا أَنْ يَشْتَرِيَ مَعَهَا شَيْئًا غَيْرَهَا رَطْبَةً أَوْ بَقْلًا فَيَقُولُ أَشْتَرِي مِنْكَ هَذِهِ الرُّطْبَةَ وَ هَذَا النَّخْلَ وَ هَذَا الشَّجَرَ بِكَذَا وَ كَذَا فَإِنْ لَمْ تَخْرُجِ الثَّمَرَةُ كَانَ رَأْسُ مَالِ الْمُشْتَرِي فِي الرُّطْبَةِ وَ الْبَقْلِ

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from Usman Bin Isa, from Sama'at who said,

'I asked him^{asws} about selling the fruit, is buying it correct before they sprout?' So he^{asws} said: 'No, except if you buy something else along with it, dates or vegetables, so you should be saying, 'I hereby buy these dates, and this palm tree, and this tree with such and such (a price). So if the fruits have not come out yet, the capital wealth of the buyer would be in the dates, and the vegetables'.

وَ سَأَلْتُهُ عَنْ وَرَقِ الشَّجَرِ هَلْ يَصْلُحُ شِرَاؤُهُ ثَلَاثَ خَرَطَاتٍ أَوْ أَرْبَعَ خَرَطَاتٍ فَقَالَ إِذَا رَأَيْتَ الْوَرَقَ فِي شَجَرَةٍ فَاشْتَرِ فِيهِ مَا شِئْتَ مِنْ خَرَطَةٍ .

And I asked him^{asws} about the leaves of the tree, is its buying correct for three crops or four crops?' So he^{asws} said: 'When you see the leaf in a tree, so you can buy regarding it whatever you so desire to, from a crop'.⁴⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ الْقَاسِمِ بْنِ مُحَمَّدِ الْجَوْهَرِيِّ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنْ رَجُلٍ اشْتَرَى بُسْتَانًا فِيهِ نَخْلٌ وَ شَجَرٌ مِنْهُ مَا قَدْ أُطْعِمَ وَ مِنْهُ مَا لَمْ يُطْعِمَ قَالَ لَا بَأْسَ بِهِ إِذَا كَانَ فِيهِ مَا قَدْ أُطْعِمَ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husay Bin Saeed, from Al Qasim Bin Muhammad Al Jowhary, from Ali Bin Abu Hamza who said,

'I asked Abu Abdullah^{asws} about a man who bought an orchard wherein were palm trees, and trees from it were what could be eaten from, and from it were (trees) what

³⁸ Al Kafi – V 5 – The Book of Subsistence Ch 73 H 5

³⁹ Al Kafi – V 5 – The Book of Subsistence Ch 73 H 6

⁴⁰ Al Kafi – V 5 – The Book of Subsistence Ch 73 H 7

could not be eaten from. He^{asws} said: 'There is no problem with it if therein were (trees) what could be eaten from'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ اشْتَرَى بُسْتَانًا فِيهِ نَخْلٌ لَيْسَ فِيهِ غَيْرُ بُسْرِ أَخْضَرَ فَقَالَ لَا حَتَّى يَزْهُوَ قُلْتُ وَ مَا الزَّهْوُ قَالَ حَتَّى يَنْلَوْنَ .

He (the narrator) said, 'And I asked him^{asws} about a man who bought an orchard wherein were palm trees, there was not on it apart from green (unripened dates)'. So he^{asws} said: 'No, until they splendour'. I said, 'And what is the splendour?' He^{asws} said: 'Until they colour'.⁴¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ يَعْقُوبَ بْنِ شُعَيْبٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) وَ قُلْتُ لَهُ أَعْطَى الرَّجُلَ لَهُ الثَّمْرَةَ عَشْرِينَ دِينَارًا عَلَى أَنِّي أَقُولُ لَهُ إِذَا قَامَتْ ثَمْرَتُكَ بِشَيْءٍ فَهِيَ لِي بِذَلِكَ الثَّمَنِ إِنْ رَضِيَتْ أَخَذْتُ وَ إِنْ كَرِهْتَ تَرَكْتُ فَقَالَ مَا تَسْتَطِيعُ أَنْ تُعْطِيَهُ وَ لَا تَشْتَرِطُ شَيْئًا قُلْتُ جَعَلْتُ فِدَاكَ لَا يُسَمَّى شَيْئًا وَ اللَّهُ يَعْلَمُ مِنْ نَبِيِّهِ ذَلِكَ قَالَ لَا يَصْلَحُ إِذَا كَانَ مِنْ نَبِيِّهِ [ذَلِكَ] .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from safwan Bin Yahya, from Yaqoub Bin Shuayb who said,

'I asked Abu Abdullah^{asws} and I said to him^{asws}, 'I gave twenty Dinars to the man who had fruits, upon (a stipulation) I said to him, 'When your fruits are established with anything, so it is for me with that price. If I am pleased I shall take, and if I dislike, I shall leave it'. So he^{asws} said: 'You have no leeway that you give him nor stipulate anything'. I said, 'May I be sacrificed for you^{asws}! He did not name anything, and Allah^{saww} Knows from his intention of that'. He^{asws} said: 'It is not correct when that was an intention of his'.⁴²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ فِي رَجُلٍ قَالَ لِأَخْرَ بَعْضِي ثَمْرَةَ نَخْلِكَ هَذَا الَّذِي فِيهَا يَفْقِيرِينَ مِنْ ثَمْرٍ أَوْ أَقَلٍّ أَوْ أَكْثَرَ يُسَمَّى مَا شَاءَ فَبَاعَهُ فَقَالَ لَا بَأْسَ بِهِ وَ قَالَ الثَّمْرُ وَ النَّبْسُ مِنْ نَخْلَةٍ وَاحِدَةٍ لَا بَأْسَ بِهِ فَأَمَّا أَنْ يَخْلَطَ الثَّمْرُ الْعَتِيقُ أَوْ النَّبْسُ فَلَا يَصْلَحُ وَ الرَّبِيبُ وَ الْعَنْبُ مِثْلُ ذَلِكَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} having said regarding a man who said to another, 'Sell to me the fruits of your palm tree, this one in which there is, with two Qafeyz (a unit of measurement) of dates, or less, or more', naming whatever he so likes to, so he sells it'. So he^{asws} said: 'There is no problem with it'. And he^{asws} said: 'The dates and the half-ripened from one tree, there is no problem with it. But if you were to mix the old dates, or half-ripened, so it is not correct; and the raisins and the grapes are similar to that'.⁴³

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي نَصْرٍ عَنْ مُعَاوِيَةَ بْنِ مَيْسَرَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ بَيْعِ النَّخْلِ سَنَيْنٍ قَالَ لَا بَأْسَ بِهِ قُلْتُ فَالرُّطْبَةُ يَبِيعُهَا هَذِهِ الْجِرَّةُ وَ كَذَا وَ كَذَا جِرَّةً بَعْدَهَا قَالَ لَا بَأْسَ بِهِ تَمَّ قَالَ قَدْ كَانَ أَبِي يَبِيعُ الْجِنَاءَ كَذَا وَ كَذَا خَرْطَةً .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Muawiya Bin Maysara who said,

⁴¹ Al Kafi – V 5 – The Book of Subsistence Ch 73 H 8

⁴² Al Kafi – V 5 – The Book of Subsistence Ch 73 H 9

⁴³ Al Kafi – V 5 – The Book of Subsistence Ch 73 H 10

'I asked Abu Abdullah^{asws} about selling the palm tree (yield) of two years. He^{asws} said: 'There is no problem with it'. I said, 'So the dates can be sold for this picking, and such and such a picking after it?' He^{asws} said: 'There is no problem with it'. Then he^{asws} said: 'My^{asws} father^{asws} had sold the henna (yield) of such and such a harvest'.⁴⁴

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ غَيْرِ وَاحِدٍ عَنْ أَبِيَانَ بْنِ عُثْمَانَ عَنْ يَحْيَى بْنِ أَبِي الْعَلَاءِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) مَنْ بَاعَ نَخْلًا قَدْ لَقِحَ فَالْتَمَرَةَ لِلْبَائِعِ إِلَّا أَنْ يَشْتَرِطَ الْمُبْتَاعُ فَضَى رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) بِذَلِكَ.

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from someone else, from Aban Bin Usman, from Yahya Bin Abu Al A'ala who said,

'Abu Abdullah^{asws} said: 'The one who sells a palm tree which had pollinated, so the fruits are for the seller, except if the buyer had stipulated otherwise. Rasool-Allah^{saww} had judged with that'.⁴⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي شِرَاءِ التَّمْرَةِ قَالَ إِذَا سَأَوْتَ شَيْئًا فَلَا بَأْسَ بِشِرَائِهَا .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} regarding buying the fruit. He^{asws} said: 'When something is unspoilt, so there is no problem with buying it'.⁴⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عَيْسَى عَنْ مُحَمَّدِ بْنِ يَحْيَى عَنْ غِيَاثِ بْنِ إِبْرَاهِيمَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (صَلَوَاتُ اللَّهِ عَلَيْهِ) مَنْ بَاعَ نَخْلًا قَدْ أَثْرَهُ فَتَمْرَتُهُ لِلْبَائِعِ إِلَّا أَنْ يَشْتَرِطَ الْمُبْتَاعُ ثُمَّ قَالَ عَلِيُّ (عَلَيْهِ السَّلَامُ) فَضَى بِهِ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa,, from Muhammad Bin Yahya, from Giyas Bin Ibrahim,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} said: 'The one who sells a palm tree which had pollinated, so its fruit is for the seller except if the buyer had stipulated otherwise'.⁴⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ ابْنِ مَحْبُوبٍ عَنْ إِبْرَاهِيمَ الْكَرْخِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قُلْتُ لَهُ إِنِّي كُنْتُ بَعْتُ رَجُلًا نَخْلًا كَذَا وَ نَخْلَةً بَكَذَا وَ كَذَا بِرَهْمًا وَ النَّخْلُ فِيهِ تَمْرٌ فَانْطَلَقَ الَّذِي اشْتَرَاهُ مِنِّي فَبَاعَهُ مِنْ رَجُلٍ آخَرَ بِرَبْحٍ وَ لَمْ يَكُنْ نَفَذَنِي وَ لَا قَبَضَهُ مِنِّي قَالَ فَقَالَ لَا بَأْسَ بِذَلِكَ أَلَيْسَ قَدْ كَانَ ضَمِنَ لَكَ التَّمْرَ قُلْتُ نَعَمْ قَالَ فَالرَّبْحُ لَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ibrahim Al Karkhy who said,

'I asked Abu Abdullah^{asws} saying to him^{asws}, 'I had sold such and such a palm tree to a man for such and such Dirhams, and the palm tree had fruits in it. So the one who had bought it from me went on to sell it to a another man with a profit, and he did not pay me anything nor had he taken possession from me'. So he^{asws} said: 'There is no

⁴⁴ Al Kafi – V 5 – The Book of Subsistence Ch 73 H 11

⁴⁵ Al Kafi – V 5 – The Book of Subsistence Ch 73 H 12

⁴⁶ Al Kafi – V 5 – The Book of Subsistence Ch 73 H 13

⁴⁷ Al Kafi – V 5 – The Book of Subsistence Ch 73 H 14

problem with that. Had he not taken the responsibility to you for the price?’ I said, ‘Yes’. He^{asws} said: ‘So the profits is for him’.⁴⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ هِلَالٍ عَنْ عُقْبَةَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَضَى رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَنْ ثَمَرَ النَّخْلِ لِلَّذِي أَبْرَهَا إِلَّا أَنْ يَشْتَرِطَ الْمُبْتَاعُ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Muhammad Bin Abdullah Bin Hilal, from Uqba Bin Khalid,

(It has been narrated) from Abu Abdullah^{asws} having said: ‘Rasool-Allah^{saww} judged that the fruits of the palm tree is for the one who had pollinated it (seller) except if the buyer stipulates otherwise’.⁴⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ أَحْمَدَ بْنِ الْحَسَنِ عَنْ عَمْرِو بْنِ سَعِيدٍ عَنْ مُصَدِّقِ بْنِ صَدَقَةَ عَنْ عَمَارِ بْنِ مُوسَى عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ الْكُرْمِ مَتَى يَحِلُّ بَيْعُهُ قَالَ إِذَا عَقَدَ وَ صَارَ عُرُوقًا .

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Ahmad Bin Al Hassan, from Amro Bin Saeed, from Musaddaq Bin Sadaqa, from Ammar Bin Musa,

(It has been narrated) from Abu Abdullah^{asws}, said, ‘I asked him^{asws} about the vineyard, when it is Permissible to sell it? He^{asws} said: ‘When it intertwines and becomes vines’.⁵⁰

باب شِرَاءِ الطَّعَامِ وَ بَيْعِهِ

Chapter 74 – Buying the food and selling it

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنْ شِرَاءِ الطَّعَامِ مِمَّا يُكَالُ أَوْ يُوزَنُ هَلْ يَصْلُحُ شِرَاؤُهُ بِغَيْرِ كَيْلٍ وَ لَا وَزْنٍ فَقَالَ أَمَا أَنْ تَأْتِي رَجُلًا فِي طَعَامٍ قَدْ اكْتَبِلَ أَوْ وَزَنَ فَيَسْتَرِي مِنْهُ مَرَابَحَةً فَلَا بَأْسَ إِنْ أَنْتَ اشْتَرَيْتَهُ وَ لَمْ تَكُلْهُ أَوْ تَزِنَهُ إِذَا كَانَ الْمُشْتَرِي الْأَوَّلُ قَدْ أَخَذَهُ بِكَيْلٍ أَوْ وَزَنٍ فَقُلْتَ عِنْدَ الْبَيْعِ إِنِّي أُرِيحُكَ فِيهِ كَذَا وَ كَذَا وَ قَدْ رَضِيتُ بِكَائِكَ أَوْ وَزْنِكَ فَلَا بَأْسَ .

A number of our companions, from Ahmad Bin Muhammad, from Usman Bin Isa, from Sama'at who said,

‘I asked him about buying the foodstuff, from what is measure or weighed, is buying it correct without a measurement or weighing?’ So he^{asws} said: ‘If you go over to a man regarding food which had already been measured or weighed, so you buy it from him with a profit, so there is no problem if you were to buy it and do not measure it or weigh it, when it was such that the former buyer had taken it with a measurement or weight. So you should say when buying, ‘I give you such and such amount of profit, and I am pleased with your measurement or your weighing’, so there is no problem’.⁵¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ فِي الرَّجُلِ يَبْتَاعُ الطَّعَامَ ثُمَّ يَبِيعُهُ قَبْلَ أَنْ يُكَالَ قَالَ لَا يَصْلُحُ لَهُ ذَلِكَ .

⁴⁸ Al Kafi – V 5 – The Book of Subsistence Ch 73 H 15

⁴⁹ Al Kafi – V 5 – The Book of Subsistence Ch 73 H 16

⁵⁰ Al Kafi – V 5 – The Book of Subsistence Ch 73 H 17

⁵¹ Al Kafi – V 5 – The Book of Subsistence Ch 74 H 1

Ali Bin Ibrahim, from his father, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} having said regarding the man who bought some foodstuff, then sold it before weighing. He^{asws} said: 'That is not correct for him'.⁵²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ حَبِيبٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يَشْتَرِي الطَّعَامَ ثُمَّ يَبِيعُهُ قَبْلَ أَنْ يَفْبِضَهُ قَالَ لَا بَأْسَ وَ يُوَكَّلُ الرَّجُلُ الْمُشْتَرِيَ مِنْهُ بِقَبْضِهِ وَ كَيْلِهِ قَالَ لَا بَأْسَ [بِذَلِكَ] .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Hadeed, from Jameel Bin Darraj,

(It has been narrated) from Abu Abdullah^{asws} regarding the man who buys the foodstuff, then sells it before he takes possession of it'. He^{asws} said: 'There is no problem'. (I said), 'Can the buyer from him appoint the man (another one) to take possession of it and have it measured?' He^{asws} said: 'There is no problem (with that)'.⁵³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ اشْتَرَى مِنْ رَجُلٍ طَعَامًا عَدْلًا بِكَيْلٍ مَعْلُومٍ ثُمَّ إِنَّ صَاحِبَهُ قَالَ لِلْمُشْتَرِيَ ابْتِغِ مِنِّي هَذَا الْعَدْلَ الْآخَرَ بِغَيْرِ كَيْلٍ فَإِنَّ فِيهِ مِثْلَ مَا فِي الْآخَرَ الَّذِي ابْتِغَيْتَهُ قَالَ لَا يَصْلُحُ إِلَّا أَنْ يُكَيْلَ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who buys some foodstuff from a man a package of a known weight. Then its owner says to the buyer, 'Buy this other one from me without measurement, for therein is similar to what was in the other one which you have bought'. He^{asws} said: 'That is not correct except if he measures it out'.

وَ قَالَ مَا كَانَ مِنْ طَعَامٍ سَمَّيْتَ فِيهِ كَيْلًا فَإِنَّهُ لَا يَصْلُحُ مُجَازَفَةً هَذَا مَا يُكْرَهُ مِنْ بَيْعِ الطَّعَامِ .

And he^{asws} said: 'Whatever was from the foodstuffs wherein a measurement was mentioned, so it is not correct for an estimation. This is what is abhorred from selling of the foodstuffs'.⁵⁴

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ غَيْرٍ وَاحِدٍ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ عَلَيْهِ كُرٌّ مِنْ طَعَامٍ فَاشْتَرَى كُرًّا مِنْ رَجُلٍ آخَرَ فَقَالَ لِلرَّجُلِ أَنْطَلِقْ فَاسْتَوْفِ كُرَّكَ قَالَ لَا بَأْسَ بِهِ .

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from someone else, from Aban Bin Usman, from Abdul Rahman Bin Abu Abdullah, said,

'I asked Abu Abdullah^{asws} about a man upon whom (is a debt of) one Kurra (a unit of measurement) of foodstuff. So he buys one Kurra from another man. So he says to

⁵² Al Kafi – V 5 – The Book of Subsistence Ch 74 H 2

⁵³ Al Kafi – V 5 – The Book of Subsistence Ch 74 H 3

⁵⁴ Al Kafi – V 5 – The Book of Subsistence Ch 74 H 4

the man, 'Go and fulfil your (debt upon me) of one Kurr (from that man)'. He^{asws} said: 'There is no problem with it'.⁵⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي الْعَطَّارِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) أَشْتَرِي الطَّعَامَ فَأَضَعُ فِي أَوْلِيهِ وَ أُرِيحُ فِي آخِرِهِ فَأَسْأَلُ صَاحِبِي أَنْ يَحْطَ عَنِّي فِي كُلِّ كُرٍّ كَذَا وَ كَذَا فَقَالَ هَذَا لَا خَيْرَ فِيهِ وَ لَكِنْ يَحْطُ عَنكَ جُمْلَةً قُلْتُ فَإِنْ حَطَّ عَنِّي أَكْثَرَ مِمَّا وَضَعْتُ قَالَ لَا بَأْسَ بِهِ قُلْتُ فَأَخْرَجَ الْكُرَّ وَ الْكُرَّيْنَ فَيَقُولُ الرَّجُلُ أُعْطِنِيهِ بِكَيْلِكَ فَقَالَ إِذَا انْتَمَكَ فَلَيْسَ بِهِ بَأْسٌ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Safwan Bin Yahya, from Is'haq Bin Ammar, from Abu Al Utarad who said,

'I said to Abu Abdullah^{asws}, 'I buy some foodstuff, so I lose in the beginning of it and I profit in the end of it. So I ask my companions that he drops (the price) from me with each Kurra (a unit of measurement) by such and such (an amount)'. So he^{asws} said: 'This, there is no goodness in it, but he should drop from you from the whole'. I said, 'Supposing if he drop from the more that what I have lost?' He^{asws} said: 'There is no problem with it'. I said, 'So if I were to extract one Kurra and two Kurras (units of measurement), so the man is saying, 'I give it by your measurement'. So he^{asws} said: 'If he trusts you, so there is no problem with it'.⁵⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ أَبِي سَعِيدِ الْمُكَارِيِّ عَنْ عَبْدِ الْمَلِكِ بْنِ عَمْرٍو قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) أَشْتَرِي الطَّعَامَ فَأَكْتَالُهُ وَ مَعِيَ مَنْ قَدْ شَهِدَ الْكَيْلَ وَ إِنَّمَا أَكْتَالُهُ لِنَفْسِي فَيَقُولُ بَعْضُهُمْ فَأَبِيعُهُ إِيَّاهُ بِذَلِكَ الْكَيْلِ الَّذِي كَيْلُهُ قَالَ لَا بَأْسَ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Safwan Bin Yahya, from Abu Saeed Al Mukarayy, from Abdul Malik Bin Amro who said,

'I said to Abu Abdullah^{asws}, 'I buy the foodstuff, so I measure it out and with me is one who witnesses the measuring, but rather I weigh it out for myself. So he is saying, 'Sell it'. So I sell it to him with that measurement which I measured out'. He^{asws} said: 'There is no problem'.⁵⁷

عَلِيُّ بْنُ إِبرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) أَشْتَرِي رَجُلًا تَيْنًا يَبْدُرُ كُلَّ كُرٍّ بَشْيءٍ مَعْلُومٍ فَيَبِيعُ التَّيْنَ وَ يَبِيعُهُ قَبْلَ أَنْ يَكَالَ الطَّعَامَ قَالَ لَا بَأْسَ بِهِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel who said,

'I said to Abu Abdullah^{asws}, 'A man buys threshing hay, each Kurra with a known thing. So he takes possession of the hay and sells it before he measures the (animal) feed'. He^{asws} said: 'There is no problem with it'.⁵⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ عَنْ ابْنِ مُسْكَانٍ عَنْ إِسْحَاقَ الْمَدَائِنِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنِ الْقَوْمِ يَدْخُلُونَ السَّقِينَةَ يَشْتَرُونَ الطَّعَامَ فَيَتَسَاوَمُونَ بِهَا ثُمَّ يَشْتَرِي رَجُلٌ مِنْهُمْ فَيَتَسَاءَلُونَهُ فَيُعْطِيهِمْ مَا يُرِيدُونَ مِنَ الطَّعَامِ فَيَكُونُ صَاحِبُ الطَّعَامِ هُوَ الَّذِي يَدْفَعُهُ إِلَيْهِمْ وَ يَفِيضُ التَّمَنُّ قَالَ لَا بَأْسَ مَا أَرَاهُمْ إِلَّا وَ قَدْ شَرَكُوهُ فَقُلْتُ إِنَّ صَاحِبَ الطَّعَامِ يَدْعُو كَيْلًا فَيَكِيلُهُ لَنَا وَ لَنَا أَجْرَاءُ فَيَعِيرُونَهُ فَيَزِيدُ وَ يَنْقُصُ قَالَ لَا بَأْسَ مَا لَمْ يَكُنْ شَيْءٌ كَثِيرٌ غَلَطَ .

⁵⁵ Al Kafi – V 5 – The Book of Subsistence Ch 74 H 5

⁵⁶ Al Kafi – V 5 – The Book of Subsistence Ch 74 H 6

⁵⁷ Al Kafi – V 5 – The Book of Subsistence Ch 74 H 7

⁵⁸ Al Kafi – V 5 – The Book of Subsistence Ch 74 H 8

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Safwan, from Ibn Muskann, from Is'haq Al Madainy who said,

'I asked Abu Abdullah^{asws} about the people who are entering the ship, so they are buying the foodstuff, and they are haggling with it. Then a man from them buys it, so they are asking him whatever that want from the foodstuff. So he becomes the owner of the food, the one handed it over to them and took the price'. He^{asws} said: 'There is no problem. I^{asws} do not see them except that they had participated him'. So I said, 'If the owner of the food invites a measurer, so he measures it out for us, and for us are employees who are conducting it, so there are increases and decreases'. He^{asws} said: 'There is no problem for as long as there are not many errors'.⁵⁹

بَابِ الرَّجُلِ يَشْتَرِي الطَّعَامَ فَيَتَغَيَّرُ سِعْرُهُ قَبْلَ أَنْ يَقْبِضَهُ

Chapter 75 – The man buys the foodstuff, so he changes its price before it is captured

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ ابْتِاعَ مِنْ رَجُلٍ طَعَامًا بِدِرَاهِمٍ فَأَخَذَ نِصْفَهُ وَتَرَكَ نِصْفَهُ ثُمَّ جَاءَ بَعْدَ ذَلِكَ وَقَدْ اِرْتَفَعَ الطَّعَامُ أَوْ نَقَصَ قَالَ إِنْ كَانَ يَوْمَ ابْتِاعَهُ سَاعَرَهُ أَنْ لَهُ كَذَا وَكَذَا فَإِنَّمَا لَهُ سِعْرُهُ وَإِنْ كَانَ إِنَّمَا أَخَذَ بَعْضًا وَتَرَكَ بَعْضًا وَلَمْ يُسَمَّ سِعْرًا فَإِنَّمَا لَهُ سِعْرُ يَوْمِهِ الَّذِي يَأْخُذُ فِيهِ مَا كَانَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who bought foodstuff from a man with Dirhams. So he took half of it and left half of it. Then he came over after that and the foodstuff had been raised (in price) or reduced. He^{asws} said: 'If on the day he bought it, it had been price for such and such, so rather his price would be for him, and if he had rather taken some and left some, and a price had not been named (determined), so rather for him would be the price on the day in which he takes it, whatever it was'.⁶⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلٍ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ اشْتَرَى طَعَامًا كُلَّ كُرٍّ بِشَيْءٍ مَعْلُومٍ فَارْتَفَعَ الطَّعَامُ أَوْ نَقَصَ وَ قَدْ أَكْتَالَ بَعْضَهُ فَأَبَى صَاحِبُ الطَّعَامِ أَنْ يُسَلَّمَ لَهُ مَا بَقِيَ وَ قَالَ إِنَّمَا لَكَ مَا قَبِضْتَ فَقَالَ إِنْ كَانَ يَوْمَ اشْتَرَاهُ سَاعَرَهُ عَلَى أَنَّهُ لَهُ فَلَهُ مَا بَقِيَ وَإِنْ كَانَ إِنَّمَا اشْتَرَاهُ وَلَمْ يَشْتَرِطْ ذَلِكَ فَإِنَّ لَهُ بِقَدْرِ مَا نَقَدَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who bought some foodstuff, each Kurra (a unit of measurement) with a known thing. So the foodstuff (price) was raised or reduced, and some of it had been measure out. So the owner of the foodstuff refused to submit to him what remained (for the old price), and said, 'But rather, for you is what you captured (took possession of)'. So he^{asws} said: 'If it was on the day he bought for his price, upon (a stipulation) that it (same price) would be for him, so for him would be what remained (at the same price); and if it was such

⁵⁹ Al Kafi – V 5 – The Book of Subsistence Ch 74 H 9

⁶⁰ Al Kafi – V 5 – The Book of Subsistence Ch 75 H 1

that he had bought it and did not stipulate that, so for him would be in accordance with what he settled in cash'.⁶¹

مُحَمَّدُ بْنُ يَحْيَى قَالَ كَتَبَ مُحَمَّدُ بْنُ الْحَسَنِ إِلَى أَبِي مُحَمَّدٍ (عَلَيْهِ السَّلَامُ) رَجُلٌ اسْتَأْجَرَ أَجِيرًا يَعْمَلُ لَهُ بِنَاءً أَوْ غَيْرَهُ وَ جَعَلَ يُعْطِيهِ طَعَامًا وَ قُطْنًا وَ غَيْرَ ذَلِكَ ثُمَّ تَغَيَّرَ الطَّعَامُ وَ الْقُطْنُ مِنْ سِعْرِهِ الَّذِي كَانَ أَعْطَاهُ إِلَى نُقْصَانٍ أَوْ زِيَادَةٍ أَوْ يَحْتَسِبُ لَهُ بِسِعْرِ يَوْمٍ أَعْطَاهُ أَوْ بِسِعْرِ يَوْمٍ حَاسِبُهُ فَوَقَعَ (عَلَيْهِ السَّلَامُ) يَحْتَسِبُ لَهُ بِسِعْرِ يَوْمٍ شَارَطَهُ فِيهِ إِنْ شَاءَ اللَّهُ

Muhammad Bin Yahya who said,

'Muhammad Bin Al-Hassan wrote to Abu Muhammad^{asws}, 'A man employed and employee to work for him for a building or something else, and went on to give him foodstuff, and cotton, and other than that. Then the price of the foodstuff and the cotton changes in price from which it was when he had given it, to either a reduction or an increase. Can he count for him with a price on the day he gave it or with a price on the day of his accounting?' So he^{asws} signed: 'He should account for him with a price of the day he stipulated to him, Allah^{saww} Willing'.

وَ أَجَابَ (عَلَيْهِ السَّلَامُ) فِي الْمَالِ يَجْلُ عَلَى الرَّجُلِ فَيُعْطِي بِهِ طَعَامًا عِنْدَ مَحَلِّهِ وَ لَمْ يُقَاطِعْهُ ثُمَّ تَغَيَّرَ السَّعْرُ فَوَقَعَ (عَلَيْهِ السَّلَامُ) لَهُ سِعْرُ يَوْمٍ أَعْطَاهُ الطَّعَامَ .

And he^{asws} answered regarding the wealth which is released upon the man, so he is given foodstuff with it during his release, and he is not cut off (his services). Then the price changes. So he^{asws} signed: 'For him is a price on the day he was given the foodstuff'.⁶²

بَاب فَضْلِ الْكَيْلِ وَ الْمَوَازِينِ

Chapter 76 – Preference of the measuring and the weighings

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عَلِيِّ بْنِ عَطِيَّةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قُلْتُ إِنَّا نَشْتَرِي الطَّعَامَ مِنَ السُّفُنِ ثُمَّ نَكِيلُهُ فَيَزِيدُ فَقَالَ لِي وَ رَبُّمَا نَقْصَ عَلَيْكُمْ قُلْتُ نَعَمْ قَالَ فَإِذَا نَقْصَ يَرُدُّونَ عَلَيْكُمْ قُلْتُ لَا قَالَ لَا بَأْسَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Ali Bin Atiyya who said,

'I asked Abu Abdullah^{asws} saying, 'We buy the foodstuff from the ships, then we measure it, so it is more'. So he^{asws} said to me: 'And sometimes it is less upon you'. I said, 'Yes'. He^{asws} said: 'So when it is less, do they return you the deficiency?' I said, 'No'. He^{asws} said: 'There is no problem (with the increase as well)'.⁶³

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَاذَانَ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ فَضْلِ الْكَيْلِ وَ الْمَوَازِينِ فَقَالَ إِذَا لَمْ يَكُنْ تَعْدِيًا فَلَا بَأْسَ .

Muhammad Bin Ismail, from Al Fazl Bin Shazaan, from Ibn Abu Umeyr, from Abdul Rahman Bin Al Hajjaj who said,

⁶¹ Al Kafi – V 5 – The Book of Subsistence Ch 75 H 2

⁶² Al Kafi – V 5 – The Book of Subsistence Ch 75 H 3

⁶³ Al Kafi – V 5 – The Book of Subsistence Ch 76 H 1

'I asked Abu Abdullah^{asws} about the measurements and the weights, so he^{asws} said: 'When there does not happen to be an infringement, so there is no problem'.⁶⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ بْنِ رَزِينِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ إِنِّي أَمُرُّ عَلَى الرَّجُلِ فَيَعْرِضُ عَلَيَّ الطَّعَامَ فَيَقُولُ قَدْ أَصَبْتُ طَعَاماً مِنْ حَاجَتِكَ فَأَقُولُ لَهُ أَخْرِجْهُ أُرِيحُكَ فِي الْكُرِّ كَذَا وَ كَذَا فَإِذَا أَخْرَجَهُ نَظَرْتُ إِلَيْهِ فَإِنْ كَانَ مِنْ حَاجَتِي أَخَذْتَهُ وَإِنْ لَمْ يَكُنْ مِنْ حَاجَتِي تَرَكْتُهُ قَالَ هَذِهِ الْمُرَاوَضَةُ لَا بَأْسَ بِهَا

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Ali Bin Al Hakam, from Al A'ala Bin Razeyn,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I said to him^{asws}, 'I passed by the man so he presented the foodstuff to me, and he was saying, 'You have come across the foodstuff what you needed'. So I am saying to him, 'Bring it out, I shall give you such and such a price per Kurra (a unit of measurement). So when you bring it out, I shall look at it, so it is was as per my requirement, I shall take it, and if does not happen to be from my requirements, I shall leave it'. He^{asws} said: 'This is haggling. There is no problem with it'.

قُلْتُ فَأَقُولُ لَهُ اعْزِلْ مِنْهُ خَمْسِينَ كُرّاً أَوْ أَقَلَّ أَوْ أَكْثَرَ بِكَئِلِهِ فَيَزِيدُ وَ يَنْقُصُ وَ أَكْثَرُ ذَلِكَ مَا يَزِيدُ لِمَنْ هِيَ قَالَ هِيَ لَكَ

I said, 'So I say to him, 'Isolate fifty Kurra from it', or less or more by his measurement, so it is (sometimes) more, and (sometimes) less, and more often it is more. Fo whom it is?' He^{asws} said: 'It is for you'.

ثُمَّ قَالَ (عَلَيْهِ السَّلَامُ) إِنِّي بَعَنْتُ مُعْتَبِئاً أَوْ سَلَاماً فَأَبْتَاعَ لَنَا طَعَاماً فَرَادَ عَلَيْنَا بَدِينَارَيْنِ فَعَفْنَا بِهِ عِيَالَنَا بِمِكَئَالٍ قَدْ عَرَفْنَاهُ فَقُلْتُ لَهُ قَدْ عَرَفْتَ صَاحِبَهُ قَالَ نَعَمْ فَرَدَدْنَا عَلَيْهِ

Then he^{asws} said: 'I^{asws} sent Mo'tab or Sallama, so they buy for some foodstuff for us^{asws}, and it came to me more upon us^{asws} with two Dinars. So we fed our^{asws} families by it with a measure which we^{asws} recognised'. So I said to him^{asws}, 'Did you^{asws} know its owner?' He^{asws} said: 'Yes. We^{asws} returned (the extra from) it to him'.

فَقُلْتُ رَحِمَكَ اللَّهُ تُفْتِنِي بِأَنَّ الزِّيَادَةَ لِي وَ أَنْتَ تَرُدُّهَا قَدْ عَلِمْتَ أَنَّ ذَلِكَ كَانَ لَهُ قَالَ نَعَمْ إِنَّمَا ذَلِكَ غَلَطُ النَّاسِ لِأَنَّ الَّذِي ابْتَعَنَا بِهِ إِنَّمَا كَانَ ذَلِكَ بِمِثَالِهِ دَرَاهِمٌ أَوْ تِسْعَةٌ ثُمَّ قَالَ وَ لَكِنِّي أَعُدُّ عَلَيْهِ الْكَيْلَ .

So I said, 'May Allah^{saww} have Mercy on you^{asws}! You^{asws} are issuing a Verdict to me that the increase is for me, but you^{asws} have returned (the extra from) it to the seller because you^{asws} knew that it belongs to him' He^{asws} said: 'Yes. But rather, that is an error of the people, because that which we^{asws} bought with, rather that was with eight Dirhams, or nine'. Then he^{asws} said: 'however, in our^{asws} it was measured again (so it was confirmed that there came extra from the seller)'.⁶⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ حَنَانَ قَالَ كُنْتُ جَالِساً عِنْدَ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَقَالَ لَهُ مُعَمَّرُ الرِّيَّاتِ إِنَّا نَسْتُرِي الرِّبْتَ فِي زِقَاقِهِ فَيُحْسَبُ لَنَا نَقْصَانٌ فِيهِ لِمَكَانِ الرِّقَاقِ فَقَالَ إِنْ كَانَ يَزِيدُ وَ يَنْقُصُ فَلَا بَأْسَ وَ إِنْ كَانَ يَزِيدُ وَ لَا يَنْقُصُ فَلَا تَقْرَبُهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Ismail, from Hanaan who said,

⁶⁴ Al Kafi – V 5 – The Book of Subsistence Ch 76 H 2

⁶⁵ Al Kafi – V 5 – The Book of Subsistence Ch 76 H 3

'I was seated in the presence of Abu Abdullah^{asws}, so Moamar the oil merchant said to him^{asws}, 'We buy the oil in its alley way, so he measures it out for us with a deficiency in it due to the placing of the alleyway'. So he^{asws} said: 'If it was (sometimes) excess and deficient, so there is no problem; and if it was excess and not (never) deficient, so do not go near it'.⁶⁶

باب الرَّجُلِ يَكُونُ عِنْدَهُ أَلْوَانٌ مِنَ الطَّعَامِ فَيَخْلُطُ بَعْضَهَا بِبَعْضٍ

Chapter 77 – The man who happens to have a variety of foodstuffs with him, so he mixes some with the other

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) أَنَّهُ سُئِلَ عَنِ الطَّعَامِ يَخْلُطُ بَعْضُهُ بِبَعْضٍ وَبَعْضُهُ أَجْوَدُ مِنْ بَعْضٍ قَالَ إِذَا رُبِّيَا جَمِيعاً فَلَا بَأْسَ مَا لَمْ يُعْطَ الْجَيِّدَ الرَّدِيَّ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Ali Bin Al Hakam, from Al A'ala, from Muhammad Bin Muslim,

(It has been narrated) from one of the two (5th or 6th Imam^{asws} having been asked about the foodstuff, some with the others, and some of it is fresher than some'. He^{asws} said: 'When you see the whole of it, so there is no problem for as long as the fresher does not cover the spoil'.⁶⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَكُونُ عِنْدَهُ لَوْنَانِ مِنَ الطَّعَامِ وَاحِدٍ وَ سِعْرُهُمَا شَيْءٌ وَ أَحَدُهُمَا خَيْرٌ مِنَ الْآخَرِ فَيَخْلُطُهُمَا جَمِيعاً ثُمَّ يَبِيعُهُمَا بِسِعْرِ وَاحِدٍ فَقَالَ لَا يَصْلُحُ لَهُ أَنْ يَفْعَلَ ذَلِكَ يَغْشَى بِهِ الْمُسْلِمِينَ حَتَّى يُبَيِّنَهُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the man who happened to have two varieties of one foodstuff with him, and both their prices are of one price, and one of the two is better than the other. So he mixes them both together, then he sells both for the one price. So he^{asws} said: 'It is not correct for him that he does that. He is cheating the Muslims by it, until he clarifies it (to the buyers)'.⁶⁸

ابْنُ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ يَشْتَرِي طَعَاماً فَيَكُونُ أَحْسَنَ لَهُ وَ أَنْفَقَ لَهُ أَنْ يَبْلُغَهُ مِنْ غَيْرِ أَنْ يَلْتَمِسَ زِيَادَتَهُ فَقَالَ إِنْ كَانَ يَبِيعُ لَا يَصْلُحُ إِلَّا ذَلِكَ وَ لَا يَنْفَعُهُ غَيْرُهُ مِنْ غَيْرِ أَنْ يَلْتَمِسَ فِيهِ زِيَادَةً فَلَا بَأْسَ وَ إِنْ كَانَ إِنَّمَا يَغْشَى بِهِ الْمُسْلِمِينَ فَلَا يَصْلُحُ .

Ibn Abu Umeyr, from Hammad, from Al Halby who said,

'I asked Abu Abdullah^{asws} about the man who buys foodstuff, so it happen to be better for him and more saleable for him if he were to moisten it from other than seeking an increase in it. So he^{asws} said: 'If selling it was not correct for it except by that and it cannot be sold apart from it, from without him seeking an increase in it, so

⁶⁶ Al Kafi – V 5 – The Book of Subsistence Ch 76 H 4

⁶⁷ Al Kafi – V 5 – The Book of Subsistence Ch 77 H 1

⁶⁸ Al Kafi – V 5 – The Book of Subsistence Ch 77 H 2

there is no problem; but if he was rather cheating the Muslims by it, so it is not correct (due to the increase of the weight of the water)'.⁶⁹

بَابُ أَنَّهُ لَا يَصْلَحُ التَّبَيْعُ إِلَّا بِمِكْيَالِ الْبَلَدِ

Chapter 78 – The selling is not correct except my a measurement of the city

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ لَا يَصْلَحُ لِلرَّجُلِ أَنْ يَبِيعَ بِصَاعِ غَيْرِ صَاعِ الْمِصْرِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} having said: 'It is not correct for the man that he sell by a Sa'a (a unit of measurement of four handfuls) of other than a Sa'a of the city'.⁷⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ لَا يَجِلُّ لِلرَّجُلِ أَنْ يَبِيعَ بِصَاعِ سِوَى صَاعِ أَهْلِ الْمِصْرِ فَإِنَّ الرَّجُلَ يَسْتَأْجِرُ الْجَمَالَ فَيَكِيلُ لَهُ بِمُدِّ بَيْتِهِ لَعَلَّهُ يَكُونُ أَصْغَرَ مِنْ مُدِّ السُّوقِ وَ لَوْ قَالَ هَذَا أَصْغَرُ مِنْ مُدِّ السُّوقِ لَمْ يَأْخُذْ بِهِ وَ لَكِنَّهُ يَحْمِلُ ذَلِكَ وَ يَجْعَلُ فِي أَمَانَتِهِ وَ قَالَ لَا يَصْلَحُ إِلَّا مُدُّ وَاحِدٌ وَ الْأَمْنَاءُ بِهَذِهِ الْمَنْزِلَةِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from one of his companions, from Aban, from Muhammad Al Halby,

(It has been narrated) from Abu Abdullah^{asws} having said: 'It is not Permissible for the man that he sells with a Sa'a (a unit of measurement of four handfuls) besides a Sa'a of the people of the city. So if the man were to employ the camel rider, and he measures out a Mudd (a unit of measurement of one handful) for him, with a Mudd of his house, perhaps it would happen to be smaller than a Mudd of the marketplace; and if he were to say that this Mudd is smaller than a Mudd of the marketplace, he would not be seized by it, but he would bear that and it would be made to be in his honesty'. And he^{asws} said: 'It is not correct except for one Mudd, and the trustees are with this status'.⁷¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ خَالِدِ الْبَرْقِيِّ عَنْ سَعْدِ بْنِ سَعْدٍ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ قَوْمٍ يُصَغِّرُونَ الْفُقْرَانَ يَبِيعُونَ بِهَا قَالَ أُولَئِكَ الَّذِينَ يَبْخَسُونَ النَّاسَ أَشْيَاءَهُمْ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Khalid Al Barqy, from Sa'ad,

(It has been narrated) from Abu Al-Hassan^{asws}, said, 'I asked him^{asws} about a people who are making their measuring devices smaller, selling by these. He^{asws} said: 'They are those who are undervaluing the things of the people'.⁷²

⁶⁹ Al Kafi – V 5 – The Book of Subsistence Ch 77 H 3

⁷⁰ Al Kafi – V 5 – The Book of Subsistence Ch 78 H 1

⁷¹ Al Kafi – V 5 – The Book of Subsistence Ch 78 H 2

⁷² Al Kafi – V 5 – The Book of Subsistence Ch 78 H 3

Chapter 79 – The Advance paymen regarding the foodstuff

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ يَحْيَى عَنْ غِيَاثِ بْنِ إِبْرَاهِيمَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (صَلَوَاتُ اللَّهِ عَلَيْهِ) لَا بَأْسَ بِالسَّلْمِ كَيْلًا مَعْلُومًا إِلَى أَجَلٍ مَعْلُومٍ لَا يُسَلَّمُ إِلَى دِيَّاسٍ وَ لَا إِلَى حَصَادٍ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Yahya, from Giyas Bin Ibrahim,

(It has been narrated) from Abu Abdullah^{asws} having said: ‘Amir Al-Momineen^{asws} said: ‘There is no problem with the advance payment for a known measurement up to a known term. The advance payment is not made except for the threshing, and the time of a harvest’.⁷³

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ ابْنِ مُسْكَانَ عَنْ مُحَمَّدِ الْحَلْبِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ السَّلْمِ فِي الطَّعَامِ بِكَيْلٍ مَعْلُومٍ إِلَى أَجَلٍ مَعْلُومٍ قَالَ لَا بَأْسَ بِهِ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Ibn Muskan, from Muhammad Al Halby who said,

‘I asked Abu Abdullah^{asws} about the submission of the advance payment regarding the foodstuff, with a known measurement, to a known term. He^{asws} said: ‘There is no problem with it’.⁷⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عَبْدِ اللَّهِ بْنِ الْمُغِيرَةِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ أَيْصَلُحُ لَهُ أَنْ يُسَلَّمَ فِي الطَّعَامِ عِنْدَ رَجُلٍ لَيْسَ عِنْدَهُ زَرْعٌ وَ لَا طَعَامٌ وَ لَا حَيَوَانٌ إِلَّا أَنَّهُ إِذَا حَلَّ الْأَجَلَ اشْتَرَاهُ فَوْقَاهُ قَالَ إِذَا ضَمِنَهُ إِلَى أَجَلٍ مَسْمُومٍ فَلَا بَأْسَ بِهِ

Ali Bin Ibrahim, from his father, from Abdullah Bin Al Mugheira, from Abdullah Bin Sinan who said,

‘I asked Abu Abdullah^{asws} about the man, is it correct for him that he submits the advance payment regarding the foodstuff with a man, who has neither a plantation with him, nor any foodstuff, nor any livestock, except that when the term arrives, he would buy it and fulfil it (delivery). He^{asws} said: ‘When he guarantees it to a named term, so there is no problem with it’.

قُلْتُ أَرَأَيْتَ إِنْ أَوْفَانِي بَعْضًا وَ عَجَزَ عَنْ بَعْضٍ أَيْصَلُحُ أَنْ أَخْذُ بِالْبَاقِي رَأْسَ مَالِي قَالَ نَعَمْ مَا أَحْسَنَ ذَلِكَ .

I said, ‘What is your view if he were to fulfil to me with some, and is frustrated from some, is it correct that I take back the capital of my wealth?’ He^{asws} said: ‘Yes. That is good’.⁷⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ النُّعْمَانَ عَنْ ابْنِ مُسْكَانَ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ يُسَلِّمُ فِي الزَّرْعِ فَيَأْخُذُ بَعْضَ طَعَامِهِ وَ يَبْقَى بَعْضٌ لَا يَجِدُ وَفَاءً فَيَعْرِضُ عَلَيْهِ صَاحِبُهُ رَأْسَ مَالِهِ قَالَ يَأْخُذُهُ فَإِنَّهُ حَلَالٌ قُلْتُ فَإِنَّهُ يَبِيعُ مَا قَبِضَ مِنَ الطَّعَامِ فَيُضِعُّ قَالَ وَ إِنْ فَعَلَ فَإِنَّهُ حَلَالٌ

⁷³ Al Kafi – V 5 – The Book of Subsistence Ch 79 H 1

⁷⁴ Al Kafi – V 5 – The Book of Subsistence Ch 79 H 2

⁷⁵ Al Kafi – V 5 – The Book of Subsistence Ch 79 H 3

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Numan, from Ibn Muskan, from Suleyman Bin Khalid who said,

'I asked Abu Abdullah^{asws} about the man who submits an advance payment regarding a farm. So he takes some of his foodstuff and there remains some (remaining), to be settled. So his companion presents the capital of his wealth to him. He^{asws} said: 'He should take it, for it is Permissible'. I said, 'Supposing he were to sell what he has taken possession of, from the foodstuff, so he doubles it?' He^{asws} said: 'If he does, so it is Permissible'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ يُسَلِّمُ فِي غَيْرِ زَرْعٍ وَ لَا نَخْلٍ قَالَ يُسَمِّي شَيْئاً إِلَى أَجَلٍ مُسَمَّى .

He (the narrator) said, 'And I asked him^{asws} about a man who submits an advance payment regarding other than a plantation or a palm tree. He^{asws} said: 'He should name something to its named term'.⁷⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ أَسْلَفْتُهُ دَرَاهِمَ فِي طَعَامٍ فَلَمَّا حَلَّ طَعَامِي عَلَيْهِ بَعَثَ إِلَيَّ بِدَرَاهِمٍ فَقَالَ اشْتَرِ لِنَفْسِكَ طَعَاماً وَ اسْتَوْفِ حَقَّكَ قَالَ أَرَى أَنْ يُؤَلَى ذَلِكَ غَيْرَكَ وَ تَقَوْمَ مَعَهُ حَتَّى تَقْبِضَ الَّذِي لَكَ وَ لَا تَتَوَلَّى أَنْتَ شِرَاهُ .

Muhammad Bin Yahy, from Ahmad Bin Muhammad, and Ali Bin Ibrahim, from his father, altogether, from Ibn Abu Umeyr, from Hammad, from Al Halby who said,

'I asked Abu Abdullah^{asws} about a man with whom I left Dirhams regarding foodstuff. So when my foodstuff was released to him, he sent the Dirhams back to me. So he^{asws} said: 'Buy foodstuff for yourself and fulfill your right. I see that you should put some one in charge other than you, and you should stand with him until you take hold of that which is for you, and you should not rely upon yourself (alone) for its buying'.⁷⁷

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يُسَلِّمُ الدَّرَاهِمَ فِي الطَّعَامِ إِلَى أَجَلٍ فَيَجِلُّ الطَّعَامُ فَيَقُولُ لَيْسَ عِنْدِي طَعَامٌ وَ لَكِنْ أَنْظِرْ مَا قِيمَتُهُ فَخَذْ مِنِّي ثَمَنَهُ فَقَالَ لَا بَأْسَ بِذَلِكَ .

Ahmad Bin Muhammad, from Ibn Abu Umeyr, from Aban Bin Usman, from one of our companions,

(It has been narrated) from Abu Abdullah^{asws} regarding the man who submits the Dirhams as advance payment regarding the foodstuff, to a term. So the foodstuff is released, but he (the seller) is saying, 'There is no foodstuff with me, but take from me equivalent to its price, so take its price from me'. So he^{asws} said: 'There is no problem with that'.⁷⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَادَانَ عَنْ صَفْوَانَ عَنِ الْعِيصِ بْنِ الْقَاسِمِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ أَسْلَفَ رَجُلًا دَرَاهِمَ بِجَنْطَةٍ حَتَّى إِذَا حَضَرَ الْأَجَلَ لَمْ يَكُنْ عِنْدَهُ طَعَامٌ وَ وَجَدَ عِنْدَهُ دَوَابَّ وَ مَنَاعاً وَ رَقِيقاً يَجِلُّ لَهُ أَنْ يَأْخُذَ مِنْ عَرُوضِهِ تِلْكَ بِطَعَامِهِ قَالَ نَعَمْ يُسَمَّى كَذَا وَ كَذَا بِكَذَا وَ كَذَا صَاعاً .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, from Safwan, from Al Ays Bin Al Qasim,

⁷⁶ Al Kafi – V 5 – The Book of Subsistence Ch 79 H 4

⁷⁷ Al Kafi – V 5 – The Book of Subsistence Ch 79 H 5

⁷⁸ Al Kafi – V 5 – The Book of Subsistence Ch 79 H 6

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about a man who left some Dirhams with a man for some wheat until when the term came, there did not happen to be any foodstuff with him, but he found with him some animals, and belongings, and slaves. Is it Permissible for him that he takes from that display of his, for his foodstuff?' He^{asws} said: 'Yes. He should name such and such with such and such a Sa'a (a unit of measurement of four handfuls)'.⁷⁹

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ غَيْرِ وَاحِدٍ عَنْ أَبِيَانَ بْنِ عُمَانَ عَنْ يِعْقُوبَ بْنِ شُعَيْبٍ وَ عُبَيْدِ بْنِ زُرَّارَةَ قَالَا سَأَلْنَا أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ بَاعَ طَعَامًا بِدَرَاهِمٍ إِلَى أَجَلٍ فَلَمَّا بَلَغَ ذَلِكَ الْأَجْلُ تَقَاضَاهُ فَقَالَ لَيْسَ عِنْدِي دَرَاهِمٌ خُذْ مِنِّي طَعَامًا قَالَ لَا بَأْسَ بِهِ إِنَّمَا لَهُ دَرَاهِمٌ يَأْخُذُ بِهَا مَا شَاءَ .

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from someone else, from Aban Bin Usman, from Yaquob Bin Shuayb, and Ubeyd Bin Zurara who both said,

'We both asked Abu Abdullah^{asws} about a man who sold foodstuff for Dirhams to a term. So when that term reached, he (the buyer) demanded it, so he said, 'There are no Dirhams with me. Take some foodstuff from me'. He^{asws} said: 'There is no problem with it. But rather, for him are dirhams. He may take whatever he so desires to with these'.⁸⁰

حُمَيْدُ عَنِ ابْنِ سَمَاعَةَ عَنْ غَيْرِ وَاحِدٍ عَنْ أَبِيَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ أَسْلَفَ دَرَاهِمَ فِي طَعَامٍ فَحَلَّ الَّذِي لَهُ فَأَرْسَلَ إِلَيْهِ بِدَرَاهِمٍ فَقَالَ اشْتَرِ طَعَامًا وَ اسْتَوْفِ حَقَّكَ هَلْ تَرَى بِهِ بَأْسًا قَالَ يَكُونُ مَعَهُ غَيْرُهُ يُوفِّيهِ ذَلِكَ .

Humeyd, from Ibn Sama'at, from someone else, from Aban, from Abdul Rahman Bin Abu Abdullah, said,

'I asked Abu Abdullah^{asws} about a man with who left Dirhams (with a seller) regarding foodstuff. So that which was for him was released, but (instead) he sent the Dirhams (back) to him. So he^{asws} said: 'Buy foodstuff and fulfil your right. Do you see any problem with it? Had there been someone else with him, that (order) would have been fulfilled'.⁸¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعًا عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ قَالَ سُنِلَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ أَسْلَمَ دَرَاهِمَهُ فِي خَمْسَةِ مَخَاتِيمٍ مِنْ جَنْطَةِ أَوْ شَعِيرٍ إِلَى أَجَلٍ مُسَمًّى وَ كَانَ الَّذِي عَلَيْهِ الْجَنْطَةُ وَ الشَّعِيرُ لَا يَقْدِرُ عَلَى أَنْ يَفْضِيَهُ جَمِيعَ الَّذِي لَهُ إِذَا حَلَّ فَسَأَلَ صَاحِبَ الْحَقِّ أَنْ يَأْخُذَ نِصْفَ الطَّعَامِ أَوْ ثَلَاثَهُ أَوْ أَقَلَّ مِنْ ذَلِكَ أَوْ أَكْثَرَ وَ يَأْخُذَ رَأْسَ مَالٍ مَا بَقِيَ مِنَ الطَّعَامِ دَرَاهِمَ قَالَ لَا بَأْسَ

Ali Bin Ibrahim, from his father and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether from Ibn Abu Umeyr, from Hammad, from Al Halby who said,

'Abu Abdullah^{asws} was asked about a man who submitted an advance payment of his Dirhams regarding five sealed containers of wheat or barley, to a named term, and the one upon whom was (the delivery of) the wheat and the barley was not able upon fulfilling the whole of it. So he asked the one with the right (buyer) if he could take half of the foodstuff, or a third, or less than that, or more, and he takes back the

⁷⁹ Al Kafi – V 5 – The Book of Subsistence Ch 79 H 7

⁸⁰ Al Kafi – V 5 – The Book of Subsistence Ch 79 H 8

⁸¹ Al Kafi – V 5 – The Book of Subsistence Ch 79 H 9

capital wealth (instead of) what remains from the foodstuff'. He^{asws} said: 'There is no problem'.

وَالزَّعْفَرَانُ يُسَلَّمُ فِيهِ الرَّجُلُ دَرَاهِمَ فِي عِشْرِينَ مِثْقَالًا أَوْ أَقَلَّ مِنْ ذَلِكَ أَوْ أَكْثَرَ قَالَ لَا بَأْسَ إِنْ لَمْ يَقْدِرِ الَّذِي عَلَيْهِ الزَّعْفَرَانُ أَنْ يُعْطِيَهُ جَمِيعَ مَالِهِ أَنْ يَأْخُذَ نِصْفَ حَقِّهِ أَوْ ثُلُثَهُ أَوْ ثَلَاثِيَهُ وَيَأْخُذَ رَأْسَ مَالِ مَا بَقِيَ مِنْ حَقِّهِ .

And for the saffron with regards to which the man submits the advance payment of Dirhams for twenty Misqal (a unit of measurement), or less than that or more, he^{asws} said: 'There is no problem if he is no able, the one upon whom is the (delivery of) the saffron in giving him the entirety of his goods, he can take half of his right, or a third, or two-thirds, and he takes back the capital wealth of what remains from his right'.⁸²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَاذَانَ جَمِيعًا عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَفْصِ بْنِ الْبُخْتَرِيِّ عَنْ خَالِدِ بْنِ الْحَجَّاجِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يَشْتَرِي طَعَامَ قَرِيْبَةٍ بِعَيْنِهَا وَ إِنْ لَمْ يُسَمِّ لَهُ طَعَامَ قَرِيْبَةٍ بِعَيْنِهَا أَعْطَاهُ مِنْ حَيْثُ شَاءَ .

Ali Bin Ibrahim, from his father, and Muhammad Bin Ismail, from Al Fazl Bin Shazan, altogether from Ibn Abu Umeyr, from Hafs Bin Al Bakhtary, from Khalid Bin Al Hajjaj,

(It has been narrated) from Abu Abdullah^{asws} regarding the man who buys the foodstuff of a town in particular: 'And if the foodstuff of a particular town is not mentioned (to the buyers), he can give it from wherever he so desires to'.⁸³

سَهْلُ بْنُ زِيَادٍ عَنْ مُعَاوِيَةَ بْنِ حُكَيْمٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ بْنِ فَضَّالٍ قَالَ كَتَبْتُ إِلَى أَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) الرَّجُلُ يُسَلِّفُنِي فِي الطَّعَامِ فَيَجِيءُ الْوَقْتُ وَ لَيْسَ عِنْدِي طَعَامٌ أُعْطِيهِ بِفَيْمَتِهِ دَرَاهِمَ قَالَ نَعَمْ .

Sahl Bin Ziyad, from Muawiya Bin Hukeym, from Al Hassan Bin Ali Bin Fazzal who said,

'I wrote to Abu Al-Hassan^{asws}, 'The man left for me (money) regarding the foodstuff. So the time (of delivery) came up, and there was no foodstuff with me. Can I give him Dirhams of its value (instead)?' He^{asws} said: 'Yes'.⁸⁴

بَابُ الْمُعَاوَضَةِ فِي الطَّعَامِ

Chapter 80 – The Bartering regarding the foodstuff

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلَ عَنِ الرَّجُلِ يَبِيعُ الرَّجُلَ الطَّعَامَ الْأَكْرَارَ فَلَا يَكُونُ عِنْدَهُ مَا يَبِيعُ لَهُ مَا بَاعَهُ فَيَقُولُ لَهُ خُذْ مِنْ مَكَانٍ كُلِّ قَفِيزٍ حِنْطَةٍ قَفِيزَيْنِ مِنْ شَعِيرٍ حَتَّى تَسْتَوْفِيَ مَا نَقَصَ مِنَ الْكَيْلِ قَالَ لَا يَصْلُحُ لِأَنَّ أَصْلَ الشَّعِيرِ مِنَ الْحِنْطَةِ وَ لَكِنْ يَرُدُّ عَلَيْهِ الدَّرَاهِمَ بِحِسَابِ مَا نَقَصَ مِنَ الْكَيْلِ .

A number of our companions, from Sahl Bin Ziyad and Ahmad Bin Muhammad, from Ibn Mahboub, from Hisham Bin Salim,

(It has been narrated) from Abu Abdullah^{asws}, said, 'He^{asws} was asked about the man who sells some Kurras (a unit of measurement) of foodstuff to the man, but there did not happen to be with him what he can complete (the order) for him of what he had

⁸² Al Kafi – V 5 – The Book of Subsistence Ch 79 H 10

⁸³ Al Kafi – V 5 – The Book of Subsistence Ch 79 H 11

⁸⁴ Al Kafi – V 5 – The Book of Subsistence Ch 79 H 12

sold. So he said, 'Take from me in place of each Qafees (a unit of measurement) of wheat, two Qafeez of barley until it is fulfilled, whatever was deficient from the measurement. He^{asws} said: 'No, it is not correct, because the origin of the barley is from the wheat, but he should return the Dirhams back to him by an accounting of whatever was deficient from the measurement'.⁸⁵

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ أَبِي بَصِيرٍ وَغَيْرِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ الْحِنْطَةُ وَالشَّعِيرُ رَأْسًا بِرَأْسٍ لَا يُزَادُ وَاحِدٌ مِنْهُمَا عَلَى الْآخَرِ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Mansour Bin Hazim, from Abu Baseer, and someone else,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The wheat and the barley are head to head, one of the two does not increase upon the other'.⁸⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عَمِيرٍ عَنْ حَمَّادِ بْنِ عُمَانَ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا يُبَاعُ مَخْتُومَانِ مِنْ شَعِيرٍ بِمَخْتُومٍ مِنْ حِنْطَةٍ وَلَا يُبَاعُ إِلَّا مِثْلًا بِمِثْلٍ وَالنَّمْرُ مِثْلُ ذَلِكَ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad Bin usman, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Do not sell two sealed container of barley with one sealed container of wheat, and do not buy except similar with similar; and the dates are similar to that'.

قَالَ وَ سُئِلَ عَنِ الرَّجُلِ يَشْتَرِي الْحِنْطَةَ فَلَا يَجِدُ عِنْدَ صَاحِبِهَا إِلَّا شَعِيرًا أَوْ يَصْلُحُ لَهُ أَنْ يَأْخُذَ اثْنَيْنِ بَوَاحِدٍ قَالَ لَا إِنَّمَا أَصْلُهُمَا وَاحِدٌ وَ كَانَ عَلِيُّ (عَلَيْهِ السَّلَامُ) يَعُدُّ الشَّعِيرَ بِالْحِنْطَةِ .

He (the narrator) said, 'And he^{asws} was asked about the man who bought the wheat, so he could not find with his companions except for barley, is it correct for him that he takes two by one?' He^{asws} said: 'No. But rather, the origin of both of them is one, and Ali^{asws} used to count the barley with the wheat (as equal)'.⁸⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنِ الْحِنْطَةِ وَالشَّعِيرِ فَقَالَ إِذَا كَانَا سَوَاءً فَلَا بَأْسَ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Usman Bin Isa, from Sama'at who said,

'I asked him^{asws} about the wheat and the barley, so he^{asws} said: 'If they are equated, so there is no problem'.

قَالَ وَ سَأَلْتُهُ عَنِ الْحِنْطَةِ وَ الدَّقِيقِ فَقَالَ إِذَا كَانَا سَوَاءً فَلَا بَأْسَ .

He (the narrator) said, 'And I asked him^{asws} about the wheat and the flour, so he^{asws} said: 'When they are equated, so there is no problem'.⁸⁸

⁸⁵ Al Kafi – V 5 – The Book of Subsistence Ch 80 H 1

⁸⁶ Al Kafi – V 5 – The Book of Subsistence Ch 80 H 2

⁸⁷ Al Kafi – V 5 – The Book of Subsistence Ch 80 H 3

⁸⁸ Al Kafi – V 5 – The Book of Subsistence Ch 80 H 4

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَعَدَّةٍ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرِ عَنْ أَبَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَيْجُوزُ قَفِيزٍ مِنْ حِنْطَةٍ بِقَفِيزَيْنِ مِنْ شَعِيرٍ فَقَالَ لَا يَجُوزُ إِلَّا مِثْلًا بِمِثْلٍ ثُمَّ قَالَ إِنَّ الشَّعِيرَ مِنَ الحِنْطَةِ.

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and a number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Aban, from Abdul Rahman Bin Abu Abdullah who said,

'I said to Abu Abdullah^{asws}, 'Is it allowed (to barter) one Qafeez (a unit of measurement) of wheat with two Qafeez of barley?' So he^{asws} said: 'It is no allowed except similar with similar'. Then he^{asws} said: 'The barley is from the wheat'.⁸⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ قَالَ لِأَخْرَ بَعْضِي تَمْرَةً نَحْلَكَ هَذَا الَّذِي فِيهِ بِقَفِيزَيْنِ مِنْ تَمْرٍ أَوْ أَقَلَّ مِنْ ذَلِكَ أَوْ أَكْثَرَ يُسَمَّى مَا شَاءَ فَبَاعَهُ فَقَالَ لَا بَأْسَ بِهِ وَ قَالَ التَّمْرُ وَ الْبُسْرُ مِنْ نَحْلَةٍ وَاحِدَةٍ لَا بَأْسَ بِهِ فَأَمَّا أَنْ يَخْلِطَ التَّمْرَ الْعَتِيقَ وَ الْبُسْرَ فَلَا يَصْلُحُ وَ الرَّبِيبُ وَ الْعَنْبُ مِثْلُ ذَلِكَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who said to another, 'Sell the dates of your palm tree to me, this one in which they are, with two Qafeez (a unit of measurement) of dates, or less than that, or more, naming whatever you so desires to'. So he sells it. So he^{asws} said: 'There is no problem with it'. And he^{asws} said: 'The dates and the unripened dates from a palm tree are one, there is no problem with it. But if you were to mix the old dates and the unripened, so it is not correct; and the raisins and the grapes are like that'.⁹⁰

أَحْمَدُ بْنُ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنِ سَيْفِ التَّمَارِ قَالَ قُلْتُ لِأَبِي بَصِيرٍ أُحِبُّ أَنْ تَسْأَلَ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ اسْتَبَدَلَ قَوْصَرَتَيْنِ فِيهِمَا بُسْرٌ مَطْبُوحٌ بِقَوْصَرَةٍ فِيهَا تَمْرٌ مُشَوَّقٌ

Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Sayf Al Tammar who said,

'I said to Abu Baseer, 'I would like you to ask Abu Abdullah^{asws} about a man who barter two baskets in which are unripened cooked dates with one basket in which are ston-free dates'.

قَالَ فَسَأَلَهُ أَبُو بَصِيرٍ عَنْ ذَلِكَ فَقَالَ (عَلَيْهِ السَّلَامُ) هَذَا مَكْرُوهٌ فَقَالَ أَبُو بَصِيرٍ وَ لِمَ يُكْرَهُ فَقَالَ كَانَ عَلِيُّ بْنُ أَبِي طَالِبٍ (عَلَيْهِ السَّلَامُ) يُكْرَهُ أَنْ يَسْتَبَدَلَ وَ سَقَا مِنْ تَمْرِ الْمَدِينَةِ بِوَسْقَيْنِ مِنْ تَمْرٍ خَيْرٍ لِأَنَّ تَمْرَ الْمَدِينَةِ أَدْوَنُهُمَا وَ لَمْ يَكُنْ عَلِيُّ (عَلَيْهِ السَّلَامُ) يَكْرَهُ الْحَلَالَ .

He (the narrator) said, 'So Abu Baseer asked him^{asws} about that, so he^{asws} said: 'This is abhorrent'. So Abu Baseer said, 'And why is it abhorrent?' So he^{asws} said: 'Ali^{asws} Bin Abu Talib^{asws} used to dislike it that one wasaq (a unit of measurement) of dates of Al-Medina should be exchanged for two wasaqs of dates of Khyber, because the dates of Al-Medina were the inferior of the two, and it never happened that Ali^{asws} disliked the Permissible'.⁹¹

⁸⁹ Al Kafi – V 5 – The Book of Subsistence Ch 80 H 5

⁹⁰ Al Kafi – V 5 – The Book of Subsistence Ch 80 H 6

⁹¹ Al Kafi – V 5 – The Book of Subsistence Ch 80 H 7

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) يَقُولُ كَانَ عَلِيٌّ (صلوات الله عليه) يَكْرَهُ أَنْ يَسْتَبَدَلَ وَسْفًا مِنْ تَمْرٍ خَبِيرٍ بَوَسْفَيْنِ مِنْ تَمْرِ الْمَدِينَةِ لِأَنَّ تَمْرَ خَبِيرٍ أَجْوَدُهُمَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Washa, from Abdullah Bin Sinan who said,

'I heard Abu Abdullah^{asws} saying: 'Ali^{asws} used to dislike that one wasaq (a unit of measurement) of dates of Khyber be bartered with two wasaqs of dates of Al-Medina, because the dates of Khyber were the superior of the two'.⁹²

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ قُلْتُ لَهُ مَا تَقُولُ فِي الْبُرِّ بِالسُّوَيْقِ فَقَالَ مِثْلًا بِمِثْلٍ لَا بَأْسَ بِهِ قُلْتُ إِنَّهُ يَكُونُ لَهُ رَيْعٌ أَوْ يَكُونُ لَهُ فَضْلٌ فَقَالَ أَلَيْسَ لَهُ مِثْلُهُ قُلْتُ بَلَى قَالَ هَذَا بَدَأَ وَقَالَ إِذَا اخْتَلَفَ الشَّيْئَانِ فَلَا بَأْسَ مِثْلَيْنِ بِمِثْلِ يَدَا بِيَدٍ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Ali Bin Al Hakam, from Al A'ala, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far^{asws}, said, 'I said to him^{asws}, 'What are you^{asws} saying regarding the (bartering of) the wheat with the Saweyq (mash of wheat and barley). So he^{asws} said: 'Similar with similar, there is no problem with it'. I said, '(Supposing) he happens to have a yield for him or happens to have excess for him?' So he^{asws} said: 'Does he not have maintenance for it?' I said, 'Yes'. He^{asws} said: 'This by this'. And he^{asws} said: 'When the two things are different, so there is no problem with two with one, hand to hand'.⁹³

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ جَمِيلٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ وَ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ الْحِنْطَةُ بِالدَّقِيقِ مِثْلًا بِمِثْلٍ وَ السُّوَيْقُ بِالسُّوَيْقِ مِثْلًا بِمِثْلٍ وَ الشَّعِيرُ بِالْحِنْطَةِ مِثْلًا بِمِثْلٍ لَا بَأْسَ بِهِ .

A number of our companions, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Jameel, from Muhammad Bin Muslim and Zurara,

(It has been narrated) from Abu Ja'far^{asws} having said: 'The wheat with the flour are the similar with a similar, and the Saweyq with the Saweyq is similar with similar, and the barley with the wheat is similar with similar, there is no problem with it'.⁹⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَدْفَعُ إِلَى الطَّحَّانِ الطَّعَامَ فَيَقَاطِعُهُ عَلَى أَنْ يُعْطِيَ صَاحِبَهُ لِكُلِّ عَشْرَةِ أَرْطَالٍ اثْنَيْ عَشَرَ دَقِيقًا قَالَ لَا قُلْتُ قَالَ الرَّجُلُ يَدْفَعُ السَّمْسِمَ إِلَى الْعَصَّارِ وَ يَضْمَنُ لَهُ لِكُلِّ صَاعٍ أَرْطَالًا مِثْلًا قَالَ لَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Al A'ala, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far^{asws}, said, 'I asked him^{asws} about the man who hands over foodstuff to the miller, so he stipulates that he could give its owner twelve ratls (a unit of measurement) for every ten (given to him). He^{asws} said: 'No'. I said, 'So (what about) the man who hands over the sesame (seeds) to the oiler who

⁹² Al Kafi – V 5 – The Book of Subsistence Ch 80 H 8

⁹³ Al Kafi – V 5 – The Book of Subsistence Ch 80 H 9

⁹⁴ Al Kafi – V 5 – The Book of Subsistence Ch 80 H 10

guarantees for him one ratl (oil) for every Sa'a (a unit of measurement) of sesame (seeds)?' He^{asws} said: 'No'.⁹⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا يَصْلُحُ التَّمْرُ الْيَابِسُ بِالرُّطْبِ مِنْ أَجْلِ أَنَّ التَّمْرَ يَابِسٌ وَ الرُّطْبُ رَطْبٌ فَإِذَا يَبَسَ نَقَصَ وَ لَا يَصْلُحُ الشَّعِيرُ بِالْحِنْطَةِ إِلَّا وَاحِدًا بِوَاحِدٍ وَ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} having said: 'It is not correct, (bartering) the dry dates with the wet due to the reason that the dates are dry and the wet ones are wet, when these dry up, they get reduced; and it is not correct (bartering) the barley with the wheat except one with one'.

قَالَ الْكَيْلُ يَجْرِي مَجْرَى وَاحِدًا وَ يُكْرَهُ قَفِيزٌ لَوْزٍ بِقَفِيزَيْنِ وَ قَفِيزٌ تَمْرٍ بِقَفِيزَيْنِ وَ لَكِنْ صَاعٌ حِنْطَةٍ بِصَاعَيْنِ مِنْ تَمْرٍ وَ صَاعٌ تَمْرٍ بِصَاعَيْنِ مِنْ زَبِيبٍ وَ إِذَا اخْتَلَفَ هَذَا وَ الْفَاكِهِةُ الْيَابِسَةُ فَهِيَ حَسَنٌ وَ هُوَ يَجْرِي فِي الطَّعَامِ وَ الْفَاكِهِةُ مَجْرَى وَاحِدًا أَوْ قَالَ لَا بَأْسَ بِمُعَاوَضَةِ الْمَتَاعِ مَا لَمْ يَكُنْ كَيْلًا أَوْ وَزَنًا .

He^{asws} said: 'The measurement flows with one flow, and it is disliked (to barter) one Qafeez (a unit of measurement) of almonds with two Qafeez, and one Qafeez of dates with two Qafeez, but one Sa'a (a unit of measurement) of wheat with two Sa'as of dates, and one Sa'a of dates with two Sa'as of raisins (can be done), and these (items) are different, and the dried fruits, so it is good, and it flows regarding the foodstuff and the fruits with one flow'; or he^{asws} said: 'There is no problem with a netting of the goods for as long as there does not happen to be a measurement or weighing'.⁹⁶

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ خَالِدِ بْنِ جَرِيرٍ عَنْ أَبِي الرَّبِيعِ الشَّامِيِّ قَالَ كَرِهَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَفِيزَ لَوْزٍ بِقَفِيزَيْنِ مِنْ لَوْزٍ وَ قَفِيزَ تَمْرٍ بِقَفِيزَيْنِ مِنْ تَمْرٍ .

A number of our companions, from Sahl Bin ziyad and Ahmad Bin Muhammad, from Ibn Mahboub from Khalid Bin Jareer, from Abu Al Rabie Al Shamy who said,

'Abu Abdullah^{asws} disliked (bartering) one Qafeez (a unit of measurement) of almonds with two Qafeez of almonds, and one Qafeez of dates with two Qafeez of dates'.⁹⁷

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ أَسْلَفَ رَجُلًا زَيْتًا عَلَى أَنْ يَأْخُذَ مِنْهُ سَمْنًا قَالَ لَا يَصْلُحُ .

A number of our companions, from sahl Bin Ziyad and Ahmad Bin Muhammad, from Ibn Mahboub, from Abdullah Bin Sinan who said,

'I asked Abu Abdullah^{asws} about a man who left oil with a man upon a stipulation that he would take butter from him. He^{asws} said: 'It is not correct'.⁹⁸

⁹⁵ Al Kafi – V 5 – The Book of Subsistence Ch 80 H 11

⁹⁶ Al Kafi – V 5 – The Book of Subsistence Ch 80 H 12

⁹⁷ Al Kafi – V 5 – The Book of Subsistence Ch 80 H 13

⁹⁸ Al Kafi – V 5 – The Book of Subsistence Ch 80 H 14

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) يَقُولُ لَا يَنْبَغِي لِلرَّجُلِ إِسْلَافُ السَّمَنِ بِالزَّيْتِ وَ لَا الزَّيْتُ بِالسَّمَنِ .

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from Al Washa, from Abdullah Bin Sinan who said,

'I heard Abu Abdullah^{asws} saying: 'It is not befitting for the man to leave behind (for someone) the butter for oil, nor the oil for the butter'.⁹⁹

ابْنُ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنِ سَمَاعَةَ قَالَ سُئِلَ أَبُو عَبْدِ اللَّهِ (عليه السلام) عَنِ الْعَنْبِ بِالزَّيْبِ قَالَ لَا يَصْلُحُ إِلَّا مِثْلًا بِمِثْلٍ فَلْتُ وَ التَّمْرُ وَ الزَّيْبُ قَالَ مِثْلًا بِمِثْلٍ .

Ibn Mahboub, from Abu Ayoub, from Sama'at who said,

'Abu Abdullah^{asws} was asked about the grapes (bartered) with the raisins. He^{asws} said: 'It is not correct except similar with the similar'. I said, 'And the dates and the raisins?' He^{asws} said: 'Similar with similar'.¹⁰⁰

وَ فِي حَدِيثٍ آخَرَ بِهَذَا الْإِسْنَادِ قَالَ الْمُخْتَلِفُ مِثْلَانِ بِمِثْلٍ يَدًا بِيَدٍ لَا بَأْسَ .

And in another Hadeeth, by this chain,

'He^{asws} said: 'The different (items), two similar (portions bartered) with one, hand to hand, there is no problem'.¹⁰¹

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنِ خَالِدِ بْنِ أَبِي الرَّبِيعِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) مَا تَرَى فِي التَّمْرِ وَ النَّبَسْرِ الْأَحْمَرِ مِثْلًا بِمِثْلٍ قَالَ لَا بَأْسَ فَلْتُ فَالْبَحْنُجُ وَ الْعَصِيرُ مِثْلًا بِمِثْلٍ قَالَ لَا بَأْسَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Khalid, from Abu Al Rabie who said,

'I said to Abu Abdullah^{asws}, 'What is your^{asws} view regarding bartering the dates and the unripened red dates, a similar (portion) with two (portions) of similar?' He^{asws} said: 'There is no problem'. I said, 'So (what about) the cooked juice and the juice, similar with similar?' He^{asws} said: 'There is no problem'.¹⁰²

بَابُ الْمُعَاوَضَةِ فِي الْحَيَوَانَ وَ الثِّيَابِ وَ غَيْرِ ذَلِكَ

Chapter 81 – The bartering regarding the animals and the clothes and other than that

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ عَنْ صَفْوَانَ بْنِ يَحْيَى وَ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ الْبَعِيرُ بِالْبَعِيرَيْنِ وَ الدَّابَّةُ بِالدَّابَّتَيْنِ يَدًا بِيَدٍ لَيْسَ بِهِ بَأْسٌ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, from safwan Bin Yahya and Ibn Abu Umeyr, from Jameel, from Zurara,

⁹⁹ Al Kafi – V 5 – The Book of Subsistence Ch 80 H 15

¹⁰⁰ Al Kafi – V 5 – The Book of Subsistence Ch 80 H 16

¹⁰¹ Al Kafi – V 5 – The Book of Subsistence Ch 80 H 17

¹⁰² Al Kafi – V 5 – The Book of Subsistence Ch 80 H 18

(It has been narrated) from Abu Ja'far^{asws} having said: 'The camel with two camels, and the animal with two animal, hand to hand, there is no problem with it'.¹⁰³

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَبِي عَبْدِ اللَّهِ الْبَرْقِيِّ رَفَعَهُ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنْ بَيْعِ الْعَزْلِ بِالتِّيَابِ الْمَبْسُوطَةِ وَالْعَزْلُ أَكْثَرُ وَزُنًا مِنَ التِّيَابِ قَالَ لَا بَأْسَ .

A number of our companions, from Ahmad Bin Muhammad, from Abu Abdullah Al Barqy, raising it from Abdul Rahman Bin Abu Abdullah who said,

'I asked Abu Abdullah^{asws} about selling the spinning yarn with the expanded fabric, and the spinning yarn is more in weight than the clothes. He^{asws} said: 'There is no problem'.¹⁰⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنِ الْعَبْدِ بِالْعَبْدَيْنِ وَالْعَبْدِ بِالْعَبْدِ وَالدَّرَاهِمِ قَالَ لَا بَأْسَ بِالْحَيَوَانِ كُلِّهِ يَدًا بِيَدٍ .

Muhammad Bin Yahya, from Abdullah Bin Muhammad, from Ali Bin Al Hakam, from Aban, from Abdul Rahman Bin Abu Abdullah who said,

'I asked Abu Abdullah^{asws} about the slave (bartered) with two slaves, and the slave with the slave and the Dirhams. He^{asws} said: 'There is no problem with the (human or) the animals, all of them, hand to hand'.¹⁰⁵

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ الْحَسَنِ بْنِ عَلِيٍّ الْكُوفِيِّ عَنْ عَثْمَانَ بْنِ عِيسَى عَنْ سَعِيدِ بْنِ يَسَارٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنِ الْبَعِيرِ بِالْبَعِيرَيْنِ يَدًا بِيَدٍ وَنَسِيئَهُ فَقَالَ نَعَمْ لَا بَأْسَ إِذَا سَمَّيْتَ بِالْأَسْنَانِ جَدْعَيْنِ أَوْ تَنِيْنَيْنِ ثُمَّ أَمَرَنِي فَخَطَطْتُ عَلَى النَّسِيئَةِ .

Abu Ali Al Ashary, from Al Hassan Bin Ali Al Kufy, from Usman Bin Isa, from Saeed Bin Yasaar who said,

'I asked Abu Abdullah^{asws} about the camel (bartered) with two camels, hand to hand, and on credit. So he^{asws} said: 'Yes, there is no problem when they are named with the ages, be their two Jaz or two Saniyya (camels of different ages)'. Then he^{asws} ordered me to strike off the (word) 'credit'.¹⁰⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عليه السلام) لَا يَبِيعُ رَاحِلَةً عَاجِلًا بِعَشْرَةِ مَلَاقِيحٍ مِنْ أَوْلَادِ جَمَلٍ فِي قَابِلٍ .

Ali Bin Ibrahim, from his father, from Ibn Abu Najran, from Aasim Bin Humeyd, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{asws} (having said): 'You cannot Sell one live riding camel with ten foetuses from the children of the camel in the future'.¹⁰⁷

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَمَّنْ ذَكَرَهُ عَنْ أَبَانَ عَنْ مُحَمَّدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ مَا كَانَ مِنْ طَعَامٍ مُحْتَلَفٍ أَوْ مَتَاعٍ أَوْ شَيْءٍ مِنَ الْأَشْيَاءِ يَنْفَاضِلُ فَلَا بَأْسَ بِبَيْعِهِ مِثْلَيْنِ يَدًا بِيَدٍ فَأَمَّا نَظْرَةٌ فَلَا تَصْلُحُ .

¹⁰³ Al Kafi – V 5 – The Book of Subsistence Ch 81 H 1

¹⁰⁴ Al Kafi – V 5 – The Book of Subsistence Ch 81 H 2

¹⁰⁵ Al Kafi – V 5 – The Book of Subsistence Ch 81 H 3

¹⁰⁶ Al Kafi – V 5 – The Book of Subsistence Ch 81 H 4

¹⁰⁷ Al Kafi – V 5 – The Book of Subsistence Ch 81 H 5

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from the one who mentioned it, from Aban, from Muhammad,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Whatever was from the different foodstuffs, or goods, or something from the superior things, so there is no problem with selling it, two similar (portions) with one, hand to hand. However, as for the respite (on credit), so it is not correct'.¹⁰⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ يَحْيَى عَنْ غِيَاثِ بْنِ إِبْرَاهِيمَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّ أَمِيرَ الْمُؤْمِنِينَ كَرِهَ اللَّحْمَ بِالْحَيَوَانِ.

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Yahya, from Giyas Bin Ibrahim,

(It has been narrated) from Abu Abdullah^{asws} that Amir Al-Momineen^{asws} disliked (bartering) the meat with the animal'.¹⁰⁹

مُحَمَّدُ بْنُ يَحْيَى وَغَيْرُهُ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ أَيُّوبَ بْنِ نُوحٍ عَنِ الْعَبَّاسِ بْنِ عَامِرٍ عَنْ دَاوُدَ بْنِ الْحَصِينِ عَنْ مَنْصُورٍ قَالَ سَأَلْتُهُ عَنِ الشَّاةِ بِالشَّاتَيْنِ وَ الْبَيْضَةِ بِالْبَيْضَتَيْنِ قَالَ لَا بَأْسَ مَا لَمْ يَكُنْ كَيْلًا أَوْ وَزْنًا .

Muhammad Bin Yahya, and someone else from Muhammad Bin Ahmad, from Ayoub Bin Nuh, from Al Abbas Bin Aamir, from Dawood Bin Al Husayn Mansour who said,

'I asked about (bartering) the sheep with two sheeps, and the egg with two eggs. He^{asws} said: 'There is no problem for as long as there does not happen to be a measurement of a weighing'.¹¹⁰

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ عَنْ جَعْفَرِ بْنِ سَمَاعَةَ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ إِسْمَاعِيلَ بْنِ الْفَضْلِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ قَالَ لِرَجُلٍ ادْفَعْ إِلَيَّ عَنَمَكَ وَ إِبْلَكَ تَكُونُ مَعِيَ فَإِذَا وَلَدَتْ أَبْدَلْتُ لَكَ إِنْ شِئْتَ إِنَاتَهَا بِذُكُورِهَا أَوْ ذُكُورَهَا بِإِنَاتِهَا فَقَالَ إِنَّ ذَلِكَ فِعْلٌ مَكْرُوهٌ إِلَّا أَنْ يُبَدَّلَهَا بَعْدَ مَا تُولَدُ وَ يُعْرِفَهَا .

Humejd Bin Ziyad, from Al Hassan Bin Muhammad, from Ja'far Bin Sama'at, from Aban Bin Usman, from Ismail Bin Al Fazl who said,

'I asked Abu Abdullah^{asws} about a man who said to a man, 'Hand over to me your sheep and your camel to be with me. So if they give birth, I shall exchange for you, if you so desire to, its female with its male or its male with its female'. So he^{asws} said: 'That is an abhorrent act, except if he were to exchange after what has been born and he recognises it'.¹¹¹

بَابُ بَيْعِ الْعَدَدِ وَ الْمُجَازَفَةِ وَ الشَّيْءِ الْمُبْتَهَمِ

Chapter 82 – Selling the numbered, and the estimated, and the vague things

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ مَا كَانَ مِنْ طَعَامٍ سَمَّيْتُ فِيهِ كَيْلًا فَلَا يَصْلُحُ مُجَازَفَةً هَذَا مِمَّا يُكْرَهُ مِنْ بَيْعِ الطَّعَامِ .

¹⁰⁸ Al Kafi – V 5 – The Book of Subsistence Ch 81 H 6

¹⁰⁹ Al Kafi – V 5 – The Book of Subsistence Ch 81 H 7

¹¹⁰ Al Kafi – V 5 – The Book of Subsistence Ch 81 H 8

¹¹¹ Al Kafi – V 5 – The Book of Subsistence Ch 81 H 9

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Whatever was from the foodstuffs in which a measurement was named, so it is not correct to estimate. This is from what is abhorrent from selling the foodstuff'.¹¹²

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ عَنْ يَعْقُوبَ بْنِ شُعَيْبٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ يَكُونُ لَهُ عَلَى الْآخِرِ مِائَةٌ كُرًّا تَمْرٍ وَ لَهُ نَخْلٌ فَيَأْتِيهِ فَيَقُولُ أُعْطِنِي نَخْلَكَ هَذَا بِمَا عَلَيْكَ فَكَأَنَّهُ كَرِهَهُ

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Safwan, from Yaquob Bin Shuayb who said,

'I asked Abu Abdullah^{asws} about the man who has a debt for him upon another man of one hundred Kurra (a unit of measurement) of dates, and for him are palm trees. So he goes over to him and is sayin, 'Give me your this palm tree of yours for what is upon you (debt)'. So it was as if he^{asws} disliked it'.

قَالَ وَ سَأَلْتُهُ عَنِ الرَّجُلَيْنِ يَكُونُ بَيْنَهُمَا النَّخْلُ فَيَقُولُ أَحَدُهُمَا لِصَاحِبِهِ إِمَّا أَنْ تَأْخُذَ هَذَا النَّخْلَ بِكَذَا وَ كَذَا كَيْلًا مُسَمًّى أَوْ تُعْطِينِي نِصْفَ هَذَا الْكَيْلِ إِمَّا زَادَ أَوْ نَقَصَ وَ إِمَّا أَنْ أَخْذَهُ أَنَا بِذَلِكَ قَالَ نَعَمْ لَا بَأْسَ بِهِ .

He (the narrator) said, 'And I asked him^{asws} about the two men who happened to have palm trees between the two of them, so one of the two said to his companion, 'Either you take this palm tree with such and such a named measurement, or you give me half of this measurement, whether it is excess or deficient, or else I take it with that'. He^{asws} said: 'Yes, there is no problem with it'.¹¹³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ سُئِلَ عَنِ الْجُوزِ لَا يَسْتَطِيعُ أَنْ يَعُدَّ فَيُكَالُ بِمِكْيَالٍ فَيَعُدُّ مَا فِيهِ ثُمَّ يُكَالُ مَا بَقِيَ عَلَى حِسَابِ ذَلِكَ مِنَ الْعَدَدِ فَقَالَ لَا بَأْسَ بِهِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} having been asked about the walnuts which I was unable to count, so it is measured with a measure, and it is counted whatever was in it, then what remained was counted upon the counting of that, from the numbering. So he^{asws} said: 'There is no problem with it'.¹¹⁴

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَمَّنْ ذَكَرَهُ عَنْ أَبَانَ بْنِ عُمَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ يَشْتَرِي بَيْعًا فِيهِ كَيْلٌ أَوْ وَزْنٌ يُعْبِرُهُ ثُمَّ يَأْخُذُهُ عَلَى نَحْوِ مَا فِيهِ قَالَ لَا بَأْسَ بِهِ .

Humeyr Bin Ziyad, from Al Hassan Bin Mahboub Bin Sama'at, from the one who mentioned it, from Aban Bin Usman, from Abdul Rahman Bin Abu Abdullah who said,

'I asked Abu Abdullah^{asws} about the man who buys an item in which is a measurement of a weight. He pays for it, then takes it upon an approximate of whatever was in it'. He^{asws} said: 'There is no problem with it'.¹¹⁵

¹¹² Al Kafi – V 5 – The Book of Subsistence Ch 82 H 1

¹¹³ Al Kafi – V 5 – The Book of Subsistence Ch 82 H 2

¹¹⁴ Al Kafi – V 5 – The Book of Subsistence Ch 82 H 3

¹¹⁵ Al Kafi – V 5 – The Book of Subsistence Ch 82 H 4

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَاذَانَ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ عَيْصِ بْنِ الْقَاسِمِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ لَهُ نَعَمٌ يَبِيعُ أَلْبَانَهَا بِعَيْرِ كَيْلٍ قَالَ نَعَمْ حَتَّى يَنْقَطِعَ أَوْ شَيْءٌ مِنْهَا .

Muhammad Bin Ismail, from Al Fazl Bin Shazaan, from Safwan Bin Yahya, from Ays Bin Al Qasim who said,

'I asked Abu Abdullah^{asws} about a man who has cattle for him, can he sell its milk without a measure?' He^{asws} said: 'Yes, until it stops (coming from its udder), or something from it'.¹¹⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ أَخِيهِ الْحَسَنِ عَنْ زُرْعَةَ عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنِ اللَّبَنِ يُسْتَرَى وَهُوَ فِي الضَّرْعِ قَالَ لَا إِلَّا أَنْ يَحْلُبَ لَكَ سُكْرُجَةً فَيَقُولَ اشْتَرِ مِنِّي هَذَا اللَّبَنِ الَّذِي فِي السُّكْرُجَةِ وَ مَا فِي ضُرُوعِهَا بِثَمَنِ مَسْمَى فَإِنْ لَمْ يَكُنْ فِي الضَّرْعِ شَيْءٌ كَانَ مَا فِي السُّكْرُجَةِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from his brother Al Hassan, from Zur'at, from Sama'at who said,

'I asked him^{asws} about the milk bought while it is in the udder. He^{asws} said: 'No, except if he milks it for you in a bowl, so he is saying, 'Buy this milk from me which is in the bowl, and whatever is in its udder with a named price, for it there does not happen to be anything in the udder, then whatever was in the bowl (is what is sold)'.¹¹⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ عَنْ أَبِي سَعِيدٍ عَنْ عَبْدِ الْمَلِكِ بْنِ عَمْرٍو قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَشْتَرِي مِائَةَ رَاوِيَةٍ مِنْ زَيْتٍ فَأَعْرِضُ رَاوِيَةً وَ اثْنَتَيْنِ فَأَرِنُهُمَا ثُمَّ أَخْذُ سَائِرَهُ عَلَى قَدْرِ ذَلِكَ قَالَ لَا بَأْسَ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Safwan, from Abu saeed, from Abdul Malik Bin Amro who said,

'I said to Abu Abdullah^{asws}, 'I buy one hundred Rawiyas (units of measurement) of oil, so he (seller) displays one rawiya and two, so I weigh both of them, then I take the rest of it upon a measurement of that' He^{asws} said: 'There is no problem'.¹¹⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ إِبْرَاهِيمَ الْكَرْخِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) مَا تَقُولُ فِي رَجُلٍ اشْتَرَى مِنْ رَجُلٍ أَصَوَافَ مِائَةِ نَعْجَةٍ وَ مَا فِي بَطُونِهَا مِنْ حَمَلٍ بَكْدًا وَ كَذَا دِرْهَمًا قَالَ لَا بَأْسَ بِذَلِكَ إِنْ لَمْ يَكُنْ فِي بَطُونِهَا حَمَلٌ كَانَ رَأْسُ مَالِهِ فِي الصُّوفِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibrahim Al Karkhy who said,

'I said to Abu Abdullah^{asws}, 'What are you^{asws} saying regarding a man who buys the wool of one hundred sheep and whatever is in their bellies from the pregnancies with such and such Dirhams?' He^{asws} said: 'There is no problem with that if there does not happen to be pregnancies in their bellies, the capital of his wealth would be in regarding the wool'.¹¹⁹

¹¹⁶ Al Kafi – V 5 – The Book of Subsistence Ch 82 H 5

¹¹⁷ Al Kafi – V 5 – The Book of Subsistence Ch 82 H 6

¹¹⁸ Al Kafi – V 5 – The Book of Subsistence Ch 82 H 7

¹¹⁹ Al Kafi – V 5 – The Book of Subsistence Ch 82 H 8

أَحْمَدُ بْنُ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنِ رِفَاعَةَ النَّخَّاسِ قَالَ سَأَلْتُ أَبَا الْحَسَنِ مُوسَى (عَلَيْهِ السَّلَام) قُلْتُ لَهُ أَيْصَلِّحُ لِي أَنْ أُسْتَرِيَ مِنَ الْقَوْمِ الْجَارِيَةَ الْأَبْقَى وَأَعْطِيَهُمُ الثَّمَنَ وَأَطْلُبَهَا أَنَا قَالَ لَا يَصَلِّحُ شِرَاؤُهَا إِلَّا أَنْ تَشْتَرِيَ مِنْهُمْ مَعَهَا شَيْئًا تَوْبًا أَوْ مَنَاعًا فَتَقُولَ لَهُمْ أُسْتَرِيَ مِنْكُمْ جَارِيَتَكُمْ فَلَانَهُ وَ هَذَا الْمَنَاعُ بِكَذَا وَ كَذَا يَرْتَمَانِ ذَلِكَ جَائِزٌ .

Ahmad Bin Muhammad, from Ibn Mahboub, from Rifa'at Al Nakhaas who said,

'I asked Abu Al-Hassan Musa^{asws} saying to him, 'Is it correct for me that I buy the absconded slave girl from the people and give them the price, and seek her myself?' He^{asws} said: 'Buying her is not correct except if you were to buy from them something (else) along with her, clothes or goods, so you should be saying to them, 'I am buying from you so and so slave girl from you and these goods with such and such Dirhams'. So that would be allowed'.¹²⁰

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شُمُونَ عَنِ الْأَصَمِّ عَنِ مِسْمَعٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِنَّ أَمِيرَ الْمُؤْمِنِينَ صَلَوَاتُ اللَّهِ عَلَيْهِ نَهَى أَنْ يُشْتَرَى شَبَكَةُ الصِّيَادِ يَقُولُ اضْرِبْ بِشَبَكَتِكَ فَمَا خَرَجَ فَهُوَ مِنْ مَالِي بِكَذَا وَ كَذَا .

A number of our companions, from Sahl Bin Ziyad, from Muhammad Bin Al Hassan Bin Shamoun, from Al Asamma, from Misma'a,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} forbade buying the fishing drag-net saying, 'Strike with your drag-net, so whatever comes out, so it is from my belongings, with such and such (a price)'.¹²¹

سَهْلُ بْنُ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي نَصْرٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ إِذَا كَانَتْ أَجْمَةٌ لَيْسَ فِيهَا قَصَبٌ أَخْرَجَ شَيْءٌ مِنَ السَّمَكِ فَيُبَاعُ وَ مَا فِي الْأَجْمَةِ .

Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from one of his companions,

(It has been narrated) from Abu Abdullah^{asws} having said: 'If there is a grove wherein there are no reeds, something from the fish having been taken out, so whatever is in the grove can be sold'.¹²²

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ وَ حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ غَيْرِ وَاحِدٍ جَمِيعاً عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ إِسْمَاعِيلَ بْنِ الْفَضْلِ الْهَاشِمِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي الرَّجُلِ يَتَقَبَّلُ بِحَرْبِيَّةٍ رُءُوسَ الرَّجَالِ وَ بَخْرَاجَ النَّخْلِ وَ الْأَجَامِ وَ الطَّيْرِ وَ هُوَ لَا يَدْرِي لَعَلَّهُ لَا يَكُونُ مِنْ هَذَا شَيْءٌ أَبَدًا أَوْ يَكُونُ قَالَ إِذَا عَلِمَ مِنْ ذَلِكَ شَيْئًا وَاحِدًا أَنَّهُ قَدْ أُدْرِكَ فَاسْتَرِهِ وَ تَقَبَّلْ بِهِ .

Muhammad Bin Yahya, from Abdullah Bin Muhammad, from Ali Bin Al Hakam and Humeyd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from someone else, altogether from Aban Bin Usman, from Ismail Bin Al Fazl Al Hashimy,

(It has been narrated) from Abu Abdullah^{asws} regarding the man who agrees with taxes on the heads of the men, and with taxes of the palm trees, and the bushes, and the birds, and he does not know perhaps there would not happen to be anything

¹²⁰ Al Kafi – V 5 – The Book of Subsistence Ch 82 H 9

¹²¹ Al Kafi – V 5 – The Book of Subsistence Ch 82 H 10

¹²² Al Kafi – V 5 – The Book of Subsistence Ch 82 H 11

from this, ever, or will ever be. He^{asws} said: 'If he knows one of those things that it does exist, so he can buy it and agree with it'.¹²³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ ابْنِ فَضَّالٍ عَنِ ابْنِ بُكَيْرٍ عَنْ رَجُلٍ مِنْ أَصْحَابِنَا قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ يَشْتَرِي الْجِصَّ فَيَكِيلُ بَعْضَهُ وَيَأْخُذُ الْبَقِيَّةَ بِغَيْرِ كَيْلٍ فَقَالَ إِمَّا أَنْ يَأْخُذَ كُلَّهُ بِتَصَدِيقِهِ وَإِمَّا أَنْ يَكِيلَهُ كُلَّهُ .

Ali Bin Ibrahim, from Ibn Fazzal, from Ibn Bukeyr, from a man from our companions who said,

'I asked Abu Abdullah^{asws} about a man who buys the plaster. So he measure some of it, and he takes the remainder without measurement. So he^{asws} said: 'Either he takes all of it with his verification, or he measures all of it'.¹²⁴

بَابُ بَيْعِ الْمَتَاعِ وَشِرَائِهِ

Chapter 83 – Selling the goods and its buying

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُثْمَانَ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ اشْتَرَى ثَوْبًا وَلَمْ يَشْتَرِطْ عَلَى صَاحِبِهِ شَيْئًا فَكَرِهَهُ ثُمَّ رَدَّهُ عَلَى صَاحِبِهِ فَأَبَى أَنْ يَقْبَلَهُ إِلَّا بِوَضِيعَةٍ قَالَ لَا يَصْلُحُ لَهُ أَنْ يَأْخُذَهُ بِوَضِيعَةٍ فَإِنْ جَهِلَ فَأَخَذَهُ وَبَاعَهُ بِأَكْثَرِ مِنْ تَمَنِّهِ رَدَّ عَلَى صَاحِبِهِ الْأَوَّلِ مَا زَادَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad Bin Usman, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about a man who bought a cloth and did not stipulate anything upon his companion. So he disliked it, then returned it upon his companion, but he refused to accept it except with a charge. He^{asws} said: 'It is not correct for him he takes it back with a charge. So if he was ignorant (of the Law) and he sells it for a higher price, he should return it upon his former companion, whatever was the increase'.¹²⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ أَبِيهِ عَنِ حَمَّادِ بْنِ عَيْسَى عَنْ حَرِيرِ بْنِ مُرَّةٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ فِي رَجُلٍ قَالَ لِرَجُلٍ بَعْ ثَوْبِي بِعَشْرَةِ دَرَاهِمٍ فَمَا فَضَلَ فَهُوَ لَكَ فَقَالَ لَيْسَ بِهِ بَأْسٌ .

Ali Bin Ibrahim, from his father, from Hammad Bin Isa, from Hareyz, from Muhammad Bin Muslim,

(It has been narrated) from Abu Abdullah^{asws} having said regarding a man who said to a man, 'Sell my clothes for ten Dirhams, so whatever was extra, so it is for you'. So he^{asws} said; 'There is no problem with it'.¹²⁶

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنِ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنِ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي رَجُلٍ يَحْمِلُ الْمَتَاعَ لِأَهْلِ السُّوقِ وَقَدْ قَوْمُوهُ عَلَيْهِ قِيمَةً فَيَقُولُونَ بَعْ فَمَا أَرَدَدْتَ فَلَكَ قَالَ لَا بَأْسَ بِذَلِكَ وَ لَكِنْ لَا يَبِيعُهُمْ مُرَابِحَةً .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Ismail, from Muhammad Bin Al Fazeyl, from Abu Al Sabbah Al Kinany,

¹²³ Al Kafi – V 5 – The Book of Subsistence Ch 82 H 12

¹²⁴ Al Kafi – V 5 – The Book of Subsistence Ch 82 H 13

¹²⁵ Al Kafi – V 5 – The Book of Subsistence Ch 83 H 1

¹²⁶ Al Kafi – V 5 – The Book of Subsistence Ch 83 H 2

(It has been narrated) from Abu Abdullah^{asws} regarding a man who carries the goods for the people of the market and they have established a price upon it, so they are saying, 'Sell, and whatever is the increase, so it is for you'. He^{asws} said: 'There is no problem with that, but he cannot sell them for profit (sharing basis)'.¹²⁷

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ سَهْلِ بْنِ زِيَادٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي وَوَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) وَ غَيْرِهِ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ لَا بَأْسَ بِأَجْرِ السَّمْسَارِ إِنَّمَا يَشْتَرِي لِلنَّاسِ يَوْمًا بَعْدَ يَوْمٍ بِشَيْءٍ مُسَمًّى إِنَّمَا هُوَ بِمَنْزِلَةِ الْأَجْرَاءِ .

A number of our companions, from Ahmad Bin Muhammad, and Sahl Bin Ziyad, from Ibn Mahboub, from Abu Wallad,

(It has been narrated) from Abu Abdullah^{asws}, and someone else from Abu Ja'far^{asws} having said: 'There is no problem with the fee of a middle-man. But rather, he buys for the people on a day after day with something named. But rather, he is at the status of the employees'.¹²⁸

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ غَيْرِ وَوَالِدٍ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ السَّمْسَارِ يَشْتَرِي بِالْأَجْرِ فَيُدْفَعُ إِلَيْهِ الْوَرَقُ وَ يُشْتَرَطُ عَلَيْهِ أَنَّكَ إِن تَأْتِيَ بِمَا تَشْتَرِي فَمَا شِئْتَ تَرْكُهُ فَيَذْهَبُ فَيَشْتَرِي ثُمَّ يَأْتِي بِالْمَتَاعِ فَيَقُولُ خُذْ مَا رَضِيتَ وَ دَعْ مَا كَرِهْتَ قَالَ لَا بَأْسَ .

Humejd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from someone else, from Aban Bin Usman, from Abdul Rahman Bin Abu Abdullah who said,

'I asked Abu Abdullah^{asws} about the middle-man who buys for the fee, so the paper is handed over to him and it is stipulated upon him that, 'If you come with whatever you have bought, so whatever you so desire to, leave it'. So he goes and buys, then come with the goods, so he is saying, 'Take whatever you are pleased with and leave whatever you dislike'. He^{asws} said: 'There is no problem'.¹²⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلَ بْنِ مَرَّارٍ عَنْ يُونُسَ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ يَشْتَرِي الْجِرَابَ الْهَرَوِيَّ وَ الْقُوْهِيَّ فَيَشْتَرِي الرَّجُلُ مِنْهُ عَشْرَةَ أَثْوَابٍ فَيَشْتَرَطُ عَلَيْهِ خِيَارَهُ كُلَّ تَوْبٍ بِرَبِيحِ خَمْسَةِ أَوْ أَقَلٍّ أَوْ أَكْثَرَ فَقَالَ مَا أَحَبُّ هَذَا الْبَيْعَ أَرَأَيْتَ إِن لَمْ يَجِدْ خِيَارًا غَيْرَ خَمْسَةِ أَثْوَابٍ وَ وَجَدَ الْبَيْعَةَ سِوَاءَ

Ali Bin Ibrahim, from his father, from Ismail Bin Marrar, from Yunus, from Muawiya Bin Ammar who said,

'I asked Abu Abdullah^{asws} about the man who buys bags (of clothes) of Al-Heraat and Al-Quhy. So the man buys ten clothes from it and it is stipulated upon him the choice best of clothes with a profit of five or less, or more. So he^{asws} said: 'I^{asws} do not like this sale. Consider that if he does not find a choice of other than five clothes, and he finds the rest to be the same'.

قَالَ لَهُ إِسْمَاعِيلُ ابْنُهُ إِنَّهُمْ قَدْ اشْتَرَطُوا عَلَيْهِ أَنْ يَأْخُذَ مِنْهُمْ عَشْرَةَ فَرَدَّدَ عَلَيْهِ مَرَّارًا فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) إِنَّمَا اشْتَرَطَ عَلَيْهِ أَنْ يَأْخُذَ خِيَارَهَا أَرَأَيْتَ إِن لَمْ يَكُنْ إِلَّا خَمْسَةَ أَثْوَابٍ وَ وَجَدَ الْبَيْعَةَ سِوَاءَ وَ قَالَ مَا أَحَبُّ هَذَا وَ كَرِهَهُ لِمَوْضِعِ الْعَيْنِ .

¹²⁷ Al Kafi – V 5 – The Book of Subsistence Ch 83 H 3

¹²⁸ Al Kafi – V 5 – The Book of Subsistence Ch 83 H 4

¹²⁹ Al Kafi – V 5 – The Book of Subsistence Ch 83 H 5

Ismail, his^{asws} son, said to him^{asws}, 'They had stipulated upon him that he would take ten from them', and he repeated it to him^{asws} repeatedly. So Abu Abdullah^{asws} said: 'But rather it was stipulated upon him that he would take the best of these. Consider if there do not happen to be except for five cothes and the remainder are found to be the same'. And he^{asws} said: 'And I^{asws} do not like this and dislike it due to the placement of the deception'.¹³⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ بَعْضِ أَصْحَابِهِ عَنِ الْحُسَيْنِ بْنِ الْحَسَنِ عَنْ حَمَّادٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ يُكْرَهُ أَنْ يُشْتَرَى الثَّوْبُ بِدِينَارٍ غَيْرِ دِرْهَمٍ لِأَنَّهُ لَا يُدْرَى كَيْفَ الدِّينَارُ مِنَ الدَّرْهَمِ .

Muhammad Bin , from one of his companions, from Al Husayn Bin Al Hassan, from Hammad,

(It has been narrated) from Abu Abdullah^{asws} having said: 'It is undesirable to buy the clothes with Dinara which is other than (a particular currency) Dirham because he is unable to know the value of (one currency) Dinar to that of Dirham (of another currency)'.¹³¹

بَابُ بَيْعِ الْمَرَابَحَةِ

Chapter 84 – Re-selling for the profit

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُحَمَّدِ بْنِ أَسْلَمَ عَنْ أَبِي حَمْرَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَشْتَرِي الْمَتَاعَ جَمِيعاً بِالثَّمَنِ ثُمَّ يَقُومُ كُلُّ ثَوْبٍ بِمَا يَسُوهُ حَتَّى يَقَعَ عَلَى رَأْسِ مَالِهِ جَمِيعاً أَوْ يَبِيعُهُ مَرَابَحَةً قَالَ لَا حَتَّى يُبَيِّنَ لَهُ أَمَّا قَوْمُهُ .

A number of our companions, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Muhammad Bin Aslam, from Abu Hamza,

(It has been narrated) from Abu Ja'far^{asws}, said, 'I asked him^{asws} about the man who buys the goods in wholesale with a price, then he evaluates each cloth with what is appropriate until the entire capital of his wealth is covered. Can he sell it for a profit?' He^{asws} said: 'No, until he clarifies that the item has a fixed price'.¹³²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَدَّمَ لِأَبِي (عَلَيْهِ السَّلَام) مَتَاعٌ مِنْ مِصْرَ فَصَنَعَ طَعَاماً وَدَعَا لَهُ التُّجَّارَ فَقَالُوا إِنَّا نَأْخُذُ مِنْكَ بِدَهْ دَوَّارْدَهْ فَقَالَ لَهُمْ أَبِي وَكَمْ يَكُونُ ذَلِكَ قَالُوا فِي عَشْرَةِ آلَافٍ أَلْفَيْنِ فَقَالَ لَهُمْ أَبِي إِنِّي أَبِيعُكُمْ هَذَا الْمَتَاعَ بِأَثْنَيْ عَشَرَ أَلْفاً فَبَاعَهُمْ مِثْلَهُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} having said: 'There came to my^{asws} father^{asws} some goods from Egypt, so he^{asws} had some food prepared and invited the merchants to it. So they said, 'We take it from you^{asws} with ten, twelve (in Persian)'. So my^{asws} father^{asws} said to them: 'And how much does that happen to be?' They said, 'Regarding every ten thousand, two thousand'. So my^{asws} father^{asws} said to

¹³⁰ Al Kafi – V 5 – The Book of Subsistence Ch 83 H 6

¹³¹ Al Kafi – V 5 – The Book of Subsistence Ch 83 H 7

¹³² Al Kafi – V 5 – The Book of Subsistence Ch 84 H 1

them: 'I^{asws} hereby sell these goods to you for twelve thousand'. So he^{asws} sold it to them, (with) a compromise'.¹³³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُوَيْدٍ عَنِ الْقَاسِمِ بْنِ سُلَيْمَانَ عَنْ جَرَّاحِ الْمَدَائِنِيِّ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنِّي لَأَكْرَهُ بَيْعَ دَهْ يَارِدَهُ وَ دَهْ دَوَارِدَهُ وَ لَكِنْ أُبِيعُكَ بِكَذَا وَ كَذَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin saeed, from Al Nazar Bin Suweyd, from Al Qasim Bin Suleyman, from Jarrah Al Madainy who said,

'Abu Abdullah^{asws} said: 'I^{asws} dislike selling 'ten, eleven' and 'ten, twelve' (in Persian), but I^{asws} sell to you with such and such (a price)'.¹³⁴

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ أَبِيَانَ بْنِ عُثْمَانَ عَنْ مُحَمَّدٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنِّي لَأَكْرَهُ بَيْعَ عَشْرَةٍ بِأَحَدِي عَشْرَةٍ وَ عَشْرَةٍ بِاثْنَيْ عَشْرَةٍ وَ نَحْوَ ذَلِكَ مِنَ الْبَيْعِ وَ لَكِنْ أُبِيعُكَ بِكَذَا وَ كَذَا مُسَاوِمَةً قَالَ وَ أَنَا مَتَاعٌ مِنْ مِصْرٍ فَكِرْهُتُ أَنْ أُبِيعَهُ كَذَلِكَ وَ عَظَمَ عَلَيَّ فَبِعْتُهُ مُسَاوِمَةً .

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from Al Hassan Bin Ali, from Aban Bin Usman, from Muhammad who said,

'Abu Abdullah^{asws} said: 'I^{asws} dislike selling ten with eleven, and ten with twelve, and approximate to that from the sale, but I^{asws} sell it to you with such and such a fixed price'. He^{asws} said: 'And there came to me^{asws} some goods from Egypt, so I^{asws} dislike that I^{asws} sell it like that, and it was grievous upon me^{asws}, so I^{asws} sold it for a fixed price'.¹³⁵

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ التَّهْدِيَّ عَنْ مُحَمَّدِ بْنِ خَالِدٍ عَنْ إِسْمَاعِيلَ بْنِ عَبْدِ الْخَالِقِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنَّا نَبِيعُ بِالذَّرَاهِمِ لَهَا صَرْفٌ إِلَى الْأَهْوَاذِ فَيَسْتَبْرِي لَنَا بِهَا الْمَتَاعُ ثُمَّ نَلْبِثُ فَإِذَا بَاعَهُ وَضِعَ عَلَيْهِ صَرْفُهُ فَإِذَا بَعَانَهُ كَانَ عَلَيْنَا أَنْ نَذْكُرَ لَهُ صَرْفَ الذَّرَاهِمِ فِي الْمُرَابَحَةِ يُجْزِنُنَا عَنْ ذَلِكَ فَقَالَ لَا بَلْ إِذَا كَانَتِ الْمُرَابَحَةُ فَأَخْبِرْهُ بِذَلِكَ وَ إِنْ كَانَ مُسَاوِمَةً فَلَا بَأْسَ .

Al Husayn Bin Muhammad, from Muhammad Bin Ahmad Al Nahdy, from Muhammad Bin Khalid Bin Ismail Bin Abdul Khaliq who said,

'I said to Abu Abdullah^{asws}, 'We send Dirhams to Ahwaz and there is an exchange rate for it, so the goods are bought for us with it. Then we wait. So when they are sold, the exchange rate is placed against it. So when we sell it, would it be upon us that we mention to him (the buyer) the exchange rate of the Dirham in the re-sale for a profit, to suffice us from that?' So he^{asws} said: 'No, but when it was the re-sale for a profit, so inform him with that, and if it was a fixed price, so there is no problem'.¹³⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يَحْيَى بْنِ الْحَجَّاجِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ قَالَ لِي اشْتَرِ لِي هَذَا النَّوْبَ وَ هَذِهِ الدَّابَّةُ وَ يُعِينُهَا وَ أُرْبِحُكَ فِيهَا كَذَا وَ كَذَا قَالَ لَا بَأْسَ بِذَلِكَ قَالَ لَيْسَتْ رِبْحًا وَ لَا تُوَجِبُهُ الْبَيْعُ قَبْلَ أَنْ يَسْتَوْجِبَهَا أَوْ تَشْتَرِيهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad, Bin Usa, from Yahya Bin Al Hajjaj who said,

¹³³ Al Kafi – V 5 – The Book of Subsistence Ch 84 H 2

¹³⁴ Al Kafi – V 5 – The Book of Subsistence Ch 84 H 3

¹³⁵ Al Kafi – V 5 – The Book of Subsistence Ch 84 H 4

¹³⁶ Al Kafi – V 5 – The Book of Subsistence Ch 84 H 5

'I asked Abu Abdullah^{asws} about a man who said to me, 'Buy this cloth for me, and this animal, and sell (to me) and I shall profit you in it with such and such'. He^{asws} said: 'There is no problem with that'. He^{asws} said: 'Let him buy it and you should not obligate the sale before he obligates it or you buy it'.¹³⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ بْنِ صَفْوَانَ عَنْ أَيُّوبَ بْنِ رَاشِدٍ عَنْ مُيَسَّرِ بْنِ بِيَّاعِ الزُّطِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنَّا نَشْتَرِي الْمَتَاعَ بِنَظْرَةٍ فَيَجِيءُ الرَّجُلُ فَيَقُولُ بِكُمْ تَقْوَمَ عَلَيْكَ فَأَقُولُ بِكَذَا وَكَذَا فَأَبِيعُهُ بِرِبْحٍ فَقَالَ إِذَا بَعْتَهُ مُرَابِحَةً كَانَ لَهُ مِنَ النَّظْرَةِ مِثْلُ مَا لَكَ

Muhammad Bin Yahya, from Muhammad Bin Al Husayn Bin Safwan, from Ayoub Bin Rashid, from Muysar Baya'a Al Zaty who said,

'I said to Abu Abdullah^{asws}, 'We buy the goods with a respite (on credit), so the man comes over and is saying, 'With how much are you pricing for?' So I am saying, 'With such and such'. So I sell it with a profit'. So he^{asws} said: 'When you are selling it with a (capital plus) profit, for him would be from the credit similar to what is for you'.

قَالَ فَاسْتَرْجَعْتُ وَقُلْتُ هَلَكْنَا فَقَالَ مِمَّ فَقُلْتُ لِأَنَّ مَا فِي الْأَرْضِ تَوْبٌ إِلَّا أَبِيعُهُ مُرَابِحَةً يُشْتَرَى مِنِّي وَ لَوْ وُضِعْتُ مِنْ رَأْسِ الْمَالِ حَتَّى أَقُولَ بِكَذَا وَكَذَا

He (the narrator) said, 'So I exclaimed Istirja'at (We are from Allah^{saww} and to Him^{saww} are we returning!). So he^{asws} said: 'For what (reason are you saying it)?' So I said, 'Because there is no cloth in the land except that I have sold it as such and has been bought from me, and even if I reduced from the capital of the wealth until I am saying, 'With such and such (a price)'.¹³⁸

قَالَ فَلَمَّا رَأَى مَا شَقَّ عَلَيَّ قَالَ أَفَلَا أَفْتَحُ لَكَ بَابًا يَكُونُ لَكَ فِيهِ فَرَجٌ قُلْ قَامَ عَلَيَّ بِكَذَا وَكَذَا وَ أبيعُكَ بِزِيَادَةِ كَذَا وَ كَذَا وَ لَا تَقُلْ بِرِبْحٍ .

He (the narrator) said, 'So when he^{asws} saw my difficulties, he^{asws} said: 'Shall I^{asws} open a door for you for there to be a relief for you? Say, 'It has stood upon me (cost) with such and such, and I sell it to you with such and such an increase', and do not say 'with a (capital plus) profit'.¹³⁸

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ عَلِيِّ بْنِ أَسْبَاطٍ عَنْ أَسْبَاطِ بْنِ سَالِمٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنَّا نَشْتَرِي الْعَدْلَ فِيهِ مِائَةٌ تَوْبٍ خِيَارٍ وَ شِرَارٍ دَسْتَسْمَارَ فَيَجِبُنَا الرَّجُلُ فَيَأْخُذُ مِنَ الْعَدْلِ تِسْعِينَ تَوْبًا بِرِبْحٍ دَرَاهِمٍ دَرَاهِمٍ فَيَنْبَغِي لَنَا أَنْ نَبِيعَ الْبَاقِيَ عَلَى مِثْلِ مَا بَعْنَا فَقَالَ لَا إِلَّا أَنْ يَشْتَرِيَ التَّوْبَ وَحْدَهُ .

A number of our companions, from Sahl Bin Ziyad, from Ali Bin Asbaat Bin Salim who said,

'I said to Abu Abdullah^{asws}, 'We buy the bag in which are one hundred clothes, good and bad mixed (Persian), so the man comes to us and takes ninety clothes from a bad with a profit of one Dirham, one Dirham. So is it befitting for us that we sell the remainder upon similar to what we sold?' So he^{asws} said: 'No, except if he alone buys the clothes'.¹³⁹

¹³⁷ Al Kafi – V 5 – The Book of Subsistence Ch 84 H 6

¹³⁸ Al Kafi – V 5 – The Book of Subsistence Ch 84 H 7

¹³⁹ Al Kafi – V 5 – The Book of Subsistence Ch 84 H 8

باب السِّلْفِ فِي الْمَنَاعِ**Chapter 85 – The retainer regarding the goods**

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ لَا بَأْسَ بِالسَّلْمِ فِي الْمَنَاعِ إِذَا وَصَفْتَ الطُّوْلَ وَالْعَرْضَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel Bin Darraj,

(It has been narrated) from Abu Abdullah^{asws} having said: 'There is no problem with the retainer regarding the goods when the length and the width are described'.¹⁴⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنِ السَّلْمِ وَهُوَ السِّلْفُ فِي الْحَرِيرِ وَالْمَنَاعِ الَّذِي يُصْنَعُ فِي الْبَلَدِ الَّذِي أَنْتَ فِيهِ قَالَ نَعَمْ إِذَا كَانَ إِلَى أَجَلٍ مَعْلُومٍ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Usman Bin Isa, from Sama'at who said,

'I asked him^{asws} about the submission of the advance payment, and it is the retainer regarding the silk and the goods which are made in the city which you are in'. He^{asws} said: 'Yes, when it was to a known term'.¹⁴¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ إِسْمَاعِيلِ بْنِ مَرَّارٍ عَنْ يُونُسَ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ لَا بَأْسَ بِالسَّلْمِ فِي الْمَنَاعِ إِذَا سَمَّيْتَ الطُّوْلَ وَالْعَرْضَ .

Ali Bin Ibrahim, from his father, from Ismail Bin Marrar, from Yunus, from Muawiya Bin Ammar,

(It has been narrated) from Abu Abdullah^{asws} having said: 'There is no problem with submitting the advance payment regarding the goods when the length and the width are named (specified)'.¹⁴²

¹⁴⁰ Al Kafi – V 5 – The Book of Subsistence Ch 85 H 1

¹⁴¹ Al Kafi – V 5 – The Book of Subsistence Ch 85 H 2

¹⁴² Al Kafi – V 5 – The Book of Subsistence Ch 85 H 3