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

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

Who died in the year 329 H

كتاب المَعِيشَةِ

THE BOOK OF SUBSISTENCE (5)

TABLE OF CONTENTS

THE BOOK OF SUBSISTENCE (5).....	1
Chapter 86 – The man sells what is not with him.....	4
Chapter 87 – Preference of the good quality of that which is sold	6
Chapter 88 – The buy-back	7
Chapter 89 – The two stipulations regarding the sale	12
Chapter 90 – The man sells goods, then finds a defect in it.....	12
Chapter 91 – Selling on credit	13
Chapter 92 – Buying the slave.....	14
Chapter 93 – The owned slave is sold and for him is wealth	21
Chapter 94 – The one who buys the slave so a defect is evident with him, and what is returnable from it, and what is not returnable.....	22
Chapter 95 - Miscellaneous.....	27
Chapter 96 – The separation between the relatives from the owned slaves.....	29
Chapter 97 – The slave asks his master that he sells him, and he stipulates to him that he gives him something.....	30
Chapter 98 – The submission of advance payment regarding the slave and others from the animals	31
Chapter 99 – Another chapter from it	35
Chapter 100 – The sheep given out (for pasture) with the tribute payment	36
Chapter 101 – Selling the found (child) and the child of adultery (bastard)	37
Chapter 102 – The summary regarding what is Permissible for the buying and the selling from it, and what is not Permissible.....	39
Chapter 103 – Buying the stolen (goods) and the betrayal.....	41
Chapter 104 – The one who buys the food of a people and they are compelled to it.....	43
Chapter 105 – The one who buys something so it turns out to be difference from what he had seen it as	44
Chapter 106 – Selling the juice and the wine	44

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

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

بَابُ الرَّجُلِ يَبِيعُ مَا لَيْسَ عِنْدَهُ

Chapter 86 – The man sells what is not with him

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ صَفْوَانَ عَنْ مُوسَى بْنِ بَكْرٍ عَنْ حَدِيدِ بْنِ حَكِيمٍ الْأَزْدِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) بِجِبْتِي الرَّجُلُ يَطْلُبُ مِنِّي الْمَتَاعَ بِعَشْرَةِ آلَافٍ دِرْهَمٍ أَوْ أَقَلٍّ أَوْ أَكْثَرَ وَ لَيْسَ عِنْدِي إِلَّا بِأَلْفٍ دِرْهَمٍ فَاسْتَعِيرُ مِنْ جَارِي وَ أَخَذَ مِنْ ذَا وَ ذَا فَأَبِيعُهُ مِنْهُ ثُمَّ اشْتَرِيهِ مِنْهُ أَوْ أَمْرٌ مَنْ يَسْتَرِيهِ فَأَرُدُّهُ 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^{asws}, '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^{asws} said: 'There is no problem with it'.¹

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ عِيسَى عَنْ مَنْصُورٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سُئِلَ عَنْ رَجُلٍ بَاعَ بَيْعًا لَيْسَ عِنْدَهُ إِلَى أَجَلٍ وَ ضَمِنَ 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^{asws}, said, 'He^{asws} 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^{asws} said; 'There is no problem with it'.²

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبِي حَمَزَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ اشْتَرَى مَتَاعًا لَيْسَ فِيهِ كَيْلٌ وَ لَا وَزْنٌ أَوْ يَبِيعُهُ 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^{asws}, said, 'I asked him^{asws} 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^{asws} said: 'There is no problem'.³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) الرَّجُلُ يَجِئُنِي يَطْلُبُ الْمَتَاعَ فَأَقُولُ لَهُ عَلَى الرَّجْحِ ثُمَّ اشْتَرِيهِ فَأَبِيعُهُ مِنْهُ فَقَالَ أَلَيْسَ إِنْ شَاءَ أَخَذَ وَ إِنْ 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,

¹ Al Kafi – V 5 – The Book of Subsistence Ch 86 H 1

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

³ Al Kafi – V 5 – The Book of Subsistence Ch 86 H 3

'I said to Abu Abdullah^{asws}, '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^{asws} 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^{asws} said: 'There is no problem with it'.

قُلْتُ فَإِنَّ مَنْ عِنْدَنَا يُفِيدُهُ قَالَ وَ لَمْ قُلْتُ بَاعَ مَا لَيْسَ عِنْدَهُ قَالَ فَمَا يَقُولُ فِي السَّلْمِ قَدْ بَاعَ صَاحِبُهُ مَا لَيْسَ عِنْدَهُ قُلْتُ بَلَى قَالَ فَإِنَّمَا صَلَحَ مِنْ أَجْلِ أَنَّهُمْ يُسْمُونَهُ سَلْمًا إِنَّ أَبِي كَانَ يَقُولُ لَا بَأْسَ بِبَيْعِ كُلِّ مَتَاعٍ كُنْتَ تَجِدُهُ فِي الْوَقْتِ الَّذِي بَعْتَهُ فِيهِ .

I said, 'Supposing there is one among us who spoils it?' He^{asws} said: 'And why (would he)?' I said, 'Selling what is not with him'. He^{asws} 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^{asws} said: 'So, rather it is correct due to the reason that they are naming it as an advance payment. My^{asws} father^{asws} was saying: 'There is no problem selling every (type of) of goods which you can find during the time in which you sell it'.⁴

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ فَضَالَةَ بْنِ أَيُّوبَ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) الرَّجُلُ يَجِئُنِي بِطَلْبِ الْمَتَاعِ الْحَرِيرِ وَ لَيْسَ عِنْدِي مِنْهُ شَيْءٌ فَيَقُولُنِي وَ أَقُولُهُ فِي الرَّبْحِ وَ الْأَجْلِ حَتَّى يَجْتَمِعَ عَلَيَّ شَيْءٌ ثُمَّ أَذْهَبُ فَأَشْتَرِي لَهُ الْحَرِيرَ وَ أَدْعُوهُ إِلَيْهِ فَقَالَ أَرَأَيْتَ إِنْ وَجَدَ بَيْعًا هُوَ أَحَبُّ إِلَيْهِ مِمَّا عِنْدَكَ أَسْتَطِيعُ أَنْ يَنْصَرِفَ إِلَيْهِ وَ يَدْعَكَ أَوْ وَجَدْتَ أَنْتَ ذَلِكَ أَسْتَطِيعُ أَنْ تَنْصَرِفَ عَنْهُ وَ تَدْعَهُ قُلْتُ 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^{asws}, '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^{asws} said: 'What is your view, if he were to find a sale which is more beloved to him that what is with you, would he have the leeway that he chages 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^{asws} said: 'There is no problem'.⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ بَحْيِيِّ بْنِ الْحَجَّاجِ عَنْ خَالِدِ بْنِ نَجِيحٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) الرَّجُلُ يَجِيءُ فَيَقُولُ أَشْتَرِي هَذَا النَّوْبَ وَ أَرَبِحَكَ كَذَا وَ كَذَا فَقَالَ أَلَيْسَ إِنْ شَاءَ أَخَذَ وَ إِنْ شَاءَ تَرَكَ قُلْتُ بَلَى قَالَ لَا بَأْسَ بِهِ إِنَّمَا يُحَلُّ الْكَلَامُ وَ يُحَرِّمُ 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^{asws}, '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^{asws} 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^{asws} said: 'There is no problem with it. But rather, the speech makes it Permissible and the speech makes it Prohibited (the oral representations)'.⁶

⁴ Al Kafi – V 5 – The Book of Subsistence Ch 86 H 4

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

⁶ Al Kafi – V 5 – The Book of Subsistence Ch 86 H 6

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُوَيْدٍ عَنِ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ لَا بَأْسَ بِأَنْ تَبِيعَ الرَّجُلُ الْمَتَاعَ لَيْسَ عِنْدَكَ تُسَاوِمُهُ تَمَّ تَشْتَرِي لَهُ نَحْوَ الَّذِي طَلَبَ تَمَّ تَوْجِبُهُ عَلَى نَفْسِكَ تَمَّ تَبِيعُهُ مِنْهُ بَعْدَ .

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^{asws} 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'.⁷

عَلِيُّ بْنُ إِبرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنْ رَجُلٍ بَاعَ بَيْعًا لَيْسَ عِنْدَهُ إِلَى أَجَلٍ وَ ضَمِنَ 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^{asws} about a man who sold an item which was not with him, to a specified term, and guaranteed the sale'. He^{asws} said: 'There is no problem'.⁸

بَعْضُ أَصْحَابِنَا عَنْ عَلِيِّ بْنِ أَسْبَاطٍ عَنْ أَبِي مَخْلَدٍ السَّرَّاجِ قَالَ كُنَّا عِنْدَ أَبِي عَبْدِ اللَّهِ (عليه السلام) فَدَخَلَ عَلَيْهِ مُعْتَبٌ فَقَالَ بِالْبَابِ رَجُلَانِ فَقَالَ أَدْخِلْهُمَا فَدَخَلَا فَقَالَ أَحَدُهُمَا إِنِّي رَجُلٌ قَصَابٌ وَ إِنِّي أَبِيعُ الْمُسُوكَ قَبْلَ أَنْ أَدْبِجَ الْعَنْمَ قَالَ لَيْسَ بِهِ بَأْسٌ وَ لَكِنْ أَنْسُدْهَا عَنَّمْ أَرْضِ كَذَا وَ كَذَا .

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

'We were in the presence of Abu Abdullah^{asws}, so Mo'tab came over to him^{asws} and said, 'There are two men at the door'. So he^{asws} 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^{asws} said: 'There is no problem with it, but link (mention its lineage of) the sheep with such and such a land'.⁹

بَابُ فَضْلِ الشَّيْءِ الْجَيِّدِ الَّذِي يُبَاعُ

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

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ بَعْضِ أَصْحَابِنَا عَنْ مَرْوَكِ بْنِ عُبَيْدٍ عَمَّنْ ذَكَرَهُ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) أَنَّهُ قَالَ فِي الْجَيِّدِ دَعْوَتَانِ وَ فِي الرَّدِيِّ دَعْوَتَانِ يُقَالُ لِصَاحِبِ الْجَيِّدِ بَارَكَ اللَّهُ فِيكَ وَ فِيْمَنْ بَاعَكَ وَ يُقَالُ لِصَاحِبِ الرَّدِيِّ لَا بَارَكَ اللَّهُ فِيكَ وَ لَا فِيْمَنْ 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^{asws} 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^{azwj} will Bless you and the one who sold

⁷ Al Kafi – V 5 – The Book of Subsistence Ch 86 H 7

⁸ Al Kafi – V 5 – The Book of Subsistence Ch 86 H 8

⁹ 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^{azwj} will neither Bless you nor the one who sold it to you'.¹⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ يَعْقُوبَ بْنِ يَزِيدَ عَنِ الْوَشَاءِ عَنْ عَاصِمِ بْنِ جُمَيْدٍ قَالَ قَالَ لِي أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَيَّ شَيْءٍ تُعَالِجُ قُلْتُ أبيعُ الطَّعَامَ فَقَالَ لِي اشْتَرِ الْجَيِّدَ وَ بِعِ الْجَيِّدَ فَإِنَّ الْجَيِّدَ إِذَا بَعْتَهُ قَبِلَ لَهُ بَارَكَ اللَّهُ فِيكَ وَ فِيْمَنْ بَاعَكَ

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

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

باب العينة

Chapter 88 – The buy-back

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ حَفْصِ بْنِ سُوقَةَ عَنِ الْحُسَيْنِ بْنِ الْمُنْذِرِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَجِئُنِي الرَّجُلُ فَيَطْلُبُ الْعَيْنَةَ فَاشْتَرِي لَهَا الْمَتَاعَ مُرَابِحَةً ثُمَّ أبيعُهُ إِيَّاهُ ثُمَّ اشْتَرِيهِ مِنْهُ مَكَانِي قَالَ فَقَالَ إِذَا كَانَ بِالْخِيَارِ إِنْ شَاءَ بَاعَ وَ إِنْ شَاءَ لَمْ يَبِعْ وَ كُنْتَ أَنْتَ أَيْضاً بِالْخِيَارِ إِنْ شِئْتَ اشْتَرَيْتَ وَ إِنْ شِئْتَ لَمْ تَشْتَرِ فَلَا بَأْسَ

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

'I said to Abu Abdullah^{asws}, '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^{asws} 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'.

قَالَ قُلْتُ فَإِنَّ أَهْلَ الْمَسْجِدِ يَزْعُمُونَ أَنَّ هَذَا فَاسِدٌ وَ يَقُولُونَ إِنْ جَاءَ بِهِ بَعْدَ أَشْهُرٍ صَلَحَ فَقَالَ إِنْ 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^{asws} said: 'This is preceding and delaying, so there is no problem with it'.¹²

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ إِسْمَاعِيلَ بْنِ عَبْدِ الْخَالِقِ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَامُ) عَنِ الْعَيْنَةِ وَ قُلْتُ إِنْ عَامَهُ تَجَارِنَا الْيَوْمَ يُعْطُونَ الْعَيْنَةَ فَأَقْصُ عَيْنَكَ كَيْفَ تَعْمَلُ قَالَ هَاتِ قُلْتُ يَا تَيْنَا الرَّجُلُ الْمُسَاوِمُ يُرِيدُ الْمَالَ فَيَسَاوِمُنَا وَ لَيْسَ عِنْدَنَا مَتَاعٌ فَيَقُولُ أُرْبِحُكَ دَهْ بَارِدَهُ وَ أَقُولُ أَنَا دَهْ دَوَارِدَهُ فَلَا نَرَالُ نَتْرَاوِضُ حَتَّى نَتْرَاوِضَ عَلَى أَمْرٍ

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

¹⁰ Al Kafi – V 5 – The Book of Subsistence Ch 87 H 1

¹¹ Al Kafi – V 5 – The Book of Subsistence Ch 87 H 2

¹² Al Kafi – V 5 – The Book of Subsistence Ch 88 H 1

'I asked Abu Al-Hassan^{asws} about the buy-back (الْعَيْنَةَ) and I said, 'The merchants these days are giving the buy-back (الْعَيْنَةَ)'. So I can relate to you how we deal'. He^{asws} 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 فَرَعْنَا قُلْتُ لَهُ أَيُّ مَتَاعٍ أَحَبُّ إِلَيْكَ أَنْ أَسْتَرِيَ لَكَ فَيَقُولُ الْحَرِيرُ لِأَنَّهُ لَا نَجِدُ شَيْئًا أَقَلَّ وَضِيْعَةً مِنْهُ فَأَذْهَبُ وَ قَدْ قَاوَلْتُهُ مِنْ غَيْرِ مُبَايَعَةٍ فَقَالَ أَلَيْسَ إِنْ شِئْتَ لَمْ تُعْطِهِ وَإِنْ شَاءَ لَمْ يَأْخُذْ مِنْكَ قُلْتُ بَلَى

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^{asws} 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 فَأَسْتَرِيَ لَهُ ذَلِكَ الْحَرِيرَ وَ أَمَاكِسُ بِقَدْرِ جُهْدِي ثُمَّ أَجِيءُ بِهِ إِلَى بَيْتِي فَأُبَايِعُهُ فَرُبَّمَا إِزْدَدْتُ عَلَيْهِ الْقَلِيلَ عَلَى الْمَقَاوِلَةِ وَ رُبَّمَا أَعْطَيْتُهُ عَلَى مَا قَاوَلْتُهُ وَ رُبَّمَا تَعَاسَرْنَا فَلَمْ يَكُنْ شَيْءٌ فَإِذَا اسْتَرَى مِنِّي لَمْ يَجِدْ أَحَدًا أَغْلَى بِهِ مِنْ الَّذِي اسْتَرَيْتُهُ مِنْهُ فَيَبِيْعُهُ مِنْهُ فَيَجِيءُ ذَلِكَ فَيَأْخُذُ الدَّرَاهِمَ فَيُدْفَعُهَا إِلَيْهِ وَ رُبَّمَا جَاءَ لِجَحِيلِهِ عَلَيَّ فَقَالَ لَا تَدْفَعُهَا إِلَّا إِلَى 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^{asws} said: 'You cannot hand it over to anyone except the owner of the silk'.

قُلْتُ وَ رُبَّمَا لَمْ يَتَّقِ بَيْنِي وَ بَيْنَهُ الْبَيْعُ بِهِ وَ أَطْلُبُ إِلَيْهِ فَيَقْبَلُهُ مِنِّي فَقَالَ أَوْ لَيْسَ إِنْ شَاءَ لَمْ يَفْعَلْ وَ إِنْ شِئْتَ أَنْتَ لَمْ تَرُدَّ قُلْتُ بَلَى لَوْ أَنَّهُ هَلَكَ فَمِنْ مَالِي قَالَ لَا بَأْسَ بِهَذَا إِذَا أَنْتَ لَمْ تَعُدْ 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^{asws} 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 die, so it would be from my wealth'. He^{asws} said: 'There is no problem with this. When you do not exceed this, so there is no problem with it'.¹³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ سَيْفِ بْنِ عَمِيرَةَ عَنْ مَنْصُورِ بْنِ حَازِمٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ طَلَبَ مِنْ رَجُلٍ تَوْبًا بِعَيْنِهِ فَقَالَ لَيْسَ عِنْدِي وَ هَذِهِ دَرَاهِمُ فَخَذَهَا فَاسْتَرَى بِهَا فَأَخَذَهَا وَ اسْتَرَى تَوْبًا كَمَا يُرِيدُ ثُمَّ جَاءَ بِهِ لِيَسْتَرِيَهُ مِنْهُ فَقَالَ أَلَيْسَ إِنْ ذَهَبَ التَّوْبُ فَمِنْ مَالِ الَّذِي أَعْطَاهُ الدَّرَاهِمَ قُلْتُ بَلَى فَقَالَ إِنْ شَاءَ اسْتَرَى وَ إِنْ شَاءَ لَمْ يَسْتَرِهِ قَالَ فَقَالَ لَا بَأْسَ بِهِ .

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

¹³ Al Kafi – V 5 – The Book of Subsistence Ch 88 H 2

'I asked Abu Abdullah^{asws} 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^{asws} 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^{asws} 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'.¹⁴

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ سَيْفِ بْنِ عَمِيرَةَ عَنْ أَبِي بَكْرٍ الْحَضْرَمِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) رَجُلٌ يُعِينُ ثُمَّ حَلَّ دَيْنَهُ فَلَمْ يَجِدْ مَا يَقْضِيهِ أَيْتَعِنُ مِنْ صَاحِبِهِ الَّذِي عَيْنَهُ وَ يَقْضِيهِ قَالَ نَعَمْ .

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

'I said to Abu Abdullah^{asws}, 'A man contracted a buy-back deal (يُعِينُ), 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^{asws} said: 'Yes'.¹⁵

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عَلِيِّ بْنِ إِسْمَاعِيلَ عَنْ أَبِي بَكْرٍ الْحَضْرَمِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَكُونُ لِي عَلَى الرَّجُلِ الدَّرَاهِمُ فَيَقُولُ لِي بَعْضُ شَيْئًا أَقْضِيكَ فَأَبِيعُهُ الْمَتَاعَ ثُمَّ أَسْتَرِيهِ مِنْهُ وَأَقْبِضُ 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^{asws}, '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^{asws} said: 'There is no problem'.¹⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ حَنَّانِ بْنِ سَدِيرٍ قَالَ كُنْتُ عِنْدَ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَقَالَ لَهُ جَعْفَرُ بْنُ حَنَّانٍ مَا تَقُولُ فِي الْعَيْنَةِ فِي رَجُلٍ يَبِيعُ رَجُلًا فَيَقُولُ لَهُ أَبِيعْكَ بِدَهْ دَوَارِدَهْ وَ بِدَهْ يَارِدَهْ 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 بَأْسٌ

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

'I was in the presence of Abu Abdullah^{asws}, so Ja'far Bin Hannan said to him^{asws}, 'What are you^{asws} saying regarding the buy back (الْعَيْنَةِ) 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^{asws} 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 أُسَاوِمُهُ وَ لَيْسَ عِنْدِي مَتَاعٌ قَالَ لَا بَأْسَ .

¹⁴ Al Kafi – V 5 – The Book of Subsistence Ch 88 H 3

¹⁵ Al Kafi – V 5 – The Book of Subsistence Ch 88 H 4

¹⁶ 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^{asws} said: 'There is no problem'.¹⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عَبْدِ اللَّهِ بْنِ الْمُغِيرَةَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ لِي عَلَيْهِ مَالٌ وَهُوَ مُعْسِرٌ فَأَشْتَرِي بَيْعاً مِنْ رَجُلٍ إِلَى أَجَلٍ عَلَيَّ أَنْ أَضْمَنَ ذَلِكَ عَنْهُ لِلرَّجُلِ وَ يَفْضِيَنِي 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^{asws}, said, 'I asked him^{asws} 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^{asws} said: 'There is no problem'.¹⁸

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ بَحْيَى عَنْ هَارُونَ بْنِ خَارِجَةَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَيَّنْتُ رَجُلًا عَيْنَهُ فَقُلْتُ لَهُ أَفْضَيْتَنِي فَقَالَ لَيْسَ عِنْدِي فَعَيَّنِي حَتَّى أَفْضَيْتَكَ قَالَ عَيْنَهُ حَتَّى يَفْضَيْتَكَ .

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

'I said to Abu Abdullah^{asws}, 'I do a buy-back deal (عَيَّنْتُ) 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^{asws} said: 'Keep buying back (عَيْنُهُ) with him until he pays you'.¹⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَدِيدِ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ قُلْتُ لِأَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) (إِنَّ سَلْسَبِيلَ طَلَبْتُ مِنِّْي مِائَةَ أَلْفِ دِرْهَمٍ عَلَيَّ أَنْ تُرْبِحَنِي عَشْرَةَ أَلْفٍ فَأَقْرَضْنَهَا تِسْعِينَ أَلْفًا وَ أبيعُهَا تَوْبًا وَ شَيْئًا نَقَوْمُ عَلَيَّ بِأَلْفِ دِرْهَمٍ بَعْشَرَ أَلْفِ 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^{asws}, '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^{asws} said: 'There is no problem'.

وَ فِي رِوَايَةٍ أُخْرَى لَا بَأْسَ بِهِ أَعْطَاهَا مِائَةَ أَلْفٍ وَ بَعْهَا التَّوْبَ بَعْشَرَ أَلْفٍ وَ اكْتُبْ عَلَيْهَا كِتَابَيْنِ .

And in another report, (He^{asws} 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'.²⁰

¹⁷ Al Kafi – V 5 – The Book of Subsistence Ch 88 H 6

¹⁸ Al Kafi – V 5 – The Book of Subsistence Ch 88 H 7

¹⁹ Al Kafi – V 5 – The Book of Subsistence Ch 88 H 8

²⁰ Al Kafi – V 5 – The Book of Subsistence Ch 88 H 9

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنِ الْحَسَنِ بْنِ عَلِيٍّ بْنِ عَبْدِ اللَّهِ عَنْ عَمِّهِ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ قُلْتُ لِلرِّضَا (عَلَيْهِ السَّلَامُ) الرَّجُلُ يَكُونُ لَهُ الْمَالُ قَدْ حَلَّ عَلَى صَاحِبِهِ يَبِيعُهُ لَوْلَاةٍ تَسَوَّى مِائَةَ دِرْهَمٍ بِأَلْفٍ دِرْهَمٍ وَ يُؤَخَّرُ عَنْهُ الْمَالُ إِلَى وَقْتٍ قَالَ لَا بَأْسَ قَدْ أَمَرَنِي أَبِي فَفَعَلْتُ 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^{asws}, '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^{asws} said: 'There is no problem. My^{asws} father^{asws} had instructed me^{asws} such, so I^{asws} did that'.

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

And he (the narrator) claimed that he had asked Abu Al-Hassan^{asws} about it, so he^{asws} said to him similar to that'.²¹

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ قُلْتُ لِأَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) (يَكُونُ لِي عَلَى الرَّجُلِ دَرَاهِمٌ فَيَقُولُ أَخْرَجِي بِهَا وَ أَنَا أُرْبِحُكَ فَأَبِيعُهُ جِبَّةً نَقُومُ عَلَيَّ بِأَلْفٍ دِرْهَمٍ بِعَشْرَةِ آلَافٍ دِرْهَمٍ أَوْ قَالَ بِعَشْرِينَ أَلْفًا وَ أَوْخَرَهُ 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^{asws}, '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 Dirhms, for ten thousand Dirhams', or said, 'for twenty thousand Dirhams', and I delay the wealth for him'. He^{asws} said: 'There is no problem'.²²

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَبْدِ الْمَلِكِ بْنِ عُنْبَةَ قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ أُرِيدُ أَنْ أُعَيِّنَهُ الْمَالَ وَ يَكُونُ لِي عَلَيْهِ مَالٌ قَبْلَ ذَلِكَ فَيَطْلُبُ مِنِّي مَالًا أُرِيدُهُ عَلَى مَالِي الَّذِي لِي عَلَيْهِ أَيْسَرُ أَنْ أُرِيدَهُ مَالًا وَ أَبِيعُهُ لَوْلَاةٍ تُسَاوِي مِائَةَ دِرْهَمٍ بِأَلْفٍ دِرْهَمٍ فَأَقُولُ أَبِيعُكَ هَذِهِ اللَّوْلُوَّةَ بِأَلْفٍ دِرْهَمٍ عَلَى أَنْ أُؤَخَّرَكَ بِبَيْعِهَا 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^{asws} about the man wanting that I do a buy-back deal (أُعَيِّنُهُ) 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

²¹ Al Kafi – V 5 – The Book of Subsistence Ch 88 H 10

²² 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^{asws} said: 'There is no problem'.²³

باب الشَّرْطَيْنِ فِي الْبَيْعِ

Chapter 89 – The two stipulations regarding the sale

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ [عَنْ ابْنِ أَبِي نَجْرَانَ] عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) مَنْ بَاعَ سِلْعَةً فَقَالَ إِنَّ ثَمَنَهَا كَذَا وَ كَذَا يَدًا بِيَدٍ وَ ثَمَنَهَا كَذَا وَ كَذَا نَظْرَةً فَخَذَهَا بِأَيِّ ثَمَنٍ شِئْتَ وَ جَعَلَ صَفَقَتَهَا وَاحِدَةً فَلَيْسَ لَهُ إِلَّا أَقْلُهُمَا وَ إِنْ كَانَتْ نَظْرَةً

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

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} 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'.

قَالَ وَ قَالَ (عَلَيْهِ السَّلَامُ) مَنْ سَاوَمَ بِثَمَنَيْنِ أَحَدُهُمَا عَاجِلًا وَ الْآخَرَ نَظْرَةً فَلَيْسَ أَحَدُهُمَا قَبْلَ الصَّفَقَةِ .

He (the narrator) said, 'And he^{asws} 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'.²⁴

باب الرَّجُلِ يَبِيعُ الْبَيْعَ ثُمَّ يُوْجَدُ فِيهِ عَيْبٌ

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

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنِ الْحَسَنِ بْنِ عَطِيَّةَ عَنْ عُمَرَ بْنِ يَزِيدَ قَالَ كُنْتُ أَنَا وَ عُمَرُ بِالْمَدِينَةِ فَبَاعَ عُمَرُ جَرَابًا هَرَوِيًّا كُلَّ ثَوْبٍ بِكَذَا وَ كَذَا فَأَخَذُوهُ فَأَقْتَسَمُوهُ فَوَجَدُوا ثَوْبًا فِيهِ عَيْبٌ فَرَدُّوهُ فَقَالَ لَهُمْ عُمَرُ أُعْطِيكُمْ ثَمَنَهُ الَّذِي بَعْتُمْ بِهِ قَالَ لَا وَ لَكِنْ نَأْخُذُ مِنْكَ قِيَمَةَ الثَّوْبِ فَذَكَرَ عُمَرُ 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^{asws}, so he^{asws} said: 'That is binding for him (the buyer)'.²⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ جَمِيلٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) فِي الرَّجُلِ يَسْتُرِي الثَّوْبَ أَوْ الْمَتَاعَ فَيَجِدُ فِيهِ عَيْبًا فَقَالَ إِنْ كَانَ الشَّيْءُ قَائِمًا بِعَيْنِهِ رَدَّهُ عَلَيْهِ وَ أَخَذَ الثَّمَنَ وَ إِنْ كَانَ الثَّوْبُ قَدْ قُطِعَ أَوْ خِيطَ أَوْ صُبِغَ يَرْجِعُ بِنُقْصَانِ الْعَيْبِ .

²³ Al Kafi – V 5 – The Book of Subsistence Ch 88 H 12

²⁴ Al Kafi – V 5 – The Book of Subsistence Ch 89 H 1

²⁵ 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^{asws} regarding the man who buys the clothes or the goods, so he finds defect in it. So he^{asws} 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'.²⁶

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ فَضَالَةَ عَنْ مُوسَى بْنِ بَكْرٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ أَيُّمَا رَجُلٍ اشْتَرَى شَيْئاً وَ بِهِ عَيْبٌ أَوْ عَوَارٌ وَ لَمْ يَنْبَرَأْ إِلَيْهِ وَ لَمْ يَنْبَيِّنْ لَهُ فَأَحَدَتْ فِيهِ بَعْدَ مَا قَبَضَهُ شَيْئاً ثُمَّ عَلِمَ بِذَلِكَ الْعَوَارِ أَوْ بِذَلِكَ الدَّاءِ إِنَّهُ يُمَضَى عَلَيْهِ الْبَيْعُ وَ يُرَدُّ عَلَيْهِ بِقَدْرِ مَا يَنْقُصُ مِنْ ذَلِكَ الدَّاءِ وَ الْعَيْبِ مِنْ ثَمَنِ ذَلِكَ لَوْ لَمْ 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^{asws} 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)'.²⁷

باب بَيْعِ النَّسِيئَةِ

Chapter 91 – Selling on credit

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ قَالَ قُلْتُ لِأَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) إِنِّي أُرِيدُ الْخُرُوجَ إِلَى بَعْضِ الْجَبَلِ فَقَالَ مَا لِلنَّاسِ بُدٌّ مِنْ أَنْ يَضْطَرُّوا سَنَتَهُمْ هَذِهِ فَقُلْتُ لَهُ جُعِلَتْ فِدَاكَ إِنَّا إِذَا بَعْنَاهُمْ بِنَسِيئَةٍ كَانَ أَكْثَرَ لِلرِّبْحِ قَالَ فَبِعْتُهُمْ 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^{asws}, 'What is inevitable for the people is that they are shaken in this year of theirs (financially turbulent times)'. So I said to him^{asws}, 'May I be sacrificed for you^{asws}! When we sell to them by credit it is more profitable'. He^{asws} said: 'So sell them with a delay for a year'. I said, '(What about) with a delay for two years?' He^{asws} said: 'Yes'. I said, 'With a delay for three?' He^{asws} said: 'No'.²⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ عَلِيٌّ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ أَمَرَهُ نَفَرٌ لِيَبْتَاعَ لَهُمْ بَعِيرًا يَنْفَدُ وَ يَزِيدُونَهُ فَوْقَ ذَلِكَ نَظْرَةً فَأَبْتَاعَ لَهُمْ بَعِيرًا وَ مَعَهُ بَعْضُهُمْ فَمَنَعَهُ أَنْ يَأْخُذَ مِنْهُمْ فَوْقَ وَرْقِهِ نَظْرَةً .

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

²⁶ Al Kafi – V 5 – The Book of Subsistence Ch 90 H 2

²⁷ Al Kafi – V 5 – The Book of Subsistence Ch 90 H 3

²⁸ Al Kafi – V 5 – The Book of Subsistence Ch 91 H 1

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen Ali^{asws} 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^{asws} forbade him to take from them above his cash price for the deferment'.²⁹

عَلِيٌّ عَنْ أَبِيهِ وَ مُحَمَّدٌ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ جَمِيعاً عَنِ ابْنِ أَبِي عَمْرٍو عَنِ هِشَامِ بْنِ الْحَكَمِ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ يَسْتُرِي الْمَتَاعَ إِلَى أَجَلٍ قَالَ لَيْسَ لَهُ أَنْ يَبِيعَهُ مَرَابَحَةً إِلَّا إِلَى الْأَجَلِ الَّذِي اشْتَرَاهُ إِلَيْهِ وَ إِنْ بَاعَهُ مَرَابَحَةً فَلَمْ يُخْبِرْهُ كَانَ لِلَّذِي اشْتَرَاهُ مِنَ الْأَجَلِ 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 Abdullah^{asws} regarding a man who bought goods to a specified term (with deferred payment). He^{asws} said: 'He cannot buy it in the manner of 'مَرَابَحَةً' (capital plus profit) without deferment for an appointed time which is agreed upon; and if he sells in the manner of 'مَرَابَحَةً' without informing the 'new buyer' then the one who has bought has the right for a deferment of (payment) of similar duration'.³⁰

مُحَمَّدٌ بْنُ يَحْيَى عَنِ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنِ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنِ مَنْصُورِ بْنِ يُونُسَ عَنِ شُعَيْبِ بْنِ الْحَدَّادِ عَنِ بَشَّارِ بْنِ يَسَارٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ يَبِيعُ الْمَتَاعَ بِنِسَاءٍ فَيَسْتُرِيهِ مِنْ صَاحِبِهِ الَّذِي يَبِيعُهُ مِنْهُ قَالَ نَعَمْ لَا بَأْسَ بِهِ فَقُلْتُ لَهُ أَشْتَرِي مَتَاعِي فَقَالَ لَيْسَ هُوَ مَتَاعَكَ وَ لَا بَقْرَكَ وَ لَا غَنَمَكَ .

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 Abdullah^{asws} 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^{asws} said: 'Yes, there is no problem with it'. So I said to him^{asws}, 'Can I buy my own goods?' So he^{asws} said: 'It is not your goods, nor your cow, nor your sheep'.

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنِ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنِ صَفْوَانَ عَنِ شُعَيْبِ بْنِ الْحَدَّادِ عَنِ بَشَّارِ بْنِ يَسَارٍ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) مِثْلَهُ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Shuayb Al Haddad, from Bashar Bin Yasar, from Abu Abdullah^{asws} – similar to it'.³¹

باب شِرَاءِ الرَّقِيقِ

Chapter 92 – Buying the slave

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ ابْنِ مَحْبُوبٍ عَنِ ابْنِ رَبَاطٍ قَالَ سَأَلْتُ أَبَا الْحَسَنِ مُوسَى (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ بَنَى وَ بَنَى قَرَابَةً مَاتَ وَ تَرَكَ أَوْلَاداً صِغَاراً وَ تَرَكَ مَمَالِيكَ عِلْمَاناً وَ جَوَارِي وَ لَمْ يُوصِ فَمَا تَرَى فِيْمَنْ يَسْتُرِي مِنْهُمْ الْجَارِيَةَ يَتَّخِذُهَا أُمَّ وَ لَدٍ وَ مَا تَرَى فِي يَبِيعُهُمْ قَالَ فَقَالَ إِنْ كَانَ لَهُمْ وَلِيٌّ يَقُومُ بِأَمْرِهِمْ بَاعَ عَلَيْهِمْ وَ نَظَرَ لَهُمْ وَ كَانَ مَأْجُوراً فِيهِمْ

²⁹ Al Kafi – V 5 – The Book of Subsistence Ch 91 H 2

³⁰ Al Kafi – V 5 – The Book of Subsistence Ch 91 H 3

³¹ 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^{asws} 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^{asws} 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^{asws} view regarding selling them?' He (the narrator) said, 'So he^{asws} 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'.

قُلْتُ فَمَا تَرَى فِيمَنْ يَشْتَرِي مِنْهُمْ الْجَارِيَةَ فَيَتَّخِذُهَا أُمًّا وَلَدٍ قَالَ لَا بَأْسَ بِذَلِكَ إِذَا بَاعَ عَلَيْهِمُ الْقَيْمَ لَهُمُ النَّاطِرُ لَهُمْ فِيمَا يُصْلِحُهُمْ فَلَيْسَ لَهُمْ أَنْ يَرْجِعُوا فِيمَا صَنَعَ الْقَيْمَ لَهُمُ النَّاطِرُ [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^{asws} 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'.³²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ قَالَ مَاتَ رَجُلٌ مِنْ أَصْحَابِنَا وَ لَمْ يُوصِ فَرَفِعَ أَمْرُهُ إِلَى قَاضِي الْكُوفَةِ فَصَبَّرَ عَبْدُ الْحَمِيدِ الْقَيْمَ بِمَالِهِ وَ كَانَ الرَّجُلُ خُلْفًا وَرَثَةً صِغَارًا وَ مَتَاعًا وَ جَوَارِي قَبَاعَ عَبْدُ الْحَمِيدِ الْمَتَاعَ فَلَمَّا أَرَادَ بَيْعَ الْجَوَارِي صَعَفَ قَلْبُهُ فِي بَيْعِهِمْ إِذْ لَمْ يَكُنِ الْمَيْتَ صَبَّرَ إِلَيْهِ الْوَصِيَّةَ وَ كَانَ قِيَامُهُ فِيهَا بِأَمْرِ الْقَاضِي لِأَنَّهُنَّ فُرُوجٌ

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 جَعْفَرٍ (عَلَيْهِ السَّلَامُ) وَ قُلْتُ لَهُ يَمُوتُ الرَّجُلُ مِنْ أَصْحَابِنَا وَ لَا يُوصِي إِلَى أَحَدٍ وَ يُخْلَفُ جَوَارِي قَبَائِمِ الْقَاضِي رَجُلًا مِّنَّا لِيَبِيعَهُنَّ أَوْ قَالَ يَفُومُ بِذَلِكَ رَجُلٌ مِّنَّا فَيُضَعِفُ قَلْبُهُ لِأَنَّهُنَّ فُرُوجٌ فَمَا تَرَى فِي ذَلِكَ قَالَ فَقَالَ إِذَا كَانَ الْقَيْمُ بِهِ مِثْلَكَ وَ مِثْلَ عَبْدِ الْحَمِيدِ فَلَا بَأْسَ .

He (the narrator) said, 'So I mentioned that to Abu Ja'far^{asws} and I said to him^{asws}, '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^{asws} view regarding that?' So he^{asws} said: 'If it was such that the custodian was like you and like Abdul Hameed, so there is no problem'.³³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَشْتَرِي الْعَبْدَ وَ هُوَ أَبَقٌ مِنْ أَهْلِهِ فَقَالَ لَا يُصْلَحُ إِلَّا أَنْ يَشْتَرِيَ مَعَهُ شَيْئًا آخَرَ فَيَقُولَ أَشْتَرِي مِنْكَ هَذَا الشَّيْءَ وَ عَبْدَكَ بِكَذَا وَ كَذَا فَإِنْ لَمْ يَقْدِرْ عَلَى الْعَبْدِ كَانَ تَمَنُّهُ الَّذِي نَقَدَ فِي الشَّيْءِ .

³² Al Kafi – V 5 – The Book of Subsistence Ch 92 H 1

³³ 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^{asws} about the man who bought a slave and he was the abdsconder from his family. So he^{asws} 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'.³⁴

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ رِفَاعَةَ النَّخَّاسِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَقُلْتُ سَأَوْتُ رَجُلًا بَجَارِيَةً لَهُ فَبَاعَنِهَا بِحُكْمِي فَقَبَضْتُهَا مِنْهُ عَلَيَّ ذَلِكَ ثُمَّ بَعَثْتُ إِلَيْهِ بِأَلْفِ دِرْهَمٍ وَ قُلْتُ لَهُ هَذِهِ الْأَلْفُ حُكْمِي عَلَيْكَ فَأَبَى أَنْ يَقْبَلَهَا مِنِّي وَ قَدْ كُنْتُ مَسِسْتُهَا قَبْلَ أَنْ أُبْعَثَ إِلَيْهِ بِأَلْفِ دِرْهَمٍ

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

'I asked Abu Abdullah^{asws}, 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 الْجَارِيَةَ بِقِيمَةٍ عَادِلَةٍ فَإِنْ كَانَ ثَمَنُهَا أَكْثَرَ مِمَّا بَعَثْتَ إِلَيْهِ كَانَ عَلَيْكَ أَنْ تُرَدَّ إِلَيْهِ مَا نَقَصَ مِنَ الْقِيمَةِ وَ إِنْ كَانَتْ قِيمَتُهَا أَقَلَّ مِمَّا بَعَثْتَ بِهِ إِلَيْهِ فَهُوَ لَهُ

He (the narrator) said, 'So he^{asws} said: 'I^{asws} 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 أَرَأَيْتَ إِنْ أَصَبْتُ بِهَا عَيْبًا بَعْدَ مَا مَسِسْتُهَا قَالَ لَيْسَ لَكَ أَنْ تُرَدَّهَا وَ لَكَ أَنْ تَأْخُذَ قِيمَةَ مَا بَيْنَ الصَّحَّةِ وَ الْعَيْبِ .

He (the narrator) said, 'What is your view if I were to find a defect with her after having touched her?' He^{asws} 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)'.³⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ فِي الْمَمْلُوكِ يَكُونُ بَيْنَ شُرَكَاءَ فَيَبِيعُ أَحَدُهُمْ نَصِيبَهُ فَيَقُولُ صَاحِبُهُ أَنَا أَحَقُّ بِهِ أَلَمْ ذَلِكَ قَالَ نَعَمْ إِذَا كَانَ وَاحِدًا فَقِيلَ فِي الْحَيَّانِ شُفْعَةٌ فَقَالَ لَا .

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

from Abu Abdullah^{asws}, 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^{asws} said: 'Yes, when there was one (partner)'. So it was said, is there any right of 'شُفْعَةٌ' (preference to the sale to the near ones) regarding animals?' So he^{asws} said: 'No'.³⁶

³⁴ Al Kafi – V 5 – The Book of Subsistence Ch 92 H 3

³⁵ Al Kafi – V 5 – The Book of Subsistence Ch 92 H 4

³⁶ Al Kafi – V 5 – The Book of Subsistence Ch 92 H 5

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَاذَانَ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ إِبْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ عَنِ أَبِي الْحَسَنِ (عليه السلام) فِي شِرَاءِ الرُّومِيَّاتِ قَالَ اشْتَرِهِنَّ وَبِعِهِنَّ .

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^{asws} regarding the Roman women (slaves). He^{asws} said: 'Buy them and sell them'.³⁷

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنِ عَبَّيْرٍ وَاجِدٍ عَنِ أَبَانَ بْنِ عُثْمَانَ عَنِ إِسْمَاعِيلِ بْنِ الْفَضْلِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنِ شِرَاءِ مَمْلُوكِي أَهْلِ الدِّمَةِ إِذَا أَقْرُوا لَهُمْ بِذَلِكَ فَقَالَ إِذَا أَقْرُوا لَهُمْ بِذَلِكَ فَاشْتَرِ وَانْكُحْ .

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^{asws} 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^{asws} said: 'When there is an endorsement for them with that, so buy and marry'.³⁸

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ مُحَمَّدِ بْنِ سَهْلٍ عَنِ زَكَرِيَّا بْنِ أَدَمَ قَالَ سَأَلْتُ الرَّضَا (عليه السلام) عَنِ قَوْمٍ مِنَ الْعَدُوِّ صَالِحُوا ثُمَّ خَفَرُوا وَلَعَلَّهُمْ إِثْمًا خَفَرُوا لِأَنَّهُ لَمْ يُعَدَّلْ عَلَيْهِمْ أَوْ يَصْلُحَ أَنْ يُشْتَرَى مِنْ سَبِيهِمْ فَقَالَ إِنْ كَانَ مِنْ عَدُوِّ قَدِ اسْتَبَانَ عَدَاؤُهُمْ فَاشْتَرِ مِنْهُمْ وَإِنْ كَانَ قَدْ تَفَرَّوْا وَظَلَمُوا فَلَا تَبْتَغِ مِنْ سَبِيهِمْ

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

'I asked Al-Reza^{asws} 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^{asws} 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 وَ سَأَلْتُهُ عَنِ سَبْيِ الدَّيْلَمِ يَسْرِقُ بَعْضُهُمْ مِنْ بَعْضٍ وَ يُغَيِّرُ الْمُسْلِمُونَ عَلَيْهِمْ بِلَا إِمَامٍ أَوْ يَجِلُّ شِرَاؤُهُمْ قَالَ إِذَا أَقْرُوا بِالْعَبُودِيَّةِ فَلَا بَأْسَ بِشِرَائِهِمْ

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

قَالَ وَ سَأَلْتُهُ عَنِ قَوْمٍ مِنْ أَهْلِ الدِّمَةِ أَصَابَهُمْ جُوعٌ فَأَتَاهُ رَجُلٌ بِوَلَدِهِ فَقَالَ هَذَا لَكَ فَأَطْعِمْهُ وَ هُوَ لَكَ عَبْدٌ فَقَالَ لَا تَبْتَغِ حُرًّا فَإِنَّهُ لَا يَصْلُحُ لَكَ وَ لَا مِنْ أَهْلِ الدِّمَةِ .

He (the narrator) said, 'And I asked him^{asws} 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

³⁷ Al Kafi – V 5 – The Book of Subsistence Ch 92 H 6

³⁸ Al Kafi – V 5 – The Book of Subsistence Ch 92 H 7

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

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ رِفَاعَةَ النَّخَّاسِ قَالَ قُلْتُ لِأَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) إِنَّ الرُّومَ يُغِيرُونَ عَلَى الصَّقَالِبَةِ فَيَسْرِقُونَ أَوْلَادَهُمْ مِنَ الْجَوَارِي وَالْعِلْمَانَ فَيَعْمِدُونَ إِلَى الْعِلْمَانَ فَيُخْصِنُونَهُمْ ثُمَّ يَبْعُونَ بِهِمْ إِلَى بَغْدَادَ إِلَى التَّجَارِ فَمَا تَرَى فِي شِرَائِهِمْ وَ نَحْنُ نَعْلَمُ أَنَّهُمْ قَدْ سُرِقُوا وَ إِنَّمَا أَعَارُوا عَلَيْهِمْ مِنْ غَيْرِ حَرْبٍ كَانَتْ بَيْنَهُمْ فَقَالَ لَا بَأْسَ بِشِرَائِهِمْ إِنَّمَا أَخْرَجُوهُمْ مِنَ الشَّرْكِ إِلَى دَارِ الْإِسْلَامِ .

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^{asws}, '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^{asws} 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^{asws} said: 'It not unlawful to buy them as they are taken out of the Polytheism and (brought) into the house of Al-Islam'.⁴⁰

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ بْنِ سَمَاعَةَ عَنْ غَيْرِ وَاحِدٍ عَنْ أَبَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَقِيقِ أَهْلِ الذَّمَّةِ أَشْتَرِي مِنْهُمْ شَيْئاً فَقَالَ اشْتَرِ إِذَا أَقْرَأُوا لَهُمْ بِالرَّقِ .

Humejd 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 Abdullah^{asws} about a slave of the people under the responsibility (Ahl Al-Zimma), can I buy some of them? He^{asws} said: 'Buy, when they have been endorsed with the slavery'.⁴¹

أَبَانَ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ اشْتَرَى جَارِيَةً بِنَمْنٍ مُسَمَّى ثُمَّ بَاعَهَا فَرِيحَ فِيهَا قَبْلَ أَنْ يَنْقُذَ صَاحِبَهَا الَّذِي هِيَ لَهُ فَاتَّاهُ صَاحِبُهَا يَتَّقَاضَاهُ وَ لَمْ يَنْقُذْ مَالَهُ فَقَالَ صَاحِبُ الْجَارِيَةِ لِلَّذِينَ بَاعَهُمْ أَكْفُونِي غَرِيمِي هَذَا وَ الَّذِي رَبِحْتُ عَلَيْكُمْ فَهُوَ لَكُمْ قَالَ لَا بَأْسَ .

Aban, from Zurara,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} 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^{asws} said: 'There is no problem'.⁴²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (صَلَوَاتُ اللَّهِ عَلَيْهِ) فِي وِلْدَةٍ بَاعَهَا ابْنُ سَيِّدِهَا وَ أَبُوهُ غَائِبٌ فَاسْتَوْلَدَهَا الَّذِي اشْتَرَاهَا فَوَلَدَتْ مِنْهُ غُلَاماً ثُمَّ جَاءَ سَيِّدُهَا الْأَوَّلُ فَخَاصَمَ سَيِّدَهَا الْآخَرَ فَقَالَ وَ لَيْدَتِي بَاعَهَا ابْنِي بِغَيْرِ إِذْنِي

³⁹ Al Kafi – V 5 – The Book of Subsistence Ch 92 H 8

⁴⁰ Al Kafi – V 5 – The Book of Subsistence Ch 92 H 9

⁴¹ Al Kafi – V 5 – The Book of Subsistence Ch 92 H 10

⁴² 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 Humejd, from Muhammad Bin qays,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} 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 وَلِيدَتَهُ وَابْنَهَا فَنَاسَدَهُ الَّذِي اشْتَرَاهَا فَقَالَ لَهُ خُذْ ابْنَهُ الَّذِي بَاعَكَ الْوَلِيدَةَ حَتَّى يَبْتَاعَ لَكَ الْوَلِيدَةَ فَلَمَّا أَخَذَهُ قَالَ لَهُ أَبُو أَرْسَلِ ابْنِي قَالَ لَا وَاللَّهِ لَا أَرْسَلُ إِلَيْكَ ابْنَكَ حَتَّى تُرْسِلَ ابْنِي فَلَمَّا رَأَى ذَلِكَ سَيِّدُ الْوَلِيدَةِ أَجَارَ بَيْعَ ابْنِهِ .

So he^{asws} 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^{asws} (for assistance in this matter), so he^{asws} 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^{azwj!} 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'.⁴³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ حَمْرَةَ بْنِ حُمْرَانَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَدْخَلُ السُّوقَ أُرِيدُ أَنْ أَشْتَرِيَ جَارِيَةً فَتَقُولُ لِي إِنِّي حُرَّةٌ فَقَالَ اشْتَرِيهَا إِلَّا أَنْ تَكُونَ لَهَا بَيِّنَةٌ .

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^{asws}, 'I entered a market intending to buy a slave girl, so she was saying to me, 'I am free'. So he^{asws} said: 'Buy her except if there happens to be a proof for her'.⁴⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ زُرَّارَةَ قَالَ كُنْتُ جَالِسًا عِنْدَ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَدَخَلَ عَلَيْهِ رَجُلٌ وَمَعَهُ ابْنٌ لَهُ فَقَالَ لَهُ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) مَا تَجَارُهُ ابْنِكَ فَقَالَ التَّخَسُّسُ فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) لَا تَشْتَرِيَنَّ شَيْئًا وَلَا عَيْبًا وَإِذَا اشْتَرَيْتَ رَأْسًا فَلَا تُرِيَنَّ تَمَنَّهُ فِي كِفَّةِ الْمِيزَانِ فَمَا مِنْ رَأْسٍ رَأَى تَمَنَّهُ فِي كِفَّةِ الْمِيزَانِ فَافْلَحَ وَإِذَا اشْتَرَيْتَ رَأْسًا فَغَيِّرْ اسْمَهُ وَأَطْعِمْهُ شَيْئًا حُلُوا إِذَا مَلَكَتَهُ وَتَصَدَّقْ 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^{asws}, so a man came over to him^{asws} and with him was a son of his'. So Abu Abdullah^{asws} said to him: 'What is the business of your son?' So he said, 'A slave trader'. So Abu Abdullah^{asws} 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

⁴³ Al Kafi – V 5 – The Book of Subsistence Ch 92 H 12

⁴⁴ 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'.⁴⁵

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ إِبْرَاهِيمَ بْنِ عُقْبَةَ عَنْ مُحَمَّدِ بْنِ مُيَسَّرٍ عَنْ أَبِيهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ مَنْ نَظَرَ إِلَى تَمَنِيهِ وَهُوَ 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 Abdullah^{asws} having said: 'The one who looks at his price and he is being weighed, would not succeed'.⁴⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ رِفَاعَةَ قَالَ سَأَلْتُ أَبَا الْحَسَنِ مُوسَى (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ شَارَكَ رَجُلًا فِي جَارِيَةٍ لَهُ وَقَالَ إِنَّ رَبِحْنَا فِيهَا فَلَكَ نِصْفُ الرَّبْحِ وَإِنْ كَانَتْ وَضِيعَةً فَلَيْسَ عَلَيْكَ شَيْءٌ فَقَالَ لَا أَرَى بِهَذَا بَأْسًا إِذَا طَابَتْ نَفْسُ صَاحِبِ الْجَارِيَةِ .

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

'I asked Abu Al-Hassan Musa^{asws} 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^{asws} said: 'I^{asws} do not view any problem with this, when the master of the slave girl himself was agreeable'.⁴⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الشَّرْطِ فِي الْإِمَاءِ أَلَا تَبَاعَ وَلَا تُورَثَ وَلَا تُوَهَّبَ فَقَالَ يَجُوزُ ذَلِكَ غَيْرَ الْمِيرَاثِ فَإِنَّهَا تُورَثُ وَكُلُّ شَرْطٍ خَالَفَ 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 Abdullah^{asws}, said, 'I asked him^{asws} about the stipulation regarding the slave girl that she can neither be sold, nor inherited, nor gifted. So he^{asws} said: 'That is allowed apart from the inheritance, for she can be inherited, and every stipulation which opposes the Book of Allah^{azwj}, so it is rejected'.⁴⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْحَمِيدِ عَنْ أَبِي جَمِيلَةَ قَالَ دَخَلْتُ عَلَى أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَقَالَ لِي يَا شَابُّ أَيِّ شَيْءٍ تَعَالَجُ فَقُلْتُ الرَّقِيقَ فَقَالَ أَوْصِيكَ بِوَصِيَّةٍ فَاحْفَظْهَا لَا تَشْتَرِ بِشَيْءٍ وَلَا عَيْبًا وَاسْتَوْثِقْ مِنَ الْعُهُدَةِ .

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

'I went over to Abu Abdullah^{asws}, so he^{asws} said to me: 'O youth! Which thing is your profession?' So I said, 'The slaves'. So he^{asws} said: 'I^{asws} advise you with an advice, so

⁴⁵ Al Kafi – V 5 – The Book of Subsistence Ch 92 H 14

⁴⁶ Al Kafi – V 5 – The Book of Subsistence Ch 92 H 15

⁴⁷ Al Kafi – V 5 – The Book of Subsistence Ch 92 H 16

⁴⁸ Al Kafi – V 5 – The Book of Subsistence Ch 92 H 17

memorise it. Neither buy anything with a deformity, nor a defect, and affirm the contracts'.⁴⁹

باب المملوك يباع وله مال

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

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ زُرَّارَةَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) الرَّجُلُ يَشْتَرِي الْمَمْلُوكَ وَ لَهُ مَالٌ لِمَنْ مَالُهُ فَقَالَ إِنْ كَانَ عِلْمُ الْبَائِعِ أَنَّ لَهُ مَالًا فَهُوَ لِلْمُشْتَرِي وَ إِنْ لَمْ يَكُنْ عِلْمٌ فَهُوَ لِلْبَائِعِ .

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

'I said to Abu Abdullah^{asws}, 'The man buys the owned slave and for him is wealth. For whom is his wealth?' So he^{asws} 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'.⁵⁰

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنِ الْعَلَاءِ عَنِ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ بَاعَ مَمْلُوكًا فَوَجَدَ لَهُ مَالًا قَالَ فَقَالَ الْمَالُ لِلْبَائِعِ إِنْ بَاعَ نَفْسَهُ إِلَّا أَنْ يَكُونَ شَرْطَ عَلَيْهِ أَنْ 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 (5th or 6th Imam^{asws}), said, 'I asked him^{asws} about selling an owned slave, so I found wealth for him'. So he^{asws} said: 'The wealth is for the seller. Bu 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'.⁵¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ حَبِيبٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ الرَّجُلُ يَشْتَرِي الْمَمْلُوكَ وَ مَالُهُ قَالَ لَا بَأْسَ بِهِ قُلْتُ فَيَكُونُ مَالُ الْمَمْلُوكِ أَكْثَرَ 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^{asws}, said, 'I said to him^{asws}, '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^{asws} said: 'There is no problem with it'.⁵²

⁴⁹ Al Kafi – V 5 – The Book of Subsistence Ch 92 H 18

⁵⁰ Al Kafi – V 5 – The Book of Subsistence Ch 93 H 1

⁵¹ Al Kafi – V 5 – The Book of Subsistence Ch 93 H 2

⁵² Al Kafi – V 5 – The Book of Subsistence Ch 93 H 3

بَابُ مَنْ يَشْتَرِي الرَّقِيقَ فَيُظْهِرُ بِهِ عَيْبًا وَ مَا يُرَدُّ مِنْهُ وَ مَا لَا يُرَدُّ

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

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعًا عَنْ ابْنِ مَحْبُوبٍ عَنْ مَالِكِ بْنِ عَطِيَّةَ عَنْ دَاوُدَ بْنِ فَرْقَدٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ اشْتَرَى جَارِيَةً مُدْرَكَةً فَلَمْ تَحْضُ عِنْدَهُ حَتَّى مَضَى لَهَا سِتَّةُ أَشْهُرٍ وَ لَيْسَ بِهَا حَمْلٌ فَقَالَ إِنْ كَانَ مِثْلَهَا تَحْبِضُ وَ لَمْ يَكُنْ ذَلِكَ مِنْ كِبَرٍ فَهَذَا عَيْبٌ تُرَدُّ مِنْهُ .

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

'I asked Abu Abdullah^{asws} 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^{asws} said: 'If the likes of her tend to menstruate, and that does not happen from old age, so this is a defect for which she can be returned'.⁵³

ابْنُ مَحْبُوبٍ عَنِ ابْنِ سِنَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ اشْتَرَى جَارِيَةً حُبْلَى وَ لَمْ يَعْلَمْ بِحُبْلِهَا فَوَطَّئَهَا قَالَ يَرُدُّهَا عَلَيَّ الَّذِي ابْتَاعَهَا مِنْهُ وَ يُرَدُّ عَلَيْهِ نِصْفُ عَشْرِ قِيمَتِهَا لِنِكَاحِهِ إِيَّاهَا وَ قَدْ قَالَ عَلِيُّ (عَلَيْهِ السَّلَامُ) لَا تُرَدُّ الَّتِي لَيْسَتْ بِحُبْلَى إِذَا وَطَّئَهَا صَاحِبُهَا وَ يُوضَعُ عَنْهُ مِنْ ثَمَنِهَا بِقَدْرِ عَيْبٍ إِنْ كَانَ فِيهَا .

Ibn Mahboub, from Ibn Sinan who said,

'I asked Abu Abdullah^{asws} about a man who buys a pregnant slave girl and he did not know of her pregnancy, so he copulated with her. He^{asws} 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^{asws} 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 defect, if there was in her'.⁵⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ جَمِيلِ بْنِ صَالِحٍ عَنِ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا تُرَدُّ الَّتِي لَيْسَتْ بِحُبْلَى إِذَا وَطَّئَهَا صَاحِبُهَا وَ لَهُ أَرْشُ الْعَيْبِ وَ تُرَدُّ الْحُبْلَى وَ تُرَدُّ مَعَهَا نِصْفُ عَشْرِ 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^{asws} 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 defect; 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)'.
وَ فِي رِوَايَةٍ أُخْرَى إِنْ كَانَتْ بِكَرًا فَعَشْرُ ثَمَنِهَا وَ إِنْ لَمْ يَكُنْ بِكَرًا فَنِصْفُ عَشْرِ ثَمَنِهَا .

⁵³ Al Kafi – V 5 – The Book of Subsistence Ch 94 H 1

⁵⁴ Al Kafi – V 5 – The Book of Subsistence Ch 94 H 2

And in another report, '(He^{asws} 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'.⁵⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ يَحْيَى عَنْ طَلْحَةَ بْنِ زَيْدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ اشْتَرَى جَارِيَةً فَوَطَّنَهَا ثُمَّ وَجَدَ فِيهَا عَيْبًا قَالَ تَقَوْمٌ وَ هِيَ صَحِيحَةٌ وَ تَقَوْمٌ وَ بِهَا الدَّاءُ ثُمَّ يَرُدُّ الْبَائِعَ عَلَى الْمُتَبَاعِ فَضَلَّ 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^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding a man who bought a slave girl, so he copulated with her, then he found a defact in her'. He^{asws} 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'.⁵⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ اشْتَرَى جَارِيَةً فَوَقَعَ عَلَيْهَا قَالَ إِنْ وَجَدَ فِيهَا عَيْبًا فَلَيْسَ لَهُ أَنْ يَرُدَّهَا وَ لَكِنْ يَرُدُّ عَلَيْهِ بِقِيمَةِ مَا نَقَصَهَا الْعَيْبُ قَالَ قُلْتُ هَذَا قَوْلُ عَلِيٍّ (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^{asws} regarding a man who buys a slave girl, so he falls upon her. He^{asws} said: 'If he find a defact 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 defact of hers'. I said, 'This is a word of Ali^{asws}?'. He^{asws} said: 'Yes'.⁵⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) أَنَّهُ سُئِلَ عَنِ الرَّجُلِ يَتَبَاعُ الْجَارِيَةَ فَيَقَعُ عَلَيْهَا ثُمَّ يَجِدُ بِهَا عَيْبًا بَعْدَ ذَلِكَ قَالَ لَا يَرُدُّهَا عَلَى صَاحِبِهَا وَ لَكِنْ تَقَوْمٌ مَا بَيْنَ الْعَيْبِ وَ الصَّحَّةِ فَيَرُدُّ عَلَى الْمُتَبَاعِ 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 (5th or 6th Imam^{asws}) 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^{asws} 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^{azwj} Forbid if he makes it to be a wage for her'.⁵⁸

حُمَيْدٌ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ عَنْ غَيْرِ وَاحِدٍ عَنْ أَبَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يَشْتَرِي الْجَارِيَةَ فَيَقَعُ عَلَيْهَا فَيَجِدُهَا حُبْلَى قَالَ يَرُدُّهَا وَ يَرُدُّ مَعَهَا شَيْئًا .

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

⁵⁵ Al Kafi – V 5 – The Book of Subsistence Ch 94 H 3

⁵⁶ Al Kafi – V 5 – The Book of Subsistence Ch 94 H 4

⁵⁷ Al Kafi – V 5 – The Book of Subsistence Ch 94 H 5

⁵⁸ Al Kafi – V 5 – The Book of Subsistence Ch 94 H 6

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

أَبَانُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يَشْتَرِي الْجَارِيَةَ الْحُبْلَى فَيَنْكِحُهَا وَهُوَ لَا يَعْلَمُ قَالَ يَرُدُّهَا وَيَكْسُوَهَا.

Aban, from Muhammad Bin Muslim,

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

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ اشْتَرَى جَارِيَةً فَأَوْلَدَهَا فَوُجِدَتْ مَسْرُوقَةً قَالَ يَأْخُذُ الْجَارِيَةَ صَاحِبِهَا وَيَأْخُذُ الرَّجُلُ وَلَدَهُ 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^{asws} regarding a man who buys a slave girl and she gives birth for him, then he finds out she had been stolen'. He^{asws} said: 'The slave girl would be taken by her master, and the man would take his child with his price'.⁶¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَمَّنْ حَدَّثَهُ عَنْ زُرَّعَةَ بْنِ مُحَمَّدٍ عَنْ سَمَاعَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ بَاعَ جَارِيَةً عَلَى أَنَّهَا بَكْرٌ فَلَمْ يَجِدْهَا عَلَى ذَلِكَ قَالَ لَا تُرَدُّ عَلَيْهِ وَ لَا يُوجِبُ عَلَيْهِ شَيْءٌ إِنَّهُ يَكُونُ يَذْهَبُ فِي حَالِ 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^{asws} 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^{asws} 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'.⁶²

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنِ السَّبَّارِيِّ قَالَ قَالَ رُوِيَ عَنِ ابْنِ أَبِي لَيْلَى أَنَّهُ قَدِمَ إِلَيْهِ رَجُلٌ خَصَمًا لَهُ فَقَالَ إِنَّ هَذَا بَاعَنِي هَذِهِ الْجَارِيَةَ فَلَمْ أَجِدْ عَلَى رِكَبِهَا حِينَ كَشَفْتُهَا شَعْرًا وَ زَعَمْتُ أَنَّهُ لَمْ يَكُنْ لَهَا قَطُّ قَالَ فَقَالَ لَهُ ابْنُ أَبِي لَيْلَى إِنَّ النَّاسَ لِيَحْتَالُونَ لِهَذَا بِالْحَيْلِ حَتَّى يَذْهَبُوا بِهِ فَمَا الَّذِي كَرِهْتَ قَالَ أَيُّهَا الْقَاضِي إِنْ كَانَ عَيِّبًا فَأَقْضِ لِي بِهِ قَالَ حَتَّى أَخْرَجَ إِلَيْكَ فَإِنِّي أَجِدُ أَدَى 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

⁵⁹ Al Kafi – V 5 – The Book of Subsistence Ch 94 H 7

⁶⁰ Al Kafi – V 5 – The Book of Subsistence Ch 94 H 8

⁶¹ Al Kafi – V 5 – The Book of Subsistence Ch 94 H 9

⁶² 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 بَابٍ آخَرَ فَأَتَى مُحَمَّدَ بْنَ مُسْلِمِ النَّقْفِيِّ فَقَالَ لَهُ أَيُّ شَيْءٍ تَرَوُونَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) فِي الْمَرْأَةِ لَا يَكُونُ عَلَى رِجْلِهَا شَعْرٌ أَوْ يَكُونُ ذَلِكَ عَيْبًا فَقَالَ لَهُ مُحَمَّدُ بْنُ مُسْلِمٍ أَمَا هَذَا نَصًّا فَلَا أَعْرِفُهُ وَ لَكِنِّي حَدَّثَنِي أَبُو جَعْفَرٍ عَنْ أَبِيهِ عَنْ آبَائِهِ (عَلَيْهِمُ السَّلَام) عَنْ النَّبِيِّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَنَّهُ قَالَ كُلُّ مَا كَانَ فِي أَصْلِ الْخُلُقَةِ فَرَادًا أَوْ نَقْصًا فَهُوَ عَيْبٌ فَقَالَ لَهُ ابْنُ أَبِي لَيْلَى حَسْبُكَ ثُمَّ رَجَعَ إِلَى الْقَوْمِ فَقَضَى لَهُمْ بِالْعَيْبِ .

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^{asws} 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^{asws} narrated to me, from his^{asws} forefathers^{asws}, from the Prophet^{saww} 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’.⁶³

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عَيْسَى عَنْ أَبِي عَبْدِ اللَّهِ الْفَرَّاءِ عَنْ حَرِيزِ بْنِ زُرَّارَةَ قَالَ قُلْتُ لِأَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) الرَّجُلُ يَشْتَرِي الْجَارِيَةَ مِنَ السُّوقِ فَيُولِدُهَا ثُمَّ يَجِيءُ رَجُلٌ فَيَقِيمُ الْبَيْتَةَ عَلَى أَنَّهَا جَارِيَتُهُ لَمْ تُبْعَ وَ لَمْ تَوْهَبْ قَالَ فَقَالَ لِي يَرُدُّ إِلَيْهِ جَارِيَتَهُ وَ يُعَوِّضُهُ مِمَّا انْتَفَعَ قَالَ كَأَنَّهُ مَعْنَاهُ قِيَمَةُ 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^{asws}, ‘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^{asws} 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’.⁶⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلَ بْنِ مَرَّارٍ عَنْ يُونُسَ عَنْ رَجُلٍ اشْتَرَى جَارِيَةً عَلَى أَنَّهَا عَدْرَاءٌ فَلَمْ يَجِدْهَا عَدْرَاءً قَالَ يُرَدُّ عَلَيْهِ فَضْلُ الْقِيَمَةِ إِذَا عَلِمَ 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^{asws} said: ‘He would return to him the excess value when it is known that he is truthful (in his claim)’.⁶⁵

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ ابْنِ فَضَّالٍ عَنْ أَبِي الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ تَرُدُّ الْجَارِيَةَ مِنْ أَرْبَعِ خِصَالٍ مِنَ الْجُنُونِ وَ الْجُدَامِ وَ الْبَرَصِ وَ الْقَرْنِ الْحَدْبَةِ إِلَّا أَنَّهُا تَكُونُ فِي الصَّدْرِ تَدْخُلُ الظُّهْرَ وَ تَخْرُجُ الصَّدْرَ .

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

⁶³ Al Kafi – V 5 – The Book of Subsistence Ch 94 H 11

⁶⁴ Al Kafi – V 5 – The Book of Subsistence Ch 94 H 12

⁶⁵ Al Kafi – V 5 – The Book of Subsistence Ch 94 H 13

(It has been narrated) from Abu Al-Hassan Al-Reza^{asws} 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'.⁶⁶

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ أَصْبَاطٍ عَنْ أَبِي الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَام) قَالَ سَمِعْتُهُ يَقُولُ الْخِيَارُ فِي الْحَيَوَانِ ثَلَاثَةٌ أَيَّامٌ لِلْمُشْتَرِي وَ فِي غَيْرِ الْحَيَوَانِ أَنْ يَنْفَرَقَا وَ أَحْدَاثُ السَّنَةِ تُرَدُّ بَعْدَ السَّنَةِ قُلْتُ وَ مَا أَحْدَاثُ السَّنَةِ قَالَ الْجُنُونُ وَ الْجُدَامُ وَ الْبَرَصُ وَ الْقَرْنُ فَمَنْ اشْتَرَى فَحَدَّثَ فِيهِ هَذِهِ الْأَحْدَاثُ فَالْحُكْمُ أَنْ يَرُدَّ عَلَى صَاحِبِهِ إِلَى تَمَامِ السَّنَةِ مِنْ يَوْمِ اشْتَرَاهُ .

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

(It has been narrated) from Abu Al-Hassan Al-Reza^{asws}, said, 'I heard him^{asws} 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^{asws} 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'.⁶⁷

مُحَمَّدُ بْنُ يَحْيَى وَ غَيْرُهُ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَبِي هَمَّامٍ قَالَ سَمِعْتُ الرَّضَا (عَلَيْهِ السَّلَام) يَقُولُ يَرُدُّ الْمَمْلُوكُ مِنْ أَحْدَاثِ السَّنَةِ مِنَ الْجُنُونِ وَ الْجُدَامِ وَ الْبَرَصِ فَقُلْنَا كَيْفَ يَرُدُّ مِنْ أَحْدَاثِ السَّنَةِ قَالَ هَذَا أَوَّلُ السَّنَةِ فَإِذَا اشْتَرَيْتَ مَمْلُوكًا بِهِ شَيْءٌ مِنْ هَذِهِ الْخِصَالِ مَا بَيْنَكَ وَ بَيْنَ ذِي الْحِجَّةِ رَدَدْتَهُ عَلَى صَاحِبِهِ

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

'I heard Al-Reza^{asws} 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^{asws} said: 'This is the beginning of the year (Muharram). 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 عَلِيٍّ فَإِلْبَاقُ مِنْ ذَلِكَ قَالَ لَيْسَ الْإِبَاقُ مِنْ ذَلِكَ إِلَّا أَنْ يُقِيمَ الْبَيِّنَةَ أَنَّهُ كَانَ أَبَقَ عِنْدَهُ .

So Muhammad Bin Ali said to him^{asws}, 'So is the absconding one from that?' He^{asws} said: 'The absconding one is not from that except if the proof is established that the absconding one was with him'.

وَ رَوَى عَنْ يُونُسَ أَيْضاً أَنَّ الْعُهُدَةَ فِي الْجُنُونِ وَ الْجُدَامِ وَ الْبَرَصِ سَنَةٌ .

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

وَ رَوَى الْوَشَّاءُ أَنَّ الْعُهُدَةَ فِي الْجُنُونِ وَحْدَهُ إِلَى سَنَةٍ .

⁶⁶ Al Kafi – V 5 – The Book of Subsistence Ch 94 H 14

⁶⁷ 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.⁶⁸

باب نادر

Chapter 95 - Miscellaneous

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي حَبِيبٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ اشْتَرَى مِنْ رَجُلٍ عَبْدًا وَكَانَ عِنْدَهُ عَبْدَانِ فَقَالَ لِلْمُسْتَرِي أَذْهَبُ بِهِمَا فَاخْتَرِ أَيَّهُمَا شِئْتَ وَرُدَّ الْآخَرَ وَ قَدْ قَبِضَ الْمَالَ فَذَهَبَ بِهِمَا الْمُسْتَرِي فَأَبَى 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^{asws}, said, 'I asked him^{asws} 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 لِيَرُدَّ الَّذِي عِنْدَهُ مِنْهُمَا وَ يَقْبِضُ نِصْفَ الثَّمَنِ مِمَّا أُعْطِيَ مِنَ الْبَيْعِ وَ يَذْهَبُ فِي طَلَبِ الْغُلَامِ فَإِنْ وَجَدَ اخْتَارَ أَيُّهُمَا شَاءَ وَ رَدَّ النِّصْفَ الَّذِي أَخَذَ وَ إِنْ لَمْ يُوْجَدْ كَانَ الْعَبْدُ بَيْنَهُمَا نِصْفُهُ لِلْبَائِعِ وَ نِصْفُهُ لِلْمُبْتَاعِ.

He^{asws} 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'.⁶⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ إِسْمَاعِيلَ بْنِ مَرَّارٍ عَنْ يُونُسَ عَنِ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ اشْتَرَى فِي أُمَّةٍ فَاتَّخَذَهَا بَعْضُهُمْ عَلَى أَنْ تَكُونَ الْأُمَّةُ عِنْدَهُ فَوَطَّئَهَا قَالَ يَدْرَأُ عَنْهُ مِنَ الْحَدِّ بِقَدْرِ مَا لَهُ فِيهَا مِنَ النَّقْدِ وَ يُضْرَبُ بِقَدْرِ مَا لَيْسَ لَهُ فِيهَا وَ تُقَوَّمُ الْأُمَّةُ عَلَيْهِ بِقِيمَةٍ وَ يُلْزَمُهَا وَ إِنْ كَانَتْ الْقِيمَةُ أَقَلَّ مِنَ الثَّمَنِ الَّذِي اشْتُرِيَتْ بِهِ الْجَارِيَةُ أَلْزَمَ ثَمَنَهَا الْأَوَّلَ وَ إِنْ كَانَ قِيمَتُهَا فِي ذَلِكَ الْيَوْمِ الَّذِي قُوِّمَتْ فِيهِ أَكْثَرَ مِنْ ثَمَنِهَا أَلْزَمَ ذَلِكَ الثَّمَنَ 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^{asws} 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^{asws} 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'.

⁶⁸ Al Kafi – V 5 – The Book of Subsistence Ch 94 H 16

⁶⁹ Al Kafi – V 5 – The Book of Subsistence Ch 95 H 1

قُلْتُ فَإِنْ أَرَادَ بَعْضُ الشَّرَكَاءِ شِرَاءَهَا دُونَ الرَّجُلِ قَالَ ذَلِكَ لَهُ وَ لَيْسَ لَهُ أَنْ يَشْتَرِيَهَا حَتَّى يَسْتَبْرِئَهَا وَ لَيْسَ عَلَى غَيْرِهِ أَنْ يَشْتَرِيَهَا إِلَّا بِالْقِيَمَةِ .

I said, 'Supposing one of the partners were to buy her beside the man (who copulated with her)?' He^{asws} 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'.⁷⁰

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ أَحْمَدَ بْنِ عَائِذٍ عَنْ أَبِي سَلَمَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ فِي رَجُلَيْنِ مَمْلُوكَيْنِ مَفُوضِ إِلَيْهِمَا يَشْتَرِيَانِ وَ يَبِيعَانِ بِأَمْوَالِهِمَا فَكَانَ بَيْنَهُمَا كَلَامٌ فَخَرَجَ هَذَا يَدْعُو إِلَى مَوْلَى هَذَا وَ هَذَا إِلَى مَوْلَى هَذَا وَ هُمَا فِي الْقُوَّةِ سَوَاءٌ فَاشْتَرَى هَذَا مِنْ مَوْلَى هَذَا الْعَبْدَ وَ ذَهَبَ هَذَا فَاشْتَرَى مِنْ مَوْلَى هَذَا الْعَبْدَ الْآخَرَ وَ أَنْصَرَفَا إِلَى مَكَانِهِمَا وَ تَشَبَّهْتُ كُلُّ وَاحِدٍ مِنْهُمَا بِصَاحِبِهِ وَ قَالَ لَهُ أَنْتَ عَبْدِي قَدْ اشْتَرَيْتَكَ مِنْ سَيِّدِكَ

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^{asws} 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 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 يُحْكَمُ بَيْنَهُمَا مِنْ حَيْثُ افْتَرَقَا يُدْرَعُ الطَّرِيقُ فَأَيُّهُمَا كَانَ أَقْرَبَ فَهُوَ الَّذِي سَبَقَ الَّذِي هُوَ أَبْعَدُ وَ إِنْ كَانَا سَوَاءً فَهُوَ رَدٌّ عَلَى مَوْلَاهُمَا جَاءَا سَوَاءً وَ افْتَرَقَا سَوَاءً إِلَّا أَنْ يَكُونَ أَحَدُهُمَا سَبَقَ صَاحِبَهُ فَالسَّابِقُ هُوَ لَهُ إِنْ شَاءَ بَاعَ وَ إِنْ شَاءَ أَمْسَكَ وَ لَيْسَ لَهُ أَنْ يُضِرَّ بِهِ .

He^{asws} 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'.

وَ فِي رِوَايَةٍ أُخْرَى إِذَا كَانَتِ الْمَسَافَةُ سَوَاءً يُفْرَعُ بَيْنَهُمَا فَأَيُّهُمَا وَقَعَتِ الْفُرْعَةُ بِهِ كَانَ عَبْدَهُ .

And in another report, (He^{asws} 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'.⁷¹

⁷⁰ Al Kafi – V 5 – The Book of Subsistence Ch 95 H 2

⁷¹ Al Kafi – V 5 – The Book of Subsistence Ch 95 H 3

بَابُ التَّفْرِيقَةِ بَيْنَ ذَوِي الْأَرْحَامِ مِنَ الْمَمَالِكِ

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

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَاذَانَ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ مُعَاوِيَةَ بْنِ عَمَّارٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ أَتَى رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) بِسَبْيٍ مِنَ الْيَمَنِ فَلَمَّا بَلَغُوا الْجُحْفَةَ نَفَقَتْهُمْ فَبَاعُوا جَارِيَةً مِنَ السَّبْيِ كَانَتْ أُمُّهَا مَعَهُمْ فَلَمَّا قَدِمُوا عَلَى النَّبِيِّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) سَمِعَ بُكَاءَهَا فَقَالَ مَا هَذِهِ الْبُكَاءُ فَقَالُوا يَا رَسُولَ اللَّهِ احْتَجْنَا إِلَى نَفَقَةٍ فَبَعَثْنَا ابْنَتَهَا فَبِعْتْ بِثَمَنِهَا فَأَتَى بِهَا وَقَالَ بِيَعُوهُمَا جَمِيعًا أَوْ أُمْسِكُوهُمَا 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^{asws} saying: 'They came to Rasool-Allah^{saww} 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^{saww}, he^{saww} heard her wailing. So he^{saww} said: 'What is this wailing?' They said, 'O Rasool-Allah^{saww}! We became needy to the spending money, so we sold her daughter'. So he^{saww} sent (someone) with her price who came back with her, and he^{saww} said: 'Either sell them both together or keep both of them together'.⁷²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنْ أَحْوَيْنِ مَمْلُوكَيْنِ هَلْ يُفْرَقُ بَيْنَهُمَا وَ عَنِ الْمَرْأَةِ وَ وَلَدِهَا 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^{asws} about two brothers who are owned slaves, is effecting a separation between the two Permissible, and about the woman and her child?' He^{asws} said: 'No, it is Prohibited, except if they want that'.⁷³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَاذَانَ جَمِيعًا عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ هِشَامِ بْنِ الْحَكَمِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ اشْتَرَيْتَ لَهُ جَارِيَةً مِنَ الْكُوفَةِ قَالَ فَذَهَبَ لِنُقُومٍ فِي بَعْضِ الْحَاجَةِ فَقَالَتْ يَا أُمَّهُ فَقَالَ لَهَا أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَلَيْكَ أُمَّ قَالَتْ نَعَمْ فَأَمَرَ بِهَا فَرُدَّتْ فَقَالَ مَا أَمَنْتُ لَوْ حَبَسْتُهَا 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^{asws}, a slave girl having been bought for him^{asws} from Al-Kufa. So he^{asws} went on to stand regarding one of the needs, so she said, 'O mother!' So Abu Abdullah^{asws} said: 'Is there a mother for you?' She said, 'Yes'. So he^{asws} ordered with her to be returned, and said: 'I^{asws} do not feel safe if I^{asws} were to keep her, from seeing in my^{asws} children what I^{asws} dislike'.⁷⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْعَبَّاسِ بْنِ مُوسَى عَنْ بُرَيْدِ بْنِ أَبِي نَصْرٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) الْجَارِيَةُ الصَّغِيرَةُ يَشْتَرِيهَا الرَّجُلُ فَقَالَ إِنْ كَانَتْ قَدْ اسْتَعْنَتْ عَنْ أَبِيهَا فَلَا بَأْسَ .

⁷² Al Kafi – V 5 – The Book of Subsistence Ch 96 H 1

⁷³ Al Kafi – V 5 – The Book of Subsistence Ch 96 H 2

⁷⁴ 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^{asws}, 'The young slave girl, the man buys her'. So he^{asws} said: 'If she has become needless from her parents, so there is no problem'.⁷⁵

مُحَمَّدٌ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُوَيْدٍ عَنِ ابْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ فِي الرَّجُلِ يَشْتَرِي الْعُلَامَ أَوْ الْجَارِيَةَ وَ لَهُ أَخٌ أَوْ أُخْتُ أَوْ أَبٌ أَوْ أُمٌّ بِمِصْرٍ مِنَ الْأَمْصَارِ قَالَ لَا يُخْرِجُهُ إِلَى مِصْرٍ آخَرَ إِنْ كَانَ صَغِيرًا وَ لَا يَشْتَرِهِ فَإِنْ كَانَتْ لَهُ أُمَّ فَطَابَتْ نَفْسَهَا وَ نَفْسُهُ فَاشْتَرِهِ 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^{asws} 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^{asws} 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'.⁷⁶

بَابُ الْعَبْدِ يَسْأَلُ مَوْلَاهُ أَنْ يَبِيعَهُ وَ يَشْتَرِطَ لَهُ أَنْ يُعْطِيَهُ 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 أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُوسَى بْنِ بَكْرِ عَنِ الْفَضِيلِ قَالَ قَالَ غُلَامٌ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنِّي كُنْتُ قُلْتُ لِمَوْلَايَ بِعْنِي بِسَبْعِمِائَةِ دِرْهَمٍ وَ أَنَا أُعْطِيكَ ثَلَاثِمِائَةَ دِرْهَمٍ فَقَالَ لَهُ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنْ كَانَ لَكَ يَوْمَ شَرِطْتَ أَنْ تُعْطِيَهُ شَيْءٌ فَعَلَيْكَ أَنْ تُعْطِيَهُ وَ إِنْ لَمْ يَكُنْ لَكَ يَوْمَئِذٍ شَيْءٌ فَلَيْسَ عَلَيْكَ شَيْءٌ .

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^{asws}, 'I had said to my master, 'Sell me for six hundred Dirhams and I shall give you three hundred Dirhams'. So Abu Abdullah^{asws} 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'.⁷⁷

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ فَضِيلِ قَالَ قَالَ غُلَامٌ سِنْدِي لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنِّي قُلْتُ لِمَوْلَايَ بِعْنِي بِسَبْعِمِائَةِ دِرْهَمٍ وَ أَنَا أُعْطِيكَ ثَلَاثِمِائَةَ دِرْهَمٍ فَقَالَ لَهُ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنْ كَانَ يَوْمَ شَرِطْتَ لَكَ مَالٌ فَعَلَيْكَ أَنْ تُعْطِيَهُ وَ إِنْ لَمْ يَكُنْ لَكَ يَوْمَئِذٍ مَالٌ فَلَيْسَ عَلَيْكَ شَيْءٌ .

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

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

⁷⁵ Al Kafi – V 5 – The Book of Subsistence Ch 96 H 4

⁷⁶ Al Kafi – V 5 – The Book of Subsistence Ch 96 H 5

⁷⁷ 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'.⁷⁸

باب السَّلْمِ فِي الرَّقِيقِ وَ غَيْرِهِ مِنَ الْحَيَوَانِ

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

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ السَّلْمِ فِي الْحَيَوَانِ قَالَ لَيْسَ بِهِ بَأْسٌ قُلْتُ أَرَأَيْتَ إِنْ أَسْلَمَ فِي أَسْنَانٍ مَعْلُومَةٍ أَوْ شَيْءٍ مَعْلُومٍ مِنَ الرَّقِيقِ فَأَعْطَاهُ دُونَ شَرْطِهِ وَ فَوْقَهُ بِطَبِيبَةٍ أَنْفُسٍ مِنْهُمْ فَقَالَ 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^{asws} about the submission of the advance payment regarding the animals. He^{asws} said: 'There is no problem with it'. I said, 'What is your^{asws} 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^{asws} said: 'There is no problem with it'.⁷⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ أَعْطِيَ رَجُلًا وَرَقًا فِي وَصِيفٍ إِلَيَّ أَجَلَ مُسَمًّى فَقَالَ لَهُ صَاحِبُهُ لَا نَجِدُ لَكَ وَصِيفًا خَذْ مِنِّي قِيمَةَ وَصِيفِكَ الْيَوْمَ وَرَقًا قَالَ فَقَالَ لَا يَأْخُذُ إِلَّا وَصِيفُهُ أَوْ وَرَقَهُ الَّذِي أَعْطَاهُ أَوْلَ مَرَّةٍ لَا يَزْدَادُ عَلَيْهِ شَيْئًا .

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

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} 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^{asws} said: 'He can reject to take anything other than his servant or the note that he had given him before without any thing added'.⁸⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا بَأْسَ بِالسَّلْمِ فِي الْحَيَوَانِ إِذَا وَصِفَتْ أَسْنَانُهَا .

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

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

⁷⁸ Al Kafi – V 5 – The Book of Subsistence Ch 97 H 2

⁷⁹ Al Kafi – V 5 – The Book of Subsistence Ch 98 H 1

⁸⁰ Al Kafi – V 5 – The Book of Subsistence Ch 98 H 2

⁸¹ Al Kafi – V 5 – The Book of Subsistence Ch 98 H 3

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنِ ابْنِ بُكَيْرٍ عَنْ عُبَيْدِ بْنِ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ لَا بَأْسَ بِالسَّلْمِ فِي الْحَيَوَانِ إِذَا سَمَّيْتَ 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 Abdullah^{asws} having said: 'There is no problem with the submission of the advance payment regarding the animals, when something known is named'.⁸²

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ سَيْفِ بْنِ عَمِيرَةَ عَنْ أَبِي مَرْيَمَ الْأَنْصَارِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّ أَبَاهُ لَمْ يَكُنْ يَرَى بَأْسًا بِالسَّلْمِ 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 Abdullah^{asws} that his^{asws} father^{asws} did not view anything wrong with the submission of the advance payment regarding an animal when its age and (buying) conditions are (fully) defined'.⁸³

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ قُنَيْبَةَ الْأَعَشَى عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي الرَّجُلِ يُسَلِّمُ فِي أَسْنَانٍ مِنَ الْعَنَمِ مَعْلُومَةٍ إِلَى أَجَلٍ مَعْلُومٍ فَيُعْطِي الرَّبَاعَ مَكَانَ الثَّنِيِّ فَقَالَ أَلَيْسَ يُسَلِّمُ فِي أَسْنَانٍ مَعْلُومَةٍ 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 Abdullah^{asws} 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^{asws} said: 'Is it not that he submitted the advance payment regarding the known years to a known term?' I said, 'Yes'. He^{asws} said: 'So there is no problem'.⁸⁴

أَحْمَدُ بْنُ مُحَمَّدٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ أَبِي الْمَغْرَاءِ عَنِ الْحَلْبِيِّ قَالَ سُئِلَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ يُسَلِّمُ فِي وَصَفَاءِ أَسْنَانٍ مَعْلُومَةٍ وَ لَوْ أَنَّ مَعْلُومٍ ثُمَّ يُعْطِي دُونَ شَرْطِهِ أَوْ فَوْقَهُ فَقَالَ إِذَا كَانَ عَنْ طَيِّبَةِ نَفْسٍ مِنْكَ 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 Abdullah^{asws} 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^{asws} said: 'If it was from an agreement with yourself and from him, so there is no problem'.⁸⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سُئِلَ عَنِ الرَّجُلِ يُسَلِّمُ فِي الْعَنَمِ ثَنِيَانٍ وَ جُدْعَانٍ وَ غَيْرِ ذَلِكَ إِلَى أَجَلٍ مُسَمًّى قَالَ لَا بَأْسَ إِنْ لَمْ يَقْدِرِ الَّذِي عَلَيْهِ الْعَنَمُ عَلَى جَمِيعِ مَا عَلَيْهِ أَنْ يَأْخُذَ صَاحِبُ الْعَنَمِ نَصْفَهَا أَوْ ثَلَاثَهَا أَوْ ثَلَاثِيهَا وَ يَأْخُذُوا رَأْسَ مَا بَقِيَ مِنَ الْعَنَمِ دَرَاهِمَ وَ يَأْخُذُوا دُونَ شَرْطِهِمْ وَ لَا يَأْخُذُونَ فَوْقَ شَرْطِهِمْ وَ الْأَكْسِيَّةُ أَيْضًا مِثْلُ الْحِنْطَةِ وَ الشَّعِيرِ وَ الزَّعْفَرَانِ وَ الْعَنَمِ .

⁸² Al Kafi – V 5 – The Book of Subsistence Ch 98 H 4

⁸³ Al Kafi – V 5 – The Book of Subsistence Ch 98 H 5

⁸⁴ Al Kafi – V 5 – The Book of Subsistence Ch 98 H 6

⁸⁵ 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^{asws}, said, 'He^{asws} 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^{asws} 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'.⁸⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلَ بْنِ مَرَّارٍ عَنْ يُونُسَ عَنْ مُعَاوِيَةَ عَنْ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلْتُهُ عَنْ رَجُلٍ أَسْلَمَ فِي وَصْفَاءِ أَسْنَانٍ مَعْلُومَةٍ وَغَيْرِ مَعْلُومَةٍ تَمَّ يُعْطَى دُونَ شَرْطِهِ قَالَ إِذَا كَانَ بِطَيْبَةِ نَفْسٍ مِنْكَ وَ مِنْهُ فَلَا بَأْسَ

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

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

قَالَ وَ سَأَلْتُهُ عَنِ الرَّجُلِ يُسَلِّفُ فِي الْغَنَمِ الثُّنْيَانَ وَ الْجُدْعَانَ وَ غَيْرِ ذَلِكَ إِلَى أَجَلٍ مُسَمًّى قَالَ لَا بَأْسَ بِهِ

He (the narrator) said, 'And I asked him^{asws} 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^{asws} said: 'There is no problem with it.

فَإِنْ لَمْ يَقْدِرِ الَّذِي عَلَيْهِ عَلَى جَمِيعِ مَا عَلَيْهِ فَسُئِلَ أَنْ يَأْخُذَ صَاحِبُ الْحَقِّ نِصْفَ الْغَنَمِ أَوْ ثُلُثَهَا وَ يَأْخُذَ رَأْسَ مَالٍ مَا بَقِيَ مِنَ الْغَنَمِ دَرَاهِمَ قَالَ لَا بَأْسَ وَ لَا يَأْخُذُ دُونَ شَرْطِهِ إِلَّا بِطَيْبَةِ نَفْسٍ 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^{asws} said: 'There is no problem, and he should not take below his stipulation except with the agreement of his companion'.⁸⁷

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ غَيْرِ وَاحِدٍ عَنْ أَبَانَ عَنْ حَدِيدِ بْنِ حَكِيمٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامِ) الرَّجُلُ يَسْتَرِي الْجُلُودَ مِنَ الْفَصَابِ يُعْطِيهِ كُلَّ يَوْمٍ شَيْئًا مَعْلُومًا قَالَ لَا بَأْسَ .

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^{asws}, 'The man buys the skins from the butcher who gives him something known every day'. He^{asws} said: 'There is no problem'.⁸⁸

⁸⁶ Al Kafi – V 5 – The Book of Subsistence Ch 98 H 8

⁸⁷ Al Kafi – V 5 – The Book of Subsistence Ch 98 H 9

⁸⁸ Al Kafi – V 5 – The Book of Subsistence Ch 98 H 10

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ سَمَاعَةَ قَالَ سُئِلَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ السَّلْمِ فِي الْحَيَوَانِ فَقَالَ أَسْنَانٌ مَعْلُومَةٌ وَ أَسْنَانٌ مَعْدُودَةٌ إِلَى أَجَلٍ مَعْلُومٍ لَا بَأْسَ بِهِ .

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

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

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَحْمَدَ بْنِ النَّضْرِ عَنْ عَمْرِو بْنِ شِمْرٍ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ السَّلْفِ فِي اللَّحْمِ قَالَ لَا تَقْرَبْنَهَا فَإِنَّهُ يُعْطِيكَ مَرَّةً السَّمِينِ وَ مَرَّةً التَّأْوِي وَ مَرَّةً الْمَهْزُولِ اشْتَرَاهُ 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^{asws}, said, 'I asked him^{asws} about the payment left behind regarding the meat. He^{asws} 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 سَأَلْتُهُ عَنِ السَّلْفِ فِي رَوَايَا الْمَاءِ قَالَ لَا تَقْرَبْهَا فَإِنَّهُ يُعْطِيكَ مَرَّةً نَاقِصَةً وَ مَرَّةً كَامِلَةً وَ لَكِنْ اشْتَرِهِ مُعَايِنَةً وَ هُوَ أَسْلَمُ لَكَ وَ لَهُ .

He (the narrator) said, 'And I asked him^{asws} about the payment left behind regarding the containers of water. He^{asws} 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'⁹⁰.

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ أَبِي وَ لَادٍ الْحَنَاطِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يَكُونُ لَهُ عَنَمٌ يَحْلُبُهَا لَهَا أَلْبَانٌ كَثِيرَةٌ فِي كُلِّ يَوْمٍ مَا تَقُولُ فِيمَنْ يَسْتَرِي مِنْهُ الْخَمْسَمَائَةِ رَطْلٍ أَوْ أَكْثَرَ مِنْ ذَلِكَ الْمِائَةِ رَطْلٍ بِكَذَا وَ كَذَا دِرْهَمًا فَيَأْخُذُ مِنْهُ فِي كُلِّ يَوْمٍ أَرْطَالًا حَتَّى يَسْتَوْفِيَ مَا يَسْتَرِي مِنْهُ قَالَ لَا بَأْسَ بِهِذَا وَ نَحْوَهُ .

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

'I asked Abu Abdullah^{asws} 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^{asws} 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 certain ratls during every day until he fulfils what he bought from him?' He^{asws} said: 'There is no problem with this and approximate to it'⁹¹.

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَادَانَ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ قُتَيْبَةَ الْأَعَشَى قَالَ سُئِلَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) وَ أَنَا عِنْدَهُ فَقَالَ لَهُ رَجُلٌ إِنَّ أَخِي يَخْتَلِفُ إِلَى الْجَبَلِ يَجْلِبُ الْعَنَمَ فَيَسْلِمُ فِي الْعَنَمِ فِي أَسْنَانٍ مَعْلُومَةٍ إِلَى أَجَلٍ مَعْلُومٍ فَيُعْطِي الرَّبَاعَ مَكَانَ النَّبِيِّ فَقَالَ لَهُ أ بِطَيْبَةِ نَفْسٍ مِنْ صَاحِبِهِ فَقَالَ نَعَمْ قَالَ لَا بَأْسَ .

⁸⁹ Al Kafi – V 5 – The Book of Subsistence Ch 98 H 11

⁹⁰ Al Kafi – V 5 – The Book of Subsistence Ch 98 H 12

⁹¹ 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^{asws} was asked and I was in his^{asws} presence, so a man said to him^{asws}, '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^{asws} said to him: 'Is it by the agreement of his companion himself?' So he said, 'Yes'. He^{asws} said: 'There is no problem'.⁹²

بَاب آخِرُ مِنْهُ

Chapter 99 – Another chapter from it

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عِيسَى عَنْ مُعَاوِيَةَ بْنِ حُكَيْمٍ عَنْ مُحَمَّدِ بْنِ حُبَابِ الْجَلَّابِ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَشْتَرِي مِائَةَ شَاةٍ عَلَى أَنْ يُبَدِّلَ مِنْهَا كَذَا وَكَذَا 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^{asws}, said, 'I asked him^{asws} about the man who buys one hundred sheep upon a stipulation if he can exchange from it such and such. He^{asws} said: 'Not allowed'.⁹³

أَحْمَدُ بْنُ مُحَمَّدٍ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ مِنْهَالِ الْقَصَّابِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَشْتَرِي الْعَنَمَ أَوْ يَشْتَرِي الْعَنَمَ جَمَاعَةً ثُمَّ تَدْخُلُ دَاراً ثُمَّ يَقُومُ رَجُلٌ عَلَى الْبَابِ فَيَعِدُّ وَاحِداً وَ اثْنَيْنِ وَ ثَلَاثَةً وَ أَرْبَعَةً وَ خَمْسَةً ثُمَّ يُخْرِجُ السَّهْمَ قَالَ لَا يَصْلُحُ هَذَا إِنَّمَا يَصْلُحُ السَّهْمُ إِذَا عُدِلَتْ 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^{asws}, '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^{asws} said: 'This is not correct. But rather shares are correct only when distribution is just'.⁹⁴

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ زَيْدِ الشَّحَّامِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ يَشْتَرِي سَهَامَ الْقَصَّابِينَ مِنْ قَبْلِ أَنْ يُخْرِجَ السَّهْمَ فَقَالَ لَا يَشْتَرِي شَيْئاً حَتَّى يَعْلَمَ مِنْ أَيْنَ يُخْرِجُ السَّهْمَ فَإِنْ اشْتَرَى شَيْئاً فَهُوَ بِالْخِيَارِ 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^{asws} about a man who buys the shares of the butchers prior to the shares are allotted. So he^{asws} said: 'He should not buy anything until he knows

⁹² Al Kafi – V 5 – The Book of Subsistence Ch 98 H 14

⁹³ Al Kafi – V 5 – The Book of Subsistence Ch 99 H 1

⁹⁴ 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'.⁹⁵

باب الغنم تُعطى بالضريبة

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

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يَكُونُ لَهُ الْغَنَمُ يُعْطِيهَا بِضْرِيْبَةٍ سَمْنًا شَيْئًا مَعْلُومًا أَوْ دَرَاهِمَ مَعْلُومَةً مِنْ كُلِّ شَاةٍ كَذَا وَ كَذَا قَالَ لَا بَأْسَ بِالذَّرَاهِمِ وَ لَسْتُ أَحِبُّ أَنْ يَكُونَ بِالسَّمْنِ .

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

(It has been narrated) from Abu Abdullah^{asws} 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^{asws} said: 'There is not problem with the Dirhams, and I^{asws} do not like it if it happens to be with the butter'.⁹⁶

عَلِيُّ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنِ ابْنِ الْمَعْرَاءِ عَنْ إِبْرَاهِيمَ بْنِ مَيْمُونٍ أَنَّهُ سَأَلَ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَقَالَ يُعْطَى الرَّاعِي الْغَنَمَ بِالْجَبَلِ يَرْعَاهَا وَ لَهُ أَصْوَافُهَا وَ الْبَأْنُهَا وَ يُعْطِينَا لِكُلِّ شَاةٍ دَرَاهِمَ فَقَالَ لَيْسَ بِذَلِكَ بَأْسٌ فَقُلْتُ إِنَّ أَهْلَ الْمَسْجِدِ يَقُولُونَ لَا يَجُوزُ لِأَنَّ مِنْهَا مَا لَيْسَ لَهُ صَوْفٌ وَ لَا لَيْنٌ فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) وَ هَلْ يُطَيَّبُهُ إِلَّا ذَاكَ يَذْهَبُ بَعْضُهُ وَ يَبْقَى بَعْضٌ .

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

(It has been narrated) from Ibrahim Bin Maymoun who asked Abu Abdullah^{asws}, 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^{asws} 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^{asws} said: 'And did he not agree except for that, he would be taking some and leaving some?'.⁹⁷

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبَانَ عَنْ مُدْرِكِ بْنِ الْهَزْهَازِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يَكُونُ لَهُ الْغَنَمُ فَيُعْطِيهَا بِضْرِيْبَةٍ شَيْئًا مَعْلُومًا مِنَ الصُّوفِ أَوْ السَّمْنِ أَوْ الدَّرَاهِمِ قَالَ لَا بَأْسَ بِالذَّرَاهِمِ وَ كُرِهَ السَّمْنُ .

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^{asws} regarding the man who happens to have the sheep for him, so he gives them out (for pasturing) for a known tribute from

⁹⁵ Al Kafi – V 5 – The Book of Subsistence Ch 99 H 3

⁹⁶ Al Kafi – V 5 – The Book of Subsistence Ch 100 H 1

⁹⁷ Al Kafi – V 5 – The Book of Subsistence Ch 100 H 2

the wool, or the butter, or the Dirhams'. He^{asws} said: 'There is no problem with the Dirhams, but the butter is disliked'.⁹⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ دَفَعَ إِلَى رَجُلٍ غَنَمَهُ بِسَمْنٍ وَدَرَاهِمَ مَعْلُومَةٍ لِكُلِّ شَاةٍ كَذَا وَكَذَا فِي كُلِّ شَهْرٍ قَالَ لَا بَأْسَ بِالدَّرَاهِمِ فَأَمَّا السَّمْنُ فَمَا أَحَبُّ ذَلِكَ إِلَّا أَنْ يَكُونَ حَوَالِبَ فَلَا بَأْسَ .

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

'I asked Abu Abdullah^{asws} 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^{asws} said: 'There is no problem with the Dirhams, but as for the butter, so I^{asws} do not like that except if it happens to be milk, so there is no problem'.⁹⁹

باب بَيْعِ اللَّقِيطِ وَوَالِدِ الرَّنَا

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

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنْ مُتْنَى عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ قَالَ اللَّقِيطُ لَا يُشْتَرَى وَلَا يُبَاعُ.

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'The found (child) can neither be bought nor sold'.¹⁰⁰

أَحْمَدُ بْنُ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنْ مُتْنَى عَنْ حَاتِمِ بْنِ إِسْمَاعِيلَ الْمَدَائِنِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ الْمَنْبُودُ حُرٌّ فَإِنْ أَحَبَّ أَنْ يُوَالِيَ غَيْرَ الَّذِي رَبَّاهُ وَالَاهُ فَإِنْ طَلَبَ مِنْهُ الَّذِي رَبَّاهُ النَّفَقَةَ وَكَانَ مُوسِرًا رَدَّ عَلَيْهِ وَإِنْ 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^{asws} 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'.¹⁰¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيْسَى عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَبْدِ الرَّحْمَنِ الْعَزْرَمِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) (عَلَيْهِ السَّلَام) قَالَ الْمَنْبُودُ حُرٌّ فَإِذَا كَبُرَ فَإِنْ شَاءَ تَوَلَّى إِلَى الَّذِي تَطَّقَهُ وَإِلَّا فَلْيُرَدَّ عَلَيْهِ النَّفَقَةُ وَلْيُذْهَبَ فُلْيُوَالِ مَنْ شَاءَ .

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

⁹⁸ Al Kafi – V 5 – The Book of Subsistence Ch 100 H 3

⁹⁹ Al Kafi – V 5 – The Book of Subsistence Ch 100 H 4

¹⁰⁰ Al Kafi – V 5 – The Book of Subsistence Ch 101 H 1

¹⁰¹ Al Kafi – V 5 – The Book of Subsistence Ch 101 H 2

(It has been narrated) from Abu Abdullah^{asws}, from his^{asws} father^{asws} having said: 'The abandoned (child) is free. So when he grow 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'.¹⁰²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ اللَّقِيطَةِ قَالَ لَا يُبَاعُ وَلَا تُشْتَرَى وَلَا تَنْتَهَى بِمَا أَنْفَقْتَ عَلَيْهَا .

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

'I asked Abu Abdullah^{asws} about the found (female abandoned child). He^{asws} said: 'She can neither be sold nor bought, but she can be made to serve for whatever was spent upon her'.¹⁰³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَادٍ عَنْ حَرِيزٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَام) عَنِ اللَّقِيطِ فَقَالَ حُرٌّ لَا يُبَاعُ وَلَا يُوهَبُ .

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

'I asked Abu Ja'far^{asws} about the found (abandoned child). So he^{asws} said: 'Free. He can neither be sold nor gifted'.¹⁰⁴

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنْ أَبِي الْجَهْمِ عَنْ أَبِي خَدِيجَةَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) يَقُولُ لَا يَطِيبُ وَلَدَ الزَّانَا وَلَا يَطِيبُ تَمَنُّهُ أَبَدًا وَالْمَمْرَازُ لَا يَطِيبُ إِلَى سَبْعَةِ آبَاءٍ وَقِيلَ لَهُ وَ أَيْ شَيْءِ الْمَمْرَازُ فَقَالَ الرَّجُلُ يَكْتَسِبُ مَالًا مِنْ غَيْرِ جِلِّهِ فَيَتَزَوَّجُ بِهِ أَوْ يَتَسَرَّى بِهِ فَيُولَدُ لَهُ فَذَلِكَ الْوَلَدُ هُوَ الْمَمْرَازُ .

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

'I heard Abu Abdullah^{asws} 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^{asws}, 'And what is *Al-Mimraaz*?'. He^{asws} 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*'.¹⁰⁵

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ أَبَانَ عَمَّنْ أَخْبَرَهُ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ وَلَدِ الزَّانَا أَسْتَرِيهِ أَوْ أُبِيعَهُ أَوْ أُسْتَحْدِمُهُ فَقَالَ اسْتَرِيهِ وَ اسْتَرْقِهِ وَ اسْتَحْدِمُهُ وَ بَعُهُ فَأَمَّا اللَّقِيطُ فَلَا تُشْتَرَى .

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^{asws}, said, 'I asked him^{asws} about a child of adultery (bastard), can one buy him, or sell him, or make him to serve?' So he^{asws}

¹⁰² Al Kafi – V 5 – The Book of Subsistence Ch 101 H 3

¹⁰³ Al Kafi – V 5 – The Book of Subsistence Ch 101 H 4

¹⁰⁴ Al Kafi – V 5 – The Book of Subsistence Ch 101 H 5

¹⁰⁵ 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'.¹⁰⁶

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ ابْنِ فَضَالٍ عَنْ مُتَنَّى الْحَنَاطِ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ تَكُونُ لِي الْمَمْلُوكَةُ مِنَ الزَّانَا أَحْسَبُ مِنْ تَمِيهَا وَ أَتَزَوِّجُ فَقَالَ لَا تَحُجَّ وَلَا تَتَزَوِّجُ 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^{asws}, said, 'I said to him^{asws}, '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^{asws} said: 'You can neither perform Hajj nor get married from it'.¹⁰⁷

بَابُ جَامِعٍ فِيمَا يَحِلُّ الشَّرَاءُ وَالْبَيْعُ مِنْهُ وَمَا لَا يَحِلُّ

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

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ بَحْيَى عَنْ عَبْدِ الْجَمِيدِ بْنِ سَعْدٍ قَالَ سَأَلْتُ أَبَا إِبْرَاهِيمَ (عَلَيْهِ السَّلَامُ) عَنْ عِظَامِ الْفِيلِ يَحِلُّ بَيْعُهُ أَوْ شِرَاؤُهُ الَّذِي يُجْعَلُ مِنْهُ الْأَمْشَاطُ فَقَالَ لَا بَأْسَ قَدْ كَانَ لِأَبِي مِنْهُ مُشَطٌّ 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^{asws} 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^{asws} said: 'There is no problem. There used to be for my^{asws} father^{asws}, a comb, or combs from it'.¹⁰⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أُذَيْنَةَ قَالَ كَتَبْتُ إِلَى أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَسْأَلُهُ عَنْ رَجُلٍ لَهُ خَسْبٌ فَبَاعَهُ مِمَّنْ يَتَّخِذُ مِنْهُ بَرَابِطَ فَقَالَ لَا بَأْسَ

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

'I wrote to Abu Abdullah^{asws} asking him^{asws} about a man from whom were planks of wood, so he sold it to the ones who make flutes from it. So he^{asws} said; 'There is not problem'.

وَ عَنْ رَجُلٍ لَهُ خَسْبٌ فَبَاعَهُ مِمَّنْ يَتَّخِذُهُ صَلْبَانَ قَالَ لَا .

And (I asked him^{asws}) 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^{asws} said: 'No'.¹⁰⁹

مُحَمَّدُ بْنُ بَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَجَّالِ عَنْ ثَعْلَبَةَ عَنْ مُحَمَّدِ بْنِ مُضَارِبٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا بَأْسَ بِبَيْعِ الْعَدْرَةِ .

¹⁰⁶ Al Kafi – V 5 – The Book of Subsistence Ch 101 H 7

¹⁰⁷ Al Kafi – V 5 – The Book of Subsistence Ch 101 H 8

¹⁰⁸ Al Kafi – V 5 – The Book of Subsistence Ch 102 H 1

¹⁰⁹ 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^{asws} having said: 'There is no problem with selling the animal dung'.¹¹⁰

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ عِيصِ بْنِ الْقَاسِمِ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الْفُهُودِ وَ سَبَاعِ الطَّيْرِ هَلْ يُلْتَمَسُ التِّجَارَةُ فِيهَا قَالَ نَعَمْ .

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

'I asked Abu Abdullah^{asws} about the leopards and the predatory birds, can one seek the business regarding these?' He^{asws} said: 'Yes'.¹¹¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ أَبَانَ عَنْ عِيْسَى الْقُمِّيِّ عَنْ عَمْرِو بْنِ جَرِيرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الثَّوْتِ أَيْعُهُ يُصْنَعُ بِهِ الصَّلِيبُ وَ الصَّنَمُ قَالَ لَا .

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

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

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَمْرِو بْنِ أُذَيْنَةَ قَالَ كَتَبْتُ إِلَى أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَسْأَلُهُ عَنِ الرَّجُلِ يُوَاجِرُ سَفِينَتَهُ وَ دَابَّتَهُ مِمَّنْ يَحْمِلُ فِيهَا أَوْ عَلَيْهَا الْخَمْرَ وَ الْخَنَازِيرَ قَالَ لَا بَأْسَ .

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

'I wrote to Abu Abdullah^{asws} asking him^{asws} 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^{asws} said: 'There is no problem'.¹¹³

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شُمُونَ عَنِ الْأَصَمِّ عَنْ مِسْمَعٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِنَّ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) نَهَى عَنِ الْقَرْدِ أَنْ تُشْتَرَى 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^{asws} having said that Rasool-Allah^{saww} forbade from the monkeys being bought or sold'.¹¹⁴

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ عَلِيِّ بْنِ النُّعْمَانَ عَنِ ابْنِ مُسْكَانَ عَنْ عَبْدِ الْمُؤْمِنِ عَنْ جَابِرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ يُوَاجِرُ بَيْتَهُ يُبَاعُ فِيهَا الْخَمْرُ قَالَ حَرَامٌ أُجْرَتُهُ .

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,

¹¹⁰ Al Kafi – V 5 – The Book of Subsistence Ch 102 H 3

¹¹¹ Al Kafi – V 5 – The Book of Subsistence Ch 102 H 4

¹¹² Al Kafi – V 5 – The Book of Subsistence Ch 102 H 5

¹¹³ Al Kafi – V 5 – The Book of Subsistence Ch 102 H 6

¹¹⁴ Al Kafi – V 5 – The Book of Subsistence Ch 102 H 7

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

بَعْضُ أَصْحَابِنَا عَنْ عَلِيِّ بْنِ أَصْبَاطٍ عَنْ أَبِي مَخْلَدٍ السَّرَّاجِ قَالَ كُنْتُ عِنْدَ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِذْ دَخَلَ عَلَيْهِ مُعْتَبٌ فَقَالَ رَجُلَانِ بِالْبَابِ فَقَالَ أَدْخِلُهُمَا فَدَخَلَا فَقَالَ أَحَدُهُمَا إِنِّي رَجُلٌ سَرَّاجٌ أُبِيعُ جُلُودَ النَّمْرِ فَقَالَ مَدْبُوعَةٌ هِيَ قَالَ نَعَمْ قَالَ لَيْسَ بِهِ بَأْسٌ .

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

'I was in the presence of Abu Abdullah^{asws} when Moattab came over to him^{asws} and said, 'Two men are at the door'. So he^{asws} 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^{asws} said: 'Are these tanned?' He^{asws} said, 'Yes'. He^{asws} said: 'There is no problem with it'.¹¹⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ أَبِي الْقَاسِمِ الصَّيْقَلِيِّ قَالَ كَتَبْتُ إِلَيْهِ قَوَائِمُ السُّيُوفِ الَّتِي تُسَمَّى السَّفَنَ اتَّخَذَهَا مِنْ جُلُودِ السَّمَكِ فَهَلْ يَجُوزُ الْعَمَلُ لَهَا وَ لَسْنَا نَأْكُلُ لَحْمَهَا فَكَتَبَ (عَلَيْهِ السَّلَامُ) لَا بَأْسَ .

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

'I wrote to him^{asws}, '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^{asws} wrote: 'There is no problem'.¹¹⁷

باب شِراءِ السَّرِقَةِ وَ الْخِيَانَةِ

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

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنِ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَحَدَهُمَا (عَلَيْهِمَا السَّلَامُ) عَنْ شِراءِ الْخِيَانَةِ وَ السَّرِقَةِ فَقَالَ لَا إِلَّا أَنْ يَكُونَ قَدْ اخْتَلَطَ مَعَهُ غَيْرُهُ فَأَمَّا السَّرِقَةُ بَعْينِهَا فَلَا إِلَّا أَنْ تَكُونَ مِنْ مَتَاعِ السُّلْطَانِ فَلَا بَأْسَ بِذَلِكَ .

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 (5th or 6th Imam^{asws}) about buying the (goods of) betrayal and the stolen (goods). So he^{asws} 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'.¹¹⁸

ابْنُ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عُبَيْدَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ مِمَّا يَشْتَرِي مِنَ السُّلْطَانِ مِنْ إِبِلِ الصَّدَقَةِ وَ عَنَمِ الصَّدَقَةِ وَ هُوَ يَعْلَمُ أَنَّهُمْ يَأْخُذُونَ مِنْهُمْ أَكْثَرَ مِنَ الْحَقِّ الَّذِي يَجِبُ عَلَيْهِمْ قَالَ فَقَالَ مَا الْإِبِلُ وَ الْعَنَمُ إِلَّا مِثْلُ الْحِنْطَةِ وَ الشَّعِيرِ وَ غَيْرِ ذَلِكَ لَا بَأْسَ بِهِ حَتَّى تَعْرِفَ الْحَرَامَ بَعْينِهِ

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

¹¹⁵ Al Kafi – V 5 – The Book of Subsistence Ch 102 H 8

¹¹⁶ Al Kafi – V 5 – The Book of Subsistence Ch 102 H 9

¹¹⁷ Al Kafi – V 5 – The Book of Subsistence Ch 102 H 10

¹¹⁸ Al Kafi – V 5 – The Book of Subsistence Ch 103 H 1

(It has been narrated) from Abu Ja'far^{asws}, said, 'I asked him^{asws} 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^{asws} 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'.

قِيلَ لَهُ فَمَا تَرَى فِي مُصَدَّقٍ يَجْبِينُنَا فَيَأْخُذُ صَدَقَاتِ أَعْنَامِنَا فَنَقُولُ بَعْنَاهَا فَيَبْبِعُنَاهَا فَمَا تَرَى فِي شِرَائِهَا مِنْهُ قَالَ إِنْ كَانَ قَدْ أَخَذَهَا وَعَزَلَهَا فَلَا بَأْسَ

It was said to him^{asws}, 'So what is your^{asws} 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^{asws} view regarding buying these from him?' He^{asws} said: 'If he has taken them (away) and segregated them, so there is no problem'.

قِيلَ لَهُ فَمَا تَرَى فِي الْحِنْطَةِ وَالشَّعِيرِ يَجْبِينُنَا الْقَاسِمُ فَيَقْسِمُ لَنَا حَظَّنَا وَ يَأْخُذُ حَظَّهُ فَيَعْزِلُهُ بِكَيْلٍ فَمَا تَرَى فِي شِرَاءِ ذَلِكَ الطَّعَامِ مِنْهُ فَقَالَ إِنْ كَانَ قَبِضَهُ بِكَيْلٍ وَ أَنْتُمْ حُضُورُ ذَلِكَ الْكَيْلِ فَلَا بَأْسَ بِشِرَاؤِهِ مِنْهُ بَعِيرِ كَيْلٍ .

It was said to him^{asws}, 'So what is your^{asws} 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^{asws} view regarding buying that foodstuff from him?' So he^{asws} 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)'.¹¹⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ عَلِيٍّ عَنْ أَبِيهِ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَشْتَرِي مِنَ الْعَامِلِ وَ هُوَ يَظْلِمُ قَالَ يَشْتَرِي مِنْهُ مَا لَمْ يَعْلَمْ أَنَّهُ ظَلَمَ 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^{asws} about the man who buys from the office bearer, and he is an unjust one. He^{asws} said: 'He can buy from him for as long as he does not know that he has been unjust to anyone in it'.¹²⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُوَيْدٍ عَنِ الْقَاسِمِ بْنِ سُلَيْمَانَ عَنْ جَرَّاحِ الْمَدَائِنِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا يَصْلُحُ شِرَاءُ السَّرْقَةِ وَالْخِيَانَةِ 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 Abdullah^{asws} having said: 'It is not correct to buy the stolen (goods), and the (goods of) betrayal, when it is recognised as such'.¹²¹

¹¹⁹ Al Kafi – V 5 – The Book of Subsistence Ch 103 H 2

¹²⁰ Al Kafi – V 5 – The Book of Subsistence Ch 103 H 3

¹²¹ Al Kafi – V 5 – The Book of Subsistence Ch 103 H 4

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ صَالِحٍ قَالَ أَرَادُوا بَيْعَ تَمْرٍ عَيْنِ أَبِي زِيَادٍ فَأَرَدْتُ أَنْ أَسْتَرِيَهُ ثُمَّ قُلْتُ حَتَّى أَسْتَأْمِرَ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَأَمَرْتُ مُعَاذًا فَسَأَلَهُ فَقَالَ قُلْ لَهُ يَسْتَرِيهِ فَإِنَّهُ إِنْ لَمْ يَسْتَرِهِ اشْتَرَاهُ غَيْرَهُ .

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^{asws} instructs me so'. So I instructed Moaz, so he asked him^{asws}. He^{asws} said: 'Say to him, 'Buy it', for if he does not buy it, someone else will buy it'.¹²²

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنِ النَّهْدِيِّ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ مَنْ اشْتَرَى سَرِقَةً وَهُوَ يَعْلَمُ فَقَدْ شَرِكَ فِي عَارِهَا وَإِثْمِهَا .

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

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

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ صَالِحِ بْنِ السُّنْدِيِّ عَنْ جَعْفَرِ بْنِ بَشِيرٍ عَنِ الْحُسَيْنِ بْنِ أَبِي الْعَلَاءِ عَنْ أَبِي عَمْرِو السَّرَّاجِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يُوْجَدُ عِنْدَهُ السَّرِقَةُ قَالَ هُوَ عَارِمٌ إِذَا لَمْ يَأْتِ عَلَى بَائِعِهَا بِشُهُودٍ .

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

(It has been narrated) from Abu Abdullah^{asws} regarding the man in whose presence stolen goods were found'. He^{asws} 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)'.¹²⁴

بَاب مَنْ اشْتَرَى طَعَامَ قَوْمٍ وَهُمْ لَهُ كَارِهُونَ

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

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ عَلِيِّ بْنِ عُقْبَةَ عَنِ الْحُسَيْنِ بْنِ مُوسَى عَنْ بُرَيْدٍ وَ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ مَنْ اشْتَرَى طَعَامَ قَوْمٍ وَهُمْ لَهُ كَارِهُونَ فَصَلَّ 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^{asws} 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'.¹²⁵

¹²² Al Kafi – V 5 – The Book of Subsistence Ch 103 H 5

¹²³ Al Kafi – V 5 – The Book of Subsistence Ch 103 H 6

¹²⁴ Al Kafi – V 5 – The Book of Subsistence Ch 103 H 7

¹²⁵ Al Kafi – V 5 – The Book of Subsistence Ch 104 H 1

بَاب مَنْ اشْتَرَى شَيْئاً فَتَغَيَّرَ عَمَّا رَأَاهُ**Chapter 105 – The one who buys something so it turns out to be difference from what he had seen it as**

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ أَبِي عُمَيْرٍ وَ عَلِيِّ بْنِ حَدِيدٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ مُيَسَّرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قُلْتُ لَهُ رَجُلٌ اشْتَرَى زَقًّا زَيْتٍ فَوَجَدَ فِيهِ دُرْبِيًّا قَالَ فَقَالَ إِنْ كَانَ يَعْلَمُ أَنَّ ذَلِكَ فِي الزَّيْتِ لَمْ يَرُدَّهُ وَ إِنْ لَمْ يَكُنْ يَعْلَمُ أَنَّ ذَلِكَ فِي الزَّيْتِ رَدَّهُ 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^{asws}, said, 'I said to him^{asws}, 'A man buys a skin sack of oil so he finds residue therein'. So he^{asws} 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)'.¹²⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنِ إِبْرَاهِيمَ بْنِ إِسْحَاقَ الْخُدْرِيِّ عَنْ أَبِي صَادِقٍ قَالَ دَخَلَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) سُوقَ التَّمَارِينَ فَإِذَا امْرَأَةٌ قَائِمَةٌ تَبْكِي وَ هِيَ تُخَاصِمُ رَجُلًا تَمَارًا فَقَالَ لَهَا مَا لَكَ قَالَتْ يَا أَمِيرُ الْمُؤْمِنِينَ اشْتَرَيْتُ مِنْ هَذَا تَمْرًا بِدِرْهَمٍ فَخَرَجَ أَسْفَلُهُ رَدِيًّا لَيْسَ مِثْلَ الَّذِي رَأَيْتُ قَالَ فَقَالَ لَهُ رُدِّ عَلَيْهَا فَأَبَى حَتَّى قَالَهَا ثَلَاثًا فَأَبَى فَعَلَاهُ بِالذَّرَّةِ حَتَّى رَدَّ عَلَيْهَا وَ كَانَ عَلِيٌّ (صَلَوَاتُ اللَّهِ عَلَيْهِ) يَكْرَهُ أَنْ يُجَلَّلَ التَّمْرُ .

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

بَاب بَيْعِ الْعَصِيرِ وَ الْخَمْرِ**Chapter 106 – Selling the juice and the wine**

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرِ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَام) عَنْ بَيْعِ الْعَصِيرِ فَيَصِيرُ خَمْرًا قَبْلَ أَنْ يُقْبَضَ التَّمْنُ قَالَ لَوْ بَاعَ تَمْرَتَهُ مِمَّنْ يَعْلَمُ أَنَّهُ يَجْعَلُهُ حَرَامًا لَمْ يَكُنْ بِذَلِكَ بَاسًا فَأَمَّا إِذَا كَانَ عَصِيرًا فَلَا يُبَاعُ إِلَّا بِالنَّقْدِ .

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^{asws} about selling the juice, so it becomes wine before he takes possession of the price'. So he^{asws} 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

¹²⁶ Al Kafi – V 5 – The Book of Subsistence Ch 105 H 1

¹²⁷ 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 transaction'.¹²⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَّادِ بْنِ عَيْسَى عَنْ حَرِيْزٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ تَرَكَ غُلَامًا لَهُ فِي كَرْمٍ لَهُ يَبِيعُهُ عِنْبًا أَوْ عَصِيرًا فَأَنْطَلَقَ الْغُلَامُ 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^{asws} 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^{asws} said: 'It is not correct (to take) its price'.

ثُمَّ قَالَ إِنَّ رَجُلًا مِنْ تَقِيفٍ أَهْدَى إِلَى رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) رَاوِيَيْنِ مِنْ خَمْرٍ فَأَمَرَ بِهِمَا رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَأَهْرَيْقَنَا وَ قَالَ إِنَّ الَّذِي حَرَّمَ شَرْبَهَا حَرَّمَ ثَمَنَهَا ثُمَّ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنَّ أَفْضَلَ خِصَالِ هَذِهِ الَّتِي بَاعَهَا الْغُلَامُ أَنْ يُنْصَدَّقَ بِثَمَنِهَا .

Then he^{asws} said: 'A man from Saaqef gifted to Rasool-Allah^{saww} two caskets of wine. So Rasool-Allah^{saww} 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 equivalent to its price'.¹²⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ عَنِ عَلِيِّ بْنِ أَبِي حَمَزَةَ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ تَمَنِ الْعَصِيرِ قَبْلَ أَنْ يَغْلِي لِمَنْ يَتْبَعُهُ لِيَطْبَخَهُ أَوْ يَجْعَلَهُ خَمْرًا قَالَ إِذَا بَعْتَهُ قَبْلَ أَنْ يَكُونَ خَمْرًا وَ هُوَ 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^{asws} about the price of the juice before it boils for the one who cooks it or make it into wine. He^{asws} said: 'If he were to sell it before it becomes wine and it is Permissible, so there is no problem'.¹³⁰

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنِ ابْنِ مُسْكَانَ عَنْ يَزِيدَ بْنِ خَلِيفَةَ قَالَ كَرِهَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) بَيْعَ الْعَصِيرِ بِتَأْخِيرٍ .

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

'Abu Abdullah^{asws} disliked selling the juice with a delay (on credit, lest it turns into wine)'.¹³¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ مُحَمَّدِ بْنِ سِنَانَ عَنْ مُعَاوِيَةَ بْنِ سَعْدٍ عَنِ الرَّضَا (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ نَصْرَانِيٍّ أَسْلَمَ وَ عِنْدَهُ خَمْرٌ وَ خَنَازِيرٌ وَ عَلَيْهِ دَيْنٌ هَلْ يَبِيعُ خَمْرَهُ وَ خَنَازِيرَهُ فَيَقْضِي دَيْنَهُ فَقَالَ لَا .

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

¹²⁸ Al Kafi – V 5 – The Book of Subsistence Ch 106 H 1

¹²⁹ Al Kafi – V 5 – The Book of Subsistence Ch 106 H 2

¹³⁰ Al Kafi – V 5 – The Book of Subsistence Ch 106 H 3

¹³¹ Al Kafi – V 5 – The Book of Subsistence Ch 106 H 4

(It has been narrated) from Al-Reza^{asws}, said, 'I asked him^{asws} 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^{asws} said: 'No'.¹³²

صَفْوَانُ عَنِ ابْنِ مُسْكَانَ عَنْ مُحَمَّدِ الْحَلْبِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ بَيْعِ عَصِيرِ الْعَنْبِ مِمَّنْ يَجْعَلُهُ حَرَامًا فَقَالَ لَا بَأْسَ بِهِ تَبِيعُهُ حَلَالًا فَيَجْعَلُهُ [ذَلِكَ] حَرَامًا فَأَبْعِدَهُ اللَّهُ وَ أَسْحَقَهُ .

Safwan Bin Muskan, from Muhammad Al Halby who said,

'I asked Abu Abdullah^{asws} about selling the juice of the grapes to the one who makes it into a Prohibited (substance). So he^{asws} 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^{azwj} Distance him and Break him'.¹³³

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ ابْنِ أَبِي أَيُّوبَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) رَجُلٌ أَمَرَ غُلَامَهُ أَنْ يَبِيعَ كَرْمَهُ عَصِيرًا فَبَاعَهُ حَمْرًا ثُمَّ أَنَاهُ بِتَمَنِيهِ فَقَالَ إِنَّ أَحَبَّ الْأَشْيَاءِ إِلَيَّ أَنْ يُتَصَدَّقَ بِتَمَنِيهِ .

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^{asws}, '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^{asws} said: 'The most beloved of things to me is that he should give its price in charity'.¹³⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أُذَيْنَةَ قَالَ كَتَبْتُ إِلَى أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَسْأَلُهُ عَنْ رَجُلٍ لَهُ كَرْمٌ أَوْ يَبِيعُ الْعَنْبَ وَ التَّمْرَ مِمَّنْ يَعْلَمُ أَنَّهُ يَجْعَلُهُ حَمْرًا أَوْ سَكْرًا فَقَالَ إِنَّمَا بَاعَهُ حَلَالًا فِي الْإِبَانِ الَّذِي يَحِلُّ شُرْبُهُ أَوْ أَكَلُهُ فَلَا بَأْسَ بِبَيْعِهِ .

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

'I wrote to Abu Abdullah^{asws} asking him^{asws} 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^{asws} 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'.¹³⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ حَمَادِ بْنِ حَرْبِزٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) فِي رَجُلٍ كَانَتْ لَهُ عَلَى رَجُلٍ دَرَاهِمٌ فَبَاعَ حَمْرًا أَوْ خَنَازِيرَ وَ هُوَ يَنْظُرُ فَقَضَاهُ فَقَالَ لَا بَأْسَ بِهِ أَمَّا لِلْمُقْتَضِي فَحَلَالٌ وَ أَمَّا لِلْبَائِعِ فَحَرَامٌ .

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

(It has been narrated) from Abu Ja'far^{asws} 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^{asws} said: 'There is no problem with it. As for the creditor, it is Permissible, and as for the seller, so it is Prohibited'.¹³⁶

¹³² Al Kafi – V 5 – The Book of Subsistence Ch 106 H 5

¹³³ Al Kafi – V 5 – The Book of Subsistence Ch 106 H 6

¹³⁴ Al Kafi – V 5 – The Book of Subsistence Ch 106 H 7

¹³⁵ Al Kafi – V 5 – The Book of Subsistence Ch 106 H 8

¹³⁶ Al Kafi – V 5 – The Book of Subsistence Ch 106 H 9

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنِ يُونُسَ بْنِ يَعْقُوبَ عَنْ مَنْصُورٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) لِي عَلَى رَجُلٍ ذِمِّي ذَرَاهِمٌ فَيَبِيعُ الْخَمْرَ وَالْخَنزِيرَ وَ أَنَا حَاضِرٌ فَيَحِلُّ لِي أَخَذُهَا فَقَالَ إِنَّمَا لَكَ عَلَيْهِ ذَرَاهِمٌ فَفَضَّاكَ ذَرَاهِمُكَ .

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

'I said to Abu Abdullah^{asws}, '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^{asws} said: 'But rather, for you upon him were Dirhams (to be paid), therefore fulfill your Dirhams'.¹³⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ ابْنِ أُذَيْنَةَ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يَكُونُ لِي عَلَيْهِ الذَّرَاهِمُ فَيَبِيعُ بِهَا خَمْرًا وَ خَنزِيرًا ثُمَّ يَفْضِي عَنْهَا قَالَ لَا بَأْسَ أَوْ قَالَ خَذَهَا .

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

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

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ بْنِ بَزِيعٍ عَنْ حَنَانَ عَنْ أَبِي كَهْمَسٍ قَالَ سَأَلَ رَجُلٌ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الْعَصِيرِ فَقَالَ لِي كَرْمٌ وَ أَنَا أَغْصِرُهُ كُلَّ سَنَةٍ وَ أَجْعَلُهُ فِي الدَّنَانِ وَ أَبِيعُهُ قَبْلَ أَنْ يَغْلِي قَالَ لَا بَأْسَ بِهِ فَإِنْ غَلَى فَلَا يَحِلُّ بَيْعُهُ ثُمَّ قَالَ هُوَ ذَا نَحْنُ نَبِيعُ تَمْرِنَا مِمَّنْ 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^{asws} 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^{asws} said: 'There is no problem with it. But, if it were to boil, so it is not Permissible to sell it'. Then he^{asws} said: 'It is that we^{asws} sell our^{asws} dates to the ones we^{asws} know that he makes it as wine'.¹³⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ إِسْمَاعِيلَ بْنِ مَرَّارٍ عَنْ يُونُسَ فِي مَجُوسِيٍّ بَاعَ خَمْرًا أَوْ خَنزِيرًا إِلَى أَجَلٍ مُسَمًّى ثُمَّ أَسْلَمَ قَبْلَ أَنْ يَحِلَّ الْمَالُ قَالَ لَهُ ذَرَاهِمُهُ وَ قَالَ إِنْ أَسْلَمَ رَجُلٌ وَ لَهُ خَمْرٌ وَ خَنزِيرٌ ثُمَّ مَاتَ وَ هِيَ فِي مَلِكِهِ وَ عَلَيْهِ دَيْنٌ قَالَ يَبِيعُ دِيَانَتَهُ أَوْ وَلِيِّ لَهُ غَيْرُ مُسْلِمٍ خَمْرَهُ وَ خَنزِيرَهُ وَ يَفْضِي دَيْنَهُ وَ لَيْسَ لَهُ أَنْ يَبِيعَهُ وَ هُوَ حَيٌّ وَ لَا يُمَسِّكُهُ .

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^{asws} said: 'For him are his Dirhams'. And he^{asws} 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'.¹⁴⁰

¹³⁷ Al Kafi – V 5 – The Book of Subsistence Ch 106 H 10

¹³⁸ Al Kafi – V 5 – The Book of Subsistence Ch 106 H 11

¹³⁹ Al Kafi – V 5 – The Book of Subsistence Ch 106 H 12

¹⁴⁰ Al Kafi – V 5 – The Book of Subsistence Ch 106 H 13

عَلِيُّ بْنُ إِبرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ بَعْضِ أَصْحَابِنَا عَنِ الرَّضَا (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ نَصْرَانِيٍّ أَسْلَمَ
وَ عِنْدَهُ خَمْرٌ وَ خَنَازِيرٌ وَ عَلَيْهِ دَيْنٌ هَلْ يَبِيعُ خَمْرَهُ وَ خَنَازِيرَهُ وَ يَقْضِي 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^{asws}, said, 'I asked him^{asws} 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^{asws} said: 'No'.¹⁴¹

¹⁴¹ Al Kafi – V 5 – The Book of Subsistence Ch 106 H 14