

# الكافي

## AL-KAFI

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للمحدث الجليل والعالم الفقيه الشيخ محمد بن يعقوب الكليني المعروف بثقة  
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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 المعيشة

**THE BOOK OF SUBSISTENCE (5)**

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ، وَصَلَوةُ اللَّهِ عَلَى سَيِّدِنَا مُحَمَّدٍ وَآلِهِ الطَّاهِرِينَ، وَسَلَامٌ تَسْلِيمًا.

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

### باب الرَّجُل يَبْيَعُ مَا لَيْسَ عِنْدَهُ

## Chapter 86 – The man sells what is not with him

عَدَّةٌ مِنْ أَصْحَابَنَا عَنْ مُحَمَّدٍ عَنْ صَفْوَانَ عَنْ بَكْرٍ عَنْ حَدِيدِ بْنِ مُوسَى بْنِ حَكِيمِ الْأَزْدِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) يَحِينِي الرَّجُلُ يَطْلُبُ مِنِّي الْمَنَاعَ بِعِنْدِهِ آلَافَ دِرْهَمٍ أَوْ أَفْلَانَ أَوْ أَكْثَرَ وَلَيْسَ عِنْدِي إِلَّا بِأَلْفِ دِرْهَمٍ فَاسْتَعِيرُ مِنْ جَارِيٍّ وَأَخْذُ مِنْ ذَلِكَ وَذَا فَلَيْبِعُهُ مِنْهُ ثُمَّ أَشْتَرِيهِ فَأَرْدُهُ عَلَى أَصْحَابِهِ قَالَ لَا بَأْسَ بِهِ .

A number of our companions, from Ahmad Bin Muhammad, from Safwan, from Musa Bin Baker, from Hadeed Bin Hakeym Al Azdy who said,

'I said to Abu Abdullah<sup>asws</sup>, 'The man comes over to me seeking the goods with ten thousand Dirhams, or less or more, and there is not with me except (for goods worth) a thousand Dirhams. So I borrow from my neighbour and take from that and that, so I sell it to him. Then I buy it from him (neighbour) or instruct someone to buy it, so I return it upon its owner'. He<sup>asws</sup> said: 'There is no problem with it'.<sup>1</sup>

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ مُحَمَّدٍ بْنِ عِيسَى عَنْ مَنْصُورٍ عَنْ هَشَامٍ بْنِ سَالِمٍ عَنْ أَبِي حَمْزَةَ ( عَلَيْهِ السَّلَامُ ) قَالَ سُئِلَ عَنْ رَجُلٍ بَاعَ بَيْعًا لَيْسَ عِنْدَهُ إِلَّا أَجْلٌ وَضَمِنَ لَهُ الْبَيْعَ قَالَ لَا بَأْسَ بِهِ .

Ahmad Bin Muhammad, from Muhammad Bin Isa, from Mansour, from Hisham Bin Salim,

(It has been narrated) from Abu Abdullah<sup>asws</sup>, said, 'He<sup>asws</sup> was asked about a man who sold an item which was not with him, to a (specified) term, and guaranteed the sale to him'. He<sup>asws</sup> said; 'There is no problem with it'.<sup>2</sup>

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَلَيِّ بْنِ الْحَكَمِ عَنْ أَبِي حَمْزَةَ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) قَالَ سَأَلَهُ عَنْ رَجُلٍ اشْتَرَى مَنَاعًا لَيْسَ فِيهِ كَيْلٌ وَلَا وَزْنٌ أَبَيْعَهُ قَبْلَ أَنْ يَقْبِضَهُ قَالَ لَا بَأْسَ .

Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Abu Hamza,

(It has been narrated) from Abu Ja'far<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about a man who buys goods wherein is neither a measurement nor a weighing, can he sell it before he takes possession of it?' He<sup>asws</sup> said: 'There is no problem'.<sup>3</sup>

عَلَيُّ بْنُ ابْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَاجِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) الرَّجُلُ يَطْلُبُ الْمَنَاعَ فَأَقْلَوْلُهُ عَلَى الرِّبْحِ ثُمَّ أَشْتَرِيهِ فَلَيْبِعُهُ مِنْهُ فَقَالَ أَلَيْسَ إِنْ شَاءَ أَخْذَ وَإِنْ شَاءَ تَرَكَ قُلْتُ بَلَى قَالَ لَا بَأْسَ بِهِ .

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

<sup>1</sup> Al Kafi – V 5 – The Book of Subsistence Ch 86 H 1

<sup>2</sup> Al Kafi – V 5 – The Book of Subsistence Ch 86 H 2

<sup>3</sup> Al Kafi – V 5 – The Book of Subsistence Ch 86 H 3

'I said to Abu Abdullah<sup>asws</sup>, 'The man comes over to me seeking the goods. So I speak to him (a price) upon the profit. Then I buy it (from someone else) and sell it to him'. So he<sup>asws</sup> said: 'Is it not that if he so desires, so he takes it or if he so desires to, he leaves it?' I said, 'Yes'. He<sup>asws</sup> said: 'There is no problem with it'.

فُلِتْ فَإِنْ مَنْ عَنْدَنَا يُقْسِدُهُ قَالَ وَلَمْ فُلِتْ بَاعَ مَا لَيْسَ عِنْدَهُ قَالَ فَمَا يَقُولُ فِي السَّلْمِ قَدْ بَاعَ صَاحِبُهُ مَا لَيْسَ عِنْدَهُ فُلِتْ بَلَى قَالَ فَإِنَّمَا صَلَحَ مِنْ أَجْلِ أَنَّهُمْ يُسْمُونَهُ سَلَمًا إِنْ أَبِي كَانَ يَقُولُ لَا بَأْسَ بِبَيْعٍ كُلُّ مَتَاعٍ كُنْتَ تَجِدُهُ فِي الْوَقْتِ الَّذِي بَعْثَهُ فِيهِ .

I said, 'Supposing there is one among us who spoils it?' He<sup>asws</sup> said: 'And why (would he)?' I said, 'Selling what is not with him'. He<sup>asws</sup> said: 'So what are you saying regarding the submission (by the buyer) of the advance payment, and his companion has sold what is not with him?' I said, 'Yes'. He<sup>asws</sup> said: 'So, rather it is correct due to the reason that they are naming it as an advance payment. My<sup>asws</sup> father<sup>asws</sup> was saying: 'There is no problem selling every (type of) of goods which you can find during the time in which you sell it'.<sup>4</sup>

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ فَضَالَةَ بْنِ أَبْوَبِ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ قَالَ فُلِتْ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) الرَّجُلُ يَجِئُنِي يَطْلُبُ الْمَتَاعَ الْحَرِيرَ وَلَيْسَ عِنْدِي مِنْهُ شَيْءٌ فَيُقَاتِلُنِي وَأَفَوْلُهُ فِي الرِّبْحِ وَالْأَجْلِ حَتَّى يَجْتَمِعَ عَلَيَّ شَيْءٌ ثُمَّ أَذْهَبُ فَأَشْتَرِي لَهُ الْحَرِيرَ وَأَدْعُوهُ إِلَيْهِ فَقَالَ أَرَأَيْتَ إِنْ وَجَدْتَنِي هُوَ أَحَبُّ إِلَيْهِ مَمَّا عَنْدَكَ أَيْسَطِيعُ أَنْ يُنْصَرِفَ إِلَيْهِ وَيَدْعَكَ أَوْ وَجَدْتَنِي أَنْ تَنْصَرِفَ عَنْهُ وَتَدْعَهُ فُلِتْ نَعَمْ قَالَ لَا بَأْسَ .

A number of our companions, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Fazalat Bin Ayoub, from Muawiya Bin Ammar who said,

'I said to Abu Abdullah<sup>asws</sup>, 'The man comes over to me seeking the silken goods and there is nothing from it with me. So he speaks to me and I speak to him (oral contract) regarding the profit and the (specified) term, until there is consensus upon something. Then I go, so I buy the silk for him and I invite him to it'. So he<sup>asws</sup> said: 'What is your view, if he were to find a sale which is more beloved to him than what is with you, would he have the leeway that he changes to it and leave you, or if you were to find that, would you have the leeway that you change from it and leave him?' I said, 'Yes'. He<sup>asws</sup> said: 'There is no problem'.<sup>5</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَبِي أَبِي عُمَيْرٍ عَنْ يَحْيَى بْنِ الْحَجَاجِ عَنْ خَالِدِ بْنِ نَجِيْحٍ قَالَ فُلِتْ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) الرَّجُلُ يَجِيءُ فَيَقُولُ أَشْتَرِي هَذَا التَّوْبَ وَأَرْبَحَكَ كَذَا وَكَذَا فَقَالَ أَلَيْسَ إِنْ شَاءَ أَخْذَ وَإِنْ شَاءَ تَرَكَ فُلِتْ بَلَى قَالَ لَا بَأْسَ بِهِ إِنَّمَا يُحَلِّ الْكَلَامَ وَيُحَرِّمُ الْكَلَامُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Yahya Bin Al Hajjaj, from Khalid Bin Najeeh who said,

'I said to Abu Abdullah<sup>asws</sup>, 'The man comes over to me, so he is saying, 'Buy this cloth for me and I shall profit you such and such'. So he<sup>asws</sup> said: 'Is it not that if he so desires to he takes, and if he so desires to he leaves it?' I said, 'Yes'. He<sup>asws</sup> said: 'There is no problem with it. But rather, the speech makes it Permissible and the speech makes it Prohibited (the oral representations)'.<sup>6</sup>

<sup>4</sup> Al Kafi – V 5 – The Book of Subsistence Ch 86 H 4

<sup>5</sup> Al Kafi – V 5 – The Book of Subsistence Ch 86 H 5

<sup>6</sup> Al Kafi – V 5 – The Book of Subsistence Ch 86 H 6

مُحَمَّدٌ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ الْحُسَيْنِ بْنِ سَعْدٍ عَنْ النَّضْرِ بْنِ سُوَيْدٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ لَا بَأْسَ بِأَنْ تَبِيعَ الرَّجُلَ الْمَتَاعَ لَيْسَ عِنْدَكُمْ ثُمَّ تَشْتَرِي لَهُ نَحْوَ الَّذِي طَلَّبَ ثُمَّ تُوجِّهُهُ عَلَى نَفْسِكَ ثُمَّ تَبِعُهُ مِنْهُ بَعْدًا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Al Nazar Bin suweyd, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'There is no problem if you were to sell to the man the goods which are not with you, fixing the price of it. Then you buy for him approximately that which he seeks, then make it binding upon yourself, then you sell it to him afterwards'.<sup>7</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِيهِ عُمَيْرٍ عَنْ حَمَادٍ عَنْ الْحَلَبِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنْ رَجُلٍ بَاعَ بَيْعًا لَيْسَ عِنْدَهُ إِلَى أَجَلٍ وَضَمَّنَ الْبَيْعَ قَالَ لَا بَأْسَ .

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

'I asked Abu Abdullah<sup>asws</sup> about a man who sold an item which was not with him, to a specified term, and guaranteed the sale'. He<sup>asws</sup> said: 'There is no problem'.<sup>8</sup>

بَعْضُ أَصْحَابِنَا عَنْ عَلَيِّ بْنِ أَسْبَاطٍ عَنْ أَبِي مَخْلَدَ السَّرَّاجِ قَالَ كُنَّا عِنْدَ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) فَدَخَلَ عَلَيْهِ مُعْتَبٌ فَقَالَ بِالْبَابِ رَجُلَانِ فَقَالَ أَدْخِلْهُمَا فَدَخَلَاهُمَا إِنِّي رَجُلٌ قَصَابٌ وَإِنِّي أَبِيغُ الْمُسْوُكَ قَبْلَ أَنْ أَذْبَحَ الْغَنَمَ قَالَ لَيْسَ بِهِ بَأْسٌ وَلَكِنْ أَنْسِبُهَا غَنَمًا أَرْضٌ كَذَا وَكَذَا .

One of our companions, from Ali Bin Asbaat, from Abu Makhlad Al Sarraj who said,

'We were in the presence of Abu Abdullah<sup>asws</sup>, so Mo'tab came over to him<sup>asws</sup> and said, 'There are two men at the door'. So he<sup>asws</sup> said: 'Let both of them enter'. So one of the two said, 'I am a man (who is a) butcher and I sell the milk before I slaughter the sheep'. He<sup>asws</sup> said: 'There is no problem with it, but link (mention its lineage of) the sheep with such and such a land'.<sup>9</sup>

### باب فضل الشيء الجيد الذي يباع

## Chapter 87 – Preference of the good quality of that which is sold

أَبُو عَلَيِّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَارِ عَنْ بَعْضِ أَصْحَابِنَا عَنْ مَرْوِكِ بْنِ عُبَيْدٍ عَمْنَ ذَكَرَهُ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أَنَّهُ قَالَ فِي الْجَيْدِ دَعْوَتَانِ وَفِي الرَّدِيِّ دَعْوَتَانِ يُقَالُ لِصَاحِبِ الْجَيْدِ بَارَكَ اللَّهُ بِإِيمَانِكَ وَفِيمَنْ بَاعَكَ وَيُقَالُ لِصَاحِبِ الرَّدِيِّ لَا بَارَكَ اللَّهُ بِإِيمَانِكَ وَلَا فِيمَنْ بَاعَكَ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from one of our companions, from Marwak Bin Ubeyd, from the one who mentioned it,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'Regarding the good (quality) there are two calls, and regarding the inferior (quality) there are two calls. It is said to the owner of the good quality, 'Allah<sup>azwj</sup> will Bless you and the one who sold

<sup>7</sup> Al Kafi – V 5 – The Book of Subsistence Ch 86 H 7

<sup>8</sup> Al Kafi – V 5 – The Book of Subsistence Ch 86 H 8

<sup>9</sup> Al Kafi – V 5 – The Book of Subsistence Ch 86 H 9

it to you'; and it is said to the owner of the inferior (quality), 'Allah<sup>azwj</sup> will neither Bless you nor the one who sold it to you'.<sup>10</sup>

مُحَمَّدُ بْنُ يَحْيَىٰ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ يَعْقُوبَ بْنِ يَزِيدَ عَنْ الْوَشَاءِ عَنْ عَاصِمِ بْنِ حُمَيْدٍ قَالَ لَيْ أَبُو عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أَيَّ شَيْءٍ تُعَالِجُ فَلَمْ أَبِي الطَّعَامَ فَقَالَ لَيْ أَشْتَرِي الْجَيْدَ وَ بَعْدَ الْجَيْدَ إِذَا بَعْثَهُ قِيلَ لَهُ بَارَكَ اللَّهُ فِيهِ وَ فِيمَ بَاعَكَ

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Yaqoub Bin Yazeed, from Al Washa, from Aasim Bin Humeyd who said,

'Abu Abdullah<sup>asws</sup> said to me: 'Which thing do you trade in?' I said, 'I sell the foodstuff'. So he<sup>asws</sup> said: 'Buy the good (quality) and sell the good (quality), for when one sells the good (quality) it is said to him, 'Allah<sup>azwj</sup> will Bless you in it and the one who sold it to you'.<sup>11</sup>

### باب العينة

## Chapter 88 – The buy-back

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيسَىٰ عَنْ أَبْنِ أَبِي عُمِيرٍ عَنْ حَفْصٍ بْنِ سُوقَةَ عَنْ الْحُسَيْنِ بْنِ الْمُنْذِرِ قَالَ فَلَمْ أَلِي عَبْدَ اللَّهِ ( عَلَيْهِ السَّلَامُ ) يَجِئُنِي الرَّجُلُ فَيَطْلُبُ الْعِينَةَ فَأَشْتَرِي لَهُ الْمَتَاعَ مُرَايَةً ثُمَّ أَبْيَعُهُ أَيَّاهُ ثُمَّ أَشْتَرِي هُنْدَةً مَكَانِي قَالَ فَقَالَ إِذَا كَانَ بِالْخَيْرِ إِنْ شَاءَ بَاعَ وَ إِنْ شَاءَ لَمْ يَبْعِ وَ كُنْتَ أَنْتَ أَيْضًا بِالْخَيْرِ إِنْ شَيْئَتْ اشْتَرِيْتَ وَ إِنْ شَيْئَتْ لَمْ تَشْتَرِ فَلَا بَأْسَ

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Ibn Abu Umayr, from Hafs Bin Sowqat, from Al Husayn Bin Al Munzar who said,

'I said to Abu Abdullah<sup>asws</sup>, 'The man comes over to me seeking the buy-back (العينة). So I buy the goods (from someone else) for him with a profit, then I sell these to him, then I buy these back from him in my place (instantly – takin back the returned goods)'. So he<sup>asws</sup> said: 'When he was with the choice, if he so desires to he sells or if he so desires to he does not sell, and you as well were with the choice, if you so desire to you buy, and if you so desire to you do not buy, so there is no problem'.

فَالَّذِي قَالَ فَإِنَّ أَهْلَ الْمَسْجِدِ يَزْعُمُونَ أَنَّ هَذَا فَاسِدٌ وَ يَقُولُونَ إِنْ جَاءَ بِهِ بَعْدَ أَشْهُرٍ صَلَحٌ فَقَالَ إِنَّ هَذَا تَقْدِيمٌ وَ تَأْخِيرٌ فَلَا بَأْسَ بِهِ .

He (the narrator) said, 'I said, 'But the people of the Masjid are alleging that this is invalid, and they are saying that if he comes with it after some months, it would be correct'. So he<sup>asws</sup> said: 'This is preceding and delaying, so there is no problem with it'.<sup>12</sup>

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَلَيِّ بْنِ الْحَكَمِ عَنْ إِسْمَاعِيلَ بْنِ عَبْدِ الْخَالِقِ قَالَ سَأَلَتْ أَبَا الْحَسَنِ ( عَلَيْهِ السَّلَامُ ) عَنِ الْعِينَةِ وَ فَلَمْ إِنْ عَامَةً تُجَارِنَا أَلْيَوْمَ يُعْطَوْنَ الْعِينَةَ فَلَا يُؤْخَذُ عَلَيْكَ كُفَّرَ تَعْمَلُ قَالَ هَاتِ يَأْتِنَا الرَّجُلُ الْمُسَاوُمُ بِرِيدِ الْمَالِ فَيُسَاوِمُهُنَا وَ لَيْسَ عِنْدَنَا مَتَاعٌ فَيَقُولُ أَرْبُحُكَ دَهْ يَازْدَهْ وَ أَقُولُ أَنَا دَهْ دَوَازْدَهْ فَلَا نَزَالُ نَتَرَاؤْضُ حَتَّى نَتَرَاؤْضَ عَلَى أَمْرِ

Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Ismail Bin Abdul Khaliq who said,

<sup>10</sup> Al Kafi – V 5 – The Book of Subsistence Ch 87 H 1

<sup>11</sup> Al Kafi – V 5 – The Book of Subsistence Ch 87 H 2

<sup>12</sup> Al Kafi – V 5 – The Book of Subsistence Ch 88 H 1

'I asked Abu Al-Hassan<sup>asws</sup> about the buy-back (العِبَة) and I said, 'The merchants these days are giving the buy-back (العِبَة)'. So I can relate to you how we deal'. He<sup>asws</sup> said: 'Give it (explanation)'. I said, 'The haggling man comes over to us wanting the goods, so we haggle and there are no goods with us. So he is saying, 'I will profit you ten/eleven (Persian)', and I am saying, 'And I, ten/eleven (as well)'. So we do not cease to bargain until we agree upon one bargain.

فَإِذَا فَرَغْنَا فَلْتُ لَهُ أَيُّ مَنَاعٍ أَحَبُّ إِلَيْكَ أَنْ أَشْتَرِي لَكَ فَيُقْرِنُ الْحَرِيرُ لِأَنَّهُ لَا نَجِدُ شَيْئًا أَقْلَى وَضِيقَةً مِنْهُ فَأَذْهَبُ وَقَدْ قَوَّلْنَاهُ مِنْ عَيْرِ مُبَايَعَةٍ فَقَالَ أَلَيْسَ إِنْ شِئْتُ لَمْ تُعْطِهِ وَإِنْ شَاءَ لَمْ يَأْخُذْ مِنْكَ فَلْتُ بَلِي

So when we are free, I say, 'Which goods are beloved to you that I should buy for you?' So he is saying, 'The silk, because we cannot find anything less in wastage than it'. So I go, having given my word without having sold'. So he<sup>asws</sup> said: 'Is it not that if you so desire to, you do not give it, and if he so desires to, he does not take from you?' I said, 'Yes'.

قَالَ فَأَذْهَبُ فَأَشْتَرِي لَهُ ذَلِكَ الْحَرِيرَ وَأَمَاكِنُ بَقْرٌ جُدْيٌ ثُمَّ أَجِيءُ بِهِ إِلَى بَيْتِي فَأُبَيَّعُهُ فَرِيمًا إِزْدَدَثَ عَلَيْهِ الْقَلِيلُ عَلَى الْمَفَاؤَلَةِ وَرُبَّمَا أَعْطَيْتُهُ عَلَى مَا قَوَّلْنَاهُ وَرُبَّمَا تَعَسَّرْنَا فَلَمْ يَكُنْ شَيْءٌ فَإِذَا اشْتَرَى مِنِّي لَمْ يَجِدْ أَحَدًا أَغْلِيَ بِهِ مِنَ الْذِي اشْتَرَيْتُهُ مِنْهُ فَيَجِيءُ ذَلِكَ فِي أَخْذِ الدَّرَاهِمِ فَيَدْعُعُهَا إِلَيْهِ وَرُبَّمَا جَاءَ لِيُحِيلُهُ عَلَيِّ فَقَالَ لَا تَدْفَعْهَا إِلَيَّ صَاحِبِ الْحَرِيرِ

He (the narrator) said, 'So I go and I buy that silk for him, and I bargain in accordance to my striving. Then I come over with it to my house, and I sell it to him. So, sometimes I increase it (the price) a little bit upon him over the oral contract, and sometimes I give it to him upon what I had orally contracted, and sometimes we get into difficulties, so nothing happens. So when he buys from me, and he does not find anyone more expensive with it than that the one whom I had bought it from, so he sells it to him. So he comes and takes the Dirhams, and he hands it over to him; and sometimes he comes in order to assign it upon me'. So he<sup>asws</sup> said: 'You cannot hand it over to anyone except the owner of the silk'.

فَلْتُ وَرُبَّمَا لَمْ يَقْفِي بَيْنِي وَبَيْنِهِ التَّبِيعُ بِهِ وَأَطْلُبُ إِلَيْهِ فَيُقْرِنُهُ مِنْهُ فَقَالَ أَوْ لَيْسَ إِنْ شَاءَ لَمْ يَعْلَمْ وَإِنْ شِئْتَ أَنْتَ لَمْ تُرِدْ فَلْتُ بَلِي لَوْ أَنَّهُ هَلَكَ فَمِنْ مَالِي قَالَ لَا بَأْسَ بِهِذَا إِذَا أَنْتَ لَمْ تَعْدْ هَذَا فَلَا بَأْسَ بِهِ .

I said, 'And sometimes there is no concordance between me and him to sell with, and I seek to him, and he accepts from me'. So he<sup>asws</sup> said: 'Or is it not that if he so desires to he does not do it, and if you so desire to, you do not return it?' I said, 'Yes. If he were to dies, so it would be from my wealth'. He<sup>asws</sup> said: 'There is no problem with this. When you do not exceed this, so there is no problem with it'.<sup>13</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلَيِّ بْنِ الْحَكْمَ عَنْ سَيِّدِ بْنِ عَمِيرَةَ عَنْ مَنْصُورِ بْنِ حَازِمٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنْ رَجُلٍ طَلَبَ مِنْ رَجُلٍ ثُوْبًا بِعِينَةٍ فَقَالَ لَيْسَ عِنْدِي وَهَذِهِ دَرَاهِمٌ فَخَذَهَا فَأَشْتَرَ بِهَا فَأَخَذَهَا وَأَشْتَرَى ثُوْبًا كَمَا يُرِيدُ ثُمَّ جَاءَ بِهِ لِيُشْتَرِيهِ مِنْهُ فَقَالَ أَلَيْسَ إِنْ ذَهَبَ التُّوْبُ فِيمَنْ مَالِ الْذِي أَعْطَاهُ الدَّرَاهِمُ فَلْتُ بَلِي فَقَالَ إِنْ شَاءَ اشْتَرَى وَإِنْ شَاءَ لَمْ يَشْتَرِهِ قَالَ فَقَالَ لَا بَأْسَ بِهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Sayf Bin Umayra, from Mansour Bin Hazim who said,

<sup>13</sup> Al Kafi – V 5 – The Book of Subsistence Ch 88 H 2

'I asked Abu Abdullah<sup>asws</sup> about a man who seeks a cloth from a man, with a buy-back (بِعِينَةٍ). So he says, 'It is not with me, and these are Dirhams, so take these and buy with these'. So he takes them and buys some cloth just as he wanted, then comes over with it in order for him to buy from it'. So he<sup>asws</sup> said: 'Is it not that if the cloth were to go away (deteriorate), so it would be from the wealth of the one who gave him the Dirhams?' I said, 'Yes'. So he<sup>asws</sup> said: 'If he so desires to he buys, and if he so desires to, he does not buy, then there is no problem with it'.<sup>14</sup>

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَلَيِّ بْنِ الْحَكَمِ عَنْ سَيْفِ بْنِ عَمِيرَةَ عَنْ أَبِي بَكْرِ الْحَضْرَمِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) رَجُلٌ يُعَيَّنُ ثُمَّ حَلَّ دِيْنُهُ فَلَمْ يَجِدْ مَا يَقْضِي أَيْتَعِنُ مَنْ صَاحِبَهُ الَّذِي عَيَّنَهُ وَ يَقْضِيَهُ قَالَ نَعَمْ .

Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Sayf Bin Umayra, from Abu Bakr Al Hazramy who said,

'I said to Abu Abdullah<sup>asws</sup>, 'A man contracted a buy-back deal (بِعِينَةٍ), then his debt was due, but he could not find what he could fulfil it with, can he do (another) buy-back from his companion whom he had contracted the (first) buy-back with, and fulfil it (the first deal)?' He<sup>asws</sup> said: 'Yes'.<sup>15</sup>

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ أَبِنِ أَبِي عَمِيرٍ عَنْ عَلَيِّ بْنِ إِسْمَاعِيلَ عَنْ أَبِي بَكْرِ الْحَضْرَمِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) يَكُونُ لِي عَلَى الرَّجُلِ الدَّرَاهِمُ فَيَقُولُ لِي بِعْنِي شَيْئًا أَفْضِلُكَ فَإِيَّاهُ الْمَتَاعُ ثُمَّ أَشْتَرِيهِ مِنْهُ وَ أَقْبِضُ مَالِي قَالَ لَا بَأْسَ .

Ahmad Bin Muhammad, from Ibn Abu Umeyr, from Ali Bin Ismail, from Abu Bakr Al Hazramy who said,

'I said to Abu Abdullah<sup>asws</sup>, 'There happens to be some Dirhams for me upon the man, so he is saying to me, 'Sell me something to pay you back'. So I sell the goods to him, then buy these back from him, and I take possession of my wealth'. He<sup>asws</sup> said: 'There is no problem'.<sup>16</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ حَنَانَ بْنِ سَدِيرٍ قَالَ كُنْتُ عِنْدَ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) فَقَالَ لَهُ جَعْفُرُ بْنُ حَنَانَ مَا تَقُولُ فِي الْعِينَةِ فِي رَجُلٍ يُبَابِعُ رَجُلًا فَيَقُولُ لَهُ أَبْيَاعُكَ بَدَهْ دَوَارْدَهْ وَ بَدَهْ يَازْدَهْ فَقَالَ أَبُو عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) هَذَا فَاسِدٌ وَ لَكِنْ يَقُولُ أَرْبَحُ عَلَيْكَ فِي جَمِيعِ الدَّرَاهِمِ كَذَا وَ كَذَا وَ يُسَاوِمُهُ عَلَى هَذَا فَلَيْسَ بِهِ بَأْسَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Hanan Bin Sadeyr who said,

'I was in the presence of Abu Abdullah<sup>asws</sup>, so Ja'far Bin Hannan said to him<sup>asws</sup>, 'What are you<sup>asws</sup> saying regarding the buy back (الْعِينَةِ) regarding a man who sells to a man so he is saying to him, 'I sell to you with ten, twelve (in Persian), and with ten, eleven (in Persian)'. So Abu Abdullah<sup>asws</sup> said: 'This is invalid, but he should be saying, 'I profit upon you regarding the entirety of the Dirham, such and such, and he should fix it upon this, so there would be no problem with it'.

وَ قَالَ أَسَاوِمُهُ وَ لَيْسَ عِنْدِي مَتَاعٌ قَالَ لَا بَأْسَ .

<sup>14</sup> Al Kafi – V 5 – The Book of Subsistence Ch 88 H 3

<sup>15</sup> Al Kafi – V 5 – The Book of Subsistence Ch 88 H 4

<sup>16</sup> Al Kafi – V 5 – The Book of Subsistence Ch 88 H 5

And he (the narrator) said: 'I fixt it and there are no goods with me?' He<sup>asws</sup> said: 'There is no problem'.<sup>17</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عَبْدِ اللَّهِ بْنِ الْمُغِيرَةِ عَنْ عَبْدِ اللَّهِ بْنِ سَيَّانَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ لَيْ عَلَيْهِ مَالٌ وَهُوَ مُعْسِرٌ فَأَسْتَرَرِي بَيْعًا مِنْ رَجُلٍ إِلَى أَجْلٍ عَلَى أَنْ أَضْمَنَ ذَلِكَ عَنْهُ لِلرَّجُلِ وَيَقْضِيَنِي الَّذِي عَلَيْهِ قَالَ لَا بَأْسَ .

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

(It has been narrated) from Abu Abdullah<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about a man upon whom there is some wealth for me, and he is insolvent. So I buy an item for sale from a man to a specified term upon a stipulation that I guarantee that from him for the man, and he fulfils me that which is upon him?' He<sup>asws</sup> said: 'There is no problem'.<sup>18</sup>

أَبُو عَلَيٰ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ هَارُونَ بْنِ خَارِجَةَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَيْنِتُ رَجُلًا عَيْنَةً فَقُلْتُ لَهُ أَفْضِنِي فَقَالَ لَيْسَ عِنْدِي فَعَيْنِي حَتَّى أَفْضِيَكَ قَالَ عَيْنِهِ حَتَّى يَفْضِيَكَ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan Bin Yahya, from Haroun Bin Kharjat who said,

'I said to Abu Abdullah<sup>asws</sup>, 'I do a buy-back deal (عيّنت) with a man, so I say to him, 'Pay me'. So he says, 'There is nothing with me, so keep on doing buy-back deal with me (rolling it over) until I pay you'. He<sup>asws</sup> said: 'Keep buying back (عيّنته) with him until he pays you'.<sup>19</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلَيٰ بْنِ الْحَاجِدِ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ قُلْتُ لِأَبِي الْحَسَنِ ( عَلَيْهِ السَّلَامُ ) إِنَّ سَلَسَبِيلَ طَلَبْتُ مِنِي مِائَةَ أَلْفٍ دِرْهَمٍ عَلَى أَنْ تُرْبِحَنِي عَشَرَةُ آلَافٍ فَأَقْرَضْتُهُ تِسْعِينَ أَلْفًا وَأَبْيَعَهَا ثُوَبًا وَشَيْئًا نُقَوْمُ عَلَيَّ بِأَلْفٍ دِرْهَمٍ بِعَشَرَةِ آلَافٍ دِرْهَمٍ قَالَ لَا بَأْسَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hadeed, from Muhammad Bin Is'haq Bin Ammar who said,

'I said to Abu Al-Hassan<sup>asws</sup>, 'Salsabeel sought one hundred thousand Dirhams from me upon a stipulation that she would profit me ten thousand Dirham. So I left her ninety thousand, and I sold her a cloth and something the value of which stood upon me with a thousand Dirhams, for ten thousand Dirhams'. He<sup>asws</sup> said: 'There is no problem'.

وَفِي رِوَايَةٍ أُخْرَى لَا بَأْسَ بِهِ أَعْطِهَا مِائَةَ أَلْفٍ وَبِعْهَا التَّوْبَ بِعَشَرَةِ آلَافٍ وَأَكْتُبْ عَلَيْهَا كِتَابَيْنِ .

And in another report, '(He<sup>asws</sup> said): 'There is no problem with giving her one hundred thousand and sell her the cloth for ten thousand, and write upon her with two written agreements'.<sup>20</sup>

<sup>17</sup> Al Kafi – V 5 – The Book of Subsistence Ch 88 H 6

<sup>18</sup> Al Kafi – V 5 – The Book of Subsistence Ch 88 H 7

<sup>19</sup> Al Kafi – V 5 – The Book of Subsistence Ch 88 H 8

<sup>20</sup> Al Kafi – V 5 – The Book of Subsistence Ch 88 H 9

أَبُو عَلَيْ الأَشْعَرِيُّ عَنْ الْحَسَنِ بْنِ عَلَيْ بْنِ عَبْدِ اللَّهِ عَنْ عَمِّهِ مُحَمَّدِ بْنِ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ قُلْتُ لِلرَّضَا ( عَلَيْهِ السَّلَامُ ) الرَّجُلُ يَكُونُ لَهُ الْمَالُ قَدْ حَلَّ عَلَى صَاحِبِهِ يَبْيَعُهُ لُؤْلُؤَةً نَسْوَى مَائَةً دِرْهَمٍ بِأَلْفِ دِرْهَمٍ وَ يُؤْخَرُ عَنْهُ الْمَالِ إِلَى وَقْتٍ قَالَ لَا بَأْسَ قَدْ أَمْرَنِي أَبِي فَعَمِلْتُ ذَلِكَ

Abu Ali Al Ashary, from Al Hassan Bin Ali Bin Abdullah, from his uncle Muhammad Bin Abdullah, from Muhammad Bin Is'haq Bin Ammar who said,

'I said to Al-Reza<sup>asws</sup>, 'The man who happens to have the wealth for him which had become due upon his companions. Can he sell him a pearl at a fixed price of one hundred Dirham for a thousand Dirhams, and he delays the wealth from him to a specified time?' He<sup>asws</sup> said: 'There is no problem. My<sup>asws</sup> father<sup>asws</sup> had instructed me<sup>asws</sup> such, so I<sup>asws</sup> did that'.

وَ زَعَمَ أَنَّهُ سَأَلَ أَبَا الْحَسَنِ ( عَلَيْهِ السَّلَامُ ) عَنْهَا فَقَالَ لَهُ مِثْلُ ذَلِكَ .

And he (the narrator) claimed that he had asked Abu Al-Hassan<sup>asws</sup> about it, so he<sup>asws</sup> said to him similar to that'.<sup>21</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَبِي عَمِيرٍ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ قُلْتُ لِأَبِي الْحَسَنِ ( عَلَيْهِ السَّلَامُ ) يَكُونُ لَيْ عَلَى الرَّجُلِ ذَرَاهُمْ فَيَقُولُ أَخْرِنِي بِهَا وَ أَنَا أُرْبِعُكَ فَإِبْيَاعُهُ جُبَّةً تُقْوَمُ عَلَيَّ بِأَلْفِ دِرْهَمٍ بِعَشْرَةَ أَلْفَ دِرْهَمٍ أَوْ قَالَ بِعِشْرِينَ أَلْفًا وَ أُؤْخَرُهُ بِالْمَالِ قَالَ لَا بَأْسَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Abu Umeyr, from Muhammad Bin Is'haq Bin Ammar who said,

'I said to Abu Al-Hassan<sup>asws</sup>, 'There happens to be some Dirhams for me upon the man, so he is saying, 'Delay it (payment) with it and I shall profit you. So I sold him a garment which stood upon me with a thousand Dirhams, for ten thousand Dirhams', or said, 'for twenty thousand Dirhams', and I delay the wealth for him'. He<sup>asws</sup> said: 'There is no problem'.<sup>22</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلَيِّ بْنِ الْحَكَمِ عَنْ عَبْدِ الْمَلِكِ بْنِ عَبْتَهَ قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ أُرِيدُ أَنْ أُعِنِّهِ الْمَالَ وَ يَكُونُ لَيْ عَلَيْهِ مَالٌ قَبْلَ ذَلِكَ فَتَطَلَّبُ مِنِي مَالًا أَزِيَّدُهُ عَلَى مَالِي الَّذِي لَيْ عَلَيْهِ أَيْسَقِيمُ أَنْ أَزِيَّدَهُ مَالًا وَ أَبِياعُهُ لُؤْلُؤَةً نَسْوَى مَائَةً دِرْهَمٍ بِأَلْفِ دِرْهَمٍ فَأَقُولُ أَبِياعُكَ هَذِهِ الْلُؤْلُؤَةُ بِأَلْفِ دِرْهَمٍ عَلَى أَنْ أُؤْخَرُكَ بِشَمْنَهَا وَ بِمَالِي عَلَيْكَ كَذَا وَ كَذَا شَهْرًا قَالَ لَا بَأْسَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Abdul Malik Bin Utba who said,

'I asked him<sup>asws</sup> about the man wanting that I do a buy-back deal (أَعِنِّهِ) with him for the wealth, and there happened to be some wealth for me upon him before than. So he sought some (more) wealth from me that I should increase my wealth upon him which was (already) for me upon him. Would it be correct if I were to increase the wealth and I sell him a pearl of one hundred Dirhams for a thousand Dirhams so I am saying, 'I hereby sell you this pearl for a thousand Dirhams upon a stipulation

<sup>21</sup> Al Kafi – V 5 – The Book of Subsistence Ch 88 H 10

<sup>22</sup> Al Kafi – V 5 – The Book of Subsistence Ch 88 H 11

that I delay you with its price and with my such and such wealth which is upon you, for a month'. He <sup>asws</sup> said: 'There is no problem'.<sup>23</sup>

### باب الشرطين في البيع

## Chapter 89 – The two stipulations regarding the sale

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ [عَنِ ابْنِ أَبِي نَجْرَانَ] عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرِ (عَلَيْهِ السَّلَامُ) قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) مَنْ بَاعَ سِلْعَةً فَقَالَ إِنَّ ثَمَنَهَا كَذَا وَ كَذَا يَدَا بَيْدَ وَ ثَمَنَهَا كَذَا وَ كَذَا نَظَرَةً فَخُذْهَا بِأَيِّ ثَمَنٍ شَيْئَتْ وَ جَعَلَ صَفْقَتَهَا وَاحِدَةً فَلَيْسَ لَهُ إِلَّا أَفْلَهُمَا وَ إِنْ كَانَتْ نَظَرَةً

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<sup>asws</sup> having said: 'Amir Al-Momineen<sup>asws</sup> said: 'The one who sells a commodity, so he says, 'Its price is such and such hand to hand (for cash), and its price is such and such with a deferment (on credit), so take it with whichever price you so desire to', and he makes both their descriptions as one, so it is not for him except for the lesser of the two, and even if it was with a deferment'.

فَالَّذِي قَالَ (عَلَيْهِ السَّلَامُ) مَنْ سَأَوَمْ بِثَمَنَيْنِ أَحَدُهُمَا عَاجِلًا وَ الْآخَرُ نَظَرَةً فَلَيْسَ أَحَدُهُمَا قَبْلَ الصَّفْقَةِ .

He (the narrator) said, 'And he<sup>asws</sup> said: 'The one who haggles with two prices, one of the two being immediate (cash) and the other one on deferment (credit), so let him name one of the two before the deal'.<sup>24</sup>

### باب الرَّجُلِ يَبْيَعُ الْبَيْعَ ثُمَّ يُوجَدُ فِيهِ عَيْبٌ

## Chapter 90 – The man sells goods, then finds a defect in it

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ الْحَسَنِ بْنِ عَطِيَّةَ عَنْ أَنْعَمَ بْنِ يَزِيدٍ قَالَ كُنْتُ أَنَا وَ عُمَرُ بِالْمَدِينَةِ بَيْاعُ عَمَرُ حَرَابًا هَرَيَا كُلَّ تَوْبٍ بِكَذَا وَ كَذَا فَأَخْرُوهُ فَاقْسِمُوهُ فَوَجَدُوا تَوْبًا فِيهِ عَيْبٌ فَرَدُوهُ فَقَالَ لَهُمْ عَمَرُ أَعْطِيْكُمْ ثَمَنَهُ الَّذِي بِعَنْكُمْ بِهِ قَالَ لَا وَ لَكُنْ تَأْخُذُ مِنْكَ قِيمَةَ التَّوْبِ فَذَكَرَ عَمَرُ ذَلِكَ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَقَالَ يَلْزَمُهُ ذَلِكَ .

A number of our companions, from Ahmad Bin Muhammad, from Ibn Abu Umeyr, from Al Hassan Bin Atiyya, from Umar Bin Yazeed who said,

'I and Umar were in Al-Medina, so Umar sold Harawiyya saddlebags, each bag from it for such and such. So I took it and distributed it, but they found a defect, so they returned it. So Umar said to them, 'I shall give you its price which I sold it with'. They said, 'No, but we shall take from you a price of the cloth'. So Umar mentioned that to Abu Abdullah<sup>asws</sup>, so he<sup>asws</sup> said: 'That is binding for him (the buyer)'.<sup>25</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلٍ عَنْ أَصْحَابِنَا عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) فِي الرَّجُلِ يَشْتَرِي التَّوْبَ أَوِ الْمَتَاعَ فَيَجِدُ فِيهِ عَيْبًا فَقَالَ إِنَّ كَانَ الشَّيْءَ قَائِمًا بِعِينِهِ رَدَهُ عَلَيْهِ وَ أَخَذَ الثَّمَنَ وَ إِنْ كَانَ التَّوْبُ فَدْ قُطِعَ أَوْ خِيطٌ أَوْ صِيغٌ يَرْجُعُ بِنَفْصَانِ الْعَيْبِ .

<sup>23</sup> Al Kafi – V 5 – The Book of Subsistence Ch 88 H 12

<sup>24</sup> Al Kafi – V 5 – The Book of Subsistence Ch 89 H 1

<sup>25</sup> Al Kafi – V 5 – The Book of Subsistence Ch 90 H 1

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel, from one of our companions,

(It has been narrated) from one of the two<sup>asws</sup> regarding the man who buys the clothes or the goods, so he finds defect in it. So he<sup>asws</sup> said: 'If the thing was standing with exactness (as it used to be), he can return it to him and take the money, however, if the cloth had been cut, or stitched, or dyed, he would return it with a reduction for the defect'.<sup>26</sup>

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ فَضَالَةَ عَنْ مُوسَى بْنِ بَكْرٍ عَنْ زُرَارَةَ عَنْ أَبِي جَعْفَرِ (عَلَيْهِ السَّلَامُ) قَالَ إِيمَّا رَجُلٌ اشْتَرَى شَيْئًا وَ بِهِ عَيْبٌ أَوْ عَوْارٌ وَ لَمْ يَتَبَرَّأْ إِلَيْهِ وَ لَمْ يَتَبَيَّنْ لَهُ فَأَحْدَثَ فِيهِ بَعْدَ مَا قَبْضَهُ شَيْئًا ثُمَّ عَلِمَ بِذَلِكَ الْعَوْارِ أَوْ بِذَلِكَ الدَّاءِ إِنَّهُ يُمْضِي عَلَيْهِ التَّبِيعُ وَ يُرْدُ عَلَيْهِ بِقَدْرِ مَا يَنْقُصُ مِنْ ذَلِكَ الدَّاءِ وَ الْعَيْبِ مِنْ ثَمَنِ ذَلِكَ لَوْلَمْ يَكُنْ بِهِ .

A number of our companions, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Fazalat, from Musa Bin Bakr, from Zurara,

(It has been narrated) from Abu Ja'far<sup>asws</sup> having said: 'Whichever man buys something and there is a defect in it, or a flaw which cannot be rectified, and it was not made apparent to him, so he does something in it after having taken possession of the thing, then he came to know that flaw, or that disorder, the sale would be concluded upon him in accordance with what was deficient from that disorder and the defect, from the price of that, if there did not happen to be with it (a discount for the defect)'.<sup>27</sup>

### باب بَيْعِ النَّسِيَّةِ

## Chapter 91 – Selling on credit

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زَيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ قَالَ قُلْتُ لِأَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) إِنِّي أُرِيدُ الْخُرُوجَ إِلَى بَعْضِ الْجَبَلِ فَقَالَ مَا لِلنَّاسِ بُدُّ مِنْ أَنْ يَضْطُرُّوا سَنَنَهُمْ هَذِهِ قَوْلُتُ لَهُ جُعِلْتُ فِدَاكَ إِنَّا إِذَا بَعْنَاهُمْ بِنَسِيَّةٍ كَانَ أَكْثَرُ لِلرِّبْحِ قَالَ فَيَعْمَلُ بِتَأْخِيرِ سَنَةٍ قُلْتُ بِتَأْخِيرِ سَنَتَيْنِ قَالَ نَعَمْ قُلْتُ بِتَأْخِيرِ ثَلَاثٍ قَالَ لَا .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad who said,

'I said to Abu Al-Hassan<sup>asws</sup>, 'What is inevitable for the people is that they are shaken in this year of theirs (financially turbulent times)'. So I said to him<sup>asws</sup>, 'May I be sacrificed for you<sup>asws</sup>! When we sell to them by credit it is more profitable'. He<sup>asws</sup> said: 'So sell them with a delay for a year'. I said, '(What about) with a delay for two years?' He<sup>asws</sup> said: 'Yes'. I said, 'With a delay for three?' He<sup>asws</sup> said: 'No'.<sup>28</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرِ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ عَلَيْ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ أَمْرَهُ نَفَرَ لِيَتَبَاعَ لَهُمْ بَعِيرًا بَنَدِّ وَ يَزِيدُونَهُ فَوْقَ ذَلِكَ نَظَرَةً فَابْتَاعَ لَهُمْ بَعِيرًا وَ مَعَهُ بَعْضُهُمْ فَمَنَعَهُ أَنْ يَأْخُذَ مِنْهُمْ فَوْقَ وَرِقَهُ نَظَرَةً .

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

<sup>26</sup> Al Kafi – V 5 – The Book of Subsistence Ch 90 H 2

<sup>27</sup> Al Kafi – V 5 – The Book of Subsistence Ch 90 H 3

<sup>28</sup> Al Kafi – V 5 – The Book of Subsistence Ch 91 H 1

(It has been narrated) from Abu Ja'far<sup>asws</sup> having said: 'Amir Al-Momineen Ali<sup>asws</sup> judged regarding a man whom a number of people had instructed him to sell them a camel for them with cash, and they increased him above that for deferment (credit). So he sold a camel to them and with him was one of them. He<sup>asws</sup> forbade him to take from them above his cash price for the deferment'.<sup>29</sup>

عَلَيٰ عَنْ أَبِيهِ وَ مُحَمَّدٌ بْنُ إِسْمَاعِيلَ عَنْ الْفَضْلِ بْنِ شَادَانَ جَمِيعاً عَنْ ابْنِ أَبِي عُمِيرٍ عَنْ هِشَامِ بْنِ الْحَكَمِ عَنْ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) فِي رَجُلٍ يَسْتَرِي الْمَتَاعَ إِلَى أَجْلٍ قَالَ لَيْسَ لَهُ أَنْ يَبْيَعَهُ مُرَابَحَةً إِلَّا إِلَى الْأَجْلِ الَّذِي اشْتَرَاهُ إِلَيْهِ وَ إِنْ بَاعَهُ مُرَابَحَةً فَلَمْ يُخْرِهْ كَانَ لِلَّذِي اشْتَرَاهُ مِنَ الْأَجْلِ مِثْلُ ذَلِكَ .

Ali, from his father, and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, altogether from Ibn Abu Umeyr, from Hisham Bin Al Hakam,

(It has been narrated) from Abu Abdallah<sup>asws</sup> regarding a man who bought goods to a specified term (with deferred payment). He<sup>asws</sup> said: 'He cannot buy it in the manner of 'مرابحة' (capital plus profit) without deferment for an appointed time which is agreed upon; and if he sells in the manner of 'مرابحة' without informing the 'new buyer' then the one who has bought has the right for a deferment of (payment) of similar duration'.<sup>30</sup>

مُحَمَّدٌ بْنُ يَحْيَى عَنْ مُحَمَّدٍ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدٍ بْنِ إِسْمَاعِيلَ عَنْ مُنْصُورٍ بْنِ يُونُسَ عَنْ شُعَيْبِ الْحَدَادِ عَنْ بَشَارِ بْنِ يَسَارٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عليه السلام ) عَنْ رَجُلٍ يَبْيَعُ الْمَتَاعَ بِنَسَاءٍ فَيَسْتَرِي هُوَ مَتَاعُكَ وَ لَا يَقْرَبُكَ وَ لَا غَنِمُكَ . فَقُلْتُ لَهُ أَشْتَرِي مَتَاعِي فَقَالَ لَيْسَ هُوَ مَتَاعُكَ وَ لَا يَقْرَبُكَ وَ لَا غَنِمُكَ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Muhammad Bin Ismail, from Mansour Bin Yunus, from Shuayb Al Haddad, from Bashar Bin Yasar who said,

'I asked Abu Abdallah<sup>asws</sup> about a man who sells the goods on credit, then buys them back from its owner (for cash of a lower price) to whom he had sold it to. He<sup>asws</sup> said: 'Yes, there is no problem with it'. So I said to him<sup>asws</sup>, 'Can I buy my own goods?' So he<sup>asws</sup> said: 'It is not your goods, nor your cow, nor your sheep'.

أَبُو عَلَيٰ الْأَشْعَرِيُّ عَنْ مُحَمَّدٍ بْنِ عَبْدِ الْجَبَارِ عَنْ صَفْوَانَ عَنْ شُعَيْبِ الْحَدَادِ عَنْ بَشَارِ بْنِ يَسَارٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) مِثْلُهُ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Shuayb Al Haddad, from Bashar Bin Yasar, from Abu Abdallah<sup>asws</sup> – similar to it'.<sup>31</sup>

### باب شراء الرقيق

## Chapter 92 – Buying the slave

عِدَّةُ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زَيَادٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَئَابٍ قَالَ سَأَلْتُ أَبَا الْحَسَنِ مُوسَى ( عليه السلام ) عَنْ رَجُلٍ يَنْبَني وَ بَنِيَّهُ قَرَائِبَهُ مَاتَ وَ تَرَكَ أُولَادًا صَغِيرًا وَ تَرَكَ مَمَالِيكَ غِلْمَانًا وَ جَوَارِيَ وَ لَمْ يُوصَ فَمَا تَرَى فِيمَنْ يَسْتَرِي مِنْهُمْ الجَارِيَةَ يَتَّخِذُهَا أُمَّ وَ لَدِ وَ مَا تَرَى فِي بَيْعِهِمْ قَالَ فَقَالَ إِنْ كَانَ أَهْمُهُمْ وَ لِي يَقُولُ بِإِمْرِهِمْ بَاعَ عَلَيْهِمْ وَ نَظَرَ أَهْمُهُمْ وَ كَانَ مَاحْرُورًا فِيهِمْ

<sup>29</sup> Al Kafi – V 5 – The Book of Subsistence Ch 91 H 2

<sup>30</sup> Al Kafi – V 5 – The Book of Subsistence Ch 91 H 3

<sup>31</sup> Al Kafi – V 5 – The Book of Subsistence Ch 91 H 4

A number of our companion, from Sahl Bin Ziyad, from Ibn Mahboub, from Ibn Ra'ib who said,

'I asked Abu Al-Hassan Musa<sup>asws</sup> about a man who was a close relative, died and left young children, and left owned slave boys and girls, and he had not bequeathed. So what is your<sup>asws</sup> view regarding the one who buys the slave girls from them. Can he take her as a mother for (his) children, and what is your<sup>asws</sup> view regarding selling them?' He (the narrator) said, 'So he<sup>asws</sup> said: 'If there was a guardian for them who would stand with their affairs, selling upon them, and looking out for them, and he would be Recompensed with regards to them'.

**فُلِتْ فَمَا تَرَى فِيمَنْ يَشْتَرِي مِنْهُمُ الْجَارِيَةَ فَيَتَّخِذُهَا أُمًّا وَلَدٌ قَالَ لَا بَأْسَ بِذَلِكِ إِذَا بَاعَ عَلَيْهِمُ الْقِيمَ لِهُمُ النَّاظِرُ لِهُمْ فِيمَا يُصْلِحُهُمْ فَلَئِنْ لَهُمْ أُنْ يَرْجِعُوا فِيمَا صَنَعَ الْقِيمَ لِهُمُ النَّاظِرُ [لَهُمْ] فِيمَا يُصْلِحُهُمْ .**

I said, 'So what is your view regarding the one who buys the slave girl from them, so he takes her as a mother of a child (of his)'. He<sup>asws</sup> said: 'There is no problem with that. When the custodian sells upon them being considerate for them regarding what is correct for them, so it is not for them that they should retract regarding what the custodian has done for them, having been considerate for them regarding what is correct for them'.<sup>32</sup>

**مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ قَالَ مَاتَ رَجُلٌ مِنْ أَصْحَابِنَا وَلَمْ يُوصَ فُرُغَ أَمْرُهُ إِلَى قَاضِي الْكُورْفَةِ فَصَرَّرَ عَبْدُ الْحَمِيدِ الْقِيمَ بِمَالِهِ وَ كَانَ الرَّجُلُ خَلْفَ وَرَثَةٍ صِبَارًا وَ مَتَاعًا وَ جَوَارِيَ فَبَاعَ عَبْدُ الْحَمِيدِ الْمَتَاعَ فَلَمَّا أَرَادَ بَيعَ الْجَوَارِيَ ضَعَفَ قَلْبُهُ فِي بَيْعِهِنَّ إِذْ لَمْ يَكُنْ الْمَيْتُ صَرَّرَ إِلَيْهِ الْوَصِيَّةَ وَ كَانَ قِيَامُهُ فِيهَا بِأَمْرِ الْقَاضِي لَا تَهُنَّ فُرُوجُ**

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

'A man from our companions died and did not bequeath, and his matter was raised to a judge of Al-Kufa. So Abdul Hameed became the custodian of his wealth, and the man had left behind young inheritors, and goods, and slave girls. Abdul Hameed sold the goods, but when he intended to sell the slave girls, his heart weakened regarding their sale since the deceased had not made the bequest to him, and his custodianship in it was by the order of the judge, (and) because of their chastity'.

**قَالَ فَذَكَرْتُ ذَلِكَ لِأَبِي جَعْفَرَ (عَلَيْهِ السَّلَامُ) وَ فُلِتْ لَهُ يَمُوتُ الرَّجُلُ مِنْ أَصْحَابِنَا وَ لَا يُوصِي إِلَى أَحَدٍ وَ يُخَفِّ جَوَارِيَ فَيُقْيِطُ الْقَاضِي رَجُلًا مَنْ لَيَبْيَعُهُنَّ أَوْ قَالَ يَبْقَوْمُ بِذَلِكَ رَجُلٌ مَنْ فَيَضْعُفُ قَلْبُهُ لَا تَهُنَّ فُرُوجُ فَمَا تَرَى فِي ذَلِكَ قَالَ إِذَا كَانَ الْقِيمَ بِهِ مِثْلًا وَ مِثْلَ عَبْدِ الْحَمِيدِ فَلَا بَأْسَ .**

He (the narrator) said, 'So I mentioned that to Abu Ja'far<sup>asws</sup> and I said to him<sup>asws</sup>, 'The man from our companions died and did not bequeath to anyone, and he left behind slave girls. So the judge made a man from us to be a custodian in order to sell them', or said, 'A man from us was made a custodian with that, but his heart weakened, because of their chastity. So what is your<sup>asws</sup> view regarding that?' So he<sup>asws</sup> said: 'If it was such that the custodian was like you and like Abdul Hameed, so there is no problem'.<sup>33</sup>

**مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلَنَّهُ عَنِ الرَّجُلِ يَشْتَرِي الْعَبْدَ وَ هُوَ آبِقٌ مِنْ أَهْلِهِ فَقَالَ لَا يَصْلُحُ إِلَّا أَنْ يَشْتَرِي مَعَهُ شَيْئًا أَخْرَ فَيَقُولُ أَشْتَرِي مِنْكَ هَذَا الشَّيْءَ وَ عَيْنِكَ بِكَذَا وَ كَذَا فَإِنْ لَمْ يَقْدِرْ عَلَى الْعَبْدِ كَانَ نَمْنَهُ الَّذِي نَقْدَ فِي الشَّيْءِ .**

<sup>32</sup> Al Kafi – V 5 – The Book of Subsistence Ch 92 H 1

<sup>33</sup> Al Kafi – V 5 – The Book of Subsistence Ch 92 H 2

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

'I asked him<sup>asws</sup> about the man who bought a slave and he was the abdsconder from his family. So he<sup>asws</sup> said: 'It is not correct except if he were to buy another thing along with it, so he would be saying, 'I hereby buy this thing from you, and your slave, with such and such (a price)'. So if he was not able upon the slave (to take him), his price would be the cash regarding the thing'.<sup>34</sup>

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زَيَادٍ وَأَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ رَفَاعَةَ النَّخَاسِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَقُلْتُ سَوَمْتُ رَجُلًا بِجَارِيَةٍ لَهُ فَيَا عَنِيهَا بِحُكْمِي فَقَضَنِّهَا مِنْهُ عَلَى ذَلِكَ ثُمَّ بَعَثْتُ إِلَيْهِ بِالْفَ دِرْهَمِ وَ قُلْتُ لَهُ هَذِهِ الْأَلْفُ حُكْمِي عَلَيْكَ فَأَبَى أَنْ يَقْبَلَهَا مِنِّي وَقَدْ كُنْتُ مَسِّسْتُهَا قَبْلَ أَنْ أَبْعَثَ إِلَيْهِ بِالْفَ دِرْهَمِ

A number of our companions, from Sahl Bin Ziyad and Ahmad Bin Muhammad altogether, from Al Hassan Bin Mahboub, from Rafa'at Al Nakhhas who said,

'I asked Abu Abdullah<sup>asws</sup>, so I said, 'A man had a slave girl who he sold to me with my order. So I took possession of her from him, upon that. Then I sent over a thousand Dirhams to him and I said to him, 'This thousand is for my order upon you'. But, he refused to accept it from me, and I had already touched her before I sent the thousand Dirhams to him'.

قَالَ فَقَالَ أَرَى أَنْ تُقَوِّمَ الْجَارِيَةُ بِقِيمَتِهِ عَابِلَةً فَإِنْ كَانَ ثَمَنُهَا أَكْثَرَ مِمَّا بَعَثْتَ إِلَيْهِ كَانَ عَلَيْكَ أَنْ تَرْدَ إِلَيْهِ مَا نَقَصَ مِنَ القيمةِ وَ إِنْ كَانَتْ قِيمَتُهَا أَقْلَى مِمَّا بَعَثْتَ بِهِ إِلَيْهِ فَهُوَ لَهُ

He (the narrator) said, 'So he<sup>asws</sup> said: 'I<sup>asws</sup> view that you should evaluate the slave girl with a fair price. So if it was that her value was more than what you had sent to him, it would be upon you to return to him whatever was deficient from the value; and if it was that her value was less than what you had sent to him, so it is for him'.

قَالَ فَقُلْتُ أَرَيْتَ إِنْ أَصَبْتُ بِهَا عَيْنًا بَعْدَ مَا مَسِّسْتُهَا قَالَ لَيْسَ لَكَ أَنْ تَرْدَهَا وَ لَكَ أَنْ تَأْخُذَ قِيمَةَ مَا بَيْنَ الصَّحةِ وَ الْعَيْنِ .

He (the narrator) said, 'What is your view if I were to find a defect with her after having touched her?' He<sup>asws</sup> said: 'It is not for you to return her, and for you would be to take what is between the correct and the defect (a discount).'<sup>35</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِيهِ عَمِيرٍ عَنْ حَمَادَ عَنْ الْحَلَبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ فِي الْمُمْلُوكِ يَكُونُ بَيْنَ شُرُكَاءَ فَيَبْيَعُ أَحَدُهُمْ نَصِيبَهُ فَيَقُولُ صَاحِبُهُ أَنَا أَحَقُّ بِهِ أَلَّا ذَلِكَ قَالَ نَعَمْ إِذَا كَانَ وَاحِدًا فَقِيلَ فِي الْحَيَوانِ شُعْعَةً قَالَ لَا .

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

from Abu Abdullah<sup>asws</sup>, said, 'With regards to the owned slave who happens to be between the partners, so one of them sells him, and his companion says, 'I am more rightful with it'. Would that be for him?' He<sup>asws</sup> said: 'Yes, when there was one (partner)'. So it was said, is there any right of 'شُعْعَة' (preference to the sale to the near ones) regarding animals?' So he<sup>asws</sup> said: 'No'.<sup>36</sup>

<sup>34</sup> Al Kafi – V 5 – The Book of Subsistence Ch 92 H 3

<sup>35</sup> Al Kafi – V 5 – The Book of Subsistence Ch 92 H 4

<sup>36</sup> Al Kafi – V 5 – The Book of Subsistence Ch 92 H 5

**مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَادَانَ عَنِ ابْنِ أَبِي عَمِيرٍ عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ)**  
**فِي شَرَاءِ الرُّؤْمَيَاتِ قَالَ أَشْتَرَ هُنَّ وَبَعْهُنَّ.**

Muhammad Bin Ismail, from Al Fazl Bin Shazaan, from Ibn Abu Umeyr, from Ibrahim Bin Abdul Hameed,

(It has been narrated) from Abu Al-Hassan<sup>asws</sup> regarding the Roman women (slaves). He<sup>asws</sup> said: 'Buy them and sell them'.<sup>37</sup>

**حُمَيْدُ بْنُ زَيْدٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ بْنِ سَمَاعَةَ عَنْ عُثْمَانَ بْنِ أَبِي حِمْلٍ عَنْ إِسْمَاعِيلَ بْنِ الْفَضْلِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ شِرَاءِ مَمْلُوكِي أَهْلِ الدَّمَةِ إِذَا أَفْرَوْا لَهُمْ بِذَلِكَ فَقَالَ إِذَا أَفْرَوْا لَهُمْ بِذَلِكَ فَاشْتُرْ وَإِنْكُحْ .**

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from someone else, from Aban Bin Usman, from Ismail Bin Al Fazl who said,

'I asked Abu Abdullah<sup>asws</sup> about buying the owned slaves of the people under the responsibility (*Ahl Al-Zimma*), when there is an endorsement for them with that (from the Islamic government). So he<sup>asws</sup> said: 'When there is an endorsement for them with that, so buy and marry'.<sup>38</sup>

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدٍ بْنِ سَهْلٍ عَنْ زَكَرِيَّا بْنِ آدَمَ قَالَ سَأَلَتُ الرَّضَا (عَلَيْهِ السَّلَامُ) عَنْ قَوْمٍ مِنَ الْأَعْدُو صَالَحُوْا ثُمَّ حَفَرُوا وَلَعَلَّهُمْ إِنَّمَا حَفَرُوا لِأَنَّهُ لَمْ يُعْدَلْ عَلَيْهِمْ أَيْصَاحٌ أَنْ يُسْتَرَ مِنْ سَبِّهِمْ فَقَالَ إِنْ كَانَ مِنْ عَدُوْ فَإِنْ سَبَّتْنَاهُمْ عَدَاوَتْهُمْ فَاسْتَرْهُمْ مِنْهُمْ وَإِنْ كَانَ قَدْ نَفَرُوا وَظَلَمُوا فَلَا تَتَبَعْهُمْ مِنْ سَبِّهِمْ

A number of our companions, from Ahmad Bin Muhammad, from Muhammad Bin Sahl, from Zakariyya Bin Adam who said,

'I asked Al-Reza<sup>asws</sup> about a people from the enemies who reconcile (sign a peace treaty), then they breach it, and perhaps they breach it because justice had not been done upon them. Is it correct to buy from their captives?' So he<sup>asws</sup> said: 'If it was from the enemies who had manifested their enmity, so buy from them (their captives), and if it was a number who were alienated and had been unjust, so do not buy from their captives'.

قَالَ وَسَأَلَهُ عَنْ سَبِّي الدِّينِ يَسْرِقُ بَعْضُهُمْ مِنْ بَعْضٍ وَيُغَيِّرُ الْمُسْلِمُونَ عَلَيْهِمْ بِلَا إِمَامٍ أَيَحْلِ شَرَوْهُمْ قَالَ إِذَا أَفْرُوا  
بِالْعُودِيَّةِ فَلَا يَأْسَ بِشَرِّهِمْ

He (the narrator) said, ‘And I asked him<sup>asws</sup> about a captive of Al Daylam who had stolen from each other and the Muslims had attacked them without an Imam<sup>asws</sup>, is buying them Permissible?’ He<sup>asws</sup> said: ‘When they had been endorsed with the slavery so there is no problem with buying them’.

قَالَ وَسَأَلَنَّهُ عَنْ قَوْمٍ مِّنْ أَهْلِ الْذَّمَّةِ أَصَابَهُمْ جُوعٌ فَأَتَاهُ رَجُلٌ بِوَلَدِهِ فَقَالَ هَذَا لَكَ فَأَطْعِمْهُ وَهُوَ لَكَ عَبْدٌ فَقَالَ لَا تَبْغِ حُرًّا فَإِنَّهُ لَا يَصْلُحُ لَكَ وَلَا مِنْ أَهْلِ الْذَّمَّةِ .

He (the narrator) said, 'And I asked him<sup>asws</sup> about a people from the ones under the responsibility (*Ahl Al-Zimma*) who have been hit by hunger (famine), so a man comes over with his son, so he says, 'This is for you, so feed him, and he would be a

<sup>37</sup> Al Kafi – V 5 – The Book of Subsistence Ch 92 H 6

<sup>38</sup> Al Kafi – V 5 – The Book of Subsistence Ch 92 H 7

slave for you'. So he<sup>asws</sup> said: 'You cannot sell the free, for it is not correct for you, nor from the people under the responsibility (Ahl Al-Zimma)'.<sup>39</sup>

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زَيَادٍ وَأَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ رَفَاعَةَ النَّخَاسِ قَالَ فَلْتُ لِأَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) إِنَّ الرُّومَ يُغْيِرُونَ عَلَى الصَّفَالَبَةِ فَيُسْرِفُونَ أَوْلَادَهُمْ مِنَ الْجَوَارِيِّ وَالْعَلَمَانَ فَيَعْمَدُونَ إِلَى الْغَلْمَانِ فَيَخْصُوْنَهُمْ ثُمَّ يَبْعَثُونَ بِهِمْ إِلَى بَعْدَادَ إِلَى الشَّجَارِ فَمَا تَرَى فِي شَرَائِهِمْ وَنَحْنُ نَعْلَمُ أَنَّهُمْ قَدْ سُرُّقُوا وَإِنَّمَا أَغَارُوا عَلَيْهِمْ مِنْ غَيْرِ حَرْبٍ كَانُتْ بَيْنَهُمْ فَقَالَ لَا بَأْسَ بِشَرَائِهِمْ إِنَّمَا أَخْرَجُوهُمْ مِنَ الشَّرِكِ إِلَى دَارِ الإِسْلَامِ .

A number of our companions, from Sahl Bin Ziyad, and Ahmad Bin Muhammad, altogether from Ibn Mahboub, from Rafa'at Al Nakhhas who said,

'I said to Abu Al-Hassan<sup>asws</sup>, 'The Romans are invading upon Al-Saqaliba (between Turkey and Bulgaria). So they are stealing their children, from the slave-girls and the slave-boys. So they are deliberating to the boys and castrating them, then they are sending them to Baghdad to the merchants. So what is your<sup>asws</sup> view regarding buying them, and we know that they have been stolen, but rather they were invaded upon from other than a war which was between them'. So he<sup>asws</sup> said: 'It not unlawful to buy them as they are taken out of the Polytheism and (brought) into the house of Al-Islam'.<sup>40</sup>

حُمَيْدُ بْنُ زَيَادٍ عَنْ الْحَسَنِ بْنِ مُحَمَّدٍ بْنِ سَمَاعَةَ عَنْ غَيْرِ وَاحِدٍ عَنْ أَبَانِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَفِيقِ أَهْلِ الدِّمَّةِ أَشْتَرَيْ مِنْهُمْ شَيْئاً فَقَالَ اشْتَرِ إِذَا أَفْرُوا لَهُمْ بِالرَّقِّ .

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

'I asked Abu Abdulla<sup>h</sup><sup>asws</sup> about a slave of the people under the responsibility (Ahl Al-Zimma), can I buy some of them? He<sup>asws</sup> said: 'Buy, when they have been endorsed with the slavery'.<sup>41</sup>

أَبَانُ عَنْ زُرَارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ اشْتَرَى جَارِيَةً بِثَمَنٍ مُسَمَّى ثُمَّ بَاعَهَا فَرَبِّحَ فِيهَا قَبْلَ أَنْ يَنْفُذْ صَاحِبَهَا الَّذِي هِيَ لَهُ فَاتَّاهُ صَاحِبُهَا يَنْقَاضِهِ وَلَمْ يَنْفُذْ مَالُهُ فَقَالَ صَاحِبُ الْجَارِيَةِ لِلَّذِينَ بَاعُوهُمْ أَكْفُونِي غَرِيمِي هَذَا وَالَّذِي رَبِّحْتُ عَلَيْكُمْ فَهُوَ لَكُمْ قَالَ لَا بَأْسَ .

Aban, from Zurara,

(It has been narrated) from Abu Abdulla<sup>h</sup><sup>asws</sup>, said, 'I asked him<sup>asws</sup> about a man who bought a slave girl with a named price. Then he sells her (on credit), and he profits in her before he settles the cash to her master who she is for. So her master comes for the earnings but he does not settle his wealth. So the master of the slave girl says to those who she had been sold to, 'Fulfil this payment of mine and that which has been profited upon you, so it is for you'. He<sup>asws</sup> said: 'There is no problem'.<sup>42</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرِ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (صَلَواتُ اللَّهِ عَلَيْهِ) فِي وَلِيَدَةِ بَاعَهَا ابْنُ سَيِّدِهَا وَأُبُوهُ غَائِبٌ فَأَسْتَوْلَدَهَا الَّذِي اشْتَرَاهَا فَوَلَدَتْ مِنْهُ غَلَامًا ثُمَّ جَاءَ سَيِّدُهَا الْأَوَّلُ فَخَاصَّمَ سَيِّدَهَا الْآخَرَ فَقَالَ وَلِيَدَتِي بَاعَهَا ابْنِي بِغَيْرِ إِذْنِي

<sup>39</sup> Al Kafi – V 5 – The Book of Subsistence Ch 92 H 8

<sup>40</sup> Al Kafi – V 5 – The Book of Subsistence Ch 92 H 9

<sup>41</sup> Al Kafi – V 5 – The Book of Subsistence Ch 92 H 10

<sup>42</sup> Al Kafi – V 5 – The Book of Subsistence Ch 92 H 11

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<sup>asws</sup> having said: 'Amir Al-Momineen<sup>asws</sup> judged regarding a mother of a child who was sold by a son of her master, and his father was absent. So she gave birth for the one who had bought her, giving birth to a boy. Then her former master came over, so he disputed with her later master, saying, 'The mother of my son was sold by my son without my permission'.

فَقَالَ الْحُكْمُ أَنْ يَأْخُذَ وَلِيَدَهُ وَابْنَهَا فَقَاتَشَهُ الَّذِي اشْتَرَاهَا فَقَالَ لَهُ حُذَفَ بْنُ أَبِيهِ الْأَذِي بَاعَكَ الْوَلِيدَةَ حَتَّىٰ يَنْتَدِ لَكَ الْبَيْعَ فَلَمَّا أَخَذَهُ قَالَ لَهُ أَبُوهُ أُرْسِلَ إِلَيْكَ ابْنَكَ حَتَّىٰ تُرْسِلَ إِلَيْنِي فَلَمَّا رَأَى ذَلِكَ سَيِّدُ الْوَلِيدَةِ أَجَازَ بَيْعَ ابْنِهِ .

So he<sup>asws</sup> said: 'The judgement was that he takes the mother of his child and her son. So the one who had bought her begged and pleaded before him<sup>asws</sup> (for assistance in this matter), so he<sup>asws</sup> said to him: 'Take his son who had sold the mother of his child to you, until he settles the sale in cash to you'. So when he took him, his father said, 'Send my son back to me'. He said, 'No, by Allah<sup>azwj</sup>! I will not send your son back to you until you send my son back to me (from the slave girl)'. So when the master of the mother of his son saw that, he allowed the sale (made) by his son'.<sup>43</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَبِينَ أَبِيهِ عَمِيرِ بْنِ دَرَاجِ عَنْ حَمْرَاءِ بْنِ حُمْرَانَ قَالَ فَلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أَنْخُلُ السُّوقِ أَرِيدُ أَنْ أَشْتَرِي جَارِيَةً فَتَقُولُ لِي إِنِّي حُرَّةٌ فَقَالَ أَشْتَرِهَا إِلَّا أَنْ تَكُونَ لَهَا بَيْنَهُ .

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

'I said to Abu Abdullah<sup>asws</sup>, 'I entered a market intending to buy a slave girl, so she was saying to me, 'I am free'. So he<sup>asws</sup> said: 'Buy her except if there happens to be a proof for her'.<sup>44</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَبِينَ أَبِيهِ عَمِيرِ عَنْ زُرَارَةَ قَالَ كُنْتُ جَالِسًا عِنْدَ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) فَدَخَلَ عَلَيْهِ رَجُلٌ وَ مَعْهُ أَبْنَ لَهُ أَبُو عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) مَا تِجَارَةُ ابْنِكَ فَقَالَ أَبْنُكَ التَّنْخُسُ فَقَالَ أَبُو عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) لَا تَشْتَرِيَنَ شَيْئًا وَ لَا عَيْنًا وَ إِذَا اشْتَرَيْتَ رَأْسًا فَلَا ثَرَيْنَ ثَمَنَهُ فِي كِفَةِ الْمِيزَانِ فَمَا مِنْ رَأْسٍ رَأَى ثَمَنَهُ فِي كِفَةِ الْمِيزَانِ فَافْلَحَ وَ إِذَا اشْتَرَيْتَ رَأْسًا فَعَيْرِ اسْمَهُ وَ أَطْعِمْهُ شَيْئًا حُلُوًّا إِذَا مَلَكْتُهُ وَ تَصَدَّقْ عَنْهُ بِأَرْبَعَةِ دَرَاهِمٍ

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

'I was seated in the presence of Abu Abdullah<sup>asws</sup>, so a man came over to him<sup>asws</sup> and with him was a son of his'. So Abu Abdullah<sup>asws</sup> said to him: 'What is the business of your son?' So he said, 'A slave trader'. So Abu Abdullah<sup>asws</sup> said to him: 'Do not buy a disfigured one nor the one with defects (physical/mental); and whenever you buy a head, so do not display his price in the pan of the scale, for there is none from a head whose price was displayed in a pan of the scale has (ever) succeeded; and whenever you buy a head, so change his name and feed him

<sup>43</sup> Al Kafi – V 5 – The Book of Subsistence Ch 92 H 12

<sup>44</sup> Al Kafi – V 5 – The Book of Subsistence Ch 92 H 13

something sweet when you own him, and give in charity with four Dirhams about him'.<sup>45</sup>

عَدَّةٌ مِنْ أَصْحَابَنَا عَنْ سَهْلِ بْنِ زَيَادٍ عَنْ إِبْرَاهِيمَ بْنِ عُقْبَةَ عَنْ مُحَمَّدٍ بْنِ مُيسِّرٍ عَنْ أَبِيهِ عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ مَنْ نَظَرَ إِلَى ثَمَنِهِ وَ هُوَ يُوزَنُ لَمْ يُفْلِحْ .

A number of our companions, from Sahl Bin Ziyad, from Ibrahim Bin Uqba, from Muhammad Bin Mysar, from his father,

(It has been narrated) from Abu Abdallah<sup>asws</sup> having said: 'The one who looks at his price and he is being weighed, would not succeed'.<sup>46</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مَحْمَدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ رَفَاعَةَ قَالَ سَأَلَتُ أَبَا الْحَسَنِ مُوسَى ( عَلَيْهِ السَّلَامُ ) عَنْ رَجُلٍ شَارَكَ رَجُلًا فِي جَارِيَةٍ لَهُ وَ قَالَ إِنْ رَبَحْنَا فِيهَا فَلَكَ نِصْفُ الرِّبْحِ وَ إِنْ كَانَتْ وَصِيعَةً فَلَيْسَ عَلَيْكَ شُيُّعًا قَالَ لَا أَرَى بِهَذَا بَأْسًا إِذَا طَابَتْ نَفْسُ صَاحِبِ الْجَارِيَةِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Rafa'at who said,

'I asked Abu Al-Hassan Musa<sup>asws</sup> about a man who participated with a man regarding a slave girl of his and said, 'If we profit in her, so half of the profit would be for you, but if there was a loss, so there would not be anything upon you'. So he<sup>asws</sup> said: 'I<sup>asws</sup> do not view any problem with this, when the master of the slave girl himself was agreeable'.<sup>47</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَمِيرٍ عَنْ حَمَادٍ عَنْ الْحَلَبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ سَأَلَنِي أَخْرَجْتُهُ عَنِ الشَّرْطِ فِي الْإِمَاءِ أَلَا تُبَاعُ وَ لَا تُورَثُ وَ لَا تُوَهَّبَ فَقَالَ يَجُوزُ ذَلِكَ عَيْرَ الْمِيرَاثِ فَإِنَّهَا نُورَثٌ وَ كُلُّ شَرْطٍ خَالِفٌ كِتَابَ اللَّهِ فَهُوَ رَدٌّ .

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

(It has been narrated) from Abu Abdallah<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about the stipulation regarding the slave girl that she can neither be sold, nor inherited, nor gifted. So he<sup>asws</sup> said: 'That is allowed apart from the inheritance, for she can be inherited, and every stipulation which opposes the Book of Allah<sup>azwj</sup>, so it is rejected'.<sup>48</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَبْدِ الْحَمِيدِ عَنْ أَبِي جَمِيلَةَ قَالَ دَحَّلْتُ عَلَى أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) فَقَالَ لِي يَا شَابُ أَيِّ شَيْءٍ تَعْالِجُ فَقُلْتُ الرَّقِيقَ فَقَالَ أُوصِيكَ بِوَصِيَّةٍ فَاحْفَظْهَا لَا تَشْتَرِيَنَ شَيْئًا وَ لَا عَيْنًا وَ اسْتَوْثِقْ مِنَ الْعُهْدَةِ .

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Muhammad Bin Abdul Hameed, from Abu Jameela who said,

'I went over to Abu Abdallah<sup>asws</sup>, so he<sup>asws</sup> said to me: 'O youth! Which thing is your profession?' So I said, 'The slaves'. So he<sup>asws</sup> said: 'I<sup>asws</sup> advise you with an adive, so

<sup>45</sup> Al Kafi – V 5 – The Book of Subsistence Ch 92 H 14

<sup>46</sup> Al Kafi – V 5 – The Book of Subsistence Ch 92 H 15

<sup>47</sup> Al Kafi – V 5 – The Book of Subsistence Ch 92 H 16

<sup>48</sup> Al Kafi – V 5 – The Book of Subsistence Ch 92 H 17

memorise it. Neither buy anything with a deformity, nor a defact, and affirm the contracts'.<sup>49</sup>

**بَابُ الْمَمْلُوكِ يُبَاعُ وَلَهُ مَالٌ**

## Chapter 93 – The owned slave is sold and for him is wealth

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَبْنَى أَبِيهِ عُمَيْرِ عَنْ جَمِيلِ بْنِ دَرَاجِ عَنْ زُرَارَةَ قَالَ فُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) الرَّجُلُ يَشْتَرِي الْمَمْلُوكَ وَلَهُ مَالٌ لِمَنْ مَالَهُ فَقَالَ إِنْ كَانَ عِلْمَ الْبَاعِثِ أَنَّ لَهُ مَالًا فَهُوَ لِلْمُشَتَّرِيِّ وَإِنْ لَمْ يَكُنْ عِلْمَ فَهُوَ لِلْبَاعِثِ .

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

'I said to Abu Abdullah<sup>asws</sup>, 'The man buys the owned slave and for him is wealth. For whom is his wealth?' So he<sup>asws</sup> said: 'If it was in the knowledge of the seller that there is wealth for him, so it is for the buyer, and if he did not happen to have knowledge of it, so it is for the seller'.<sup>50</sup>

عِدَّةُ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زَيَادٍ وَأَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ أَبْنَى مَحْبُوبِ عَنْ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) قَالَ سَأَلَتْهُ عَنْ رَجُلٍ بَاعَ مَمْلُوكاً فَوَجَدَ لَهُ مَالاً قَالَ فَقَالَ الْمَالُ لِلْبَاعِثِ إِنَّمَا بَاعَ نَفْسَهُ إِلَّا أَنْ يَكُونَ شَرَطٌ عَلَيْهِ أَنَّ مَا كَانَ لَهُ مِنْ مَالٍ أَوْ مَتَاعٍ فَهُوَ لَهُ .

A number of our companions, from Sahl Bin Ziyad and Ahmad Bin Muhammad altogether, from Ibn Mahboub, from Al A'ala, from Muhammad Bin Muslim,

(It has been narrated) from one of the two (5<sup>th</sup> or 6<sup>th</sup> Imam<sup>asws</sup>), said, 'I asked him<sup>asws</sup> about selling an owned slave, so I found wealth for him'. So he<sup>asws</sup> said: 'The wealth is for the seller. But rather his self has been sold, except if there happens to be a stipulation upon him that if there was some wealth for him, or some goods, so it would be for him'.<sup>51</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلَيِّ بْنِ حَبِيبٍ عَنْ جَمِيلِ بْنِ دَرَاجِ عَنْ زُرَارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ فُلْتُ لَهُ الرَّجُلُ يَشْتَرِي الْمَمْلُوكَ وَمَالُهُ فَقَالَ لَا بَأْسَ بِهِ فُلْتُ فَكُونُ مَالُ الْمَمْلُوكِ أَكْثَرُ مِمَّا اشْتَرَاهُ بِهِ قَالَ لَا بَأْسَ بِهِ .

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

(It has been narrated) from Abu Abdullah<sup>asws</sup>, said, 'I said to him<sup>asws</sup>', 'The man buys the owned slave and his wealth'. There is no problem with it'. I said, 'Supposing there happens to be wealth for the owned slave which is more than what he has been bought with?' He<sup>asws</sup> said: 'There is no problem with it'.<sup>52</sup>

<sup>49</sup> Al Kafi – V 5 – The Book of Subsistence Ch 92 H 18

<sup>50</sup> Al Kafi – V 5 – The Book of Subsistence Ch 93 H 1

<sup>51</sup> Al Kafi – V 5 – The Book of Subsistence Ch 93 H 2

<sup>52</sup> Al Kafi – V 5 – The Book of Subsistence Ch 93 H 3

باب مَنْ يَشْتَرِي الرَّقِيقَ فَيُظْهِرُ بِهِ عَيْبٍ وَمَا يُرَدُّ مِنْهُ وَمَا لَا يُرَدُّ

## Chapter 94 – The one who buys the slave so a defact is evident with him, and what is returnable from it, and what is not returnable

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زَيَادٍ وَأَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ أَبْنِ مَحْبُوبٍ عَنْ مَالِكِ بْنِ عَطَيَةَ عَنْ دَاؤِدَ بْنِ فَرْقَةَ قَالَ سَالَتْ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ اشْتَرَى جَارِيَةً مُدْرَكَةً فَأَمْ تَحْضُنْ عِنْدَهُ حَنَّ مَضَى لَهَا سِنَّةٌ أَشْهَرٌ وَلَيْسَ بِهَا حَمْلٌ قَالَ إِنْ كَانَ مِثْلَهَا تَحْيِضُ وَلَمْ يَكُنْ ذَلِكَ مِنْ كِبَرِ فَهَذَا عَيْبٌ تُرَدُّ مِنْهُ .<sup>53</sup>

A number of our companions, from Sahl Bin Ziyad, and Ahmad Bin Muhammad, altogether from Ibn Mahboub, from Malik Bin Atiyya, from Dawood Bin Farqad who said,

'I asked Abu Abdullah<sup>asws</sup> about a man who bought a slave girl who matured but she did not menstruate with him until six months passed by her, and there was no pregnancy with her. So he<sup>asws</sup> said: 'If the likes of her tend to menstruate, and that does not happen from old age, so this is a defact for which she can be returned'.<sup>53</sup>

ابْنُ مَحْبُوبٍ عَنْ أَبْنِ سِنَانَ قَالَ سَالَتْ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ اشْتَرَى جَارِيَةً حُنْبَىٰ وَلَمْ يَعْلَمْ بِحُبْلِهَا فَوَطَّهَا قَالَ يُرَدُّهَا عَلَى الَّذِي ابْنَاهُ مِنْهُ وَيُرَدُّ عَلَيْهِ نِصْفُ عُشْرِ قِيمَتِهَا لِنَكَاحِهِ إِبَاهَا وَقَدْ قَالَ عَلِيٌّ (عَلَيْهِ السَّلَامُ) لَا تُرَدُّ الَّتِي لَيْسَتْ بِحُبْلٍ إِذَا وَطَّهَا صَاحِبُهَا وَيُوضَعُ عَنْهُ مِنْ ثَمَنِهَا بِقَدْرِ عَيْبٍ إِنْ كَانَ فِيهَا .

Ibn Mahboub, from Ibn Sinan who said,

'I asked Abu Abdullah<sup>asws</sup> about a man who buys a pregnant slave girl and he did not know of her pregnancy, so he copulated with her. He<sup>asws</sup> said: 'He should return her upon the one whom he had been sold her from, and he should return to him half of a tenth of her value due to his copulation with her, and Ali<sup>asws</sup> had said: 'She would not be returned, the one who is not with a pregnancy, if her master had copulated with her, and there would be discounted from him, from her price in accordance with a defact, if there was in her'.<sup>54</sup>

عَلَيُّ بْنُ ابْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَبِي عُمَيرٍ عَنْ جَمِيلِ بْنِ صَالِحٍ عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا تُرَدُّ الَّتِي لَيْسَتْ بِحُبْلٍ إِذَا وَطَّهَا صَاحِبُهَا وَلَهُ أَرْشُ الْعَيْبِ وَتُرَدُّ الْحُبْلُ وَتُرَدُّ مَعَهَا نِصْفُ عُشْرِ قِيمَتِهَا

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel Bin Salih, from Abdul Malik Bin Umeyr,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'She would not be returned, the one who is not with a pregnancy, if her master has copulated with her, and for him would be a compensation for the defact; and the pregnant (slave girl) would be returned, and along with her there would be returned a half or tenth of her price (as a discount)'.

وَفِي رِوَايَةِ أُخْرَى إِنْ كَانَتْ بِكُرَا فَعُشْرُ ثَمَنِهَا وَإِنْ لَمْ يَكُنْ بِكُرَا فَنِصْفُ عُشْرُ ثَمَنِهَا .

<sup>53</sup> Al Kafi – V 5 – The Book of Subsistence Ch 94 H 1

<sup>54</sup> Al Kafi – V 5 – The Book of Subsistence Ch 94 H 2

And in another report, '(He<sup>asws</sup> having said): 'If she was a virgin, so it would be a tenth of her price, and if she did not happen to be a virgin, so it would be half of a tenth of her price'.<sup>55</sup>

**مُحَمَّدُ بْنُ يَحْيَىٰ عَنْ مُحَمَّدِ بْنِ يَحْيَىٰ عَنْ طَلْحَةَ بْنِ رَيْدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَضَىٰ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ اشْتَرَى جَارِيَّةً فَوَطَّهَا ثُمَّ وَجَدَ فِيهَا عَيْنًا قَالَ نَقَوْمُ وَ هِيَ صَحِيَّةٌ وَ نَقَوْمُ وَ بِهَا الدَّاءُ ثُمَّ يَرُدُ الدِّيَانُ عَلَى الْمُبْتَاعِ فَضْلًا مَا بَيْنَ الصَّحَّةِ وَ الدَّاءِ.**

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Yahya, from Talha Bin Zayd,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'Amir Al-Momineen<sup>asws</sup> judged regarding a man who bought a slave girl, so he copulated with her, then he found a defect in her'. He<sup>asws</sup> said: 'She would be evaluated as being healthy, and she would be valued with (that) illness. Then the seller would return to the buyer the remainder of what is between the healthy and the ill'.<sup>56</sup>

**مُحَمَّدُ بْنُ يَحْيَىٰ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ اشْتَرَى جَارِيَّةً فَوَقَعَ عَلَيْهَا قَالَ إِنْ وَجَدَ فِيهَا عَيْنًا فَلَيْسَ لَهُ أَنْ يَرُدَّهَا وَ لَكِنْ يَرُدُّ عَلَيْهِ بِقِيمَةِ مَا نَقَصَهَا الْعَيْنُ قَالَ فَلَمْ هَذَا قُولُ عَلَيْ (عَلَيْهِ السَّلَامُ) قَالَ نَعَمْ .**

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Safwan, from Mansour Bin Hazim,

(It has been narrated) from Abu Abdullah<sup>asws</sup> regarding a man who buys a slave girl, so he falls upon her. He<sup>asws</sup> said: 'If he find a defect in her, so it is not for him that he can return her, but there would be returned back to him with a price of what the deficient defect of hers'. I said, 'This is a word of Ali<sup>asws</sup>?'. He<sup>asws</sup> said: 'Yes'.<sup>57</sup>

**مُحَمَّدُ بْنُ يَحْيَىٰ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عَلَيِّ بْنِ الْحَكَمِ عَنْ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) أَنَّهُ سُئِلَ عَنِ الرَّجُلِ يَبْتَاعُ الْجَارِيَّةَ فَيَقُولُ عَلَيْهَا ثُمَّ يَجِدُ بِهَا عَيْنًا بَعْدَ ذَلِكَ قَالَ لَا يَرُدُّهَا عَلَى صَاحِبِهَا وَ لَكِنْ نَقَوْمُ مَا بَيْنَ الْعَيْنِ وَ الصَّحَّةِ فَيَرُدُّ عَلَى الْمُبْتَاعِ مَعَادَ اللَّهِ أَنْ يَجْعَلَ لَهَا أَجْرًا**

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 (5<sup>th</sup> or 6<sup>th</sup> Imam<sup>asws</sup>) having been asked about the man who was sold the slave girl, so he fell upon her, then found a defect with her after that. He<sup>asws</sup> said: 'He cannot return her upon her (former) master, but she would be evaluated what is between the defective (one) and the correct (one), so it would be return upon the buyer. Allah<sup>azwj</sup> Forbid if he makes it to be a wage for her'.<sup>58</sup>

**حُمَيْدٌ عَنْ الْحَسَنِ بْنِ مُحَمَّدٍ عَنْ عَيْنٍ وَاحِدٍ عَنْ أَبَانٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ الرَّجُلِ يَشْتَرِي الْجَارِيَّةَ فَيَقُولُ عَلَيْهَا فِي جِدْهَا حُبْلًا قَالَ يَرُدُّهَا وَ يَرُدُّ مَعَهَا شَيْئًا .**

Humeyd, from Al Hassan Bin Muhammad, from someone else, from Aban, from Abdul Rahman Bin Abu Abdullah,

<sup>55</sup> Al Kafi – V 5 – The Book of Subsistence Ch 94 H 3

<sup>56</sup> Al Kafi – V 5 – The Book of Subsistence Ch 94 H 4

<sup>57</sup> Al Kafi – V 5 – The Book of Subsistence Ch 94 H 5

<sup>58</sup> Al Kafi – V 5 – The Book of Subsistence Ch 94 H 6

(It has been narrated) from Abu Abdullah<sup>asws</sup>, about the man who buys the slave girl, so he falls upon her, and he finds her as pregnant. He<sup>asws</sup> said: 'He should return her, and return something along with her (for having copulated with her)'.<sup>59</sup>

أَبَانُ عَنْ مُحَمَّدٍ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرِ ( عَلَيْهِ السَّلَامُ ) فِي الرَّجُلِ يَشْتَرِي الْجَارِيَةَ الْجَنْبَلِيَّةَ فَيَنْكِحُهَا وَ هُوَ لَا يَعْلَمُ قَالَ يَرْدُهَا وَ يَكْسُوُهَا .

Aban, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far<sup>asws</sup> regarding the man who buys the pregnant slave girl, so he copulates with her but he did not know'. He<sup>asws</sup> said: 'He should return her and clothe her'.<sup>60</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَبْنِ أَبِيهِ عَنْ جَمِيلِ بْنِ دَرَاجٍ عَنْ بَعْضِ أَصْنَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) فِي رَجُلٍ اشْتَرَى جَارِيَةً فَأَوْلَادُهَا فُوْجِدُتْ مَسْرُوفَةً قَالَ يَأْخُذُ الْجَارِيَةَ صَاحِبُهَا وَ يَأْخُذُ الرَّجُلَ وَ لَدَهُ بِقِيمَتِهِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel Bin Darraj, from one of our companions,

(It has been narrated) from Abu Abdullah<sup>asws</sup> regarding a man who buys a slave girl and she gives birth for him, then he finds out she had been stolen'. He<sup>asws</sup> said: 'The slave girl would be taken by her master, and the man would take his child with his price'.<sup>61</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَمَّنْ حَدَّثَهُ عَنْ زُرْعَةَ بْنِ مُحَمَّدٍ عَنْ سَمَاعَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنْ رَجُلٍ بَاعَ جَارِيَةً عَلَى أَنَّهَا يُكْرِرُ فَلَمْ يَجِدْهَا عَلَى ذَلِكَ قَالَ لَا تُرْدُ عَلَيْهِ وَ لَا يُوْجَبُ عَلَيْهِ شَيْءٌ إِنَّهُ يَكُونُ يَذْهَبُ فِي حَالٍ مَرَضٍ أَوْ أَمْرٍ يُصِيبُهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from the one who narrated it, from Zurara Bin Muhammad, from Sama'at who said,

'I asked Abu Abdullah<sup>asws</sup> about a man who sold a slave girl upon a stipulation that she was a virgin, but he (the buyer) did not find her to be upon that. He<sup>asws</sup> said: 'He cannot return her to him, and nothing would be obligated upon it, it (virginity) can happen to go away during a state of illness or a matter which had affected her'.<sup>62</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنِ السَّيَّارِيِّ قَالَ قَالَ رُوَيْ عَنْ أَبْنِ أَبِي لَيْلَى أَنَّهُ قَدِمَ إِلَيْهِ رَجُلٌ حَصْنًا لَهُ فَقَالَ إِنَّهُ هَذَا بَاعْنِي هَذِهِ الْجَارِيَةَ فَلَمْ أَجِدْ عَلَى رَكِبِهَا حِينَ كَشَفْتُهَا شَعْرًا وَ زَعْمَتْ أَنَّهُ لَمْ يَكُنْ لَهَا قُطْ قَالَ لَهُ أَبْنُ أَبِي لَيْلَى إِنَّ النَّاسَ لَيَحْتَلُونَ لَهَا بِالْجَلِيلِ حَتَّى يَدْهُبُوا بِهِ فَمَا الْذِي كَرِهْتَ قَالَ أَئِنَّهَا الْقَاضِيِّ إِنْ كَانَ غَيْرًا فَأَفْضِلُ لِي بِهِ قَالَ حَتَّى أَخْرُجَ إِلَيْكَ فَإِنَّمَا أَجُدُّ أَذْنِي فِي بَطْنِي

Al Husayn Bin Muhammad, from Al Sayyari who said, 'It has been reported from Ibn Abu Layli that a man came over to him with a disputant of his, so he said,

'This one has sold me this slave girl, but I did not find upon her any (pubic) hair when I uncovered her, and claimed that it never happened to be for her at all'. So Ibn Abu Layli said to him, 'The people tend to play tricks until they remove it, so what is it

<sup>59</sup> Al Kafi – V 5 – The Book of Subsistence Ch 94 H 7

<sup>60</sup> Al Kafi – V 5 – The Book of Subsistence Ch 94 H 8

<sup>61</sup> Al Kafi – V 5 – The Book of Subsistence Ch 94 H 9

<sup>62</sup> Al Kafi – V 5 – The Book of Subsistence Ch 94 H 10

which you dislike?' He said, 'O judge! If it was a defect, so judge for me with it'. He said, '(Wait) until I come out to you, for I find some pain in my belly'.

ثُمَّ دَخَلَ وَ خَرَجَ مِنْ بَابِ أَخْرَى مُحَمَّدٌ بْنُ مُسْلِمٍ التَّقِيِّ فَقَالَ لَهُ أَيَّ شَيْءٍ تَرُوْنَ عَنْ أَبِي جَعْفَرِ ( عَلَيْهِ السَّلَامُ ) فِي الْمَرْأَةِ لَا يَكُونُ عَلَى رَكْبِهَا شَعْرٌ أَيْكُونُ ذَلِكَ عَيْنًا فَقَالَ لَهُ مُحَمَّدٌ بْنُ مُسْلِمٍ أَمَّا هَذَا نَصْنَاعَةً فَلَا أَعْرِفُهُ وَ لَكِنْ حَدَّثَنِي أُبُو جَعْفَرٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ( عَلَيْهِمُ السَّلَامُ ) عَنِ النَّبِيِّ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ ) أَنَّهُ قَالَ كُلُّ مَا كَانَ فِي أَصْلِ الْخُلْقَةِ فَزَادَ أَوْ نَقَصَ فَهُوَ عَيْنٌ فَقَالَ لَهُ أَبْنُ أَبِي لَيْلَى حَسْبُكَ ثُمَّ رَجَعَ إِلَى الْفَوْمِ فَقَضَى لَهُمْ بِالْعَيْنِ .

Then he entered and came out from another door, so he went over to Muhammad Bin Muslim Al-Saqafy, so he said to him, 'Which thing are you (shias) reporting from Abu Ja'far<sup>asws</sup> regarding the woman who does not happen to have any hair upon her pubic area? Does that happen to be a defect (all faults I have changed to defects)?' So Muhammad Bin Muslim said to him, 'As for this provision, so I do not recognise it, but Abu Ja'far<sup>asws</sup> narrated to me, from his<sup>asws</sup> forefathers<sup>asws</sup>, from the Prophet<sup>saww</sup> having said: 'Everything what was in the original creation, so any increase or deficiency, so it is a defect'. So Ibn Abu Layli said to him, 'You have suffice me'. Then he returned to the people, so he judged for them with the defect'.<sup>63</sup>

عِدَّةُ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنْ أَبِي عَيْنَةِ الْفَرَاءِ عَنْ حَرَبَرَ عَنْ زُرَارَةَ قَالَ فُلْتُ لِأَبِي جَعْفَرِ ( عَلَيْهِ السَّلَامُ ) الرَّجُلُ يُشْتَرِي الْجَارِيَةَ مِنَ السُّوقِ فَيُرْدُهَا ثُمَّ يَجِيءُ رَجُلٌ فَيَقِيمُ الْبَيْنَةَ عَلَى أَنَّهَا جَارِيَةٌ لَمْ تُبْنِعْ وَ لَمْ تُوَهَّبْ قَالَ فَقَالَ لِي يُرْدُ إِلَيْهِ جَارِيَةً وَ يَعْوَضُهُ مَا اُنْتَفَعَ قَالَ كَانَهُ مَعْنَاهُ قِيمَةُ الْوَلَدِ .

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Abu Abdullah Al Farra, from Hareyz, from Zurara who said,

'I said to Abu Ja'far<sup>asws</sup>, 'The man buys the slave girl from the market, so she gave birth, then a man comes over so he establishes the proof that she is his slave girl, neither having been sold, nor gifted'. So he<sup>asws</sup> said to me: 'His slave girl would be returned to him, and compensate from what he had benefited'. He (the narrator) said, 'It is as if its meaning is the value of the child'.<sup>64</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلَ بْنِ مَرَّاً عَنْ يُونُسَ عَنْ رَجُلٍ اشْتَرَى جَارِيَةً عَلَى أَنَّهَا عَذْرَاءٌ فَلَمْ يَجِدْهَا عَذْرَاءً قَالَ يُرْدُ عَلَيْهِ فَضْلُ الْقِيمَةِ إِذَا عُلِمَ أَنَّهُ صَادِقٌ .

Ali Bin Ibrahim, from his father, from Ismail Bin Marrar,

(It has been narrated) from Yunus, about a man who buys a slave girl upon a stipulation that she is a virgin, but he (the buyer) did not find her as a virgin. He<sup>asws</sup> said: 'He would return to him the excess value when it is known that he is truthful (in his claim)'.<sup>65</sup>

عِدَّةُ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زَيَادٍ عَنْ أَبِي الْحَسَنِ الرَّضَا ( عَلَيْهِ السَّلَامُ ) أَنَّهُ قَالَ تُرَدُّ الْجَارِيَةُ مِنْ أَرْبَعِ خِصَالٍ مِنَ الْجُنُونِ وَ الْجُذَامِ وَ الْبَرَصِ وَ الْقَرْنِ الْحَدَبَةِ إِلَّا أَنَّهَا تَكُونُ فِي الصَّدَرِ تُدْخِلُ الظَّهَرَ وَ تُخْرِجُ الصَّدَرَ .

A number of our companions, from Sahl Bin Ziyad, from Ibn Fazzal,

<sup>63</sup> Al Kafi – V 5 – The Book of Subsistence Ch 94 H 11

<sup>64</sup> Al Kafi – V 5 – The Book of Subsistence Ch 94 H 12

<sup>65</sup> Al Kafi – V 5 – The Book of Subsistence Ch 94 H 13

(It has been narrated) from Abu Al-Hassan Al-Reza<sup>asws</sup> having said: ‘The slave girl would be returned from four characteristics – from the insanity, and the leprosy, and the vitiligo, and the pair of the humps, except if she happens to be convex in the chest curving into the back and the chest coming out’.<sup>66</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنْ عَلَيِّ بْنِ أَسْبَاطٍ عَنْ أَبِي الْحَسَنِ الرِّضَا (عَلَيْهِ السَّلَامُ) قَالَ سَمِعْتُهُ يَقُولُ الْخَيْرُ فِي الْحَيَّانِ ثَلَاثَةُ أَيَّامٍ لِلْمُشْتَرِي وَفِي غَيْرِ الْحَيَّانِ أَنْ يَتَفَرَّقَا وَأَحَدَاثُ السَّنَةِ تُرْدَ بَعْدَ السَّنَةِ قُلْتُ وَمَا أَحَدَاثُ السَّنَةِ قَالَ الْجُنُونُ وَالْجُذَامُ وَالْبَرَصُ وَالْقَرْنُ فَمَنْ اشْتَرَى فَحَدَثَ فِيهِ هَذِهِ الْأَحَادِيثُ فَالْحُكْمُ أَنْ يَرْدُ عَلَى صَاحِبِهِ إِلَى تَمَامِ السَّنَةِ مِنْ يَوْمِ اشْتِرَاهُ .

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from Ali Bin Asbaat,

(It has been narrated) from Abu Al-Hassan Al-Reza<sup>asws</sup>, said, ‘I heard him<sup>asws</sup> saying: ‘The choice (to return) regarding the animals is for four days for the buyer, and regarding other than the animals is the separation of the two (buyer and seller), and for newly occurring event within the year is to return after the year’. I said, ‘And what are the new occurrences in the year?’ He<sup>asws</sup> said: ‘The insanity, and the leprosy, and the vitiligo, and the pair (of humps). So the one who buys and these occurrences take place, so the judgement is that it would be returned upon its owner up to the completion of the year from the day of acquisition’.<sup>67</sup>

مُحَمَّدُ بْنُ يَحْيَى وَغَيْرُهُ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَبِي هَمَّامٍ قَالَ سَمِعْتُ الرِّضَا (عَلَيْهِ السَّلَامُ) يَقُولُ يَرْدُ الْمُمْلُوكُ مِنْ أَحَادِيثِ السَّنَةِ مِنَ الْجُنُونِ وَالْجُذَامِ وَالْبَرَصِ فَقُلْنَا كَيْفَ يَرْدُ مِنْ أَحَادِيثِ السَّنَةِ قَالَ هَذَا أَوَّلُ السَّنَةِ فَإِذَا اشْتَرَيْتَ مَمْلُوكًا بِهِ شَيْءٌ مِنْ هَذِهِ الْخِصَالِ مَا بَيْنَكَ وَبَيْنَ ذِي الْحِجَةِ رَدَدْتَهُ عَلَى صَاحِبِهِ

Muhammad Bin Yahya, and someone else, from Ahmad Bin Muhammad, from Abu Hammam who said,

‘I heard Al-Reza<sup>asws</sup> saying: ‘The owned slave would be returned due to the new occurrences during the year, from the insanity, and the leprosy, and the vitiligo’. So we said, ‘How can one return due to the occurrences of the year?’ He<sup>asws</sup> said: ‘This is the beginning of the year (Muhamarram). So when you buy the owned slave with whom is something from these characteristics, what is between you and (the month of) Zil Hijja, he would be returned to his owner’.

فَقَالَ لَهُ مُحَمَّدُ بْنُ عَلَيِّ فَالْإِبَاقُ مِنْ ذَلِكَ قَالَ لَيْسَ الْإِبَاقُ مِنْ ذَلِكَ إِلَّا أَنْ يُعِيقَ الْبَيْنَةَ أَنَّهُ كَانَ أَبْقَى عِنْدَهُ .

So Muhammad Bin Ali said to him<sup>asws</sup>, ‘So is the absconding one from that?’ He<sup>asws</sup> said: ‘The absconding one is not from that except if the proof is established that the absconding one was with him’.

وَرُوِيَ عَنْ يُونُسَ أَيْضًا أَنَّ الْعَهْدَةَ فِي الْجُنُونِ وَالْجُذَامِ وَالْبَرَصِ سَنَةً .

And it is reported from Yunus as well that the term regarding the insanity, and the leprosy, and the vitiligo is a year.

وَرَوَى الْوَشَاءُ أَنَّ الْعَهْدَةَ فِي الْجُنُونِ وَحْدَهُ إِلَى سَنَةٍ .

<sup>66</sup> Al Kafi – V 5 – The Book of Subsistence Ch 94 H 14

<sup>67</sup> Al Kafi – V 5 – The Book of Subsistence Ch 94 H 15

And Al-Washa reported that the term regarding the insanity alone is up to a year.<sup>68</sup>

### باب نادرٌ

## Chapter 95 - Miscellaneous

عَلَيْ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي حَيْبٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ اشْتَرَى مِنْ رَجُلٍ عَبْدًا وَ كَانَ عِنْدُهُ عَبْدَانِ فَقَالَ لِلْمُشْتَرِي أَذْهِبْ بِهِمَا فَاحْتَرِ أَيْهُمَا شَيْئًا وَ رُدِّ الْآخَرَ وَ قَدْ قَبْضَ الْمَالَ فَذَهَبَ بِهِمَا الْمُشْتَرِي فَأَبْقَى أَحَدُهُمَا مِنْ عِنْدِهِ

Ali Bin Ibrahim, from his father, from Ibn Abu Habeeb, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about a man who bought a slave from a man, and with him were two slaves. So he said to the buyer, 'Go with them both and choose whichever you so desire to, and return the other', and he had taken the money. So the buyer went with both of them, and one of them absconded from his presence.

قَالَ لِرَبِّ الَّذِي عِنْدُهُ مِنْهُمَا وَ يَقْبِضُ نِصْفَ الثَّنَانِ مِمَّا أُعْطَى مِنِ الْبَيْعِ وَ يَذْهَبُ فِي طَلَبِ الْغُلَامِ فَإِنْ وَجَدَ اخْتَارَ أَيْهُمَا شَاءَ وَ رَدَ النِّصْفَ الَّذِي أَخَذَ وَ إِنْ لَمْ يُوْجَدْ كَانَ الْعَبْدُ بَيْنَهُمَا نِصْفُهُ لِلْبَيْعِ وَ نِصْفُهُ لِلْمُبْتَاعِ.

He<sup>asws</sup> said: 'Let him return the one who is still with him and take back half the money from what he had given from the transaction, and he should go in seeking the slave. So if he were to find him, he can choose whichever of the two he so desires to and return the half money which he had taken; and if he does not find him, the slave would be between the two of them, half for the seller and half for the buyer'.<sup>69</sup>

عَلَيْ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلَ بْنِ مَرَارَ عَنْ يُونُسَ عَنْ عَبْدِ اللَّهِ بْنِ سَيَّانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رِجَالٍ اشْتَرَكُوا فِي أُمَّةٍ فَلَمْ يَمْلِئُوا بَعْضَهُمْ عَلَى أَنْ تَكُونَ الْأُمَّةُ عِنْدُهُ فَوَطَّهَا قَالَ يَدْرَا عَنْهُ مِنَ الْحَدِّ بِقَدْرِ مَا لَهُ فِيهَا مِنَ النَّفَدِ وَ يُضْرِبُ بِقَدْرِ مَا لَيْسَ لَهُ فِيهَا وَ نَقْوُمُ الْأُمَّةُ عَلَيْهِ بِقِيمَةِ وَ يُلْزَمُهَا وَ إِنْ كَانَتِ الْقِيمَةُ أَقْلَى مِنَ الثَّنَانِ الَّذِي اشْتَرَيْتُ بِهِ الْجَارِيَةَ الْأَزْمِ شَمَنَاهَا الْأَوَّلَ وَ إِنْ كَانَ قِيمَتُهَا فِي ذَلِكَ الْيَوْمِ الَّذِي قُوْمَتْ فِيهِ أَكْثَرُ مِنْ شَمَنَاهَا الْأَزْمِ ذَلِكَ الثَّنَانُ وَ هُوَ صَاغِرٌ لِأَنَّهُ اسْتَفْرَشَهَا

Ali Bin Ibrahim, from his father, from Ismail Bin Marrar, from Yunus, from Abdullah Bin Sinan who said,

'I asked Abu Abdullah<sup>asws</sup> about a man who associated in a slave girl, so they entrusted one of them upon a stipulation that the slave girl would be with him, so he copulated with her. He<sup>asws</sup> said: '(Part) of the legal punishment (*Hadd*) would be staved off by a measurement of what was for him in her from the cash, and he would be whipped in accordance with what was not for him in her; and the slave girl would be evaluated upon him with a price and it would be binding upon him. If the price is less than the price which the slave girl was bought with, her former price would be obligated, and it was that her price in that day in which she was evaluated in was more than her (former) price, that (later) price would be obligated, and he would be belittled, because he bedded her'.

<sup>68</sup> Al Kafi – V 5 – The Book of Subsistence Ch 94 H 16

<sup>69</sup> Al Kafi – V 5 – The Book of Subsistence Ch 95 H 1

فُلِتْ فَإِنْ أَرَادَ بَعْضُ الشُّرَكَاءِ شِرَاءَهَا دُونَ الرَّجُلِ قَالَ ذَلِكَ لَهُ وَلَيْسَ لَهُ أَنْ يَشْتَرِيهَا حَتَّى يَسْتَرِيهَا وَلَيْسَ عَلَى عَيْرِهِ أَنْ يَشْتَرِيهَا إِلَّا بِالْقِيمَةِ .

I said, ‘Supposing one of the partners were to buy her beside the man (who copulated with her)?’ He<sup>asws</sup> said: ‘That is for him, and it is not for him that he buys her until he exonerates her, and it is not upon someone else that he buys her except with the price’. <sup>70</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنْ الْحَسَنِ بْنِ عَلَى عَنْ أَحْمَدَ بْنِ عَائِدٍ عَنْ أَبِي سَلَمَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ فِي رَجُلَيْنِ مَمْلُوكَيْنِ مُؤْوَضٍ إِلَيْهِمَا يَشْتَرِيَانِ وَيَبْيَعَانِ بِأَمْوَالِهِمَا فَكَانَ بَيْنَهُمَا كَلَامٌ فَخَرَجَ هَذَا يَعْدُ إِلَى مَوْلَى هَذَا وَهَذَا إِلَى مَوْلَى هَذَا وَهُمَا فِي الْفَوَّةِ سَوَاءٌ فَأَشْتَرَى هَذَا مِنْ مَوْلَى هَذَا الْعَبْدَ وَذَهَبَ هَذَا فَأَشْتَرَى مِنْ مَوْلَى هَذَا الْعَبْدَ الْآخَرَ وَأَنْصَرَ فِي مَكَانِهِمَا وَتَشَبَّثَ كُلُّ وَاحِدٍ مِنْهُمَا بِصَاحِبِهِ وَقَالَ لَهُ أَنْتَ عَبْدِي فَدَعَاهُ سَيِّدُكَ

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from Al Hassan Bin Ali, from Ahmad Bin A'iz, from Abu Salama,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said regarding two men who were owned slaves, the buying and selling having been authorised by their two masters, so there was a (heated) discussion between the two. So this one went out running to the master of that one, and that one ran to the master of this one, and they were both equal in strength. So this one bought that slave from his master, and that one went and bought this other slave from his master, and they both left to go to their place, and each one of the two clung to his companions and said to him, ‘You are my slave, as I have bought you from your master’.

قَالَ يُحَكَّمُ بَيْنَهُمَا مِنْ حِيثُ افْتَرَقَا يُدْرِغُ الطَّرِيقَ فَأَيُّهُمَا كَانَ أَقْرَبَ فَهُوَ الَّذِي سَيِّدَهُ الَّذِي هُوَ أَبْعَدُ وَإِنْ كَانَا سَوَاءً فَهُوَ رَدُّ عَلَى مَوَالِيهِمَا جَاءَ سَوَاءً وَافْتَرَقَا سَوَاءً إِلَّا أَنْ يَكُونَ أَحَدُهُمَا سَبَقَ صَاحِبَهُ فَالسَّابِقُ هُوَ لَهُ إِنْ شَاءَ بَاعَ وَإِنْ شَاءَ أَمْسَاكَ وَلَيْسَ لَهُ أَنْ يُضِيرَ بِهِ .

He<sup>asws</sup> said: ‘The judgement between the two is from where they separated, a measurement of the street. So whichever of the two was closer so he is the one who preceded the one who was further; and if both were equidistant, so they would both be returned to their relevant masters, having come equally and being equidistant, except if one of the two happens to have preceded his companions, so the first one, it would be for him, if he so desires to he sells, and if he so desires to he keeps, and it is not for him that he harms him by it’.

وَفِي رِوَايَةِ أُخْرَى إِذَا كَانَتِ الْمَسَافَةُ سَوَاءً يُفْرَغُ بَيْنَهُمَا فَأَيُّهُمَا وَقَعَتِ الْفُرْعَعَةُ بِهِ كَانَ عَبْدَهُ .

And in another report, ‘(He<sup>asws</sup> said): ‘When the route was the same (in distance), a lot would be drawn between the two, so whichever of the two the lot falls with, would be his slave’.<sup>71</sup>

<sup>70</sup> Al Kafi – V 5 – The Book of Subsistence Ch 95 H 2

<sup>71</sup> Al Kafi – V 5 – The Book of Subsistence Ch 95 H 3

### باب التفرقة بين ذوى الأرحام من المماليك

## Chapter 96 – The separation between the relatives from the owned slaves

عَلَيْ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدٌ بْنِ إِسْمَاعِيلَ عَنْ الْفَضْلِ بْنِ شَادَانَ عَنْ عَمَارٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) يَقُولُ أَتَى رَسُولُ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ ) بِسَبَبِي مِنَ الْأَيْمَنِ فَلَمَّا بَلَغُوا الْجُحْفَةَ نَدِيْتُ نَفَّافَاتِمْ فَنَاعَوْا جَارِيَةً مِنَ السَّبَبِي كَانَتْ أُمُّهَا مَعَهُمْ فَلَمَّا قَدِمُوا عَلَى الْتَّبِيِّ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ ) سَمِعَ بُكَاءَهَا فَقَالَ مَا هَذِهِ الْبُكَاءُ فَقَالُوا يَا رَسُولَ اللَّهِ احْتَجَنَا إِلَى نَفَّافَةٍ فَبَعَثَ بِنَمِنَهَا فَلَمَّا بَيَّنَهَا قَالَ بِيَعُوهُمَا جَمِيعًا أَوْ أَمْسِكُوهُمَا جَمِيعًا .

Ali Bin Ibrahim, from his father, and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, from Ibn Abu Umeyr, from Muawiya Bin Ammar who said,

'I heard Abu Abdullah<sup>asws</sup> saying: 'They came to Rasool-Allah<sup>saww</sup> with captives from Al-Yemen. So when they reached Al-Juhfa, their expenditure (money) ran out. So they sold a girl from the captives, whose mother was with them. So when they proceeded to the Prophet<sup>saww</sup>, he<sup>saww</sup> heard her wailing. So he<sup>saww</sup> said: 'What is this wailing?' They said, 'O Rasool-Allah<sup>saww</sup>! We became needy to the spending money, so we sold her daughter'. So he<sup>saww</sup> sent (someone) with her price who came back with her, and he<sup>saww</sup> said: 'Either sell them both together or keep both of them together'.<sup>72</sup>

مُحَمَّدٌ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عُثْمَانَ بْنِ عَيْسَى عَنْ سَمَاعَةَ قَالَ سَالَتْهُ عَنْ أَخْوَينِ مَمْلُوكَيْنِ هَلْ يُفَرِّقُ بَيْنَهُمَا وَ عَنِ الْمَرْأَةِ وَ لَدُهَا قَالَ لَا هُوَ حَرَامٌ إِلَّا أَنْ يُرِيدُوا ذَلِكَ .

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

'I asked him<sup>asws</sup> about two brothers who are owned slaves, is effecting a separation between the two Permissible, and about the woman and her child?' He<sup>asws</sup> said: 'No, it is Prohibited, except if they want that'.<sup>73</sup>

عَلَيْ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدٌ بْنِ إِسْمَاعِيلَ عَنْ الْفَضْلِ بْنِ جَمِيعًا عَنْ ابْنِ أَبِيهِ عَنْ هَشَامِ بْنِ الْحَكَمِ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أَنَّهُ اسْتَرْيَتَ لَهُ جَارِيَةً مِنَ الْكُوفَةَ قَالَ فَدَهَبَ لِتَقْوُمَ فِي بَعْضِ الْحَاجَةِ فَقَالَتْ يَا أَمَّاهَ فَقَالَ لَهَا أَبُو عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أَلَّا كُمْ قَالَتْ نَعَمْ فَأَمَرَ بِهَا فَرَدَتْ فَقَالَ مَا آمَنْتُ لَوْ حَبَسْنَاهَا أَنْ أَرَى فِي وُلْدِي مَا أَكْرَهُ .

Ali Bin Ibrahim, from his father, and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, altogether from Ibn Abu Umeyr, from Hisham Bin Al Hakam,

(It has been narrated) from Abu Abdullah<sup>asws</sup>, a slave girl having been bought for him<sup>asws</sup> from Al-Kufa. So he<sup>asws</sup> went on to stand regarding one of the needs, so she said, 'O mother!' So Abu Abdullah<sup>asws</sup> said: 'Is there a mother for you?' She said, 'Yes'. So he<sup>asws</sup> ordered with her to be returned, and said: 'I<sup>asws</sup> do not feel safe if I<sup>asws</sup> were to keep her, from seeing in my<sup>asws</sup> children what I<sup>asws</sup> dislike'.<sup>74</sup>

مُحَمَّدٌ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ الْعَبَّاسِ بْنِ مُوسَى عَنْ يُونُسَ عَنْ عَمْرُو بْنِ أَبِي نَصْرٍ قَالَ فُلِتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) الْجَارِيَةُ الصَّغِيرَةُ يَشْتَرِيَهَا الرَّجُلُ فَقَالَ إِنْ كَانَتْ قَدْ اسْتَعْنَتْ عَنْ أَبَوِيْهَا فَلَا بَأْسَ .

<sup>72</sup> Al Kafi – V 5 – The Book of Subsistence Ch 96 H 1

<sup>73</sup> Al Kafi – V 5 – The Book of Subsistence Ch 96 H 2

<sup>74</sup> Al Kafi – V 5 – The Book of Subsistence Ch 96 H 3

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Abbas Bin Musa, from Yunus, from Amro Bin Abu Nasr who said,

'I said to Abu Abdullah<sup>asws</sup>, 'The young slave girl, the man buys her'. So he<sup>asws</sup> said: 'If she has become needless from her parents, so there is no problem'.<sup>75</sup>

**مُحَمَّدٌ عَنْ أَحْمَادَ بْنِ مُحَمَّدٍ عَنْ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ النَّضْرِ بْنِ سُوِيدٍ عَنْ ابْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أَنَّهُ قَالَ فِي الرَّجُلِ يَشْتَرِي الْعَلَامَ أَوِ الْجَارِيَةَ وَلَهُ أَخٌ أَوْ أُخْتٌ أَوْ أَبٌ أَوْ أُمٌّ يُمْسِرُ مِنَ الْأَمْصَارِ قَالَ لَا يُخْرِجُهُ إِلَى مِصْرٍ أَخْرَى إِنْ كَانَ صَغِيرًا وَ لَا يَشْتَرِي فَإِنْ كَانَتْ لَهُ أُمٌّ فَطَابَتْ نَفْسُهَا وَ نَفْسُهُ فَاشْتَرَهُ إِنْ شِئْتَ .**

Muhammad, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Al Nazar Bin Suweyd, from Ibn Sinan,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said regarding the man who buys the slave or the slave girl, and for him is a brother, or a sister, or a father, or a mother in a city from the cities. He<sup>asws</sup> said: 'Do not make him go out to another city if he was young, and do not buy him. So if there was a mother for him, so she agrees herself, and (he agrees) himself, so buy him if you so desire to'.<sup>76</sup>

**بَابُ الْعَبْدِ يَسْأَلُ مَوْلَاهُ أَنْ يَبِيعَهُ وَ يَشْتَرِطُ لَهُ أَنْ يُعْطِيهِ شَيْئًا**

## Chapter 97 – The slave asks his master that he sells him, and he stipulates to him that he gives him something

**مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَادَ بْنِ مُحَمَّدٍ عَنْ عَلَيِّ بْنِ الْحَكَمِ عَنْ مُوسَى بْنِ يَكْرَمْ قَالَ قَالَ غُلَامٌ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) إِنِّي كُنْتُ قُلْتُ لِمَوْلَايَ بِعْنَيِّ بِسَبْعِمَائَةِ دِرْهَمٍ وَ أَنَا أَعْطِيلَكَ ثَلَاثَمَائَةً دِرْهَمٍ فَقَالَ لَهُ أَبُو عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) إِنْ كَانَ لَكَ يَوْمَ شَرَطْتَ أَنْ تُعْطِيَهُ شَيْءًا فَعَلَيْكَ أَنْ تُعْطِيَهُ وَ إِنْ لَمْ يَكُنْ لَكَ يَوْمَئِذٍ شَيْءًا فَلَيْسَ عَلَيْكَ شَيْءًا .**

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Musa Bin Bakr, from Al Fuzayl who said,

'A slave said to Abu Abdullah<sup>asws</sup>, 'I had said to my master, 'Sell me for six hundred Dirhams and I shall give you three hundred Dirhams'. So Abu Abdullah<sup>asws</sup> said to him: 'If there was something for you on the day you stipulated to give him, so it would be upon you that you give it, and if there did not happen to be anything for you on that day, so there is nothing upon you'.<sup>77</sup>

**عِدَّةُ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زَيَادٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ فُضَيْلٍ قَالَ قَالَ غُلَامٌ سِنْدِيٌّ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) إِنِّي قُلْتُ لِمَوْلَايَ بِعْنَيِّ بِسَبْعِمَائَةِ دِرْهَمٍ وَ أَنَا أَعْطِيلَكَ ثَلَاثَمَائَةً دِرْهَمٍ فَقَالَ لَهُ أَبُو عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) إِنْ كَانَ يَوْمَ شَرَطْتَ لَكَ مَالًا فَعَلَيْكَ أَنْ تُعْطِيَهُ وَ إِنْ لَمْ يَكُنْ لَكَ يَوْمَئِذٍ مَالًا فَلَيْسَ عَلَيْكَ شَيْءًا .**

A number of our companions, from Sahl Bin Ziyad, from Ibn Mahboub, from Fuzayl who said,

'A slave on loan said to Abu Abdullah<sup>asws</sup>, 'I said to my master, 'Sell me for six hundred Dirhams and I shall give you three hundred Dirhams'. So Abu Abdullah<sup>asws</sup> said to him: 'If it was that there was wealth for you on the day you stipulated, so it

<sup>75</sup> Al Kafi – V 5 – The Book of Subsistence Ch 96 H 4

<sup>76</sup> Al Kafi – V 5 – The Book of Subsistence Ch 96 H 5

<sup>77</sup> Al Kafi – V 5 – The Book of Subsistence Ch 97 H 1

would be upon you that you give it, and if there did not happen to be any wealth for you on that day, so there is nothing upon you'.<sup>78</sup>

### باب السَّلَمُ فِي الرَّقِيقِ وَغَيْرِهِ مِنَ الْحَيَوانِ

## Chapter 98 – The submission of advance payment regarding the slave and others from the animals

مُحَمَّدٌ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلَىٰ بْنِ الْحَكَمِ عَنْ أَبِي حَمْزَةَ عَنْ عَلَىٰ بْنِ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ السَّلَمِ فِي الْحَيَوانِ قَالَ لَيْسَ بِهِ بَأْسٌ قُلْتُ أَرَأَيْتَ إِنْ أَسْلَمْتِ فِي أَسْنَانِ مَعْلُومٍ أَوْ شَيْءٍ مَعْلُومٍ مِنَ الرَّقِيقِ فَأَعْطَاهُ دُونَ شُرْطِهِ وَفَوْقَهُ بِطِينَةً أَنْفُسِ مِنْهُمْ قَالَ لَا بَأْسَ بِهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Ali Bin Abu Hamza, from Abu Baseer who said,

'I asked Abu Abdullah<sup>asws</sup> about the submission of the advance payment regarding the animals. He<sup>asws</sup> said: 'There is no problem with it'. I said, 'What is your<sup>asws</sup> view if I were to submit an advance payment regarding the known years, or something known from the slaves, so I give him less than his stipulation, and above it by the agreement of their own selves?' So he<sup>asws</sup> said: 'There is no problem with it'.<sup>79</sup>

عَلَىٰ بْنِ اِبْرَاهِيمَ عَنْ اَبِيهِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ اَبِي نَجْرَانَ عَنْ مُحَمَّدٍ بْنِ حُمَيْدٍ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ اَبِي جَعْفَرِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ اَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ اَعْطَى رَجُلًا وَرِقًا فِي وَصِيفَةٍ إِلَى اَجْلٍ مُسَمَّى قَالَ لَهُ صَاحِبُهُ لَا تَحْدِدْ لَكَ وَصِيفَةً خُذْ مِنِّي قِيمَةَ وَصِيفَاتِ الْيَوْمِ وَرِقًا قَالَ فَقَالَ لَا يَأْخُذْ اِلَّا وَصِيفَةً اَوْ وَرِقَةً اَوْ اَجْلَهُ اَوْ اَنْوَارَهُ لَا يَزِدُ اَدَدَ عَلَيْهِ شَيْئًا .

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

(It has been narrated) from Abu Ja'far<sup>asws</sup> having said: 'Amir Al-Momineen<sup>asws</sup> said regarding a man who gave a (promissory) note to a man as a servant up to a named term. So his companions says to him, 'We could not find a servant for you, so take the price of your servant today as a (promissory) note'. So he<sup>asws</sup> said: 'He can reject to take anything other than his servant or the note that he had given him before without any thing added'.<sup>80</sup>

عَلَىٰ بْنِ اِبْرَاهِيمَ عَنْ اَبِيهِ عَنْ ابْنِ اَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَاجٍ عَنْ زُرَارَةَ عَنْ اَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا بَأْسَ بِالسَّلَمِ فِي الْحَيَوانِ اِذَا وَصِيفَتْ اَسْنَانُهَا .

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

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'There is no problem with the submission of the advance payment regarding the animals, when its age has been described'.<sup>81</sup>

<sup>78</sup> Al Kafi – V 5 – The Book of Subsistence Ch 97 H 2

<sup>79</sup> Al Kafi – V 5 – The Book of Subsistence Ch 98 H 1

<sup>80</sup> Al Kafi – V 5 – The Book of Subsistence Ch 98 H 2

<sup>81</sup> Al Kafi – V 5 – The Book of Subsistence Ch 98 H 3

مُحَمَّدٌ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَبْنِ فَضَالٍ عَنْ أَبْنِ بُكْرٍ عَنْ عُبَيْدِ بْنِ زُرَارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا يَأْسَ بِالسَّلَمِ فِي الْحَيَوَانِ إِذَا سَمِّيَتْ شَيْئًا مَعْلُومًا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazzal, from Ibn Bukeyr, from Ubeyd Bin Zurara,

(It has been narrated) from Abu Abdallah<sup>asws</sup> having said: ‘There is no problem with the submission of the advance payment regarding the animals, when something known is named’.<sup>82</sup>

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَلَيِّ بْنِ الْحَكَمِ عَنْ سَيِّفِ بْنِ عَبِيرَةَ عَنْ أَبِي مَرْيَمِ الْأَنْصَارِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّ أَبَاهُ لَمْ يَكُنْ يَرَى بِإِيمَانِهِ بِالسَّلَمِ فِي الْحَيَوَانِ بِشَيْءٍ مَعْلُومٍ إِلَى أَجَلٍ مَعْلُومٍ .

Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Sayf Bin Ameyra, from Abu Maryam Al Ansary,

(It has been narrated) from Abu Abdallah<sup>asws</sup> that his<sup>asws</sup> father<sup>asws</sup> did not view anything wrong with the submission of the advance payment regarding an animal when its age and (buying) conditions are (fully) defined'.<sup>83</sup>

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَلَيِّ بْنِ الْحَكَمِ عَنْ قُتَيْبَةَ الْأَعْشَى عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يُسْلِمُ فِي أَسْنَانِ مِنَ الْغَمَمِ مَعْلُومَةً إِلَى أَجَلٍ مَعْلُومٍ فَيُعْطِي الرَّبَاعَ مَكَانَ الثَّيِّ فَقَالَ أَلِيُّسْ يُسْلِمُ فِي أَسْنَانٍ مَعْلُومَةً إِلَى أَجَلٍ مَعْلُومٍ قُلْتُ بَلَى قَالَ لَا بَأْسَ .

Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Quteyba Al A'asha,

(It has been narrated) from Abu Abdallah<sup>asws</sup> regarding the man who submitted an advance payment regarding the years from the known sheep, to a known term. So he gave him the four year old in place of the five year old. So he<sup>asws</sup> said: ‘Is it not that he submitted the advance payment regarding the known years to a known term?’ I said, ‘Yes’. He<sup>asws</sup> said: ‘So there is no problem’.<sup>84</sup>

أَحْمَدُ بْنُ مُحَمَّدٍ وَ عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ أَبِنِ أَبِيهِ عُمَيْرٍ عَنْ أَبِي الْمَعْرَاءِ عَنْ الْحَلَّيِّ قَالَ سُئِلَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يُسْلِمُ فِي وُصُفَاءِ أَسْنَانٍ مَعْلُومَةً وَ لَوْنٍ مَعْلُومٍ ثُمَّ يُعْطِي دُونَ شَرْطِهِ أَوْ فَوْقَهُ فَقَالَ إِذَا كَانَ عَنْ طِبِّيَّةِ نَفْسٍ مَنْكَ وَ مِنْهُ فَلَا بَأْسَ .

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

‘Abu Abdallah<sup>asws</sup> was asked about the man who submitted an advance payment regarding a servant of known years, and of a known colour, then he is given below his stipulation or above it. So he<sup>asws</sup> said: ‘If it was from an agreement with yourself and from him, so there is no problem’.<sup>85</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عُمَيْرٍ عَنْ حَمَادٍ عَنْ الْحَلَّيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سُئِلَ عَنِ الرَّجُلِ يُسْلِمُ فِي الْعَنْمِ ثَنَيَانَ وَ جُذُّعَانَ فِي غَيْرِ ذَلِكِ إِلَى أَجَلٍ مُسَمَّى قَالَ لَا بَأْسَ إِنْ لَمْ يَفْدِرِ الَّذِي عَلَيْهِ الْعَنْمُ عَلَى جَمِيعِ مَا عَلَيْهِ أَنْ يَأْخُذْ صَاحِبُ الْعَنْمِ نَصْفَهَا أَوْ ثُلُثَهَا أَوْ يَأْخُذُوا رَأْسَ مَالِ مَا بَقَى مِنَ الْعَنْمِ ذَرَاهُمْ وَ يَأْخُذُوا دُونَ شَرْطِهِمْ وَ لَا يَأْخُذُونَ فَوْقَ شَرْطِهِمْ وَ الْأَكْسِيَّةِ أَيْضًا مِثْلُ الْحَنْطَةِ وَ الشَّعِيرِ وَ الزَّعْفَرَانِ وَ الْغَنِمِ .

<sup>82</sup> Al Kafi – V 5 – The Book of Subsistence Ch 98 H 4

<sup>83</sup> Al Kafi – V 5 – The Book of Subsistence Ch 98 H 5

<sup>84</sup> Al Kafi – V 5 – The Book of Subsistence Ch 98 H 6

<sup>85</sup> Al Kafi – V 5 – The Book of Subsistence Ch 98 H 7

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

(It has been narrated) from Abu Abdullah<sup>asws</sup>, said, 'He<sup>asws</sup> was asked about the man who submitted an advance payment regarding the sheep three year old sheep, and younger, and other than that, up to a named term. He<sup>asws</sup> said: 'There is no problem if he is not able, the one upon whom is the (provision of) the sheep, upon the entirety of what is upon him, if the owner of the sheep were to take half of it, or a third of it, or two-thirds of it, and he (buyer) takes back the capital wealth of whatever remains from the sheep, as Dirhams, and he takes below his stipulation, and the should not be taking above their stipulation; and the garments as well as like the wheat, and the barley, and the saffron, and the sheep'.<sup>86</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلَ بْنِ مَرَارَ عَنْ يُونُسَ عَنْ مُعاوِيَةَ عَنْ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلْتُهُ عَنْ رَجُلٍ أَسْلَمَ فِي  
وُصُفَاءَ أَسْنَانٍ مَعْلُومَةٍ وَغَيْرِ مَعْلُومَةٍ تَمَّ يُعْطِي دُونَ شُرْطِهِ قَالَ إِذَا كَانَ بِطِينَةً نَفْسٍ مِنْكَ وَمِنْهُ فَلَا يَأْسَ

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

(It has been narrated) from Abu Abdullah<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about a man who submitted an advance payment regarding servants of known years and unknown, then was given below his stipulation. He<sup>asws</sup> said: 'If it was with the agreement from yourself and from him, so there is no problem'.

قَالَ وَسَأَلْتُهُ عَنِ الرَّجُلِ يُسْلِفُ فِي الْغَمِّ الْثَّيَانَ وَالْجَدْعَانَ وَغَيْرِ ذَلِكِ إِلَى أَجَلٍ مُسَمَّى قَالَ لَا يَأْسَ بِهِ

He (the narrator) said, 'And I asked him<sup>asws</sup> about the man who left behind an advance payment regarding the three year old sheep and the younger, and other than that, to a named term. He<sup>asws</sup> said: 'There is no problem with it.'

فَإِنْ لَمْ يَقْرِئِ الَّذِي عَلَيْهِ عَلَى جَمِيعِ مَا عَلَيْهِ فَسُلِّمَ أَنْ يَأْخُذْ صَاحِبُ الْحَقِّ نَصْفَ الْغَمِّ أَوْ ثُلُثَهَا وَيَأْخُذْ رَأْسَ مَالِ مَا يَقِيَ مِنَ  
الْغَمِّ دَرَاهِمَ قَالَ لَا يَأْسَ وَلَا يَأْخُذْ دُونَ شُرْطِهِ إِلَّا بِطِينَةً نَفْسَ صَاحِبِهِ .

(He the narrator said), 'Supposing if he is no able, the one upon whom is the provision, upon providing the entirety of what is upon him, so he would ask if the owner of the right (buyer) would take half the sheep, or a third of it, and he takes back the capital wealth for whatever remains from the sheep, as Dirhams?' He<sup>asws</sup> said: 'There is no problem, and he should not take below his stipulation except with the agreement of his companion'.<sup>87</sup>

حُمَيْدُ بْنُ زَيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ بْنِ سَمَاعَةَ عَنْ غَيْرِ وَاحِدٍ عَنْ أَبَانِ عَنْ حَدِيدِ بْنِ حَكِيمٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ  
السَّلَامُ ) الرَّجُلُ يَسْتَرِي الْجُلُودَ مِنَ الْفَصَابِ يُعْطِيهِ كُلَّ يَوْمٍ شَيْئًا مَعْلُومًا قَالَ لَا يَأْسَ .

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from someone else, from Aban, from Hadeed Bin Hakeym who said,

'I said to Abu Abdullah<sup>asws</sup>, 'The man buys the skins from the butcher who gives him something known every day'. He<sup>asws</sup> said: 'There is no problem'.<sup>88</sup>

<sup>86</sup> Al Kafi – V 5 – The Book of Subsistence Ch 98 H 8

<sup>87</sup> Al Kafi – V 5 – The Book of Subsistence Ch 98 H 9

<sup>88</sup> Al Kafi – V 5 – The Book of Subsistence Ch 98 H 10

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُوبَ عَنْ سَمَاعَةَ قَالَ سُلَيْلَ أَبُو عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنِ السَّلَمِ فِي الْحَيَّانِ قَالَ أَسْنَانٌ مَعْلُومَةٌ وَ أَسْنَانٌ مَعْدُودَةٌ إِلَى أَجْلٍ مَعْلُومٍ لَا بَأْسَ بِهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Abu Ayoub, from Sama'at who said,

'Abu Abdullah<sup>asws</sup> was asked about the submission of the advance payment regarding the animals, so he<sup>asws</sup> said: 'The age must be defined along with the numbers which must be specified for the given time, there is no problem with it'.<sup>89</sup>

أَبُو عَلَيْيَ الْأَشْعَرِيُّ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَحْمَدَ بْنِ التَّضْرِيرِ عَنْ عَمْرُو بْنِ شِمْرٍ عَنْ جَابِرٍ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) قَالَ سَلَّتُهُ عَنِ السَّلَفِ فِي الْلَّحْمِ قَالَ لَا تَقْرَبْنِهِ فَإِنَّهُ يُعْطِيكَ مَرَّةً السَّمِينَ وَ مَرَّةً التَّاوِيَ وَ مَرَّةً الْمَهْرُولَ اشْتَرِهِ مُعَايِنَةً يَدًا بِيَدٍ .

Abu Ali Al Ashary, from one of his companions, from Ahmad Bin Al Nazar, from Amro Bin Shimr, from Jabir,

(It has been narrated) from Abu Ja'far<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about the payment left behind regarding the meat. He<sup>asws</sup> said: 'Do not near it for sometimes he would give you the fatty, and sometimes the almost spoilt, and sometimes the boney. Buy it after viewing, hand to hand'.

قَالَ وَ سَلَّتُهُ عَنِ السَّلَفِ فِي رَوَايَا الْمَاءِ قَالَ لَا تَقْرَبْنَاهَا فَإِنَّهُ يُعْطِيكَ مَرَّةً نَاقِصَةً وَ مَرَّةً كَامِلَةً وَ أَكْنَ اشْتَرِهِ مُعَايِنَةً وَ هُوَ أَسْلَمُ لَكَ وَ لَهُ .

He (the narrator) said, 'And I asked him<sup>asws</sup> about the payment left behind regarding the containers of water. He<sup>asws</sup> said: 'Do not go near it, for sometimes he would give you deficient, and sometimes complete, but buy it after viewing, and it is safer for you and for him'.<sup>90</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مَحْبُوبٍ عَنْ أَبِي وَلَادِ الْخَنَاطِ قَالَ سَلَّتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنِ الرَّجُلِ يَكُونُ لَهُ عَنْ يَحْلُلُهَا لَهَا أَلْبَانٌ كَثِيرَةٌ فِي كُلِّ يَوْمٍ مَا تَقُولُ فَيَمْنَ يَشْتَرِي مِنْهُ الْخَمْسَمَائَةَ رِطْلًا أَوْ أَكْثَرَ مِنْ ذَلِكَ الْمِائَةَ رِطْلًا بِكَذَا وَ كَذَا يَرْهَمَا فَيَأْخُذُ مِنْهُ فِي كُلِّ يَوْمٍ أَرْطَالًا حَتَّى يَسْتُوفِي مَا يَشْتَرِي مِنْهُ قَالَ لَا بَأْسَ بِهَا وَ نَحْوِهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Abu Wallad Al Hannat who said,

'I asked Abu Abdullah<sup>asws</sup> about the man who happened to have sheep for him which used to give him a lot of milk during every day. What are you<sup>asws</sup> saying regarding the one who buys five hundred ratls (units of measurement) from him, or more than that one hundred ratls with such and such Dirhams, so he would take from him certains ratls during every day until he fulfils what he bought from him?' He<sup>asws</sup> said: 'There is no problem with this and approximate to it'.<sup>91</sup>

مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ الْفَضْلِ بْنِ شَادَانَ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ قَتَنِيَةَ الْأَعْشَى قَالَ سُلَيْلَ أَبُو عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) وَ أَنَا عَنْهُ قَالَ لَهُ رَجُلٌ إِنَّ أَخِي يَخْلُفُ إِلَى الْجَبَلِ يَجْلِبُ الْغَنَمَ فَيُسْلِمُ فِي الْعَنْمَ فِي أَسْنَانٍ مَعْلُومَةٍ إِلَى أَجْلٍ مَعْلُومٍ فَيُعْطِي الرَّبَاعَ مَكَانَ الشَّيْ فَقَالَ لَهُ أَبِطِينَةَ نَفْسٍ مِنْ صَاحِبِهِ فَقَالَ نَعَمْ قَالَ لَا بَأْسَ .

<sup>89</sup> Al Kafi – V 5 – The Book of Subsistence Ch 98 H 11

<sup>90</sup> Al Kafi – V 5 – The Book of Subsistence Ch 98 H 12

<sup>91</sup> Al Kafi – V 5 – The Book of Subsistence Ch 98 H 13

Muhammad Bin Ismail, from Al Fazl Bin Shazaan, from Safwan Bin Yahya, from Quteyba Al A'asha who said,

'Abu Abdullah<sup>asws</sup> was asked and I was in his<sup>asws</sup> presence, so a man said to him<sup>asws</sup>, 'My brother stays behind at the mountain milking the sheep, so he submits an advance payment regarding the sheep of known years, to a known term. So he is given the four year old in place of the five year old'. So he<sup>asws</sup> said to him: 'Is it by the agreement of his companion himself?' So he said, 'Yes'. He<sup>asws</sup> said: 'There is no problem'.<sup>92</sup>

### باب آخر منه

## Chapter 99 – Another chapter from it

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عَيْسَى عَنْ مُعاوِيَةَ بْنِ حُكَيمٍ عَنْ مُحَمَّدِ بْنِ حُبَابِ الْجَلَابِ عَنْ أَبِي الْحَسَنِ ( عَلَيْهِ السَّلَامُ ) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَشْتَرِي مائةً شَاءَ عَلَى أَنْ يُبَدِّلَ مِنْهَا كَذَا وَ كَذَا قَالَ لَا يَجُوزُ .

A number of our companion, from Ahmad Bin Muhammad Bin Isa, from Muawiya Bin Hukeym, from Muhammad Bin Hubab Al Jallab,

(It has been narrated) from Abu Al-Hassan<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about the man who buys one hundred sheep upon a stipulation if he can exchange from it such and such. He<sup>asws</sup> said: 'Not allowed'.<sup>93</sup>

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ أَبْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَصَابِ قَالَ فَلْتُ لَأْبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أَشْتَرَى الْغَنَمَ أَوْ يَشْتَرِي الْغَنَمَ جَمَاعَةً ثُمَّ تُدْخَلُ دَارًا ثُمَّ يَقُولُ رَجُلٌ عَلَى الْأَبَابِ قَيْدٌ وَاحِدًا وَ اثْنَيْنِ وَ ثَلَاثَةَ وَ أَرْبَعَةَ وَ خَمْسَةَ ثُمَّ يُخْرُجُ السَّهْمَ قَالَ لَا يَصْلُحُ هَذَا إِنَّمَا يَصْلُحُ السَّهْمُ إِذَا عُدِلَتِ الْقِسْمَةُ .

Ahmad Bin Muhammad, from Ibn Abu Umer, from Abdul Rahman Bin Al Hajjaj, from Minhal Al Qassab who said,

'I said to Abu Abdullah<sup>asws</sup>, 'I buy the sheep, or a group buys the sheep, then they enter a house, then a man stands upon the door, so he number one, and two, and three, and four, and five, then he specifies it as one share'. He<sup>asws</sup> said: 'This is not correct. But rather shares are correct only when distribution is just'.<sup>94</sup>

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زَيْدٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنْ رَجُلٍ يَشْتَرِي سِهْمَ الْأَصَابِينَ مِنْ قَبْلٍ أَنْ يَخْرُجَ السَّهْمُ فَقَالَ لَا يَشْتَرِي شَيْئًا حَتَّى يَعْلَمَ مِنْ أَيْنَ يَخْرُجُ السَّهْمُ فَإِنْ أَشْتَرَى شَيْئًا فَهُوَ بِالْخَيْرِ إِذَا خَرَجَ .

A number of our companions, from Sahl Bin Ziyad and Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Zayd Al Shahham who said,

'I asked Abu Abdullah<sup>asws</sup> about a man who buys the shares of the butchers prior to the shares are allotted. So he<sup>asws</sup> said: 'He should not buy anything until he knows

<sup>92</sup> Al Kafi – V 5 – The Book of Subsistence Ch 98 H 14

<sup>93</sup> Al Kafi – V 5 – The Book of Subsistence Ch 99 H 1

<sup>94</sup> Al Kafi – V 5 – The Book of Subsistence Ch 99 H 2

from were the shares were drawn. So if he were to buy like this he has the choice to buy or not to (buy it), when the share comes out'.<sup>95</sup>

### باب الغنم تُنْعَطِي بِالضَّرِبَةِ

## Chapter 100 – The sheep given out (for pasture) with the tribute payment

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِيهِ عُمَيْرٍ عَنْ حَمَادَ عَنْ الْحَلَبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) فِي الرَّجُلِ يَكُونُ لَهُ الْغَنَمُ يُعْطِيهَا بِضَرِبَةٍ سَمِّنًا شَيْئًا مَعْلُومًا أَوْ دَرَاهِمًا مَعْلُومَةً مِنْ كُلِّ شَاءٍ كَذَا وَ كَذَا قَالَ لَا بَأْسَ بِالدرَّاهِمِ وَ لَسْتُ أَحِبُّ أَنْ يَكُونَ بِالسَّمِّنِ .

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

(It has been narrated) from Abu Abdullah<sup>asws</sup> regarding the man who happens to have the sheep for him, he gives it out (for pasture) with a tribute of butter, something known, or a known amount of Dirhams, from every sheep such and such. He<sup>asws</sup> said: 'There is not problem with the Dirhams, and I<sup>asws</sup> do not like it if it happens to be with the butter'.<sup>96</sup>

عَلَيُّ عَنْ أَبِيهِ عَنْ ابْنِ أَبِيهِ عُمَيْرٍ عَنْ ابْنِ الْمَعْرَاءِ عَنْ إِبْرَاهِيمَ بْنِ مَمْوُنَ أَنَّهُ سَأَلَ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) فَقَالَ يُنْعَطِي الرَّاعِي الْغَنَمَ بِالْجَبَلِ يَرْعَاهَا وَ لَهُ أَصْوَافُهَا وَ الْبَانُهَا وَ يُعْطِيهَا لِكُلِّ شَاءٍ دَرَاهِمًا فَقَالَ أَلِيَّسْ بِذَلِكَ بَأْسٌ قَلْتُ أَنَّ أَهْلَ الْمَسْجِدِ يَقُولُونَ لَا يَجُوزُ لِأَنَّ مِنْهَا مَا لَيْسَ لَهُ صُوفٌ وَ لَا لَيْسَ لَهُ عَبْدُ اللَّهِ ( عَلَيْهِ السَّلَامُ ) وَ هَلْ يُطَيِّبُ إِلَّا ذَكَرَ يَذْهَبُ بَعْضُهُ وَ يَبْقَى بَعْضُ .

Ali, from his father, from Ibn Abu Umeyr, from Ibn Al Magra,

(It has been narrated) from Ibrahim Bin Maymoun who asked Abu Abdullah<sup>asws</sup>, so he said, 'The shepherd is given the sheep at the mountain to pasture them, and for him would be their wool and their milk, and he gives us some Dirhams for every sheep'. So he<sup>asws</sup> said: 'There is no problem with that'. So I said, 'The people of the Masjid are saying that it is not allowed because from these are those who have neither any wool for them nor any milk'. So Abu Abdullah<sup>asws</sup> said: 'And did he not agree except for that, he would be taking some and leaving some?'<sup>97</sup>

حُمَيْدُ بْنُ زَيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ بْنِ سَمَاعَةَ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِيَّنَ عَنْ مُدْرَكِ بْنِ الْهَرْهَازِ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) فِي الرَّجُلِ يَكُونُ لَهُ الْغَنَمُ فَيُعْطِيهَا بِضَرِبَةٍ سَمِّنًا مَعْلُومًا مِنَ الصُّوفِ أَوِ السَّمِّنِ أَوِ الدَّرَاهِمِ قَالَ لَا بَأْسَ بِالدرَّاهِمِ وَ كُرْهَةُ السَّمِّنِ .

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from one of his companions, from Aban, from Mudrak Bin Al Hazhaaz,

(It has been narrated) from Abu Abdullah<sup>asws</sup> regarding the man who happens to have the sheep for him, so he gives them out (for pasturing) for a known tribute from

<sup>95</sup> Al Kafi – V 5 – The Book of Subsistence Ch 99 H 3

<sup>96</sup> Al Kafi – V 5 – The Book of Subsistence Ch 100 H 1

<sup>97</sup> Al Kafi – V 5 – The Book of Subsistence Ch 100 H 2

the wool, or the butter, or the Dirhams'. He<sup>asws</sup> said: 'There is no problem with the Dirhams, but the butter is disliked'.<sup>98</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سَيَّانَ قَالَ سَأَلْتُ أَبَا عَبْدَ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنْ رَجُلٍ دَفَعَ إِلَيْهِ رَجُلٌ غَنَمَةً بِسَمْنٍ وَدَرَاهِمَ مَعْلُومَةً لِكُلِّ شَاءٍ كَذَا وَكَذَا فِي كُلِّ شَهْرٍ قَالَ لَا بَأْسَ بِالدَّارِاهِمِ فَأَمَّا السَّمْنُ فَمَا أَحَبُّ ذَاكَ إِلَّا أَنْ يَكُونَ حَوَالَبَ فَلَا بَأْسَ .

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Abdullah Bin Sinan who said,

'I asked Abu Abdullah<sup>asws</sup> about a man who handed over to a man his sheep and a known (amount of) Dirhams, for each sheep being such and such, during every month'. He<sup>asws</sup> said: 'There is no problem with the Dirhams, but as for the butter, so I<sup>asws</sup> do not like that except if it happens to be milk, so there is no problem'.<sup>99</sup>

### باب بَيع الْأَقْيَطِ وَ وَلَدِ الزَّنَى

## Chapter 101 – Selling the found (child) and the child of adultery (bastard)

عِدَّةُ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنْ مُتَنَّى عَنْ زُرَارَةَ عَنْ أَبِي عَبْدِ اللَّهِ قَالَ الْأَقْيَطُ لَا يُشْتَرَى وَ لَا يُبَاعُ .

A number of our companions, from Ahmad Bin Muhammad, from Ibn Fazzal, from Musna, from Zurara,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'The found (child) can neither be bought nor sold'.<sup>100</sup>

أَحْمَدُ بْنُ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنْ مُتَنَّى عَنْ حَاتِمَ بْنِ إِسْمَاعِيلَ الْمَدَائِنِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ الْمَنْبُوذُ حُرٌّ فَإِنْ أَحَبَّ أَنْ يُوَالِيَ غَيْرَ الَّذِي رَبَّاهُ وَالآءَ فَإِنْ طَلَبَ مِنْهُ الَّذِي رَبَّاهُ النَّفَقَةَ وَ كَانَ مُوسِرًا رَدَّ عَلَيْهِ وَ إِنْ كَانَ مُعْسِرًا كَانَ مَا أَنْفَقَ عَلَيْهِ صَدَقَةً .

Ahmad Bin Muhammad, from Ibn Fazzal, from Musna, from Hatim Bin Ismail Al Madainy,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'The abandoned (child) is free, so if he so likes that he chooses a guardian other than the one who nourished him, he can do so, and if the one who nourished him (the finder) were to seek the expenses from him, and he (the child) was affluent, he would return (the expenditure money) back to him, and if he was insolvent, whatever was spent upon him would be (counted as) charity'.<sup>101</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنْ عَلَيِّ بْنِ الْحَكَمِ عَنْ عَبْدِ الرَّحْمَنِ الْعَزَّارِمِيِّ عَنْ أَبِي عَبْدِ اللَّهِ عَنْ أَبِيهِ ( عَلَيْهِ السَّلَامُ ) قَالَ الْمَنْبُوذُ حُرٌّ فَإِنَّمَا كَبِيرٌ فَإِنْ شَاءَ تَوَلَّ إِلَى الَّذِي التُّقْطَهُ وَ إِلَّا فَلَيُرْدَ عَلَيْهِ النَّفَقَةَ وَ لَيُذْهَبْ فَلْيُوَالِي مَنْ شَاءَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ali Bin Al Hakam, from Abdul Rahman Al Azramy,

<sup>98</sup> Al Kafi – V 5 – The Book of Subsistence Ch 100 H 3

<sup>99</sup> Al Kafi – V 5 – The Book of Subsistence Ch 100 H 4

<sup>100</sup> Al Kafi – V 5 – The Book of Subsistence Ch 101 H 1

<sup>101</sup> Al Kafi – V 5 – The Book of Subsistence Ch 101 H 2

(It has been narrated) from Abu Abdullah<sup>asws</sup>, from his<sup>asws</sup> father<sup>asws</sup> having said: ‘The abandoned (child) is free. So when he grows older, then if he so desires to choose as a guardian the one who picked him up, or else let him return the expenditure to him, and let him go and choose as a guardian the one whom he so desires to’. <sup>102</sup>

**مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ مُحَمَّدٍ بْنِ أَحْمَدَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الْقِيَطَةِ قَالَ لَا تُبَاعُ وَ لَا تُشْتَرَى وَ لَكِنَ اسْتَخْدِمْهَا بِمَا أَنْفَقْتَ عَلَيْهَا .**

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Muhammad Bin Ahmad who said,

‘I asked Abu Abdullah<sup>asws</sup> about the found (female abandoned child). He<sup>asws</sup> said: ‘She can neither be sold nor bought, but she can be made to serve for whatever was spent upon her’. <sup>103</sup>

**عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَادٍ عَنْ حَرِيزٍ عَنْ مُحَمَّدٍ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنِ الْقِيَطِ فَقَالَ حُرٌّ لَا يُبَاعُ وَ لَا يُوَهَّبُ .**

Ali Bin Ibrahim, from his father, from Hammad, from Hareyz, from Muhammad Bin Muslim who said,

‘I asked Abu Ja’far<sup>asws</sup> about the found (abandoned child). So he<sup>asws</sup> said: ‘Free. He can neither be sold nor gifted’. <sup>104</sup>

**عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِي الْجَهْمِ عَنْ أَبِي خَدِيجَةَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ لَا يَطِيبُ وَلَدُ الزَّنَّا وَ لَا يَطِيبُ ثَمَنُهُ أَبَدًا وَ الْمُمْرَازُ لَا يَسْتَرِفُ إِلَى سَيْئَةِ آبَاءِ وَ قَبْلَ لَهُ وَ أَيُّ شَيْءٍ الْمُمْرَازُ فَقَالَ الرَّجُلُ يَكْتَسِبُ مَالًا مِنْ عَيْرِ حَلِّهِ فَيَتَرَوَّجُ بِهِ أَوْ يَتَسَرَّى بِهِ فَيُوَلِّهُ لَهُ فَذَاكُ الْوَلْدُ هُوَ الْمُمْرَازُ .**

A number of our companions, from Ahmad Bin Abu Abdullah, from his father, from Abu Al Jaham, from Abu Khadeejah who said,

‘I heard Abu Abdullah<sup>asws</sup> saying: ‘Neither will the child of adultery be clean nor would its price be clean, ever; and Al-Mimraaz would not be clean up to seven fathers (seven generations)’. And it was said to him<sup>asws</sup>, ‘And what is Al-Mimraaz?’ He<sup>asws</sup> said: ‘The man who amasses wealth from other than Permissible means, and with suh funds he gets married, or he enjoys with it (keeps a concubine), and a child is born for him, so that child, he is Al-Mimraaz’. <sup>105</sup>

**الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنْ الْحَسَنِ بْنِ عَلَيٍّ عَنْ أَبِي حَبْرَهُ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ وَلَدِ الزَّنَّا أَشْتَرِيهِ أَوْ أَبِيعُهُ أَوْ أَسْتَحْدِمُهُ فَقَالَ أَشْتَرِهُ وَ أَسْتَرِفُهُ وَ أَسْتَحْدِمُهُ وَ بِعْدَ فَمَا الْقِيَطِ فَلَا تُشْتَرِهُ .**

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from Al Hassan Bin Ali, from Aban, from the one who informed him,

(It has been narrated) from Abu Abdullah<sup>asws</sup>, said, ‘I asked him<sup>asws</sup> about a child of adultery (bastard), can one buy him, or sell him, or make him to serve?’ So he<sup>asws</sup>

<sup>102</sup> Al Kafi – V 5 – The Book of Subsistence Ch 101 H 3

<sup>103</sup> Al Kafi – V 5 – The Book of Subsistence Ch 101 H 4

<sup>104</sup> Al Kafi – V 5 – The Book of Subsistence Ch 101 H 5

<sup>105</sup> Al Kafi – V 5 – The Book of Subsistence Ch 101 H 6

said: ‘Buy him, and enslave him, and make him to serve, and sell him, but as for the found (child), so do not buy him’.<sup>106</sup>

عَدَّةٌ مِنْ أَصْحَابَنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبْنِ فَضَالٍ عَنْ مُتَّشِّي الْخَنَاطِ عَنْ أَبِي بَصِيرِ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ فَلَمْ تَكُنْ لِي الْمَمْلُوكَةُ مِنَ الرِّزْنَا أَحُجُّ مِنْ تَمِّنِهَا وَأَنْزَوْجُ فَقَالَ لَا تَحْجُّ وَ لَا تَنْزِرُوْجُ مِنْهُ .

A number of our companions, from Ahmad Bin Abu Abdullah, from Ibn Fazzal, from Musna Al Hannat, from Abu Baseer,

(It has been narrated) from Abu Abdullah<sup>asws</sup>, said, ‘I said to him<sup>asws</sup>, ‘There happens to be the owned slave girl for me being from adultery, can I perform Hajj from her price, and get married?’ So he<sup>asws</sup> said: ‘You can neither perform Hajj nor get married from it’.<sup>107</sup>

### باب جامع فيما يحل الشراء و البيع منه و ما لا يحل

## **Chapter 102 – The summary regarding what is Permissible for the buying and the selling from it, and what is not Permissible**

أَبُو عَلَيٰ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ عَبْدِ الْحَمِيدِ بْنِ سَعْدٍ قَالَ سَأَلْتُ أَبِي إِبْرَاهِيمَ ( عَلَيْهِ السَّلَامُ ) عَنْ عِظَامِ الْفَيلِ يَحْلُّ بَيْعُهُ أَوْ شِرَاؤُهُ الَّذِي يُجْعَلُ مِنْهُ الْأَمْشَاطُ فَقَالَ لَا بَأْسَ قَدْ كَانَ لِأَبِي هِنْهُ مُشْطٌ أَوْ أَمْشَاطٌ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan Bin Yahya, from Abdul Hameed Bin Sa'ad who said,

‘I asked Abu Ibrahim<sup>asws</sup> about the bones of the elephant, is it Permissible to sell it and buy it from which the combs are made out of?’ So he<sup>asws</sup> said: ‘There is no problem. There used to be for my<sup>asws</sup> father<sup>asws</sup>, a comb, or combs from it’.<sup>108</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَبْنِ أَبِيهِ عَنْ عُمَرَ بْنِ أَدِينَةَ قَالَ كَتَبْتُ إِلَى أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أَسْأَلْتُهُ عَنْ رَجُلٍ لَهُ خَشْبٌ فَبَاعَهُ مِمَّنْ يَتَّخِذُ مِنْهُ بَرَاطٌ فَقَالَ لَا بَأْسَ .

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

‘I wrote to Abu Abdullah<sup>asws</sup> asking him<sup>asws</sup> about a man from whom were planks of wood, so he sold it to the ones who make flutes from it. So he<sup>asws</sup> said; ‘There is not problem’.

وَ عَنْ رَجُلٍ لَهُ خَشْبٌ فَبَاعَهُ مِمَّنْ يَتَّخِذُ صُلْبَانَ قَالَ لَا .

And (I asked him<sup>asws</sup>) about a man who had some wood for him, so he sold it to the one who takes it make crosses out of it’. He<sup>asws</sup> said: ‘No’.<sup>109</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ تَعْلَيَةَ عَنْ مُحَمَّدِ بْنِ مُضَارِبٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ لَا بَأْسَ بِبَيْعِ الْعِدَرَةِ .

<sup>106</sup> Al Kafi – V 5 – The Book of Subsistence Ch 101 H 7

<sup>107</sup> Al Kafi – V 5 – The Book of Subsistence Ch 101 H 8

<sup>108</sup> Al Kafi – V 5 – The Book of Subsistence Ch 102 H 1

<sup>109</sup> Al Kafi – V 5 – The Book of Subsistence Ch 102 H 2

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hajjal, from Sa'alba, from Muhammad Bin Muzarib,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'There is no problem with selling the animal dung'.<sup>110</sup>

أَبُو عَلَيٰ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَارِ عَنْ صَفْرَانَ عَنْ عِيسَى بْنِ الْقَاسِمِ سَأَلَتْ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنِ الْفُهُودِ وَ سَبَاعِ الطَّيْرِ هَلْ يُلْتَمِسُ النَّجَارَةُ فِيهَا قَالَ تَعَمَّ.

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Ays Bin Al Qasim who said,

'I asked Abu Abdullah<sup>asws</sup> about the leopards and the predatory birds, can one seek the business regarding these?' He<sup>asws</sup> said: 'Yes'.<sup>111</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَادَ بْنِ مُحَمَّدٍ عَنْ أَبْنِ مَحْبُوبٍ عَنْ أَبْنَانَ عَنْ عِيسَى الْقُمِّيِّ عَنْ عَمْرُو بْنِ جَرِيرٍ قَالَ سَأَلَتْ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنِ التُّوتِ أَبِيَعَهُ يُصْنَعُ بِهِ الصَّلَبُ وَ الصَّنَمُ قَالَ لَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Aban, from Isa Al Qummi, from Amro Bin Jareer who said,

'I asked Abu Abdullah<sup>asws</sup> about the (wood of the) mulberry tree, can one sell to the one who makes the crosses and the idols with it?' He<sup>asws</sup> said: 'No'.<sup>112</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَبْنِ أَبِيهِ عَمِيرٍ عَنْ عُمَرَ بْنِ أُذِينَةَ قَالَ كَتَبْثُ إِلَيْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أَسْأَلَهُ عَنِ الرَّجُلِ يُؤَاجِرُ سَفِينَتَهُ وَ دَابِتَهُ مَمَّ يَحْمِلُ فِيهَا أَوْ عَلَيْهَا الْخَمْرَ وَ الْخَنَازِيرَ قَالَ لَا يَأْسَ .

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

'I wrote to Abu Abdullah<sup>asws</sup> asking him<sup>asws</sup> about the man hires out his ship and his animal to the ones who carry in it or upon these, the wine and the pigs'. He<sup>asws</sup> said: 'There is no problem'.<sup>113</sup>

عِدَّةُ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شَمْوُنَ عَنْ الْأَصْمَمِ عَنْ مِسْمَعٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ إِنَّ رَسُولَ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ ) نَهَى عَنِ الْقَرَدِ أَنْ تُشْتَرِيَ أَوْ تُبَاعَ .

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

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said that Rasool-Allah<sup>saww</sup> forbade from the monkeys being bought or sold'.<sup>114</sup>

عِدَّةُ مِنْ أَصْحَابِنَا عَنْ أَحْمَادَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ عَلَيِّ بْنِ الْعُمَانِ عَنْ أَبْنِ مُسْكَانٍ عَنْ عَبْدِ الْمُؤْمِنِ عَنْ جَابِرٍ قَالَ سَأَلَتْ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنِ الرَّجُلِ يُؤَاجِرُ بَيْتَهُ بِيَاعٍ فِيهَا الْخَمْرُ قَالَ حَرَامٌ أَجْرُهُ .

A number of our companions, from Ahmad Bin Muhammad, from Muhammad Bin Ismail, from Ali Bin Al Noman, from Ibn Muskan, from Abdul Momin, from Jabir who said,

<sup>110</sup> Al Kafi – V 5 – The Book of Subsistence Ch 102 H 3

<sup>111</sup> Al Kafi – V 5 – The Book of Subsistence Ch 102 H 4

<sup>112</sup> Al Kafi – V 5 – The Book of Subsistence Ch 102 H 5

<sup>113</sup> Al Kafi – V 5 – The Book of Subsistence Ch 102 H 6

<sup>114</sup> Al Kafi – V 5 – The Book of Subsistence Ch 102 H 7

'I asked Abu Abdullah<sup>asws</sup> about the man who rents out his house, in which the wine is sold'. He<sup>asws</sup> said: 'Its renting out is Prohibited'.<sup>115</sup>

**بعض أصحابنا عن علي بن أسباط عن أبي مخدي السراج قال كنت عند أبي عبد الله (عليه السلام) إذ دخل عليه معتب  
فقال رجلان بالباب فقالا ادخلهما فدخلوا فقال أحدهما إني رجل سراج أبيع جلوس النمر فقال مدبوغة هي قال نعم قال ليس به بأس.**

One of our companions, from Ali Bin Asbaat, from Abu Makhlad Al Sarraj who said,

'I was in the presence of Abu Abdullah<sup>asws</sup> when Moattab came over to him<sup>asws</sup> and said, 'Two men are at the door'. So he<sup>asws</sup> said: 'Let them in'. So they both entered. So one of the two said, 'I am a saddle makers selling the tiger skins'. So he<sup>asws</sup> said: 'Are these tanned?' He<sup>asws</sup> said, 'Yes'. He<sup>asws</sup> said: 'There is no problem with it'.<sup>116</sup>

**محمد بن يحيى عن أحمد بن محمد عن عيسى عن أبي القاسم الصيقل قال كتب إليه قوائم السيف التي تسمى السفن اخذها من جلد السمك فهل يجوز العمل لها و لسنا نأكل لحومها فكتب (عليه السلام) لا بأس.**

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Isa, from Abu Al Qasim Al Sayqal who said,

'I wrote to him<sup>asws</sup>, 'The studding of the swords which are names as Al-Saffan, having been taken from the fish skins, so is it allowed to be working on it and we do not eat its flesh?' So he<sup>asws</sup> wrote: 'There is no problem'.<sup>117</sup>

### باب شراء السرقة و الخيانة

## Chapter 103 – Buying the stolen (goods) and the betrayal

**عدة من أصحابنا عن سهل بن زياد و أحمد بن محمد جبيعا عن ابن محبوب عن أبي أيوب عن سائب  
أحد هما (عليهما السلام) عن شراء الخيانة و السرقة فقال لا إلا أن يكون قد احتل ماله غيره فاما السرقة بعينها فلا إلا  
أن تكون من مئان السلطان فلا بأس بذلك.**

A number of our companions, from Sahl Bin Ziyad, and Ahmad Bin Muhammad, altogether from Ibn Mahboub, from Abu Ayoub, from Abu Baseer who said,

'I asked one of the two (5<sup>th</sup> or 6<sup>th</sup> Imam<sup>asws</sup>) about buying the (goods of) betrayal and the stolen (goods). So he<sup>asws</sup> said: 'No, except if there happens to have mixed up something else along with it. So as for the stolen (goods) exactly, so no, except if there happens to be goods of the Sultan (ruling authority), so there is no problem with it'.<sup>118</sup>

**ابن محبوب عن هشام بن سالم عن أبي عبيدة عن أبي حفص (عليه السلام) قال سائله عن الرجل ممّا يشتري من  
السلطان من إبل الصدقة و غنم الصدقة و هو يعلم أنه يأخذون منهم أكثر من الحق الذي يجب عليهم قال  
ما الإيل و الغنم إلا مثل الحنطة و الشعير و غير ذلك لا بأس به حتى تعرف الحرام بعينه**

Ibn Mahboub, from Hisham Bin Salim, from Abu Ubeyda,

<sup>115</sup> Al Kafi – V 5 – The Book of Subsistence Ch 102 H 8

<sup>116</sup> Al Kafi – V 5 – The Book of Subsistence Ch 102 H 9

<sup>117</sup> Al Kafi – V 5 – The Book of Subsistence Ch 102 H 10

<sup>118</sup> Al Kafi – V 5 – The Book of Subsistence Ch 103 H 1

(It has been narrated) from Abu Ja'far<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about the man from us buying from the Sultan (ruling authority), from the camels of charity (Zakat) and sheep of charity (Zakat), and he knew that they are taking from them (masses) more than the rightful which is obligated upon them. So he<sup>asws</sup> said: 'The camel and sheep are likes of the wheat and the barley, and other than that. There is no problem with it until he recognises the Prohibition exactly'.

قُيلَ لَهُ فَمَا تَرَى فِي مُصَدِّقٍ يَجِدُنَا فَيَأْخُذُ صَدَقَاتٍ أَغْنَامًا فَنَفُولٌ بِعْنَاهَا فَيَبِيِّنُهَا فَمَا تَرَى فِي شَرَائِهَا مِنْهُ قَالَ إِنْ كَانَ أَخْذَهَا وَعَزَّلَهَا فَلَا بَأْسَ

It was said to him<sup>asws</sup>, 'So what is your<sup>asws</sup> view regarding a charity (Zakat) collector who comes to us, so he takes the charities (Zakat) of our sheep. So we are saying, 'Sell these back to us'. So what is your<sup>asws</sup> view regarding buying these from him?' He<sup>asws</sup> said: 'If he has taken them (away) and segregated them, so there is no problem'.

قُيلَ لَهُ فَمَا تَرَى فِي الْحُنْطَةِ وَ الشَّعِيرِ يَجِدُنَا الْفَاسِمُ فَقُسِّمَ لَنَا حَظَّنَا وَ يَأْخُذُ حَظَّهُ فَيَعْزِلُهُ بِكَيْلٍ فَمَا تَرَى فِي شَرَاءِ ذَلِكِ الطَّعَامِ مِنْهُ قَالَ إِنْ كَانَ قَبْضَهُ بِكَيْلٍ وَ أَنْتُمْ حُضُورُ ذَلِكَ الْكَيْلِ فَلَا بَأْسَ بِشَرَاءِ مِنْهُ بِغَيْرِ كَيْلٍ .

It was said to him<sup>asws</sup>, 'So what is your<sup>asws</sup> view regarding the wheat and the barley. The apportioner (for charity) comes to us, so he apportions our share, and he takes his share and segregates it with a measurement. So what is your<sup>asws</sup> view regarding buying that foodstuff from him?' So he<sup>asws</sup> said: 'If he had taken possession of it with a measurement, and you were present during that measurement, so there is no problem with buying it from him without measuring it (again)'.<sup>119</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ الْحَسَنِ بْنِ عَلَى عَنْ إِسْحَاقِ بْنِ عَمَّارٍ قَالَ سَلَّمَةُ عَنِ الرَّجُلِ يَشْتَرِي مِنَ الْعَالِمِ وَ هُوَ يَظْلِمُ فَلَا يَشْتَرِي مِنْهُ مَا لَمْ يَعْلَمْ أَنَّهُ ظَلَمٌ فِيهِ أَحَدًا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Ali, from Aban, from Is'haq Bin Ammar who said,

'I asked him<sup>asws</sup> about the man who buys from the office bearer, and he is an unjust one. He<sup>asws</sup> said: 'He can buy from him for as long as he does not know that he has been unjust to anyone in it'.<sup>120</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ الْحُسَينِ بْنِ سَعِيدٍ عَنْ النَّضْرِ بْنِ سُوَيْدٍ عَنْ الْفَاسِمِ بْنِ سُلَيْمَانَ عَنْ جَرَاحِ الْمَدَائِنِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا يَصْلُحُ شِرَاءُ السَّرْقَةِ وَ الْخِيَانَةِ إِذَا عُرِفَتْ .

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,

(It has been narrated) from Abu Abdallah<sup>asws</sup> having said: 'It is not correct to buy the stolen (goods), and the (goods of) betrayal, when it is recognised as such'.<sup>121</sup>

<sup>119</sup> Al Kafi – V 5 – The Book of Subsistence Ch 103 H 2

<sup>120</sup> Al Kafi – V 5 – The Book of Subsistence Ch 103 H 3

<sup>121</sup> Al Kafi – V 5 – The Book of Subsistence Ch 103 H 4

مُحَمَّدٌ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَبْنِ أَبِي عَمِيرٍ عَنْ جَمِيلِ بْنِ صَالِحٍ قَالَ أَرَادُوا بَيْعَ تَمْرٍ عَنْ أَبِي زِيَادٍ فَأَرْدَتُ أَنْ أَشْتَرِيهِ ثُمَّ قُلْتُ حَتَّى أَسْتَأْمِرَ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) فَأَمْرَتُ مُعَاذًا فَسَأَلَهُ فَقَالَ لَهُ يَشْتَرِيهِ فَإِنَّهُ إِنْ لَمْ يَشْتَرِهِ اشْتَرَاهُ غَيْرُهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Abu Umeyr, from Jameel Bin Salih who said,

'I wanted to sell the dates of Abu Ziyad (a plantation), so I wanted to buy it. Then I said (to myself), '(I shall wait) until Abu Abdullah<sup>asws</sup> instructs me so'. So I instructed Moaz, so he asked him<sup>asws</sup>. He<sup>asws</sup> said: 'Say to him, 'Buy it', for if he does not buy it, someone else will buy it'.<sup>122</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ النَّهْدِيِّ عَنْ أَبْنِ أَبِي نَجْرَانَ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ مَنْ اشْتَرَى سَرْقَةً وَ هُوَ يَعْلَمُ فَقَدْ شَرِكَ فِي عَارِهَا وَ إِثْمَهَا .

Al Husayn Bin Muhammad, from Al Nahdy, from Ibn Abu Najran, from one of his companions,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'The one who buys stolen (goods) and he knows, so he has participated in its shame and in its sin'.<sup>123</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ صَالِحِ بْنِ السَّنْدِيِّ عَنْ جَعْفَرِ بْنِ يَشْيَرٍ عَنْ الْحُسَيْنِ بْنِ أَبِي الْعَلَاءِ عَنْ أَبِي عُمَرِ السَّرَّاجِ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) فِي الرَّجُلِ يُوجَدُ عِنْدُهُ السَّرْقَةُ قَالَ هُوَ عَارِمٌ إِذَا لَمْ يَأْتِ عَلَى بَاعِهَا بِشُهُودٍ .

Ali Bin Ibrahim, from Salih, Bin Al Sandy, from Ja'far Bin Basheer, from Al Husayn Bin Abu Al A'ala, from Abu Umar Al Sarraj,

(It has been narrated) from Abu Abdullah<sup>asws</sup> regarding the man in whose presence stolen goods were found'. He<sup>asws</sup> said: 'He suffers the loss unless he comes up with witnesses against his seller (who has sold those to him without his knowledge about the goods)'.<sup>124</sup>

### بابَ مَنْ اشْتَرَى طَعَامَ قَوْمٍ وَ هُمْ لَهُ كَارِهُونَ

## Chapter 104 – The one who buys the food of a people and they are compelled to it

مُحَمَّدٌ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ الْحَسَنِ بْنِ عَلَيٍّ عَنْ عُفَيْفَةَ عَنْ الْحُسَيْنِ بْنِ مُوسَى عَنْ بُرَيْدٍ وَ مُحَمَّدٌ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ مَنْ اشْتَرَى طَعَامَ قَوْمٍ وَ هُمْ لَهُ كَارِهُونَ فُصَلَّ لَهُمْ مِنْ لَحْمِهِ يَوْمَ الْقِيَامَةِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Ali, from Ali Bin Uqba, from Al Husayn Bin Musa, from Bureyd and Muhammad Bin Muslim,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'The one who buys the food of a people and they are compelled to it (dislike to sell it), it would be clipped for them from his flesh on the Day of Judgement'.<sup>125</sup>

<sup>122</sup> Al Kafi – V 5 – The Book of Subsistence Ch 103 H 5

<sup>123</sup> Al Kafi – V 5 – The Book of Subsistence Ch 103 H 6

<sup>124</sup> Al Kafi – V 5 – The Book of Subsistence Ch 103 H 7

<sup>125</sup> Al Kafi – V 5 – The Book of Subsistence Ch 104 H 1

### باب من اشتري شيئاً فتغير عما رأه

## **Chapter 105 – The one who buys something so it turns out to be difference from what he had seen it as**

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلَيِّ بْنِ حَمِيدٍ عَنْ جَبِيلِ بْنِ دَرَاجِ عَنْ مُسْبِرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ رَجُلٌ اشْتَرَى زَيْتًا فَوَجَدَ فِيهِ دُرْبِيًّا قَالَ فَقَالَ إِنْ كَانَ يَعْلَمُ أَنَّ ذَلِكَ فِي الْزَيْتِ لَمْ يَرُدْهُ وَ إِنْ لَمْ يَكُنْ يَعْلَمُ أَنَّ ذَلِكَ فِي الْزَيْتِ رَدَهُ عَلَى صَاحِبِهِ .

Ali Bin Ibrahim, from his father and Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Abu Umeyr and Ali Bin Hadeed, from Jameel Bin Darraj, from Muyassar,

(It has been narrated) from Abu Abdullah<sup>asws</sup>, said, ‘I said to him<sup>asws</sup>, ‘A man buys a skin sack of oil so he finds residue therein’. So he<sup>asws</sup> said: ‘If he knows that that is (normally found to be) in the oil, he cannot return it, but if he does not know that that (is normally found to be) in the oil, he can return it to its owner (seller)’.<sup>126</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَبِي عَمِيرٍ عَنْ إِبْرَاهِيمَ بْنِ إِسْحَاقَ الْخُدْرِيِّ عَنْ أَبِي صَادِقٍ قَالَ دَخَلَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) سُوقَ النَّمَارِينَ فَإِذَا أَمْرَأٌ قَائِمٌ تَبَكِّي وَ هِيَ تُخَاصِّصُ رَحْلًا ثَمَارًا قَالَ لَهَا مَا لَكِ قَالَتْ يَا أَمِيرَ الْمُؤْمِنِينَ اشْتَرَيْتُ مِنْ هَذَا ثَمَرًا بِدِرْهَمٍ فَخَرَجَ أَسْفَلُهُ رَبِيًّا لَيْسَ مِثْلَ الذِّي رَأَيْتُ قَالَ لَهُ رُدٌّ عَلَيْهَا فَأَبَى حَتَّى قَالَهَا ثَلَاثَةٌ فَأَبَى فَعَلَاهُ بِالدَّرَّةِ حَتَّى رَدَ عَلَيْهَا وَ كَانَ عَلَيُّ (صَلَواتُ اللَّهِ عَلَيْهِ) يَكْرُهُ أَنْ يُجَلَّ التَّمَرُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Ibrahim Bin Is'haq Al Khudry, from Abu Sadiq who said,

‘Amir Al-Momineen<sup>asws</sup> entered the market of the date-sellers, so there was a woman wailing and she was disputing with a male date-seller. So he<sup>asws</sup> said to her: ‘What is the matter with you?’ She said, ‘O Amir Al-Momineen<sup>asws</sup>! I bought dates from this date-seller with a Dirham, so there came out from its bottom, some spoilt ones, unlike those which I had seen’. So he<sup>asws</sup> said to him: ‘Return it to her’. So he refused until he<sup>asws</sup> had said it three times. But, he still refused. So he<sup>asws</sup> raised his<sup>asws</sup> whip until he returned it to her, and Ali<sup>asws</sup> used to dislike the dates being veiled’.<sup>127</sup>

### باب بَيْعِ الْعَصِيرِ وَ الْخَمْرِ

## **Chapter 106 – Selling the juice and the wine**

عِدَّةُ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زَيَادٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنْ أَبِي نَصْرٍ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَامُ) عَنْ بَيْعِ الْعَصِيرِ فَيَصِيرُ خَمْرًا قَلَ أَنْ يُقْبِضَ الثَّمَنُ قَالَ لَوْ بَاعَ ثَمَرَتَهُ مِمْنَ يَعْلَمُ اللَّهُ يَجْعَلُهُ حَرَاماً لَمْ يَكُنْ بِذَلِكَ بَاسٌ فَلَمَّا إِذَا كَانَ عَصِيرًا فَلَا يُبَاغِثُ إِلَّا بِالنَّفْدِ .

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

‘I asked Abu Al-Hassan<sup>asws</sup> about selling the juice, so it becomes wine before he takes possession of the price’. So he<sup>asws</sup> said: ‘If he sold its fruit to the one he known that he would make to be something Prohibited, there would not happen to be a

<sup>126</sup> Al Kafi – V 5 – The Book of Subsistence Ch 105 H 1

<sup>127</sup> Al Kafi – V 5 – The Book of Subsistence Ch 105 H 2

problem with that, so when it was juice, so he should not sell it except with a cash transcation'.<sup>128</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَادَ بْنِ عِيسَى عَنْ مُحَمَّدٍ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ تَرَكَ غُلَامًا لَهُ فِي كَرْمٍ لَهُ بَيْعَةً عَنْهَا أَوْ عَصِيرًا فَأَنْطَلَقَ الْغَلَامُ فَعَصَرَ خَمْرًا ثُمَّ بَاعَهُ قَالَ لَا يَصْلُحُ ثَمَنُهُ

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

(It has been narrated) from Abu Abdullah<sup>asws</sup> regarding a man who left a slave of his in a vineyard of his for selling grapes or juice. So the slave went and made wine, then sold it. He<sup>asws</sup> said: 'It is not correct (to take) its price'.

ثُمَّ قَالَ إِنَّ رَجُلًا مِنْ نَقِيفِ أَهْدَى إِلَى رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ) رَأَوْيَتِينِ مِنْ خَمْرٍ فَأَمَرَ بِهِمَا رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ) فَأَهْرَقَتَا وَقَالَ إِنَّ الَّذِي حَرَمَ شُرْبَهَا حَرَمَ ثَمَنَهَا ثُمَّ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنَّ أَفْضَلَ خَصَالِ هَذِهِ الْأَنْوَافِ بَاعَهَا الْغَلَامُ أَنْ يَتَصَدَّقَ بِثَمَنِهَا .

Then he<sup>asws</sup> said: 'A man from Saqeef gifted to Rasool-Allah<sup>saww</sup> two caskets of wine. So Rasool-Allah<sup>saww</sup> ordered with both of them to be destroyed, and said: 'The drinking of which is Prohibited, its price is Prohibited'. The most preferable action for this which the slave had sold is for him, to give it in charity equivlant to its price'.<sup>129</sup>

مُحَمَّدٌ بْنُ يَحْيَىٰ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ الْحُسَيْنِ بْنِ سَعْدٍ عَنْ الْقَاسِمِ بْنِ مُحَمَّدٍ عَنْ عَلَيِّ بْنِ أَبِي حَمْزَةَ عَنْ أَبِي بَصِيرِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ ثَمَنِ الْعَصِيرِ قَبْلَ أَنْ يَعْلَمَ لِمَنْ يَبْتَاعُهُ لِيَطْبَخَهُ أَوْ يَجْعَلُهُ خَمْرًا قَالَ إِذَا بَعْتُهُ قَبْلَ أَنْ يَكُونَ خَمْرًا وَهُوَ حَلَالٌ فَلَا بَأْسَ .

Muhamman Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Al Qasim Bin Muhammad, from Ali Bin Abu Hamza,

(It has been narrated) from Abu Baseer who said, 'I asked Abu Abdullah<sup>asws</sup> about the price of the juice before it boils for the one who cooks it or make it into wine. He<sup>asws</sup> said: 'If he were to sell it before it becomes wine and it is Permissible, so there is no problem'.<sup>130</sup>

أَبُو عَلَيِّ الْأَشْعَرِيُّ عَنْ مُحَمَّدٍ بْنِ عَبْدِ الْجَبَارِ عَنْ صَفْوَانَ عَنِ ابْنِ مُسْكَانَ عَنْ يَزِيدَ بْنِ خَلِيفَةَ قَالَ كَرِهٌ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) بَيْعُ الْعَصِيرِ يُتَأْخِرُ .

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

'Abu Abdullah<sup>asws</sup> disliked selling the juice with a delay (on credit, lest it turns into wine)'.<sup>131</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ مُحَمَّدٍ بْنِ سَيَّانَ عَنْ مُعَاوِيَةَ بْنِ الرَّضَا (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ نَصْرَانِيِّ أَسْلَمَ وَعَنْهُ خَمْرٌ وَخَنَازِيرٌ وَعَلَيْهِ دِينٌ هُلْ يَبْيَعُ خَمْرًا وَخَنَازِيرًا فَيُقْضِيَ دِينَهُ قَالَ لَا .

Ali Bin Ibrahim, from his father, from Ibn Abu Najran, from Muhammad Bin Sinan, from Muawiya Bin Sa'ad,

<sup>128</sup> Al Kafi – V 5 – The Book of Subsistence Ch 106 H 1

<sup>129</sup> Al Kafi – V 5 – The Book of Subsistence Ch 106 H 2

<sup>130</sup> Al Kafi – V 5 – The Book of Subsistence Ch 106 H 3

<sup>131</sup> Al Kafi – V 5 – The Book of Subsistence Ch 106 H 4

(It has been narrated) from Al-Reza<sup>asws</sup>, said, ‘I asked him<sup>asws</sup> about a Christian who became a Muslim, and with him was wine, and pigs, and upon him were debts. Can he sell his wine and his pigs so he can fulfill his debts?’ So he<sup>asws</sup> said: ‘No’. <sup>132</sup>

صَفَوْانُ عَنْ ابْنِ مُسْكَانٍ عَنْ مُحَمَّدِ الْحَلْبِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنْ بَيْعِ عَصِيرِ الْعَنْبَ مِمَّ يَجْعَلُهُ حَرَاماً فَقَالَ لَا بَأْسَ بِهِ تِبْيَعَهُ حَلَالاً فَيَجْعَلُهُ [ذَاكَ] حَرَاماً فَأَبْعَدَهُ اللَّهُ وَ أَسْخَفَهُ .

Safwan Bin Muskan, from Muhammad Al Halby who said,

‘I asked Abu Abdullah<sup>asws</sup> about selling the juice of the grapes to the one who makes it into a Prohibited (substance). So he<sup>asws</sup> said: ‘There is no problem with it. You can sell its as a Permissible (substance), so he makes that into a Prohibited (substance). May Allah<sup>azwj</sup> Distance him and Break him’. <sup>133</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنْ الْحَسَنِ بْنِ عَلَيٍّ عَنْ أَبَانٍ عَنْ أَبِي أَيْوبَ قَالَ فَلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) رَجُلٌ أَمْرَ غُلَامَهُ أَنْ يَبْيَعَ كُرْمَهُ عَصِيرًا فَبَاعَهُ خَمْرًا ثُمَّ أَتَاهُ بِثَمَنِهِ فَقَالَ إِنَّ أَحَبَّ الْأَشْيَاءِ إِلَيَّ أَنْ يُتَصَدِّقَ بِثَمَنِهِ .

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

‘I said to Abu Abdullah<sup>asws</sup>, ‘A man ordered his slave to sell his grapes as juice, but he sold it as wine, then came over with its price’. So he<sup>asws</sup> said: ‘The most beloved of things to me is that he should give its price in charity’. <sup>134</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَبِي عُمَيْرٍ عَنْ أُذَيْنَةَ قَالَ كَتَبْتُ إِلَى أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أَسْأَلْهُ عَنْ رَجُلٍ لَهُ كُرْمٌ أَبَيَ بَيْعَ الْعَنْبَ وَ التَّمْرَ مِمَّ يَعْلَمُ أَنَّهُ يَجْعَلُهُ حَمْرَاً أَوْ سَكَرًا فَقَالَ إِنَّمَا بَاعَهُ خَلَالاً فِي الْإِبَانِ الَّذِي يَحْلُّ شُرْبُهُ أَوْ أَكْلُهُ فَلَا بَأْسَ بِتِبْيَعِهِ .

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

‘I wrote to Abu Abdullah<sup>asws</sup> asking him<sup>asws</sup> about a man for whom is a vineyard. Can he sell the grapes and the dates to the one whom he knows that he would make it into wine, or an intoxicant?’ So he<sup>asws</sup> said: ‘But rather, selling it is Permissible in a timely manner when the drinking of it is Permissible, or eating it. Thus, there is no problem with selling it’. <sup>135</sup>

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَادَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرِ ( عَلَيْهِ السَّلَامُ ) فِي رَجُلٍ كَانَتْ لَهُ عَلَى رَجُلٍ دَرَاهُمْ فَبَاعَ خَمْرًا أَوْ خَنَازِيرَ وَ هُوَ يَنْظَرُ فَقَضَاهُ فَقَالَ لَا بَأْسَ بِهِ أَمَّا لِلْمُفْتَضِيِّ فَخَلَالٌ وَ أَمَّا لِلْبَاعِ فَحَرَامٌ .

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

(It has been narrated) from Abu Ja'far<sup>asws</sup> regarding a man who had some Dirhams (as a debt) upon a man, so he sold wine, or pigs and he (the creditor) was waiting, so he paid him off. So he<sup>asws</sup> said: ‘There is no problem with it. As for the creditor, it is Permissible, and as for the seller, so it is Prohibited’. <sup>136</sup>

<sup>132</sup> Al Kafi – V 5 – The Book of Subsistence Ch 106 H 5

<sup>133</sup> Al Kafi – V 5 – The Book of Subsistence Ch 106 H 6

<sup>134</sup> Al Kafi – V 5 – The Book of Subsistence Ch 106 H 7

<sup>135</sup> Al Kafi – V 5 – The Book of Subsistence Ch 106 H 8

<sup>136</sup> Al Kafi – V 5 – The Book of Subsistence Ch 106 H 9

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَبْنِ فَضَالٍ عَنْ يُونُسَ بْنِ مَنْصُورٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) لِي عَلَى رَجُلٍ ذَمِّيٍّ دَرَاهِمُ فَيَبِيعُ الْخَمْرَ وَ الْخِنْزِيرَ وَ أَنَا حَاضِرٌ فَيَحْلُّ لِي أَخْدُهَا فَقَالَ إِنَّمَا لِكَ عَلَيْهِ دَرَاهِمٌ فَفَضَّاكَ دَرَاهِمَكَ.

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazzal, from Yunus Bin Yaqoub, from Mansour who said,

'I said to Abu Abdullah<sup>asws</sup>, 'There are some Dirhams for me upon a Zimmy man (as a debt). So he sells the wine and the prigs, and I am present. Is it Permissible for me to take it (my money)?' So he<sup>asws</sup> said: 'But rather, for you upon him were Dirhams (to be paid), therefore fulfill your Dirhams'.<sup>137</sup>

عَلَيُّ بْنُ ابْرَاهِيمَ عَنْ أَبِيهِ عُمَيْرٍ عَنْ أَبْنِ أَبِيهِ عَنْ زُرَارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يَكُونُ لِي عَلَيْهِ الدَّرَاهِمُ فَيَبِيعُ بِهَا خَمْرًا وَ خِنْزِيرًا ثُمَّ يَقْضِي عَنْهَا قَالَ لَا بَأْسَ أُوْفِي لَهُ أَخْدُهَا.

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Ibn Azina, from Zurara,

(It has been narrated) from Abu Abdullah<sup>asws</sup> regarding the man upon whom were Dirhams (as a debt) for me. So he sells wine and pigs, then fulfills from it (clears the debt). He<sup>asws</sup> said: 'There is no problem', or said: 'Take it (your money)'.<sup>138</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ بْنِ بَزَّيْعٍ عَنْ حَنَانَ عَنْ أَبِي كَهْمَسٍ قَالَ سَأَلَ رَجُلٌ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الْعَصِيرِ فَقَالَ لَيْ كَرْمٌ وَ أَنَا أَعْصِرُهُ كُلَّ سَنَةٍ وَ أَجْعَلُهُ كُلَّ سَنَةٍ وَ أَبِيَّهُ فَقَالَ لَا يَغُلِّي قَالَ لَا يَأْسَ بِهِ فَإِنْ غَلَى فَلَا يَحْلُ بَيْعَهُ ثُمَّ قَالَ هُوَ ذَا نَحْنُ نَبِيعُ تَمَرَّنًا مَمَّنْ نَعْلَمُ أَنَّهُ يَصْنَعُهُ خَمْرًا.

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Ismail Bin Bazie, from Hanaan, from Abu Kahma who said,

'A man asked Abu Abdullah<sup>asws</sup> about the juice, so he said, 'There is a vineyard for me and I make juice of it every year, and I make it to be in the jugs and I sell these before it boils'. He<sup>asws</sup> said: 'There is no problem with it. But, if it were to boil, so it is not Permissible to sell it'. Then he<sup>asws</sup> said: 'It is that we<sup>asws</sup> sell our<sup>asws</sup> dates to the ones we<sup>asws</sup> know that he makes it as wine'.<sup>139</sup>

عَلَيُّ بْنُ ابْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلَ بْنِ مَرَّارَ عَنْ يُونُسَ فِي مَجُوسِيٍّ بَاعَ خَمْرًا أَوْ خَنَازِيرَ إِلَى أَجَلٍ مُسَمَّى ثُمَّ أَسْلَمَ قُلْ أَنْ يَحْلَّ الْمَالُ قَالَ لَهُ دَرَاهِمَهُ وَ قَالَ إِنَّ أَسْلَمَ رَجُلٌ وَ لَهُ خَمْرٌ وَ خَنَازِيرٌ ثُمَّ مَاتَ وَ هِيَ فِي مُلْكِهِ وَ عَلَيْهِ دِيَانَةُ أَوْ وَلِيٌّ لَهُ عَيْرُ مُسْلِمٍ خَمْرَهُ وَ خَنَازِيرَهُ وَ يَقْضِي دِيَانَةً وَ لَيْسَ لَهُ أَنْ يَبِيعَهُ وَ هُوَ حَيٌّ وَ لَا يُمْسِكُهُ.

Ali Bin Ibrahim, from his father, from Ismail Bin Marrar, from Yunus, 'Regarding a Magian who sells wine or pigs to a named term, then he became a Muslim before the wealth was released.'

He<sup>asws</sup> said: 'For him are his Dirhams'. And he<sup>asws</sup> said: 'If the man becomes a Muslim and for him was wine and pigs, then he dies, and these were in his ownership, and upon him were debts, his creditor or his guardian can sell to a non-Muslim, his wine and his pigs and fulfill his debts, but it is not for him to sell it and he is alive, nor to keep it'.<sup>140</sup>

<sup>137</sup> Al Kafi – V 5 – The Book of Subsistence Ch 106 H 10

<sup>138</sup> Al Kafi – V 5 – The Book of Subsistence Ch 106 H 11

<sup>139</sup> Al Kafi – V 5 – The Book of Subsistence Ch 106 H 12

<sup>140</sup> Al Kafi – V 5 – The Book of Subsistence Ch 106 H 13

عَلَيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ بَعْضِ أَصْحَابِنَا عَنِ الرَّضَا ( عَلَيْهِ السَّلَامُ ) قَالَ سَأَلَتْهُ عَنْ نَصْرَانِيَّ أَسْلَمَ وَعِنْهُ حَمْرٌ وَخَنَازِيرٌ وَعَلَيْهِ دَيْنٌ هُلْ يَبْيَعُ حَمْرَهُ وَخَنَازِيرَهُ وَيَغْضِي دَيْنَهُ قَالَ لَا .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from one of our companions,

(It has been narrated) from Al-Reza<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about a Christian who became a Muslim and with him was wine and pigs, and upon him were debts. Can he sell his wine and his pigs and fulfil his debts?' He<sup>asws</sup> said: 'No'.<sup>141</sup>

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<sup>141</sup> Al Kafi – V 5 – The Book of Subsistence Ch 106 H 14